

ENROLLED
 HB 495, Engrossed 1

2006 Legislature

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

A bill to be entitled
 An act relating to Baker County; providing career service status for certain employees of the Baker County Sheriff's Office; providing definitions; providing for transition between administrations; providing for appeals procedures; providing for career service appeals boards; providing proceedings and provisions with respect to disciplinary suspension and dismissal; providing severability; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Employees and appointees of the Baker County Sheriff's Office; applicability of act; definitions; career service status; transitions; administration.--

(1) APPLICABILITY.--The provisions of this act apply to all certified and noncertified persons appointed or employed by the Baker County Sheriff's Office, with the following exceptions:

(a) Chiefs or, in the event of a title change, the highest ranked certified law enforcement officers reporting directly to the sheriff.

(b) Special deputy sheriffs appointed under section 30.09(4), Florida Statutes.

(c) Members of a sheriff's posse or reserve unit.

(d) Part-time appointees and employees.

ENROLLED

HB 495, Engrossed 1

2006 Legislature

27 (e) Independent contractors, temporary employees, or
 28 contract employees.

29 (f) Appointees and employees employed pursuant to a grant
 30 whose continued existence or funding is subject to the
 31 expiration or withdrawal of the grant provider.

32 (2) APPLICATION TO COLLECTIVE BARGAINING.--This act does
 33 not grant the right of collective bargaining to employees of the
 34 sheriff's office who do not otherwise have that right pursuant
 35 to law.

36 (3) NONDISCIPLINARY DISMISSALS.--This act does not cover
 37 the nondisciplinary dismissal of employees or appointees. Such
 38 nondisciplinary dismissals include those arising from a
 39 reduction in force, layoff, or partial or total abolition or
 40 cessation of a program, service, operation, department,
 41 subdivision, or grant-funded position.

42 (4) DEFINITIONS.--

43 (a) "Appointee" means a person selected by the sheriff to
 44 serve in the position of deputy sheriff or correctional officer
 45 who is certified within the meaning of chapter 943, Florida
 46 Statutes.

47 (b) "Career appeals board" means the ad hoc board
 48 authorized under this act to hear disciplinary appeals.

49 (c) "Dismissal" means the discharge or withdrawal of
 50 appointment by the sheriff or his or her designee of a person
 51 employed or appointed to a position with the sheriff's office.

ENROLLED

HB 495, Engrossed 1

2006 Legislature

52 (d) "Employee" means any person employed by the sheriff
53 for a position which does not require certification under
54 chapter 943, Florida Statutes.

55 (e) "Initial probationary period" means 1 year of
56 conditional employment or appointment commencing on the initial
57 date of actual work and continuing for 12 months in a regularly
58 established position. This probationary period may be extended
59 at the discretion of the sheriff for a period equal to any work
60 absences during the 12-month period. For the purpose of
61 determining career service status pursuant to paragraph (5)(a),
62 all time in the employment of the sheriff's office, while in a
63 Criminal Justice Standards and Training Commission-approved
64 academy or other comparable training for certification as a
65 sworn officer or deputy sheriff, shall not be considered in any
66 manner in determining whether the employee has attained a
67 minimum of 1 calendar year of service.

68 (f) "Reemployment" means the reappointment or reemployment
69 of a person who was previously an appointee or employee of the
70 sheriff's office.

71
72 For the purposes of this act, "appointee" and "employee" are
73 synonymous and any derivative of "employ" refers to the persons
74 to whom this act applies.

75 (5) CAREER SERVICE STATUS.--

76 (a) After any employee or appointee of the sheriff to whom
77 the provisions of this act apply has completed the initial or
78 extended probationary period, such person shall have attained

ENROLLED

HB 495, Engrossed 1

2006 Legislature

79 career service status in the sheriff's office. If such person is
80 reemployed at a later date, said person shall be required to
81 again complete the probationary period before being granted the
82 right of appeal provided in section 2.

83 (b) The sheriff may dismiss an appointee or employee who
84 has not completed the initial or extended probationary period at
85 any time without granting the right of appeal provided in
86 section 2.

87 (c) Any person who has attained career service status with
88 the sheriff's office may only be suspended or dismissed for
89 cause, provided that, prior to such action, the employee must be
90 provided with written notice of the proposed action and offered
91 an opportunity to respond to the reasons for the suspension or
92 dismissal. If, however, the sheriff perceives a significant
93 hazard in keeping the employee on the job, or where delay could
94 result in damage or injury, the employee may be immediately
95 suspended or dismissed without notice, provided, that the
96 employee is provided with such notice and reasons within 24
97 hours. Cause for suspension or dismissal includes, but is not
98 limited to, negligence, inefficiency or inability to perform
99 assigned duties, insubordination, violation of provisions of law
100 or office rules, conduct unbecoming a public employee,
101 misconduct, alcohol abuse, prescription drug abuse, or illegal
102 drug use. Cause for suspension or dismissal also includes, but
103 is not limited to, adjudication of guilt by a court of competent
104 jurisdiction, a plea of guilty or of nolo contendere, or a
105 verdict of guilty when adjudication of guilt is withheld and the

ENROLLED

HB 495, Engrossed 1

2006 Legislature

106 accused is placed on probation with respect to any felony,
 107 misdemeanor, or major traffic infraction charges.

108 (d) An employee or appointee who has achieved career
 109 service status is entitled to appeal a disciplinary suspension
 110 or dismissal to a career service appeals board.

111 (6) TRANSITION.--When a newly elected or appointed sheriff
 112 assumes office, all career service status appointees and
 113 employees shall remain employees of the new administration,
 114 unless cause for dismissal exists.

115 (a) The new sheriff may demote employees holding the rank
 116 of chief and lieutenant one rank below that held on the day
 117 before the new sheriff assumes office. The regular base salaries
 118 of these employees may be adjusted accordingly.

119 (b) The new sheriff may assign the personnel/budget
 120 director and the sheriff's secretary to the next lowest position
 121 classification within the pay and classification system, and
 122 adjust their regular base salaries accordingly.

123 (7) ADMINISTRATION.--The sheriff shall have the authority
 124 to adopt such rules and regulations as are necessary for the
 125 implementation and administration of this act; however, nothing
 126 in this act shall be construed as affecting the budget-making
 127 powers of the Board of County Commissioners of Baker County.

128 Section 2. Career service appeals boards; creation;
 129 membership; duties.--

130 (1) FUNCTION OF BOARDS.--Ad hoc career service appeals
 131 boards shall be appointed for the purpose of hearing appeals of
 132 employees having career service status arising from their

ENROLLED

HB 495, Engrossed 1

2006 Legislature

133 disciplinary suspension or dismissal. A career service appeals
134 board shall be utilized to make a nonbinding recommendation to
135 the sheriff as to whether the suspension or dismissal was for a
136 violation of sheriff's office policy, rule, regulation,
137 procedure, or practice. Any such board may also provide
138 assistance and advice to the sheriff in matters concerning
139 disciplinary suspension or dismissal and may take any other
140 actions authorized by the sheriff.

141 (2) MEMBERSHIP OF BOARD.--Upon the call of the sheriff or
142 upon the filing of an appeal, an ad hoc career service appeals
143 board shall be appointed. The membership of each board shall
144 consist of five appointees or employees of the sheriff's office.
145 Two members shall be selected by the employee or appointee
146 filing the appeal, two members shall be selected by the sheriff,
147 and the fifth member, who shall serve as the chair of the board,
148 shall be selected by the other four members. Any employee may
149 decline to serve as a member of the board.

150 (a) The hearing shall be conducted during the sheriff's
151 office administrative office hours; therefore, employees
152 selected to serve on the board shall serve without additional
153 compensation. Once selected, the members of the board shall
154 serve until the board issues its recommendations to the
155 sheriff's office, and, unless reconvened, the board shall be
156 dissolved.

157 (b) The personnel/budget director or his or her designee
158 shall serve as an ex officio member of the board for the purpose
159 of providing procedural guidance to the board concerning the

ENROLLED

HB 495, Engrossed 1

2006 Legislature

160 application of this act and any rules or regulations adopted by
161 the sheriff relating thereto, but such ex officio member shall
162 have no vote.

163 (3) PROCEDURE WITH RESPECT TO APPEALS.--An employee or
164 appointee who has achieved career service status may submit a
165 written request for a hearing to the sheriff or his or her
166 designee within 7 calendar days after receiving a notice of
167 suspension or dismissal which shall be hand-delivered or sent
168 certified mail, return receipt requested. The appeal must
169 contain a brief statement of the matters to be considered by the
170 career service appeals board and the names of the employees
171 selected to serve on the board.

172 (a) A career appeals board shall be selected and shall
173 meet for the purpose of hearing the appeal within 30 calendar
174 days after receipt of the notice of appeal. However, an
175 extension of time may be granted by the chair for good cause or
176 upon agreement of the parties.

177 (b) The person filing the appeal has the right to a public
178 hearing; to be represented by a person of his or her choice; to
179 present relevant evidence; and to cross examine witnesses.

180 (c) The rules of evidence and civil procedure are not
181 applicable to hearings conducted under this act.

182 (d) The board, in conducting such hearings, shall have the
183 power to issue subpoenas, upon the request of any party or upon
184 its own motion.

185 (e) The board shall, by majority vote, dispose of the
186 appeal for which it was appointed by making findings of fact and

ENROLLED

HB 495, Engrossed 1

2006 Legislature

187 issuing its written recommendations to the sheriff for
188 consideration. The sheriff shall retain the right of final
189 determination and no person may be reinstated with or without
190 back pay or benefits without the concurrence of the sheriff.

191 Section 3. Severability.--The provisions of this act shall
192 be severable, and if any provision is held invalid by a court of
193 competent jurisdiction, the decision of the court shall not
194 affect the validity of the remaining provisions except to the
195 extent that an entire section or part of a section may be
196 inseparably connected in meaning and effect with the section or
197 part of a section to which such holding directly applies.

198 Section 4. This act shall take effect upon becoming a law.