

CHAPTER 24

CAREER SERVICE PROVISIONS

I. PURPOSE

The purpose of this directive is to establish Career Service Provisions.

II. DISCUSSION

This directive applies to all employees not covered by the Collective Bargaining Agreement and are covered as defined in the Monroe County Sheriff's Office Career Service Bill (Florida General Law, Chapter 970-346, House Bill 1103)

A. Collective Bargaining Unit Inclusions and Exclusions

1. Law Enforcement

a. Inclusions – regardless of FOP membership

All law enforcement certified sworn officers appointed as a deputy sheriff employed by the Monroe County Sheriff's Office, including officers assigned as bailiffs, road patrol officers, detectives, airport security officers, inmate transportation officers, road patrol sergeants and detective sergeants.

b. Exclusions

All employees not listed above, including without limitation, officers holding the rank of lieutenant, captain, major, or colonel, or any other rank above lieutenant, the directors of human resources, finance, data processing, airport security, inmate transportation, and community relations, the commander of internal affairs division, officers assigned full time to internal affairs, aviation division sergeants, public information officers, temporary substitute or emergency employees, and reserve, part-time and auxiliary officers.

2. Corrections

a. Inclusion – regardless of FOP membership

All full-time correctional officers of the Monroe County Sheriff's detention division holding the rank of detention deputy or sergeant and auxiliary detention officer.

b. Exclusion

All employees not listed above, including without limitation, officers holding the rank of lieutenant, captain, major, or colonel, or any other rank above lieutenant, the directors of human resources, finance, data processing, airport security, inmate transportation, and community relations, the commander of internal affairs division, officers assigned full time to internal affairs, aviation division sergeants, public information officers, temporary substitute or emergency employees, and reserve, part-time and auxiliary officers.

B. Career Service Provisions

1. Applicability

(New Chapter 1-19-06)

- a. The Terms of Career Service shall apply to the "classified service" of the Monroe County Sheriff's Office, to include:
 - 1) Certified Deputy Sheriff
 - 2) Certified Corrections Officer
 - 3) Non-certified support staff

- b. Career service shall not apply to:
 - 1) Sheriff
 - 2) Undersheriff / Colonel
 - 3) Executive Directors
 - 4) General Counsel
 - 5) Personnel holding the rank of Captain or above
 - 6) Contract personnel
 - 7) Non-salary personnel
 - 8) Any Special Deputy Sheriff appointed as defined to S 30.09(4) Florida Statute
 - 9) Members of the Sheriff's Posse or Auxiliary Unit
 - 10) Any person appointed as a part-time Deputy Sheriff as defined by the Criminal Justice Standards and Training Commission, unless such person is employed on a full-time basis by the Office of the Sheriff.

- c. It is not the intent of these provisions to grant the right of collective bargaining to persons in the employ of the Office of the Monroe County Sheriff's Office who do not otherwise have that right pursuant to law.

2. Probation Status after Hiring and Promotion

- a. After a member of the classified service of the Sheriff's Office has been employed for a period of one calendar year, the member will have attained permanent status in the Office of the Sheriff and shall be entitled to appeal disciplinary action as set forth herein. If, however, any member separates from the Office and is rehired at a later date, the member shall be required to complete one calendar year of service from the date of action before being granted the right to appeal herein.

- b. In the case of a member being promoted to a higher rank within the Office, there shall be a probationary period of six consecutive months of service in the higher position. In the event that the member does not satisfactorily complete the promotional probation, the member shall be returned to the rank from which the member was promoted, provided that the member was regularly appointed to said position.

3. Right of Appeal

- a. Any member of the classified service as defined in Section III.,Q,1.,a., above, shall have the right to appeal any suspension without pay for a period of more than forty (40) hours, or demotion, or termination. The appeal shall be to the Disciplinary Review Board, consisting of five members, all of whom shall be members of the classified service of the Monroe County Sheriff's Office. The Board shall be selected as follows.

- b. The appealing member shall select two (2) members;

- c. The Sheriff shall select two (2) additional members;

- d. These four (4) members thus selected shall select a fifth member to serve as chairperson.

- e. None of the board members shall be involved in any way with the disciplinary procedure that is the cause for the appeal, nor shall any board member be a family member of the appealing member or the Sheriff.

4. Procedure for Appeals

- a. Any member desiring to appeal any disciplinary action described in Section III., Q, 3. (above), must deliver written intent of his/her intent to do so to the Sheriff, Sheriff's Executive Assistant, or the Undersheriff within ten calendar days after receiving written notice of the disciplinary decision. The notice must contain the names of the member's two appointees to the Disciplinary Review Board, and a brief statement of the reasons for the appeal.\
- b. The Sheriff must appoint his representatives to the Board within five (5) calendar days of receipt of the member's notice to appeal described above.
- c. The four (4) appointees to the Board must select a fifth person to serve as chairperson and set a place, date, and time for the hearing within the ten calendar days after receipt of the Sheriff's selection of representatives. The hearing must be conducted within thirty (30) days of the selection of the chairperson, unless a four-fifths (4/5) majority of the Board agrees on a later date.
- d. If a chairperson cannot be agreed upon within ten (10) calendar days after the appeal is submitted, the parties shall jointly request the Sheriff's Office to furnish a list of fifteen (15) names of members in the classified service, chosen at random via computer, from which the appealing member's and the Sheriff's representatives to the Board shall have the option, within five (5) days of receipt of the list, of striking one (1) name in alternative fashion. The fifteenth (15) remaining named member shall be the chairperson.

5. Conduct of Appeals Hearing

- a. The hearing shall be open to the public and conducted by the chairperson.
- b. The hearing shall be conducted in a manner to assure fundamental fairness, although the formal rules of evidence shall not apply.
- c. The Sheriff has the burden of proving the appropriateness of the disciplinary action by the preponderance of evidence. The Sheriff or his designee may present the case. If a designee presents the case for the Sheriff, he/she must be a member of the classified service.
- d. The appealing member shall have the right to present his/her own case, to explain or defend his/her position, and to cross-examine each witness or complainant.
- e. The appealing member may have the assistance of one person chosen from the classified service to assist in the presentation. This representative may examine or cross-examine witnesses, address the Board, or present argument. The member may have others assist in the preparation but may not examine or cross-examine witnesses, address the Board, or present argument.
- f. The Sheriff shall require the presence at the hearing of any member of the Office whom the appealing member desires to question or present evidence.
- g. The Sheriff or appealing member may offer rebuttal evidence, and the Board may hear argument from both parties in support of their position.
- h. At the conclusion of the hearing, the Board shall retire to consider its decision. The decision must be made by a majority vote of its members.

- i. The decision shall be in writing and shall be rendered within three calendar days after the conclusion of the hearing, unless this period is extended by a majority vote of the members. The decision to extend the time for deciding appeals shall be in writing.
 - j. The Board may accept, reject, increase, or decrease the disciplinary recommendation that was the cause for the appeal.
 - k. The Board's decision shall be final and binding upon the Sheriff and the appealing member.
6. When a newly elected or appointed Sheriff assumes Office, the service of all personnel shall continue without the necessity of formal reappointment. The incoming Sheriff shall have the option of maintaining the current personnel with the rank of Captain and above or equivalent non-certified support positions, or transferring those personnel as described below.
- a. If the incoming Sheriff fills any of the above positions with a new person, the former holder of that position may be reduced in rank to a position not lower than Lieutenant or equivalent non-certified support position, and his/her salary reduced accordingly.
 - b. Any member demoted pursuant to this subsection shall be a member of the classified service immediately upon the assumption of his/her new position.
 - c. Nothing in these provisions shall prohibit the Sheriff from eliminating positions in the course of submitting the annual budget as required by Florida Statute 30.49. Any position so eliminated may not be replaced during the following fiscal year. The elimination of positions shall be made with due regard to the seniority of members of the Sheriff's Office.