

ORDINANCE NO. 2025-19

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AMENDING ARTICLE XI, DIVISION 5 ENTITLED CIVIL SERVICE BOARD, SPECIFICALLY SECTION 2-526 TO SPECIFY THAT THE CIVIL SERVICE BOARD SHALL HAVE THE POWER TO RECOMMEND ON MATTERS THROUGH HEARING FROM CITY EMPLOYEES AT A PROPERLY NOTICED MEETING; AMENDING SECTION 2-530 TO AMEND THE ROLE OF THE HUMAN RESOURCES DIRECTOR; AMENDING SECTION 2-534 TO CLARIFY DEFINITIONS FOR CLASSIFIED AND UNCLASSIFIED SERVICE; AMENDING SECTION 2-535 TO DELETE CERTAIN INAPPLICABLE RESPONSIBILITIES OF THE HUMAN RESOURCES DIRECTOR; AMENDING SECTION 2-536 TO DELETE THE WORD "OFFICERS" FOR HIGHER VACANCIES; AMENDING SECTION 2-537 TO DELETE CERTAIN INAPPLICABLE TIMELINES; AMENDING SECTION 2-539 TO REMOVE PENALTIES; AMENDING SECTION 2-541 TO SPECIFY PERSONS EXEMPT FROM TESTS; DELETING AND REPLACING OLD SECTION 2-542 WITH NEW LANGUAGE TO SPECIFY THAT IN THE CASE OF CONFLICT, COLLECTIVE BARGAINING AGREEMENTS SHALL PREVAIL OVER THIS ORDINANCE; PROVIDING FOR REPEAL OF ALL PRIOR ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Opa-Locka ("City Commission") adopted a new charter on November 6, 2012, thereby abolishing the Civil Service Board that was set forth in the old charter; and

WHEREAS, the City Commission re-established a new Civil Service Board on June 18, 2018, however, said board has been inactive since that time and City operations have significantly changed, including the adoption of new collective bargaining agreements; and

WHEREAS, the City Commission desires to more specifically define the powers and duties of the Civil Service Board and the Department of Human Resources as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OPA-LOCKA, FLORIDA, AS FOLLOWS:

Section 1. Adoption of Representations.

The foregoing "Whereas" clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Ordinance.

Section 2. Amending Section 2-526 entitled "Powers and Duties" to read as follows with all other provisions of this section remaining the same:

Sec. 2-526. Power and duties.

The board shall have power to:

- (1) *Advise the city commission and the city manager on issues concerning personnel administration.*
- (2) *Advise and recommend to assist the city manager on matters fostering the interest of institutions of learning, civic, professional and employee organizations in the improvement of personnel standards in the municipal service.*
- (3) ~~*Hear appeals in case any officer or employee in the classified service is suspended, reduced or removed, and report in writing to the city manager its findings and recommendations.*~~ *Hear from any employee appearing in person during a properly noticed meeting of the civil service board who desires to express concerns regarding personnel matters or working conditions. If deemed valid by the board, make reasonable and appropriate inquiry to the City Manager and allow no less more than twenty-five (25) days for the City Manager to respond before making a recommendation to the City Manager that is approved by a majority the board's members. In the event the City Manager does not respond, nothing herein shall prohibit the civil service board from making recommendations to the City Manager. The City Manager shall provide a report of the matters brought forward by the employees.*
- (4) *Perform such other duties with reference to personnel administration not otherwise inconsistent with the charter or any city commission approved contracts with a recognized union, as the city commission may require by ordinance.*

Section 2. Amending Section 2-530 entitled "Powers of Human Resources Director"

to read as follows with all other provisions of this section remaining the same:

Sec. 2-530. Powers of human resources director.

That the human resources director shall have power and shall be required to:

- (1) Hold competitive examinations for all appointments in the classified service, restricted to persons qualified to perform the duties of the position where practicable;
- (2) Give wide publicity through appropriate channels in each case to all announcements of competitive examinations to the end of encouraging qualified persons to take such examinations;
- (3) Prepare ~~and recommend to the civil service board such personnel~~ rules that shall be reviewed by the civil service board prior to implementation where practicable; as ~~he or she may consider necessary, appropriate or desirable to carry out the provisions hereof~~;
- (4) Prepare, install, and maintain a classification plan based on the duties, authority and responsibility of positions in the city service;
- (5) Prepare and maintain a pay plan for all City employees which shall be reviewed by the civil service board prior to implementation in the city service;
- (6) Establish and maintain a roster of all City employees in the municipal service in which there shall be set forth,:
 - a. The class title of the position held,
 - b. Salary or pay,
 - c. Any changes in class title, pay or status,
 - d. Such other data as maybe deemed desirable or useful to produce significant facts pertaining to personnel administration;
- (7) ~~Periodically review Certify~~ all payrolls for persons in the classified service; ~~No payment for personal service to any person in the classified service of the city shall be made unless the payroll vouchers bear the certification of the human resources director or his or her authorized agent that the persons mentioned therein have been appointed and employed in accordance with the provisions of this article;~~
- (8) Develop and establish training and educational programs for persons in the municipal service;
- (9) Investigate periodically the operation and effect of the human resources department and the rules promulgated thereunder, and report annually his or

her findings and recommendations to the city manager, with a copy to the civil service board;

(10) Perform such other and different lawful acts and functions as he or she may deem necessary or desirable to enforce the purposes and provisions of this article.

Section 3. Amending Section 2-534 entitled "Divisions of Civil Service" to read as follows with all other provisions of this section remaining the same:

Sec. 2-534. Divisions of Civil Service Definitions for classified service and unclassified service

(1) Classified service (Non-Exempt). The classified service shall comprise all positions ~~not specifically included by this section in the unclassified service, of paid hourly employees, governed by the Fair Labor Standards Act (FLSA) receiving a minimum hourly wage and overtime rate of 1 1/2 times the hourly rate if the employee works more than 40 hours per week.~~

(2) Unclassified Service (Exempt). The unclassified service shall comprise the following offices and positions and shall not have a right or appeal before the before the Civil Service Board: ~~That the civil service of the city shall be divided into the unclassified and the classified service.~~

(1) Unclassified service, Exempt.

- a. Members of the city commission and other elective officers, and persons appointed to fill vacancies in elective offices;
- b. The city clerk;
- c. The city attorney;
- d. The city manager, and the assistant city manager, if any;
- e. The directors of departments;
- f. One (1) principal assistant or deputy and one (1) executive secretary to the city manager, if any, and to each of the directors of departments;
- g. Members of boards and commissions in the city's service;
- h. Persons employed to make or conduct a special inquiry, investigation, examination or installation, if the city commission or the city manager of the city certifies that such employment is temporary, and that work should not be performed by employees in the classified service;
- i. Employees subject to collective bargaining agreements;
- j. Supervisory and managerial positions;
- k. Human resources specialists;
- l. Risk Manager;
- m. Building Official

- n. Any Legislative Aide
- o. Any classification or position not specified in the above exemptions as may be designated as exempt by City Commission resolution or by a determination of the Florida Public Employee Relations Commission.

Section 4. Amending Section 2-535 entitled "Human Resources Director to Prepare and maintain Record of Service" to read as follows with all other provisions of this section remaining the same:

Sec. 2-535. Human resources director to prepare and maintain record of service.

- (a) That the human resources director shall prepare and maintain an up-to-date record of the authority, duties and responsibilities of each position in the classified service. ~~Within one (1) year after the appointment of the first director under this article, the director shall prepare and submit to the city manager a plan of classification and grading of all such positions according to similarity of authority, duties and responsibilities. The city manager shall submit the classified plan to the commission with such changes as he or she deems desirable and such plan shall take effect when adopted by the commission or on the thirtieth day after it is submitted to the commission if prior thereto the commission has not disapproved it by resolution.~~
- (b) *Changes in classification.* Changes in the classification plan which the director deems desirable appropriate may be recommended to the City Manager and approved by the City Commission, and adopted from time to time in the same manner as herein provided for the original adoption of the plan.
- (c) *Allocation of positions to proper classification.* As promptly as practicable after the adoption of the classified service employees classification plan and after any amendment thereof, the director shall, with the approval of the city manager, allocate each position in the classification service to the appropriate class therein on the basis of its authority, duties and responsibilities. Thereafter, as new positions are created or additional classes are established, or existing classes are divided, combined, altered or abolished, the director shall make such allocations or reallocations of positions to new or existing classes as are necessitated thereby.
- (d) *Use of class titles.* Following the adoption of all classified service employees within the classification plan and the allocation to classes therein of positions in the classified service, the class titles set forth therein shall be used to designate such positions in all official records, documents, vouchers and communications, and no person shall be appointed to or employed in a position in the classified service under any class title which has not been approved by the director as appropriate to the duties to be performed.

(e) *Request for hearing on allocation or reallocation.* Employees affected by the allocation or reallocation of a position to a class, or by any changes in the classification plan, shall be afforded an opportunity to be heard thereon provided that they shall file with the director within ten (10) days from any such allocation, reallocation or change a written request for a hearing.

Section 5. Amending Section 2-536 entitled "Filling of vacancies in Higher Positions"

to read as follows with all other provisions of this section remaining the same:

Sec. 2-536. Filling of vacancies in higher positions.

That vacancies in higher positions in the classified service of the city shall, as far as practicable, be filled by promotion from lower classes following competitive tests; provided that in case the city so directs, such positions shall be filled by competitive tests open not only to city officers and employees serving in lower classes, but also to persons not in the service of the city. A change from a position in any class to a position in another class for which a higher maximum rate of pay is prescribed shall be considered a promotion. The director of personnel shall, to the extent he or she considers such action desirable, indicate the principal or normal lines of promotion from and to each class in the class specifications or in regulations.

Section 6. Amending Section 2-536 entitled "Filling of vacancies in Higher Positions"

to read as follows with all other provisions of this section remaining the same:

Sec. 2-537. Schedule of pay.

That the human resources director shall prepare for the city manager a standard schedule of pay for each position in the classified service. The city manager shall submit the pay plan to the civil board for review prior to submitting said plan to the city commission with such changes as he deems desirable and such plan shall take effect when adopted by the commission, or on the thirtieth day after it is submitted if prior thereto the commission has not disapproved it by resolution. The pay plan adopted by the commission shall include a minimum and maximum and such intermediate rates as may be deemed desirable for each class of position. Any pay recommendations relevant to positions covered by a union contract shall be exempt from consideration.

Amendments to the pay schedule may be adopted by the commission from time to time, upon recommendation of the city manager. In increasing or decreasing items in the city budget, the commission shall not increase or decrease any individual salary

items but shall act solely with respect to classes of positions as established in the classification and pay plans. In no event shall the commission reduce the salary of a class below the minimum or raise it above the maximum salary established by the pay plan except by amendment of the pay plan.

Section 7. Amending Section 2-539 entitled "Prohibited Acts; Penalty for Violation." to read as follows with all other provisions of this section remaining the same:

Sec. 2-539. Prohibited acts; penalty for violation.

That no person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification, or appointment held or made under the personnel provisions of this charter ordinance or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No officer or employee in the classified service of the city shall continue in such position after becoming a candidate for nomination or election to any public office. No person seeking appointment to or promotion in the classified service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion or proposed promotion. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding a position in the classified service of the City. No person holding a position in the classified service of the city shall make any contribution to the campaign funds of any political party or any candidate for public office or take any part in the management, affairs or political campaign of any political party, further than in the exercise of his rights as a citizen to express his opinion and to cast his vote.

Any person who by himself or with others willfully or corruptly violates any of the provisions of this section shall be guilty of a misdemeanor and shall upon conviction thereof by a court of competent jurisdiction be punished by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00), or by imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment. Any person who is convicted under this section shall for a period of five (5) years be shall be ineligible for appointment to or employment in a position in the city service for a period of five (5) three (3) years as determined by the City Manager. and shall, if he be an officer or employee of the city, immediately forfeit the office or position he holds.

Section 8. Amending Section 2-540 entitled "Suspension; Reduction in Payor Class; Appeal" to read as follows with all other provisions of this section remaining same:

Sec. 2-540. Suspension; reduction in payor class

That any officer or employee in the classified service of the city who has not completed his working test period or who is serving under provisional, temporary, or emergency appointment may be suspended, reduced in pay or class, or removed at any time by the officer having power to appoint a successor. A copy of the notice of such suspension, reduction, or removal shall be transmitted to the human resources department.

Any officer or employee in the classified service of the city who has been appointed following certification from a reemployment or employment list may be suspended, reduced in pay or class, or removed for cause at any time during the working test period by the officer having power to appoint a successor, by giving him written notice of such suspension, reduction, or removal together with a statement of the reasons therefor. A copy of such statement shall be transmitted to the human resources department.

Any officer or employee in the classified service of the city who has completed the working test period may be suspended, reduced in pay or class or removed by the officer having authority to appoint a successor, in the manner prescribed in this section as supplemented by the rules of the human resources department. A written notice of the suspension, reduction, or removal, stating the reasons therefor and when it is effective, shall be given to such officer or employee or mailed to his usual place of residence.

Such officer or employee within five (5) business days after the delivery or mailing to him or her of such written notice may appeal in writing to the civil service board for a hearing. The civil service board shall immediately fix a place and a time not later than five (5) thirty (30) business days after such appeal for holding a public hearing, at which the officer or employee suspended, reduced or removed shall have the right to appear and be heard in person. The civil service board may, at the request of the officer ordering the suspension, reduction or removal, or of the officer or employee whose suspension, reduction or removal has been ordered, call other persons for the purpose of ascertaining the facts. A specific person shall be voted upon and designated by the civil service board for the call. The civil service board may make any further investigation which it thinks deems proper. Within forty eight (48) hours after the completion of the public hearing or such investigation, civil service board shall report its findings to the City Manager for review and reconsideration, which shall be conclusive. A copy of the written statement given the officer or employee, a copy of any written reply thereto and a copy of the findings of the civil service board shall be filed as a public record in the office of the human resources department.

Section 9. Amending Section 2-541 entitled "Persons Exempt from Working Tests; Probationary Appointments" to read as follows with all other provisions of this section remaining same:

Sec. 2-541. Persons exempt from working tests; probationary appointments.

That any person holding ~~an office or a position in the classified service of the city when this act takes effect who shall have served in such position for a period of at least nine (9) months immediately preceding, shall be retained without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this article. Other persons in the city service at the time this article takes effect shall be regarded as holding their positions under probationary appointments; provided, however, that after the effective date of this article, if and when the City of Opa Locka shall, by appropriate action of its city commission acquire or assume as a municipal function the operation, administration or management of any then existing, private or quasi public business or activity, by the terms of which acquisition or assumption the employees or personnel of such then existing business or activity becomes employees or personnel of the City of Opa locka, such employees or personnel shall be deemed to have received probationary appointments, effective as of the date such municipal operation begins, to the classification which embraces their respective positions.~~

Section 10. Amending Section 2-542 entitled "Acceptance of unclassified position by person in classified service" to delete said section and replace with new language pertaining to conflicts with collective bargaining agreements to read as follows:

Sec. 2-542 Acceptance of unclassified position by person in classified service.

~~Any employee in the classified service who accepts an appointment to an unclassified position shall retain his civil service status for a period of six (6) months from the date when he assumes the duties of the unclassified position. If, at that time, he still holds the unclassified position, he must exercise the option of returning to his classified position or giving up his status on the classified rolls. Any classified employee who has held such unclassified position for a period of six (6) months preceding the passage of this section must immediately upon its adoption exercise the above option.~~

Section 11. Amending to add new Section 2-542 entitled "Conflict with Collective Bargaining Agreements" shall be amended to read with all other provisions of this section remaining same:

Sec. 2-542. Conflict with Collective Bargaining Agreements

Nothing set forth herein shall conflict with an existing collective bargaining agreement that may otherwise apply.

Section 11. No Retaliation Against Employees. No employee shall be retaliated against for appearing before the civil service board to express personnel concerns or concerns of working conditions.

Section 12. Inclusion in Code. It is hereby the intent that the provisions of this Ordinance may become and be made a part of the Code of Ordinance of the City of Opa-locka, Florida.

Section 13. Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and corrections of typographical errors which do not affect the intent may be authorized by the City Manager, following review by the City Attorney and without need of public hearing, by filing a corrected copy of same with the City.

Section 14. Conflict and Repealer. Any provision of any City of Opa-locka ordinance or regulation which is in conflict with the provisions of this Ordinance is repealed prospectively to the extent of such conflict.

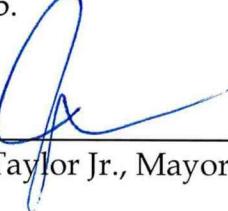
Section 15. Liberal Construction. The terms and provisions of this Ordinance shall be liberally construed to affect the purpose for which it is adopted.

Section 16. Severability. If any portion of this Ordinance is for any reason held or declared to be unconstitutional, invalid or void, such holding shall not affect the remaining portions of this Ordinance. If this Ordinance shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect the applicability of this Ordinance to any other person, property or circumstances.

Section 17. Effective Date. This Ordinance shall take effect upon the adoption of this Ordinance by the Commission of the City of Opa-locka and upon a filing of a certified copy hereof with the Florida Department of State and is subject to the approval of the Governor or Governor's Designee.

PASSED FIRST READING this 11th day of June 2025.

PASSED SECOND READING this 23rd day of June 2025.



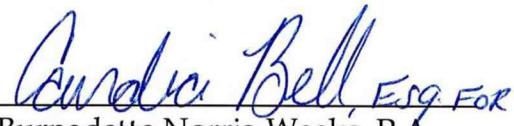
John H. Taylor Jr., Mayor

ATTEST:



Joanna Flores, City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Burnadette Norris-Weeks, P.A.
City Attorney

Moved by: Vice Mayor Kelley

Seconded by: Commissioner Santiago

VOTE: 5-0

Commissioner Bass	YES
Commissioner Ervin	YES
Commissioner Santiago	YES
Vice Mayor Kelley	YES
Mayor Taylor	YES



**City of Opa-locka
Agenda Cover Memo**

Interim City Manager:	Sha'mecca Lawson		ICM Signature:				
Commission Meeting Date: <i>(Enter X in box)</i>	6.11.2025		Item Type: <i>(Enter X in box)</i>	Resolution	Ordinance		Other
				X			
Fiscal Impact: <i>(Enter X in box)</i>	Yes	No	Ordinance Reading: <i>(Enter X in box)</i>		1st Reading		2nd Reading
		X	Public Hearing: <i>(Enter X in box)</i>		Yes	No	Yes
Funding Source: <i>(Enter Fund & Dept)</i> Ex: NA			Advertising Requirement: <i>(Enter X in box)</i>		Yes	No	
							X
Contract/P.O. Required: <i>(Enter X in box)</i>	Yes	No	RFP/RFQ/Bid#:				
		X					
Strategic Plan Related <i>(Enter X in box)</i>	Yes	No	Strategic Plan Priority Area: Enhance Organizational <input checked="" type="checkbox"/> Bus. & Economic Dev <input type="checkbox"/> Public Safety <input type="checkbox"/> Quality of Education <input type="checkbox"/> Qual. of Life & City Image <input type="checkbox"/> Communication <input type="checkbox"/>		Strategic Plan Obj./Strategy: <i>(list the specific objective/strategy this item will address)</i>		
		X					
Sponsor Name	Vice Mayor Kelley		Department:		City Commissioner		

Short Title:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF OPA-LOCKA AMENDING ARTICLE XI, DIVISION 5 ENTITLED "CIVIL SERVICE BOARD".

Staff Summary:

The Civil Service Board was abolished in 2012 and re-established in 2018 but has remained inactive. The City has significantly changed its operations since this time and it is in the best interest of the city to amend Article XI, Division 5, entitled Civil Service Board. It is believed the civil service board shall have power to advise on matters through hearing from city employees. Amendments to this ordinance shall be made to the role of the human services director, deletion of inapplicable responsibilities and timelines, removal of penalties, exemptions of persons from testing, and specify that collective bargaining agreements supersedes in conflict cases.

Financial Impact - There is no incremental cost in staff preparing a recommendation to amend the Civil Service Ordinance.

Proposed Action:

Upon adoption, the Interim City Manager will effectively meet current City Civil Service requirements.

Attachment:

CITY OF OPA-LOCKA
CITY ATTORNEY'S OFFICE MEMORANDUM

TO: Commissioner Kelley

Cc: Darvin Williams, Interim City Manager
Joanna Flores, City Clerk

FROM: Burnadette Norris-Weeks, Esq., City Attorney

DATE: June 14, 2023

Re: Civil Service Board Draft Ordinance for Upcoming Agenda

Find attached revisions to the civil service draft ordinance that we have been discussing.

As you know, the Civil Service Board can only be advisory at this point and the current ordinance is inconsistent with the Charter. At a recent meeting, the City Commission was made aware that my office would be working with you to craft language that would give the board additional authority to advise a city manager.

Just yesterday, I received two communications, through the City Clerk's Office, from two attorneys desiring to appear before the Civil Service Board. My position is that the current language in the Civil Service Board Ordinance is inconsistent with the provisions of the City Charter, and to that extent, those provisions are severable and inapplicable.

We also discussed that you want to invite the new Human Resources Director to carefully review the attached ordinance and make any comments and recommendations (through the Interim City Manager) prior to the next regular meeting of the City Commission within a staff report and through a meeting with you.

Per your request, the draft ordinance allows the Civil Service Board to hear from any employee at a properly noticed meeting without fear of retaliation.

The Interim City Manager is copied here so that he can prepare a staff report for the upcoming commission agenda and schedule any needed meetings with you.

I remain available for any questions or comments.

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