

Hiring and Equal Employment Opportunity

A. Equal Employment Opportunity

It is the policy and practice of the City of Riviera Beach to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law. In addition, the City of Riviera Beach prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. This policy covers all personnel actions affecting hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The City of Riviera Beach will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship or where doing so would cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If, during the course of employment, an employee sustains any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the City may require that the employee provide medical documentation regarding any such impairment and, if appropriate, identify specific accommodations which may assist the employee. The City will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the employee. All information provided regarding any impairment will be handled confidentially to the extent required by law.

B. Equal Employment Opportunity Complaints

Employees with questions or concerns about any potential discriminatory or harassing conduct or behavior in the workplace are required to immediately (within 24 hours) bring such concerns to the attention of their supervisor(s), the Department Director, the Human Resources Department, and/or the City Manager. Complaints should initially be made to the employee's immediate supervisor, unless the supervisor is the subject of the complaint, or if the employee is not comfortable making the complaint to that supervisor. Supervisors and Department Directors receiving a complaint shall immediately (within 24 hours) forward it to the Human Resources Department and the City Manager. Inappropriate comments or acts of harassment, whether physical or verbal, regarding race, age, color, religion, sex, national origin, physical or mental disability, genetic information, marital status, veteran or military status, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law, that interfere with the working environment or the terms and conditions of employment are specifically prohibited. Any individual who is found to have engaged in conduct of a harassing or discriminatory nature in the workplace will be disciplined, up to and including termination. This includes, but is not limited to, harassing conduct in the form of unsolicited or unwelcome sexual overtures or physical contact. Such conduct must be reported immediately to an employee's

supervisor, the Department Director, the Human Resources Department, or the City Manager.

C. Job Posting

The City of Riviera Beach provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. The City will post all bargaining unit job openings in accordance with the applicable collective bargaining agreement. Non-bargaining positions may be posted in the City's sole discretion and judgment and in accordance with applicable laws.

D. Applications

Employment applications and interviews are the starting point in gathering information about prospective employees. To be considered for employment, a completed employment application must be submitted to the Human Resources Department, including fingerprints for certain positions. Any falsification or misstatement of information on the application or during an interview will subject the employee to discipline up to, and including, termination upon discovery of the falsification or misstatement. Fraudulent conduct, false statements or omission of information by an applicant or by others under his or her direction in any application shall be deemed cause for the exclusion of such applicant from employment or for discharge from the City's employment.

Defective applications may be corrected or revised by applying in person to the Human Resources Department, provided said defect is corrected or revised prior to the final date for receiving applications for the position for which the applicant applied.

Complete applications shall be filed with Human Resources. The applications of all individuals shall be preserved by Human Resources and retained in the individuals' personnel files upon hiring, and retained in compliance with the applicable retention schedule promulgated by the Division of Library and Information Services, Department of State. Applications of the individuals who were not hired by the City shall be retained for 24 calendar months. Employment applications, however, shall only be considered active for 30 days following the appointment for which the application was submitted.

E. Examination and Testing

In its discretion and judgment, the Human Resources Department in consultation with the Department Director or appropriate Department supervisor, may conduct appropriate testing of applicants for particular positions including, but not limited to, typing tests for secretarial positions and the use of Excel for certain financial/accounting-related positions. The result of any such testing shall be provided to the Department Director or supervisor for consideration during the interview process if a particular applicant is selected for an interview. Persons with a disability requiring reasonable accommodations should contact the Human Resources Department prior to scheduling tests.

F. Background Checks

Applicants offered employment will be subject to a background investigation which may include criminal, academic, employment, reference, and credit checks. Background checks and screenings will be conducted in a manner consistent with federal and state law. Additionally, background checks may vary depending on the essential functions and nature of the position. In addition to

initial background checks, certain employees who regularly or periodically operate City vehicles, will be required, as a condition of employment, to provide authorization for the City to perform periodic checks regarding driving history. Such checks regarding driving history will be conducted in accordance with federal and state law. Employees operating City vehicles will be required to provide notification of any suspension, revocation, or restriction of their license to the City within one (1) week of such suspension, revocation, or restrictions. In no event may an employee with a suspended, revoked, or restricted license operate a City vehicle or a personal vehicle while on City business. Employees may be required to have certain vehicle licenses (e.g., CDL license) for certain positions.

G. Work Eligibility Verification – The City is an E-Verify Employer

The City is committed to employing only individuals who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment, or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three years old or if the previous Form I-9 is no longer valid. Rehired employees must also complete the Form I-9 upon acceptance of the position and also have three (3) business days to provide supporting documentation. Any employee whose immigration employment eligibility status changes at any time during employment must notify the Human Resources Department immediately.

All offers of employment are contingent upon a candidate's fulfillment of this requirement and a failure to do so will result in termination. As an E-Verify employer, the City will provide the Social Security Administration (SSA) and, if necessary, the Department of Homeland Security (DHS), with information from each new employee's Form I-9 to confirm work authorization. Employment eligibility verification through E-Verify will also be required for current employees who begin work on covered federal grants or contracts but who previously have not been entered into E-Verify.

H. Employment of Relatives

The City complies with Florida law relating to the restriction of employment of relatives. As such, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the City in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the City if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the City, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

For purposes of this policy, “public official” means 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 in the City, including

the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

For purposes of this policy, a “relative” with respect to a public official, means an individual who is related to the public official 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, or half-sister.

This policy shall be interpreted and applied in a manner consistent with Section 112.3135, Florida Statutes.

Other circumstances may arise that create an actual conflict of interest, or the appearance of a conflict of interest. In such circumstances, the City Manager or designee will have ultimate discretion and authority to determine whether a relative’s appointment to a position is appropriate. No person hired can be placed in the same department as a relative.

I. Veterans Preference

In accordance with Florida law, the City provides a Veteran’s preference in appointment and retention to qualified Veterans, spouses, and certain family members.

The following persons shall be eligible to receive preference in appointment and retention in employment:

- A Veteran who served on active duty in any branch of the U.S. Armed Forces, received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the Department of Veterans Affairs (“DVA”);
- A disabled Veteran who is receiving compensation, disability, retirement benefits, or pension, by reason of public laws administered by the DVA and the U.S. Department of Defense;
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of such disability, cannot qualify for employment;
- The spouse of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Wartime Veterans as defined under Fla. Stat. § 1.01(14) who served at least one (1) day during a wartime period (Please note: active duty training does not qualify under this provision);
- An unremarried widow or widower of a Veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
- Current members of any Reserve component of the U.S. Armed Forces or the Florida National Guard.

When Veteran’s preference positions are posted, the City will provide notice in all announcements

and advertisements of vacancies in covered positions that preference in initial appointment will be given to eligible individuals and will inform them of the right to an investigation by the Department of Veteran's Affairs if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.

The City's application for positions covered by the Veteran's preference laws will inquire as to whether the applicant is claiming Veterans' preference.

The City will maintain records which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Certain positions are not covered by Veteran's preference. Veteran's preference is not provided with respect to City positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits, Department Directors, positions that require licensure as a physician, licensure as an osteopathic physician, licensure as a chiropractic physician, and positions that require that the employee be a member of The Florida Bar, and positions posted internally.

Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process, but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position.

Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the City's selection process. If, at any step in the selection process, a determination is made that the Veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

In the event State or local Veterans preference laws and regulations are amended, such applicable amendments will control.

J. Appointment

The City Manager has the authority to appoint, suspend, or remove all City employees. The City Manager may authorize a subordinate to exercise such powers with respect to that subordinate's department.