

CITY OF MARGATE, FLORIDA

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MARGATE, FLORIDA, AMENDING CHAPTER 30 PERSONNEL, ARTICLE II-CIVIL SERVICE, DIVISION 2-INITIAL APPOINTMENT PROCEDURES, SECTION 30-39 - HIRING POLICY, (5) HIRING PROCESS, SECTION 30-45 DISQUALIFICATION OF APPLICANTS, AND SECTION 30-56 - IN-HOUSE APPOINTMENTS; PROVIDING FOR DRUG SCREENING AND CVSA IF REQUIRED; PROVIDING FOR REPEAL; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA:

SECTION 1: The Code of Ordinances of the City of Margate, Florida, Chapter 30 Personnel, Article II - Civil Service, Division 2 - Initial Appointment Procedures, Section 30-39 - Hiring policy, (5) Hiring process, is hereby amended to read as follows¹:

Sec. 30-39. - Hiring policy.

(5) *Hiring process.* An Employment Action Form (EAF) must be completed and signed before a conditional offer of employment shall be made. Human resources shall notify applicants, make conditional offers of employment, begin the required background search, and schedule the pre-employment physical and drug testing, if required. A release form signed by the applicant must be obtained prior to any background search. The

¹CODING: Words in ~~struck through~~ text are deletions from existing text; words in underscoring text are additions to

existing text, and shaded text reflect changes between First and Second Readings.

human resources department shall coordinate background investigations and shall include information regarding the applicant's character, work habits, performance, court records, criminal history, education, and experience, along with reasons for termination of past employment. Consistent with job requirements, additional information regarding driving records and credit reports may also be requested. A drug screen ~~may~~^{shall} be required for ~~some~~^{all} new hires to detect illegal drug use. A urinalysis sample shall be taken during the physical examination (if applicable) and sent to a designated laboratory for the appropriate testing. If so, a^A record of the urinalysis test results shall be maintained in the human resources department's confidential medical file. Pre-employment physical examinations shall be required for all positions except those deemed temporary, seasonal recreational, or intern type positions as these positions are filled to assist in meeting temporary, unexpected operational and service demands.

An applicant may be disqualified from consideration for a position, or a conditional offer of employment withdrawn, where in the discretion of the human resources director it is determined that the applicant is ineligible to hold the position for which the applicant has applied. Reasons for determining ineligibility include, but are not limited to any of the following:

- (a) Failure to meet technical qualifications for the position;
- (b) Failure to provide all necessary information on the application for employment;
- (c) Failure to provide all truthful information on the application for employment;
- (d) Failure to pass drug screen, if required;
- (e) Failure to pass a medical examination and/or other appropriate and provided examinations;

- 1 (f) Determination by a licensed physician that the
2 candidate cannot perform the essential functions
3 of the position;
- 4 (g) Unsuitability based upon criminal background check
5 (limited to records that are job related and
6 consistent with business necessity);
- 7 (h) Unsuitability based upon general background or job
8 history background checks.

9 An applicant who has been disqualified shall be given
10 the reason(s) for same in writing, and be entitled to
11 request an appeal to the human resources director in writing
12 within seven (7) calendar days after notification of such
13 disqualification. The human resources department shall
14 coordinate and monitor all required new hire forms,
15 including I-9 documents and payroll information, and shall
16 schedule appropriate new hire and benefit orientation
17 meetings. The human resources department shall notify in
18 writing all candidates not selected for positions that the
19 position applied for has been filled. All applications and
20 related material received as a result of the recruitment and
21 selection process including interview notes for all
22 interviewed candidates shall be maintained in the human
23 resources department. The information shall be maintained as
24 required by law.

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26 **[Note to Municipal Code: The rest of this section shall**
27 **remain as codified.]**
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29 **SECTION 2:** The Code of Ordinances of the City of
30 Margate, Florida, Chapter 30 Personnel, Article II - Civil
31 Service, Division 2 - Initial Appointment Procedures,
32 Section 30-45 - Disqualification of applicants, is hereby
33 amended to read as follows:

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35 Sec. 30-45. - Disqualification of applicants.
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- 37 (a) An applicant may be disqualified from
38 consideration for a position where in the

discretion of the administration it is determined that the applicant is ineligible to hold the position for which the applicant has applied. Reasons for determining ineligibility include, but are not limited to, any of the following:

- (1) Failure to meet technical qualifications for the position;
- (2) Failure to provide all necessary information on the application for employment;
- (3) Failure to provide all truthful information on the application for employment;
- (4) Failure to pass drug screening, if required;
- (5) Failure to pass a medical examination;
- (6) Unsuitability based upon criminal background check limited to records that are job related and consistent with business necessity; consideration will be given on an individual case-by-case basis depending upon the position involved, the nature and gravity of the offense, conduct, and time since conviction;
- (7) Unsuitability based upon ~~applicable~~ CVSA or similar examination, if required;
- (8) Unsuitability based upon general background or job history background check;
- (9) Physical inability to perform the essential functions of the position with reasonable accommodation.

(b) All applicants will sign a waiver of release regarding liability in connection with any physical fitness examination in accordance with the city's requirements. Failure to do so shall be cause for immediate rejection and disqualification of the applicant.

(c) The burden of establishing the required qualifications will be upon the applicant.

- 1 (d) An applicant who has been disqualified shall be
2 given the reasons for same in writing, and be
3 entitled to request an appeal to the civil
4 service board in writing if same is received by
5 the board within seven (7) calendar days after
6 notification of such disqualification.
- 7 (e) The civil service board shall determine whether
8 the request for appeal has demonstrated on its
9 face a violation of the civil service rules or
10 discrimination as prohibited by city, county,
11 state or federal law. If any of the preceding is
12 preliminarily shown, an appeal shall be held,
13 pursuant to section 30-27 of the Code. If no
14 preliminary showing is made of the preceding, no
15 appeal hearing shall be granted.
- 16 (f) Investigation of an applicant's qualifications and
17 background may continue any time after the
18 applicant's appointment, and if any disqualifying
19 facts or fraud are discovered, revocation of that
20 appointment may result.

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22 **SECTION 3:** The Code of Ordinances of the City of
23 Margate, Florida, Chapter 30 Personnel, Article II - Civil
24 Service, Division 2 - Initial Appointment Procedures,
25 Section 30-56 - In-house appointments, is hereby amended to
26 read as follows:

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28 Sec. 30-56. - In-house appointments.

- 29 (a) At the sole discretion of the city manager, a
30 vacancy for a position that does not fall under a
31 direct career path promotional opportunity may be
32 filled in-house by a city employee. To qualify as
33 an applicant for an in-house appointment, an
34 employee shall:
- 35 (1) Have been continuously employed in a regular
36 full-time or regular part-time position for
37 at least one (1) full calendar year,

1 retroactively from the date that the vacant
2 position is advertised;

3 (2) Meet the stated qualifications for the
4 position; have received at least a
5 satisfactory efficiency rating for the
6 preceding rating period;

7 (3) Not have been demoted for cause during the
8 employee's career with the city;

9 (4) Not have received any disciplinary action
10 greater than a written reprimand for one (1)
11 full calendar year, prior to the date that
12 the vacant position is advertised;

13 (5) Not be under any type of investigation that
14 could result in disciplinary action greater
15 than that of a written reprimand; and

16 (6) Not be employed pursuant to the conditions of
17 a last chance agreement.

18 (b) To be eligible for an in-house appointment, an
19 eligible candidate shall also successfully pass
20 all components of the usual hiring process
21 typically utilized by the city e.g.: an
22 investigation conducted by the police department;
23 and a medical and/or psychological examination;
24 and drug testing, if required.

25 (c) An employee appointed to a position pursuant to
26 this section shall maintain the right to return to
27 his/her former position anytime during the
28 probationary period, but not thereafter.

29 (d) If no qualified individual(s) meet the conditions
30 specified in subsections (a), (b), and (c) of this
31 section, then the city manager shall have the sole
32 discretion to fill such position as an in-house
33 training appointment with any regular, employee
34 who is not on disciplinary probation or suspension
35 and who expresses an interest in changing her/his
36 career path.

37 (1) The duration of the appointment shall be for
38 a maximum of one (1) calendar year, and shall
39 not be extended beyond one (1) calendar year.
40 The city manager shall maintain the sole
41 discretion to rescind an in-house training
42 appointment at any time.

(2) An employee who is appointed to a position pursuant to subsection (e) [(c)] directly above shall maintain her/his then current employment benefits; however, the salary for the position shall be determined solely by the city manager.

(3) An employee who is appointed to a position pursuant to subsection (e) [(c)] of this section and who serves in such position for one (1) calendar year shall be afforded the opportunity to fill the position on a regular, full-time basis pursuant to subsections (a), (b), and (c) of this section.

SECTION 4: All ordinances or parts of ordinances in conflict herewith are and the same is hereby repealed to the extent of such conflict.

SECTION 5: If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 6: It is the intention of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Margate Code, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 7: This ordinance shall become effective immediately upon adoption at its second reading.

PASSED ON FIRST READING THIS 20th day of FEBRUARY, 2019.

PASSED ON SECOND READING THIS 6TH day of MARCH, 2019.

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ATTEST:

JOSEPH J. KAVANAGH
CITY CLERK

MAYOR ANTHONY N. CAGGIANO

RECORD OF VOTE - 1ST READING RECORD OF VOTE - 2ND READING

Simone	<u>YES</u>
Arserio	<u>YES</u>
Schwartz	<u>YES</u>
Ruzzano	<u>YES</u>
Caggiano	<u>YES</u>

Simone	_____
Arserio	_____
Schwartz	_____
Ruzzano	_____
Caggiano	_____