

- G. Employees covered by a collective bargaining agreement are bound by the procedures outlined in their individual bargaining agreements.

Section F-6: SUBPOENAS; WITNESSES, WITNESS FEES; REPORTING OF HEARINGS

- A. The Board has the power to compel by subpoena the attendance and testimony of witnesses, and for the production of books, records, documents, or papers deemed relevant to any hearing before the Board. Subpoenas must be served by a member of the City Police Department or other person or authority duly authorized by Florida Statutes.
- B. Each witness who appears in obedience to a Board subpoena, not including an employee of the city, is entitled to receive a witness fee and round trip mileage in accordance with the City's mileage reimbursement schedule. No employee may summon more than four witnesses at the City's expense, but may summon any number of witnesses at his or her own expense.
- C. In case of disobedience of any person to comply with an order or subpoena issued by the Board or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, application may be made by any member of the Board to a Court of competent jurisdiction, for disposition by the Court.
- D. Disciplinary hearings before the Board may be recorded by an approved court reporter by request of the appointing authority or the accused employee. The reporting fee will be paid by the organization or individual requesting the service. The recordings from these hearings will not be transcribed at the City's expense unless requested by the City.
- E. If an employee is found guilty by the Board during the hearing, said employee may request a rehearing within twenty (20) calendar days after a decision has been rendered by the Board. The application for rehearing must be in writing and specify the reasons for the request. The application must be filed with Human Resources and a copy delivered to the City Attorney's office. The City Attorney may file a written response to the application within ten (10) calendar days after receipt of the application. The hearing officer will consider the application with or without oral argument and render his or her decision within twenty (20) calendar days of the application. In the event a rehearing is granted, the Board will promptly schedule another hearing and consider all or any part of the case. If a rehearing is denied, no further application for rehearing may be filed. If a rehearing is granted, the employee or the appointing authority may request a transcription of the original hearing at the expense of the requestor.

Section F-7: PERSONNEL BOARD

- A. A Personnel Board is hereby created to provide a fair and equitable mechanism for the expeditious review of employee disciplinary appeals. The Board will consist of three (3) members each having a two-year term; one member and alternate will be appointed

by the Mayor, one member and alternate elected by regular full-time employees, and the third member and his or her alternate, will be named by the other two members upon their taking office. If the two (2) members cannot agree on the third member, an Administrative County Judge of Escambia County, Florida will appoint the third member and/or alternate. After all three members take office, one among them will be selected to act as chairperson. Each member of the Board serves a two-year term or until his or her successor is selected, unless he or she otherwise becomes disqualified to serve.

- B. Any qualified voter residing in the City is eligible to be a board member, provided that person has not been convicted of a felony or crime involving moral turpitude, or is an officer or employee of the City; no person who is an employee or who holds any appointed or elected office in the City, county, state, or federal government may serve on the Board. If a Board member becomes a candidate for a political office, such member forfeits his or her position on the Board.
- C. Candidates for election by the employees may be nominated by any five employees. Nominations must be in writing, signed by the five employees, and filed with the appropriate office at least ten (10) days prior to the election date. A secret-ballot election will be held, open to all regular full-time employees on the scheduled election date and time. Employees will be allowed time from work to vote. Votes will be counted in the presence of the City Clerk, an employee, and a person appointed by the Mayor. The candidate receiving a majority of the votes cast is declared elected as the regular Board member and the candidate receiving the next highest number of votes, the alternate Board member. If a candidate fails to receive a majority of votes in the first election, a second election will be held between those two candidates receiving the largest number of votes.
- D. If a Board member resigns, becomes permanently disqualified, or dies, the proper alternate takes that member's place on the Board for the unexpired term of such member. If an alternate member of the Board resigns, dies, or otherwise becomes permanently disqualified or permanently replaces a regular member, a new alternate member will be designated as provided for the selection of a regular Board member to fill the unexpired term of the first alternate member.
- E. If the appointing authority or a person charged with employee misconduct files an affidavit showing just cause under Florida law, that they believe such Board member will not act fairly and impartially, the Board member so challenged may be disqualified. The Board's legal counsel will review the affidavit to determine just cause and will make a recommendation to the Mayor. If the request is upheld and the Board member disqualified, his or her alternate will serve as a member of the Board during the particular hearing. No alternate may be disqualified after the disqualification of the regular Board member except with the approval of the two other members of the Board. In that event, a second alternate will be named.

- F. Any regular Board member who believes he or she cannot be fair and impartial at a hearing of an employee charged with employee misconduct may voluntarily disqualify him or herself to sit as a member of the Board at such hearing.

Personnel Board Election/Appointment

The first election under this policy will be held as soon as practical, and thereafter in the month preceding the expiration of the two-year term. Notification of the date of each election will be posted at least thirty (30) calendar days prior to the election in conspicuous places of employee assembly in all departments throughout the City. The Board members elected as provided here will assume the position of member, in the month following the election or appointment. The oath of office will be administered to each Board member by the City Clerk.

Appropriation; Hearings/Meetings of the Board

- A. Funding for the operation of the Personnel Board will be appropriated in the Human Resources budget.
- B. The Personnel Board will hold hearings and meetings as required for matters under its jurisdiction. The Board will conduct all hearings, trials, and proceedings in an impartial and just manner designed to promote justice and efficiency. Such hearings and meetings of the Board will be open and noticed as required by law. A majority of the Board members constitutes a quorum for action at any hearing or meeting; however, any order, judgment or decision of the Board must have the concurrence of the majority of its members to be effective.

Attorney; Administrative Support

- A. An attorney will be provided to advise the Board with respect to all legal matters of policy and procedure, to act as mediator, as hearing officer, and to assist in the performance of its duties. Compensation for the attorney will be set by the Mayor.
- B. The Board attorney shall determine all requests for extensions of time as referenced in this policy and may resolve all other non-dispositive issues prior to a determination on the merits of an appeal by the Board.
- C. The City Attorney or his or her assistant or designee, when requested by the Mayor or designee, will appear and prosecute charges on the City's behalf, at trials or hearings before the Board.
- D. A member of the Human Resources Department will coordinate and assist the Personnel Board in carrying out its responsibilities.