

SECTION 2

RECRUITMENT & EMPLOYMENT

2.1 ELIGIBILITY

Individuals will be sought from the geographic area as broad as necessary to obtain qualified applicants for City vacancies. Employees are not required to be residents of the City.

2.2 JOB VACANCIES & RECRUITMENT

In accordance with the City of Melbourne's Equal Opportunity Plan, the City of Melbourne is dedicated to recruiting and hiring the most qualified candidate for every position vacancy. Employment decisions will be based upon the education, skills, and experience of a candidate, ensuring that the minimum qualifications for a position are fulfilled by the candidate selected.

Job postings shall be prepared on a weekly basis to communicate vacancies to employees and the public, except when there is a reduced workweek due to a City holiday. All positions will be posted for one week unless an extended period is requested by the Department Director and approved by the Personnel Director. Local non-profit recruitment and employment agencies are notified periodically to utilize the City's employment hotline and website for current position vacancies available to the public.

2.3 CAREER OPPORTUNITY POLICY

Policy:

It is the policy of the City of Melbourne to, whenever practicable, fill approved, vacant positions from within. All vacancies shall be posted to existing employees prior to or in conjunction with the public posting in accordance with the Career Opportunity Program.

Exception to policy:

The posting process may be bypassed to reasonably accommodate employees with disabilities through the Americans with Disabilities Act (ADA) since employees who qualify for alternate placement are not required to compete for a position for which they would otherwise qualify under the law.

Purpose:

To establish the City's policy as it pertains to filling approved, vacant positions within the City, to define the procedures and guidelines by which the City intends to administer that policy, to provide a systematic method for City employees to learn about available positions, and to facilitate the movement of qualified employees into positions which are in their career development interest.

Scope:

This policy applies to all approved, vacant positions and to all departments and divisions within the City of Melbourne including the Melbourne International Airport.

Eligibility:

In order to be considered eligible to participate in the Career Opportunity Program, applicants must be permanent full time, permanent part time, or City of Melbourne temporary employees (including on-call employees but excluding contractual employees) who have received a rating of meets satisfactory performance on their most recent performance evaluation. The applicant must not currently be under, or have pending, any disciplinary action, and must meet certain time-in-current-position requirements as follows:

- Six (6) months for employees who have taken a lateral or downward move.
- Completion of the probationary period for all other employees.
- Time-in-current-position requirements may be waived with the approval of the appropriate Department Director(s) and the Personnel Director.

Management Responsibilities:

To be successful, the program must consider and balance the needs of the individual employee, the employee's current department, the prospective new department, and the City of Melbourne as a whole. Management is responsible to work within the spirit of this program and shall not attempt to lure or entice employees from other departments or in any way attempt to prevent or impede qualified individuals from pursuing career opportunities under this program. The City expects all management to work constructively and positively within the guidelines, and to follow procedures in order to maintain a successful and rewarding Career Opportunity Program.

Guidelines:

All Career Opportunity applicants who are eligible to participate, and who meet the minimum qualifications of the position under consideration, will be given equal consideration without regard to race, sex, color, creed, religion, national origin, age, disability, or veteran status, except where such factor is a bona fide occupational qualification.

Eligible employees may apply for jobs that would provide promotional opportunities or, when it is in the interest of career opportunity, may apply for jobs that represent a lateral or downward movement. Voluntary lateral or downward transfers are at the discretion of the Department Director and must be approved by the Personnel Director, City Manager, and the respective Department Director(s).

Upon promotion an employee's pay rate will be increased in accordance with the guidelines provided in Section 10 of these rules entitled Wage and Salary Plan; however, in circumstances that merit an increase greater than that provided in the Personnel Rules and Regulations, the Department Director, with concurrence from the Personnel Director and approval from the City Manager, will establish the new rate. In such cases factors to be considered include experience, education, training, commendations, and performance evaluations. Employees being promoted through the Career Opportunity Program should be paid at a level commensurate with their knowledge, skills, and abilities as compared to those employees currently performing the job, or most recently performing the job.

The rate of pay of an employee moving laterally will remain the same. An employee moving downward (demotion) will be adjusted commensurate with the knowledge, skills, and abilities of the employee being downgraded as compared to those employees currently performing the job, or most recently performing the job. Under no circumstances will a downgraded employee's pay rate exceed the maximum of his new salary range or, if the employee is being downgraded to a position he previously held, be at a rate higher than he would have attained had he remained in that position.

Procedures:

The procedures for posting, bidding, selecting, hiring, and transferring are as described below:

A. Posting

1. All approved, vacant positions will be posted internally for a minimum of four (4) working days, and shall be posted on official bulletin boards in all departments and centralized work locations.
2. All postings shall include, at a minimum, the job title, rate of pay or salary range, department or division, and a brief summary of the duties and responsibilities, the minimum qualifications, and the closing date.
3. Personnel will distribute the weekly postings to City Departments and Divisions. It is the responsibility of each Department/Division to notify Personnel if they do not receive a posting by Wednesday each week.
4. It is an employee's responsibility to review the weekly job postings if seeking a change in position.

B. Bidding

1. To apply for a position through the Career Opportunity Program, employees must fully complete the Career Opportunity application and obtain their current supervisor's signature. The supervisor's signature will be verification that the employee is eligible to apply. Incomplete applications may be rejected.
2. The current supervisor forwards the completed application to the Division Manager for review and signature. If a waiver of the time-in-current-position requirement is requested, or if the application is for a downward or lateral movement, Department Director approval is also required.
3. The Division Manager or Department Director forwards the application to the Personnel Division by the closing date listed on the Career Opportunity announcement. If there is some valid reason that the application can not be returned to the Personnel Division by the next working day following the closing date, the Division Manager or Department Director must notify Personnel of the delay. If Personnel is not notified of a delayed application, the late application may be rejected.
4. The Personnel Division reviews all Career Opportunity applications for required signatures and verifies that the applicant meets minimum qualifications based on the information included in the application. If the employee does not meet the minimum qualifications as stated in the job description, the application will be rejected and the applicant so notified. If all required signatures are not present, the Personnel Division will contact the appropriate Department Director or Division Manager to determine the reason for the omission(s).

5. The Personnel Division will forward the completed Career Opportunity applications of all employees who meet the minimum qualifications to the hiring Department Director or Division Manager.

C. Selecting

1. If there are not a minimum of seven (7) internal candidates who meet the minimum qualifications for the job, or if the Personnel Director and the hiring Department Director or Division Manager agree that a more diverse applicant pool is in the best interest of the City, outside applicants may be interviewed concurrently to ensure that the City fills the position with the best qualified applicant.
2. The hiring supervisor contacts all internal applicants who meet the minimum qualifications for the job and, if applicable, selected qualified external applicants referred by the Personnel Division and schedules interviews.
3. After interviewing is complete, the hiring supervisor selects the applicant whose qualifications most closely match the job requirements. The selection is made using valid, uniform standards and, if applicable, the pertinent collective bargaining agreement. If the applicant is required to operate a City vehicle as a part of employment, the Department Director must review the driving history of a selected applicant prior to submitting a recommendation for hire. If the recommended applicant's driving record is not satisfactory, the Department Director must provide a written statement as part of the hiring recommendation stating that he is aware of the applicant's driving record and list the reasons the applicant is still recommended for hire.
4. The hiring supervisor returns all of the Career Opportunity applications and completed Application Referral and Disposition forms to the Personnel Division within three working days following the completion of the interview of the last qualified applicant.

D. Hiring

1. The Personnel Division reviews the hiring supervisor's written recommendation for compliance with the Personnel Rules and Regulations and with any applicable collective bargaining agreement, then forwards the recommendation to the City Manager for approval.
2. The Personnel Division notifies the selected candidate of the recommendation for hire. If the selected candidate is internal, he will have two working days to accept the offer. If the offer is not accepted within two working days, the offer will be deemed to have been rejected. If the offer is rejected, the Personnel Division will consult with the hiring supervisor to review the Application Referral and Disposition Forms and select the next best-qualified applicant.
3. The Personnel Division prepares an Employee Action Notice for signature by the Division Manager, Department Director, Personnel Director or Assistant Personnel Director, and the City Manager. No action is authorized unless and until it is approved by the City Manager.

E. Transferring

1. Upon receipt of the signed action notice, the Personnel Division will contact the hiring and current Department Director or Division_Manager to negotiate a transfer date, and will notify the employee of the transfer date.
2. Promotional transfers will take place within ten (10) working days after final approval of the City Manager. This time may be extended to a maximum of thirty (30) days if the employee is deemed to be in a critical area, and the respective Department Directors and the Personnel Director agree in writing to such an extension. With the written approval of the City Manager, and only in cases involving unusual work situations, extensions beyond thirty (30) days may be considered.
3. Lateral and downward transfers will take place at the discretion of the affected Department Directors.

Other Provisions:

Whether upward, downward, or lateral transfer, the employee's accrued vacation and sick leave balances shall be carried forward and paid at the new pay rate.

For employees who believe they have not been treated equitably at any step of this process, the first attempt to reconcile the situation should be with the person who made the perceived inequitable decision. If the situation cannot be resolved at that point, the grievance procedure as outlined in the Personnel Policies and Procedures, Rules and Regulations, or the applicable collective bargaining agreement should be followed.

Waiver of Policy:

This policy may be waived, and the position may be filled by a current employee without being posted, only when:

- The current employee will otherwise be laid off because his position is being abolished; and
- The position represents a demotion; and
- The employee meets or exceeds the minimum qualifications; and
- The waiver is approved by the Department Director, the Personnel Director, and the City Manager.

Minimum Qualifications:

Minimum qualifications shall be determined based on the job specifications defined in the job description. Department Director or Division Manager must confer with the Personnel Division to ensure minimum qualifications are properly reflected in the job description before requisitioning to fill the position.

Personnel will review all applications once a position is closed and identify those applicants who meet or fail to meet minimum qualifications. If there is any doubt as to whether or not a candidate meets minimum qualifications based on the application, the Personnel Division shall refer the application to the hiring Department Director or Division Manager for further review.

Career Opportunity applicants who do not meet the minimum qualifications will be notified in writing by the Personnel Division that they are not being considered for a position. Career Opportunity applicants who meet minimum qualifications must be granted an interview.

If it is determined after the interview process that none of the internal applicants meet the minimum qualifications of the position, the Department Director may request the position be advertised again internally or to the outside.

2.4 APPLICATION PROCESS

Applicants must complete a separate application for each position in which they are interested. Current employees completing an application for a position that is posted internally shall comply with the Career Opportunity Program. Applications for a position that is posted to the public shall be accepted during normal working hours through the end of business on the day in which the posting closes.

2.5 DISQUALIFICATION

The Personnel Division will review all applications to ensure that the applicant meets the minimum qualifications for a position as set forth in the current job description. Personnel may remove from further consideration at any time in the application process an applicant who:

- does not possess the minimum qualifications for a position
- is a current employee and has established an unsatisfactory employment or personnel record as evidenced by the personnel file
- has made a false statement of any material fact or practiced deception in the application
- the Personnel Division is unable to contact within five working days of the first attempt
- has an unusual or habitual criminal history
- fails to confirm acceptance of a position within two days of notification, or report to duty at the time determined
- does not successfully pass the pre-employment physical or drug test
- is ineligible to obtain a position due to the City's Nepotism Policy

2.6 NEPOTISM

The City of Melbourne's Nepotism Policy is written to comply with Florida Statutes. While the policy is very broad, supervisory/subordinate relationships within a Division are prohibited when blood, marriage, or a Domestic Relationship is a factor.

Policy:

It is the policy of the City of Melbourne not to hire or retain members of an employee's family in conflict with the provisions of Florida Statute 112.3135, nor shall the City hire or retain employees involved in a Domestic Relationship under like circumstances.

Additionally, it shall be the policy of the City that no employee shall be employed, promoted, or transferred into a position where the employee will be hired or supervised by a relative or an individual with whom the employee is in a Domestic Relationship as defined herein.

A. Definitions:

1. "Relative" means an individual who is related to another as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, or grandchild.
2. "Domestic Relationship" means individuals who are living together sharing joint responsibility for each other's common physical, financial and social welfare as if in a legally recognized spousal relationship.

B. All persons employed by the City who had existing relationships prior to the effective date of this policy on April 12, 1995, shall not be affected by these provisions. All employees who are protected by this exception shall be subject to the following restrictions and conditions on their continued employment:

1. If any such employee is supervised by a relative or an individual with whom the employee is in a Domestic Relationship, one of the employees should be transferred to eliminate the situation, if practical, at the discretion of the City Manager. This policy shall apply without regard to gender.
2. If any employee described in Paragraph B.1, above is subject to promotion or advancement or a raise in pay or status other than cost-of-living/general increases - before said promotion, advancement, or raise shall be effective, the City Manager reserves the right to evaluate the proposed change to assure that there is no undue influence of a family or Domestic Relationship.

C. If two City employees change their relationship by marriage, adoption, or other means, so as to come in conflict with the provisions of this policy, they shall comply with the above restrictions and conditions.

2.7 PRE-EMPLOYMENT PHYSICALS & DRUG TESTING

Successful completion of a pre-employment physical and drug test is required for all new-hires prior to placement into a position.

2.8 DISABILITY ACCOMMODATIONS

In accordance with the Americans with Disabilities Act, the City of Melbourne encourages current employees and qualified applicants to identify reasonable accommodations necessary to

perform the essential functions of a position. The City will strive to identify and eliminate all artificial barriers to the performance of such duties.

Policy:

It is the policy of the City of Melbourne to reasonably accommodate the disabled in order to provide employment opportunities for them. For that reason, it is against City policy to discriminate, in any manner, against a qualified individual with a disability. "Disability" refers to a physical or mental impairment that substantially limits one or more of the major life activities of an individual. An individual who has such an impairment, has a record of such an impairment, or is regarded as having such impairment, is a "disabled" individual. A "qualified person with a disability" means an individual with a disability who, with or without reasonable accommodation, can perform the essential functions of the employment position that the individual holds or to which they have applied.

The City will seek to provide reasonable accommodation for all individuals who qualify for a position. Such accommodation may include altering equipment or facilities, or realigning duties within a work area. Accommodation may not be possible if there is undue hardship for the City. Undue hardship means an action requiring significant difficulty or expense to the City. An individual who cannot be reasonably accommodated for a job without undue hardship will not be selected for (or retained in) that position.

All employees are expected to comply with safety procedures. The City will place qualified individuals with disabilities only in those positions in which they do not pose a direct threat to the health or safety of themselves or others. A direct threat means a significant risk to the health or safety of themselves or others that cannot be eliminated by reasonable accommodation.

Any applicant or employee who believes that he has been subjected to discrimination, or that a violation of this policy has occurred, should immediately contact the Personnel Division. The City will work to resolve the dispute.

2.9 PROCEDURE FOR FILLING VACANCIES

All vacancies within the City of Melbourne's Classification Plan will be filled by appointment of permanent or temporary employees. Whenever a position becomes vacant, the Department Director or appropriate Division Manager must submit a requisition to fill the position to the Personnel Division. No position will be posted without written authorization from the City Manager. All positions will be posted internally per the City of Melbourne's Career Opportunity Program.

2.10 TYPES OF APPOINTMENTS

Types of appointments include permanent full-time and part-time, temporary, seasonal, on-call, and intern. See the Definition Section of this policy manual for further explanation.

2.11 EMPLOYEE COMPENSATION

The City of Melbourne maintains a Wage and Salary Pay Plan, Classification Plan, Compensation Plan, Step Pay Plan and Compensatory Time Policy. Employees are compensated within the structure of these Plans as outlined in Sections 9 and 10 of these Rules and Regulations.

2.12 USE OF A TEMPORARY AGENCY

It is the policy of the City of Melbourne to fill vacancies with existing Department or Citywide resources when possible. However, if such resources are not available, and it is necessary to obtain assistance from outside the City to complete daily work requirements, the City of Melbourne may contract with a temporary employment agency to provide qualified workers.

Generally, the use of a temporary worker should be for instances that are of limited duration and/or immediate in nature. The Department Director must request authorization by memorandum to the City Manager. This memorandum should be routed through the Personnel Division. The request should include the duties that the temporary contractual worker will perform, the time-frame that the temporary contractual worker is needed, the recommended rate of pay for this worker, and whether sufficient funds are in the Department/Division budget to fund this expense. The Personnel Division will contact the temporary agency to fill the position once approval from the City Manager is obtained.

2.13 SAFE DRIVER POLICY – NEW HIRES

For the safety of City employees and the general public:

- A. All applicants who will routinely or periodically be required to operate a City vehicle must possess a valid driver's license, and must show evidence of qualification to operate commercial type vehicles if so required for the position. Applicants may be required to demonstrate their knowledge, skills, and abilities through written and/or on-the-road or physical demonstrations, as determined by the City. Applicants must initially have a satisfactory driving record and continue to maintain a satisfactory driving record through the course of their employment.
- B. If the applicant is required to operate a City vehicle as part of employment, the Department Director must review the driving record of the selected applicant prior to submitting the recommendation for hire. If the recommended applicant's driving record is not satisfactory, the Department Director must provide a written statement that he is aware of the applicant's driving record and list the reasons the applicant is still recommended for hire.