

## **RULE 1 - DEFINITION OF TERMS**

**Absence Rate** - The number of absences during a given period, usually expressed as a percentage obtained by dividing the number of work days or hours lost by the total number of work days or hours available during the period.

**Allocation** - The official assignment of a position to a class.

**Anniversary Year** - Twelve (12) consecutive calendar months beginning with the employee's date of hire.

**Annual Leave** - A period of time when a qualified employee receives pay when not physically present at an assigned duty station, granted specifically for the purpose of "vacation" in compliance with and subject to all the provisions of the applicable rule and regulation. This definition shall not be construed to conflict with any other type of authorized leave or "time off" authorized by these Rules and Regulations.

**Applicant or Candidate** - A person who has made application for a position in the combined Classified Service of Civil Service and/or the General Personnel System.

**Appointing Officer** - A person authorized by statute, ordinance or rule or by lawfully delegated authority to effect personnel transactions as defined herein (City Manager and City Auditor and Clerk, for their respective employees).

**Appointment** - The selection of a person to fill a position as probationary employee, permanent trainee, permanent employee or temporary employee as defined herein.

**Base Rate of Pay** - The base rate of pay is the hourly, weekly or other periodic rate of pay for a position.

**Blood Relative** - A father, mother, son, daughter, brother, sister, grandparent or grandchild, natural or by adoption.

**Board** - The Civil Service Board or the General Personnel System Board of the City of Sarasota, Florida.

**Calendar Week** - Seven (7) consecutive calendar days.

**Calendar Year** - Twelve (12) consecutive complete calendar months commencing with January 1st.

**Career Development** - The personnel program in the City that informs employees of available positions within the City and allows them to be considered for promotion and transfer to such positions, providing they have the required skill, ability and experience. It offers to those employees who have attained additional training and skill, through self-improvement, promotions within the City employment and the opportunity to assume greater responsibility.

**Certification** - Official notice by the Director of Human Resources or designee to the Department Head that a candidate has met all requirements for consideration for appointment.

**Charter** - Charter of the City of Sarasota as adopted September 3, 1996, and all subsequent amendments.

**Chief of Police** - The administrator of the Police Department and shall be deemed as Department Head.

**City** - The City of Sarasota, Florida.

**City Auditor and Clerk** - The City Auditor and Clerk of the City of Sarasota or his or her designee.

**City Building** - Any building or that portion of a building owned by or leased to the City of Sarasota and shall include but not be limited to: offices, rest rooms, indoor walkways, stair-wells, entrances, passageways, break areas and work areas. The term "City Building" shall include to within twenty-five (25) feet of the outside of City Building entrances.

**City Commission** - The governing body of the City with authority to pass ordinances and resolutions, approve regulations and exercise all other powers provided in the Charter of the City of Sarasota.

**City Manager** - The City Manager of the City of Sarasota or his or her designee.

**City Motor Vehicles** - Motor vehicles owned by or leased to the City of Sarasota and shall include but not be limited to: cars, trucks, Cushman Scooters, refuse collection vehicles, dump trucks, street sweepers, enclosed tractors, enclosed transport vehicles, pickup trucks, vans and construction equipment.

**Civil Service Board** - The Civil Service Board created as set forth in the Charter of the City of Sarasota and its amendments, referred to also as the "Board".

**Civil Service Employees** - See Employee - 1. Civil Service Employees

**Civil Service System** - A system for the employment of eligible members of the uniform services of the Police Department who are employed, retained and promoted on merit and fitness as determined by competitive examinations as provided by the Charter and as defined herein.

**Class or Classes of Positions** - A group of positions having sufficiently similar duties, supervision requirements, minimum requirements for training, experience, skills and such other characteristics, so that the same title, the same test of fitness, and the same schedule of compensation may be applied to each position in that group.

**Class Probation** - A working test period, normally six (6) months in duration, after a promotion, recall of layoff of employee within the first year following layoff, or re-hire of an employee, in first year after resigning in good standing. This is a part of the examination process, where the employee is required to demonstrate fitness for the position by satisfactory conduct and by the satisfactory performance of the established duties of the position.

**Class Specification** - A written statement of the characteristics of a class of positions including a summary of the nature of the work, illustrative tasks, the requisite knowledge, abilities, skills, experience and training required of a candidate for the satisfactory performance of the duties of the class. It sets forth the requirements sought in the individuals to be hired for a given position.

**Class Title** - The official title of the class to which a position is allocated for all purposes relating to the position. This title is used to identify the position on all reports of official personnel transactions. Appointment to or employment in a position under a class title must be recommended by the Director of Human Resources and approved by the City Manager or City Auditor and Clerk, for their respective employees.

**Classifications** - A group of positions so sufficiently similar in duties and responsibilities that the same descriptive title may be reasonably applied to each position therein, the same qualifications may be reasonably required and the same salary range applied.

**Classification Plan** - An orderly arrangement of positions into separate and distinct classes so that each class will contain those positions which are similar in the nature of the work, in duties and responsibilities, and which have similar prerequisite qualifications.

**Classified Service** - This term shall be construed to be synonymous with the combined Civil Service and General Personnel System and shall apply to all permanent employees in the service of the City of Sarasota, Florida. The combined Classified Service shall be subdivided as follows:

1. **Competitive Service**: Shall include all positions now existing or hereafter established for which it is practicable to determine the merit and fitness of applicants by competitive assembled tests or examinations, either original entrance or promotional.
2. **Non-Competitive Service**: Shall include those positions which require peculiar exceptional qualifications of a scientific, managerial, professional or educational character and those positions, the character, the conditions of employment or the compensation of which make it impracticable, in the opinion of the City Manager or City Auditor and Clerk, for their respective employees, to secure through competitive assembled tests, a sufficient number of eligible candidates to meet the needs of the service. Each case of non-competitive service shall be determined individually and on its own merits.

**Coerced Resignation** - A resignation that occurs in response to a requirement that the employee resign in lieu of dismissal, rejection, suspension or demotion.

**Compensation** - Wages, salary, fees, allowances and all other forms of valuable consideration, or the amount of any one or more of them paid to any employee, by reason or service rendered in any position, but not including any allowance for expenses authorized and incurred as incidental to employment and which are separately authorized and reimbursed.

**Compensation Plan** - A schedule of compensation established for the classes of positions recognized in the Classified Service, so that all positions of a given class will be paid within the same wage or salary range established for the class.

**Compensatory Time** - The time off with pay granted in the pay period or in a subsequent pay period for work in excess of an employee's scheduled work week.

**Competitive Positions** - All positions in the Classified Service that can be measured.

**Contract Employee** - See Employee - 2. Contract Employee

**Counseling** - Oral advice given to an employee regarding his or her behavior, conduct or performance in order to improve the employee's behavior, conduct or performance. Counseling shall not be considered to be disciplinary action under these Rules and Regulations.

**Court Time Pay** - Payment for appearances in court in accordance with these Rules and Regulations.

**Department Head** - Shall include any employee who is in charge of or responsible for a Department.

**Demotion** - Change of an employee from one position to another position for which a lower minimum and maximum rate of pay is established, or which requires a lower level of responsibility.

**Director of Human Resources** - The Director of Human Resources of the City of Sarasota.

**Discipline** - A system for obtaining and enforcing employee adherence to the established City departmental, and statutory rules, regulations and procedures.

**Disciplinary Action** - That action taken by a supervisor, Department Head, the City Manager or City Auditor and Clerk, for their respective employees to discipline an employee as provided in these Rules and Regulations.

**Discrimination** - Disparity in the treatment of an individual or group in matters affecting their employment or employment status because of age, race, religion, national origin, disability, marital status, sex or political opinions.

**Dismissal** - The discharge of an employee by the City Manager or City Auditor and Clerk, for their respective employees.

**Duty Period** - The assigned number of hours of work in a work day.

**Earnings** - Total compensation granted by the City to an employee for time worked or services rendered, including but not limited to, base pay, overtime pay, longevity pay, incentive pay, special assignment pay, etc.

**Eligible Applicant** - Any person whose name appears on an employment, reemployment, transfer or promotional list.

**Eligibility List** - A list of the names of eligible applicants who are entitled under these Rules and Regulations to have their names certified to a Department Head for consideration for appointment.

**Employee** - A person occupying a position in the service of the City of Sarasota, Florida, as follows:

1. **Civil Service Employees** - Employees of the uniform services of the Police Department.
2. **Contract Employee** - Any temporary person full-time or part-time hired by the City of Sarasota by a written contract stating the length of contract service, what types of benefits received, not to include pension, and whose regularly scheduled work week is at least forty (40) hours per week for full-time employees and having fewer than thirty (30) hours per week for part-time employees.

3. **Employment Agreement Employee (Special Category Employee)** - Any person who has been appointed by and serves at the discretion of the City Manager or City Auditor and Clerk, for their respective employees, or his or her designee.
4. **Exempt Employee** - A salaried employee who normally supervises other employees and/or accomplishes executive/administrative type duties or performs other various related duties which may be performed on other than normal duty hours.
5. **General Employees** - Employees who are not classified as uniform services employees of the Police Department.
6. **Non-Exempt Employee** - One who normally does not perform supervisory, professional or executive type duties or qualify for exempt status in accordance with the Fair Labor Standards Act.
7. **Part-time Employee** - A person who is employed with a work schedule having fewer than thirty (30) hours per work week.
8. **Permanent Employee** - A probationary Police Officer who has satisfactorily completed his or her permanent trainee period, or any other probationary employee who has satisfactorily completed his or her probationary period. Except that a Department Director shall not be considered a permanent employee but shall be considered exempt.
9. **Permanent Trainee** - A Civil Service employee who has satisfactorily completed his or her probationary period as a Police Officer.
10. **Probationary Employee** - Any person regularly and legally appointed under the provisions of the personnel system as set forth in the Charter, the General Personnel System Ordinance and these Rules and Regulations, who meets, or may meet, the criteria as specified herein. The probationary period is of six (6) months duration but may be extended as provided in these Rules and Regulations.
11. **Special Category Employee** - All Department Directors, who have an Employment Agreement shall be considered special category employees and shall serve at the pleasure of the City Manager or City Auditor and Clerk, for their respective employees.
12. **Temporary Employee** - A person who is employed for a predetermined short period of time for the performance of temporary or emergency work of limited duration or as designated by the Department Head within a Fiscal Year. A temporary position is filled by appointment without competition-and temporary employees must be terminated prior to the end of each Fiscal Year. (Employment of temporary employees is based on a Fiscal Year only - subject to the Department budget.)

**Employee Grievance** - The request of an employee for review of his or her grievance as defined herein.

**Employee Performance Evaluation** - The evaluation or appraisal of an employee's work performance, conduct and potential.

**Employee Review Request** - The request of an employee for review of his or her grievance as defined herein.

**Employment Agreement Employee** - See Employee 3. Employment Agreement Employee

**Employment Year** - Employment year means twelve (12) months of continuous employment computed from the date of appointment through the last day of a twelve (12) month consecutive period of time.

**Equal Employment Opportunity** - The principle of non-discrimination on account of age, sex, race, creed, national origin or disability in the employment and application of the terms and conditions of employment.

**Examination** - A job-related test or a combination of job-related tests which may be employed to determine the relative capacity of candidates to discharge the duties and responsibilities of the class in which they are seeking appointment.

**Exempt Employee** - See Employee - 4. Exempt Employee

**Fiscal Year** - Twelve (12) consecutive complete calendar months commencing October 1st and ending September 30th.

**Full-Time Work Schedule** - Work schedule covering all days or hours of work in accordance with the official work schedule and a minimum of thirty (30) hours per week to which the class of positions is allocated pursuant to these Rules.

**General Employees** - See Employee - 5. General Employees

**General Personnel Board** - The General Personnel Board is created as set forth in the Charter of the City of Sarasota and its amendments. It is also referred to as the "Board".

**General Personnel System** - A system for the employment of persons on the basis of merit as provided by the Sarasota City Code and as defined herein.

**Good Standing** - The status of an employee who has given satisfactory service in accordance with City and department directives, and has not undergone disciplinary action as provided in these Rules.

**Grade** - A subdivision of service, including one or more classes of positions for which comparable basic qualifications and compensation are prescribed, the distinction between grades being based upon differences in the importance, difficulty, responsibility and value of the work.

**Grievance** - A problem or disagreement of a permanent, full-time employee in regard to the interpretation or application of the Personnel Rules and Regulations except in the following areas which are not proper subjects for a grievance: sexual harassment (Ref: Rule 2.18), discrimination (Ref: Rule 2.19), demotion, suspension, dismissal, layoff (Ref: General Employees see Rule 7.21 and Ref: Police Uniform Services (Ref: Rule 7.22), Ref: Employee Performance Evaluations (Ref: Rule 13) and the establishment and approval of levels of compensation for eligible employees.

**He, His, She, or Her** - Whenever the words "he", "his", "she", or "her" are used, it shall be in reference to both sexes, as applicable.

**Instruction and Cautioning** - A disciplinary warning which shall be written. It is a mode of advising an employee that his or her behavior, conduct or performance is not conforming to desired standards and that a change in his or her behavior, conduct or performance must follow.

**Layoff** - Separation of an employee from employment due to a reduction in workload, a lack of funds, abolishment of the position, reorganization or for other work-related reasons.

**Longevity Pay** - The incentive and reward for continuous service through increments of additional pay to the base rate of pay for eligible permanent employees based on the length of continuous service as set forth by these Rules and Regulations.

**Merit Pay Increase** - A wage increase granted because of individual employee's demonstrated ability to produce on the job, increased efficiency, improvement in quality of work, etc.

**Merit Rating** - Periodic evaluation of an employee's ability and performance on a given job in relation to the requirements of that job. Used to determine promotion, transfer, wage increases, etc. Also called "efficiency rating" or "service rating".

**Minimum Wage or Salary** - Minimum wage or salary permitted by the City Salary Ordinance or Compensation Plan to be paid for work or services.

**Morale** - The term used to designate employees' reactions or attitudes toward their jobs, their supervisors, co-workers and the City policies and procedures.

**Name-Clearing Hearing** - A Name-Clearing Hearing is a hearing that provides a qualifying employee with the opportunity to contradict a charge or accusation that has been made against the employee in order to show the error in the charge or accusation. A Name-Clearing Hearing is not a hearing that provides an opportunity to challenge the propriety of the City's decision to hire, promote, reject, suspend, demote, dismiss or seek a coerced resignation.

**Nepotism** - Employment of relatives as defined more specifically in Rule 2.9.

**Non-Competitive Unskilled or Semi-Skilled Positions** - Positions in the Non-Competitive Classified Service which are not readily adaptable to measurement. These classifications include unskilled or semi-skilled laboring positions, domestic, attendant, housekeeping or custodial positions.

**Non-Exempt Employee** - See Employee - 6. Non-Exempt Employee

**Normal Work Day** - Normal work day means eight (8) hours of work per day except where otherwise scheduled, based upon "Contract Agreements" and/or the Departmental operational requirements.

**Normal Work Week** - Normal work week means forty (40) hours of work per week except as may be otherwise scheduled, based upon "Contract Agreements" and/or on Departmental operational requirements.

**Open Competitive Test** - An examination which permits persons to compete provided they meet the requirements of the official announcement and the class specifications as established by the City.

**Ordered Extra Duty** - The extra duty work time ordered by the Department Head and performed by an employee which is in excess of the normal hours in the assigned work period of such employee.

**Overtime** - Time worked by an employee in addition to his or her regularly assigned workweek in accordance with the Fair Labor Standards Act.

**Overtime Pay** - Overtime pay is the compensation for overtime work as defined in these Rules and the Fair Labor Standards Act.

**Part-Time Position** - A position, which is established with a work schedule having fewer than 30 hours per work week

**Permanent Employee** - See Employee 7. Permanent Employee

**Permanent Position** - A position in the combined Classified Service which is established without a prescribed term of employment for eligible employees.

**Permanent Trainee** - See Employee 8. Permanent Trainee

**Position** - An employment, whether temporary or permanent, part-time or full-time, occupied or vacant, involving an aggregation of duties to be performed and responsibilities to be discharged by an employee as outlined in the Position Classifications.

**Position Classification** - The process of ascertaining, analyzing and evaluating duties, responsibilities and requirements of a position for the purpose of determining its relative place in the Classification Plan.

**Pre-Shift Overtime** - The authorized scheduled fifteen (15) minute reporting time worked immediately before the commencement of the employee's normally scheduled workday.

**Probationary Employee** - See Employee 9. Probationary Employee

**Probationary Period** - A working test period and a part of the examination process; during the probationary appointment, where the employee is required to demonstrate fitness for the position by satisfactory conduct and by the satisfactory performance of the established duties of the position; as a prior condition to receiving permanent/permanent trainee appointment.

**Promotion** - Change of an employee from one position to another position for which a higher minimum and maximum rate of pay is established, and a higher level of responsibility.

**Promotion List** - A list of names of permanent employees who have qualified by written examination and/or by other methods of evaluation under these Rules and Regulations.

**Promotional Test** - A competitive examination in which competition is open only to permanent employees who meet the requirements of the official announcement and the class specification.

**Public Official** - An officer, including Charter Officials, City Manager, City Auditor and Clerk and City Attorney, or an employee of the City in whom is vested the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion or advancement in connection with employment with the City.

**Reclassification** - The action taken to officially change an existing position to an appropriate class because of a change in the duties, responsibilities, and/or requirements of the position, or because of an amendment to the Classification Plan.

**Re-employment List** - A list of employees, either permanent or probationary, who have been laid off or who have been terminated or resigned in good standing for not more than one (1) year and who are eligible to have their names certified to a Department Head under these Rules and Regulations.

**Regular Rate of Pay** - A regular rate of pay includes the base rate of pay, longevity, pre-shift, career incentive pay, special duty pay and the like.

**Reinstatement** - Reinstatement of a separated employee as a result of a finding in favor of the employee at any step in either the Employee Review Request procedure in these Rules and Regulations or the grievance procedure which may be provided for by an applicable collective bargaining agreement.

**Rejection** - The separation from service of an employee during or at the end of a probationary appointment or promotion because of failure to satisfy the requirements of the position or of these Rules.

**Relative** - A spouse, father-in-law, mother-in-law, brother-in-law, daughter-in-law, sister-in-law, son-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister, uncle, aunt, nephew, niece, first cousin; or a blood relative (See Blood Relative definition) (Also see specific requirements in Rule 2.9A - Nepotism Definitions and Rule 11.12A - Bereavement Leave)

**Removal** - A complete separation of an employee from the Classified Service of the City for cause as defined in these Rules.

**Reprimand** - A reprimand is a formal written record advising an employee that more serious action will be taken unless there is immediate improvement in his or her behavior, conduct or performance.

**Resignation** - The termination by an employee of his or her employment with or without notice.

**Restriction** - The discretionary, temporary restriction, control or confining of the duties of an employee for the best interest of the City, at which time the employee's pay is not suspended.

**Retirement** - Separation of an employee from his or her position with the City of Sarasota in accordance with the provisions of the City's applicable retirement plan.

**Seniority (Departmental)** - An employee's period of continuous service in a grade or position classification within a department.

**Service or City Service** - Service in a class of a position or positions by permanent appointment or by the grant of permanent status in the combined Classified Service in accordance with these Rules.

**Service Report** - A supervisor's evaluation and appraisal of an employee's work performance as defined in these Rules.

**Shift** - Schedule of hours normally worked as assigned pursuant to these Rules.

**Shift-Trades** - The authorized trading of shift assignments between employees of a similar classification within the scheduled work period.

**Sick Leave** - Time off granted to an employee to recuperate from illness during which period he or she retains his or her employment rights and the eligible employee may be compensated or not compensated for all or part of the time he or she is off in accordance with these Rules and Regulations.

**Smoking and Tobacco Use Area** - An area designated by the City located outside and in the vicinity of a City Building more than twenty-five (25) feet from the entrance where the smoking and use of tobacco products is permitted by employees.

**Smoking or Smoke** - Possession of a lighted tobacco product including, but not limited to, a lighted cigarette, lighted cigar or lighted pipe.

**Special Category Employee** - See Employee - 10. Special Category Employee

**Spouse** - A wife or husband depending on gender.

**Straight-Time Pay** - Salary or wages as defined in these Rules that includes the regular rate of pay and excludes overtime pay.

**Subject to Recall** - An employee does not have to remain on the employer's premises and is free to engage in his or her own pursuits, subject only to the understanding that word be left with the supervisor where he or she may be reached for potential recall to duty as may be required in accordance with the Fair Labor Standards Act and collective bargaining agreements, as applicable.

**Suspension** - Enforced leave of absence with or without pay of an employee for disciplinary purposes, or during the investigation of alleged misconduct by the employee.

**Take-Home Pay** - Salary or wages earned minus tax and other deductions that the City is required or has been duly requested to deduct from the employees' normal rate of pay.

**Temporary Employee** - See Employee - 11. Temporary Employee

**Test** - One or more of the following job-related examinations to determine an employee's qualifications:

1. **Agility Test**: A physical test to measure the strength, stamina or dexterity of candidates.
2. **Entrance Test**: A written test composed of job-related multiple choice, essay questions or problems.

3. Interview: A personal meeting with a candidates to evaluate his or her training, experience and qualifications.
4. Performance Test: A test consisting of a standard task or series of tasks used to measure the job-related skills or abilities of candidates.

**Time Limitations for Procedural Steps** - The period of time stated in these Rules within which a procedural step must be taken and the procedure requires notice thereof to be mailed or otherwise given to the person or persons to be notified.

**Transfer** - Change of an employee from one department to another in a position which has the same minimum and maximum rate of pay.

**Transfer List** - List of permanent employees whose service (performance) ratings are satisfactory or better and he or she has requested a transfer from a department or particular position within the Department.

**Use of Tobacco Products** - The use of unlighted tobacco products including, but not limited to, snuff and chewing tobacco. (Note: Use of tobacco products is prohibited within City buildings as outlined herein.)

**Vacation** - Annual period of leave granted employees for rest and recreation, with or without pay, in accordance with these Rules.

**Vacation Pay** - Payment to employees for the annual period of leave earned and granted as vacation.

**Wages** - The regular pay for work or services performed under normal conditions, including pay for overtime, holidays and the like.

**Work Week** - The Work Week is hours of work in a calendar week in a duty schedule for applicable employees as set forth by Ordinance and/or these Rules and Regulations and/or Departmental requirements or codes.