

By Senator Lawson

3-1289-02

1                                   A bill to be entitled  
 2           An act relating to public employees; amending  
 3           s. 110.227, F.S.; repealing a prohibition  
 4           against state personnel rules that prohibit  
 5           "bumping"; providing for layoff guidelines and  
 6           procedures; providing for notice of layoffs;  
 7           amending s. 447.207, F.S.; prescribing a time  
 8           within which notice of certain appeals must be  
 9           filed with the Public Employees Relations  
 10          Commission; empowering the commission to hear  
 11          appeals of layoffs; providing an effective  
 12          date.

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 14 Be It Enacted by the Legislature of the State of Florida:

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 16           Section 1. Subsections (2) and (3) and paragraph (a)  
 17 of subsection (5) of section 110.227, Florida Statutes, are  
 18 amended to read:

19           110.227 Suspensions, dismissals, reductions in pay,  
 20 demotions, layoffs, transfers, and grievances.--

21           (2) The department shall establish rules and  
 22 procedures for the suspension, reduction in pay, transfer,  
 23 layoff, demotion, and dismissal of employees in the career  
 24 service. ~~Except with regard to law enforcement or correctional~~  
 25 ~~officers, firefighters, or professional health care providers,~~  
 26 ~~rules regarding layoff procedures shall not include any system~~  
 27 ~~whereby a career service employee with greater seniority has~~  
 28 ~~the option of selecting a different position not being~~  
 29 ~~eliminated, but either vacant or already occupied by an~~  
 30 ~~employee of less seniority, and taking that position, commonly~~  
 31 ~~referred to as "bumping."~~For the implementation of layoffs as

1 defined in s. 110.203, the department shall develop rules  
2 requiring that consideration be given to comparative merit,  
3 demonstrated skills, seniority, and the employee's experience.  
4 Such rules shall be approved by the Administration Commission  
5 prior to their adoption by the department.

6 (3)(a) ~~With regard to law enforcement or correctional~~  
7 ~~officers, firefighters, or professional health care providers,~~  
8 When a layoff becomes necessary, such layoff shall be  
9 conducted within the competitive area identified by the agency  
10 head and approved by the Department of Management Services.  
11 Such competitive area shall be established taking into  
12 consideration the similarity of work; the organizational unit,  
13 which may be by agency, department, division, bureau, or other  
14 organizational unit; and the commuting area for the work  
15 affected.

16 (b) ~~With regard to law enforcement or correctional~~  
17 ~~officers, firefighters, or professional health care providers,~~  
18 Layoff procedures shall be developed to establish the relative  
19 merit and fitness of employees and shall include a formula for  
20 uniform application among all employees in the competitive  
21 area, taking into consideration the type of appointment, the  
22 length of service, and the evaluations of the employee's  
23 performance within the last 5 years of employment.

24 (5)(a) A permanent career service employee who is  
25 subject to a suspension, reduction in pay, demotion, layoff,  
26 or dismissal shall receive written notice of such action at  
27 least 10 days prior to the date such action is to be taken.  
28 Subsequent to such notice, and prior to the date the action is  
29 to be taken, the affected employee shall be given an  
30 opportunity to appear before the agency or official taking the  
31 action to answer orally and in writing the charges against him

1 or her. The notice to the employee required by this paragraph  
2 may be delivered to the employee personally or may be sent by  
3 certified mail with return receipt requested. Such actions  
4 shall be appealable to the Public Employees Relations  
5 Commission as provided in subsection (6). Written notice of  
6 any such appeal shall be filed by the employee with the  
7 commission within 14 calendar days after the date on which the  
8 notice of suspension, reduction in pay, demotion, or dismissal  
9 is received by the employee.

10 Section 2. Subsection (8) of section 447.207, Florida  
11 Statutes, is amended to read:

12 447.207 Commission; powers and duties.--

13 (8) The commission or its designated agent shall hear  
14 appeals arising out of any suspension, reduction in pay,  
15 demotion, layoff, or dismissal of any permanent employee in  
16 the State Career Service System in the manner provided in s.  
17 110.227. Written notice of such an appeal must be filed with  
18 the commission within 14 calendar days after the date on which  
19 the notice of suspension, reduction in pay, demotion, layoff,  
20 or dismissal is received by the employee.

21 Section 3. This act shall take effect July 1, 2002.

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24 SENATE SUMMARY

25 Repeals the prohibition against state personnel rules  
26 that allow "bumping" of less-senior employees in layoffs.  
27 Provides guidelines and requires procedures for layoffs.  
28 Provides for notice of layoffs and for an opportunity for  
29 an affected employee to be heard. Authorizes the Public  
Employees Relations Commission to hear appeals arising  
out of layoffs. Prescribes a time within which notice of  
any appeal to the commission must be given to the  
commission.