



Florida Fish and Wildlife Conservation Commission
Division of Law Enforcement

PERSONNEL ACTIONS

GENERAL ORDER	EFFECTIVE DATE	RESCINDS/AMENDS	APPLICABILITY
14	June 09, 2020	March 3, 2015	All Members

References

S. 1.01 (14), F.S., S. 119.071, F.S. and Ch. 295, F.S; R. 55A-7, F.A.C.; CFA 11.01, 11.02, 11.03, 11.04

1 POLICY

- A** It is the policy of the FWC Division of Law Enforcement to provide written procedures for promotions, lateral actions, reassignments and demotions within the Division.
- (1) This process is within the guidelines of the Career Service Rules and Commission policies and procedures and is implemented so that the Division may select the best candidates available. All criteria used to evaluate candidates for promotions lateral actions, and reassignments are job-related, nondiscriminatory and are based on a position description.
- B** It is the policy of the Division to use existing rate and salary appropriations to grant pay additives when warranted and authorized by law, based on assigned duties and responsibilities as allowed by law. A pay additive shall be removed or adjusted if there is a change in the conditions upon which it was originally granted or subsequently adjusted, including failure by the legislature to authorize or adequately fund the additives.
- C** Appointments to positions within the Law Enforcement Collective Bargaining Unit will be made in accordance with the Collective Bargaining Agreement.
- (1) Grievances concerning eligibility for, or appointment to, promotional vacancies shall be handled in accordance with applicable state personnel rules or the applicable Collective Bargaining Unit Agreement process.
- D** Affirmative Action and veterans' preference guidelines, when applicable, will be taken into consideration when filling any vacant position within the Division. Veterans' preference and promotional preference for veterans shall be applied in accordance with Section 1.01(14), Florida Statutes, Chapter 295, Florida Statutes, and Rule 55A-7, Florida Administrative Code.

E Public Records Requests

- (1) In accordance with Section 119.071(1)-(a), Florida Statutes, examination questions and answer sheets of examinations administered for the purpose of employment are exempt from public records requests. A person who has taken such an examination shall have the right to review only his or her own completed examination.

F The Division will follow statutory authority and the FWC Internal Management Policies and Procedures (IMPP) for hiring, promotions, lateral actions, reassignments and demotions or any personnel-related matter not addressed by this General Order.

G It is the policy of the FWC Division of Law Enforcement that all travel incurred due to participation in examinations and interviews, and time spent participating in examinations and interviews is considered work time, which authorizes the use of state vehicles and reimbursement for applicable travel expenses. If an exam or interview date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.

2 RESPONSIBILITIES

A Division

- (1) No later than June 15 of each year, the Division will administer an annual exam for promotion to Investigator 1 and 2. Applicants must meet the minimum qualifications set by the Division.
- (2) No later than June 15 of each year, the Division will administer a written examination to establish eligibility for promotion to Lieutenant. Applicants must meet the minimum qualifications set by the Division.
- (3) The Division will schedule the promotional exam for Investigators 1 and 2 and the written examination for Lieutenant Candidates in a manner that allows members to sit for all exams in the same year.

B Members

- (1) Members interested in taking promotional exams shall complete a Request to Take the Law Enforcement Promotional Test (FWC/DLE-235).
 - (a) All requests to take a promotional exam must be filed every two (2) years and must be received by the Division Personnel Manager no later than the first business day after January 15 of each calendar year and shall remain effective until revoked by the member or expiration of the request.
 - (b) Applicants meeting eligibility requirements will be notified when and where they are to report to take the written exam(s).
- (2) Sworn members covered under the collective bargaining agreement are responsible for submitting a Request for Lateral Action or Reassignment (FWC/DLE-177).
- (3) Sworn members covered under the collective bargaining agreement are responsible for rescinding a request for lateral action or reassignment in writing when they are no longer interested.
- (4) Members wishing to claim promotional preference for veterans are solely responsible for providing the appropriate documentation (i.e. DD-214 or comparable document) to the People First Service Center in accordance with the instructions provided during the application process.

C Division of Law Enforcement Personnel Manager

- (1) Is responsible for posting promotional and lateral reassignment opportunities on the Division of Law Enforcement website and on State of Florida People First Human Resource Management system.

D Division Director

All selection decisions must be approved by the Division Director or designee before an offer may be made to the recommended applicant. Offers may be made verbally, but will be documented in writing by the Division Director or designee. A member declining a selection offer must do so in writing.

3 PROCEDURES

A Lateral Action or Reassignment Opportunities for Positions covered by the Law Enforcement Collective Bargaining Unit

- (1) When approving lateral actions or reassignments, the Division Director will give first consideration to those sworn members with the greatest length of in-class service and who have submitted a Request for Lateral Action or Reassignment (FWC/DLE-177) to the Division Personnel Manager, except when a vacancy is filled by demotion, or when lateral action or reassignment is not within the best interest of the Division.
- (2) Members may submit a request for lateral action or reassignment at any time; however, all such requests shall expire on June 30 of each calendar year. Requests for lateral action or reassignment for the next fiscal year may be filed on or after June 1 of the preceding fiscal year.
- (3) Members, whose request for reassignment is not submitted by the first day of the month, shall not be considered for vacancies which occur during that month.
- (4) When other factors, such as position requirements, preferred criteria, work history, and agency needs are equal, the Division Director should normally fill a vacancy with the sworn member who has the greatest length of service in the class or is of a higher rank and who has a request for lateral action or reassignment on file for the county in which the vacancy exists.
 - (a) If several candidates meet the criteria given in Section A (4), the member who submitted the request for lateral action or reassignment first will be assigned to fill the vacancy.
- (5) Sworn members may request lateral action or reassignment to vacant positions in their current class after one year of satisfactory service in their present position. The date of the sworn member's graduation from the Basic Recruit Training Program shall determine the beginning date for the first year of eligibility. Sworn rehires shall use their agency hire date to determine the beginning date for the first year of eligibility.
- (6) When a sworn member has been appointed pursuant to a filed Request for Lateral Action or Reassignment, all other pending requests shall be canceled. No other request may be filed for a period of twelve (12) months following the sworn member's appointment. If a sworn member declines an offer pursuant to a filed request, the sworn member will not be eligible for consideration for assignment to the specific class (es) or county (ies) declined, for a period of twelve (12) months.
- (7) The Division may make the necessary staffing changes during an emergency or as otherwise required to meet urgent law enforcement needs of the State.
- (8) The Division Director may approve a lateral action or reassignment prior to one year in the position for:
 - (a) Sworn member hardships,
 - (b) Critical needs of the Division, or
 - (c) Positions that are open and no permanent sworn member has sought lateral action or reassignment to the position.
- (9) In approving an appointment under Section A-(8)-(c) above, the Division Director shall give first consideration to sworn members based upon length of sworn service with the Division of Law Enforcement.

- (10) Law enforcement officer lateral actions or reassignments may be filled without being posted or advertised.
- (11) All reassignments will be at the discretion of the Division Director if the member is the subject of an internal investigation or pending disciplinary action.

B Filling vacant Positions not included in the Law Enforcement Collective Bargaining Unit

- (1) A vacant position not included in the Law Enforcement Collective Bargaining Unit may be filled through lateral action, reassignment, promotion of an eligible candidate, or voluntary demotion, based on Division needs.
 - (a) When a vacant position is announced for lateral action or reassignment, members may submit a Request for Lateral Action or Reassignment during the announced open period.
 - (b) When a vacant position is announced as a promotional opportunity, eligible candidates may apply by submitting their application through the State of Florida People First Human Resource Management system during the open period.
 - (c) When a vacant position is announced as a promotional opportunity and for lateral action or reassignment, eligible candidates shall apply using the appropriate method for their status as outlined in Section B (1) (a) or Section B (1) (b) above.
- (2) Time extensions of the promotional lists for positions NOT covered under the applicable collective bargaining agreement may be made at the discretion of the Division Director.
- (3) All applications for vacant positions not included in the Law Enforcement Collective Bargaining Unit are thoroughly reviewed and vacant positions are filled based on Division needs.
 - (a) An interview may be conducted of all qualified applicants.
 - (b) All travel, examination and interview times are considered work time, to include the use of state vehicles and reimbursement for applicable travel expenses. If the exam or interview date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.

C Pay Additives for specific duties

- (1) Pay additives are a valuable management tool which allows for recognition and compensation of members for identified duties without providing a permanent pay increase. The following chart illustrates the specific positions for which a pay additive is authorized and the amount of the additive.

Pay Additive Title	Amount of Pay Additive	Length of Time Pay Additive Will be Issued
K-9 Law Enforcement Officers	5%	Granted at time of K-9 graduation extending until member leaves or is removed from the position.
Law Enforcement Officer Recruiter/Community Relations	5%	Granted at time of appointment to duties, extending until member no longer performs duties.
Law Enforcement Breath Test Operator/Inspector	5%	Granted at time of appointment to duties, extending until member no longer performs duties.
Law Enforcement Field Training Officer	10%	Granted at time of appointment to field training duties, lasting 14 weeks...

Offshore Patrol Vessel	5%	Granted at time of assignment to crew, extending until member leaves or is removed from the crew.
Special Operations Group (SOG)	5%	Granted at time of assignment to SOG team, extending until member leaves or is removed from the team.
Covert Investigation (Class 1 only)	10%	Granted during time of investigation, usually 12 to 24 months, until investigation is complete.
Duty Officer Trainer	5%	Granted at time of appointment, not to exceed 90 days,

D Promotional Exam Protocols for Positions Included in the Law Enforcement Collective Bargaining Unit

- (1) The promotional exam will be held no later than June 15 of each year, and the scheduled date will be posted at least three months before the exam date.
- (2) All travel for promotional exams are considered work time, to include the use of state vehicles. If the exam date falls on a scheduled day off, the supervisor may adjust the employee's days off at the employee's request.
- (3) Make-up exams
 - (a) Request for make-up exams must be made in writing not less than five working days before the exam date. Members shall provide documentation stating the reason(s) for the request. Members requesting a make-up exam for a medical emergency shall provide a doctor's note supporting the reason(s) for the request. Medical emergencies shall include only those situations involving the member himself or herself or an immediate family member wherein the member's presence is necessary. The Division retains the right to determine if the member's presence was necessary.
 - (b) All make-up exam requests will be submitted through the chain of command to the appropriate Deputy Director who will make the decision.
 - (c) Members with approved annual leave (approved prior to posting of the exam date), medical emergencies, subpoenas, or military leave will notify the Regional Training Lieutenant to schedule a make-up exam as soon as practical, but no later than 48 hours after return to duty.
- (4) Review process – The test proctors will conduct a review of the test immediately following the exam. The review will consist of providing the officers and investigators with the correct answers and allowing them time (not to exceed one hour) to review their answers.
- (5) Test analysis – Each question will be reviewed following FDLE law enforcement certified grading criteria procedures. The review process will be conducted by at least one captain and one lieutenant.
- (6) Challenges
 - (a) Challenges must be made in writing, to include email, by the test taker within five days, indicating the question number and an explanation of the basis for the challenge. Examples would include; more than one correct answer, no correct answer, etc.
 - (b) All challenges to test questions shall be submitted to the Training Center Director or designee.

- (c) The Training Center Director or designee will determine the appropriateness of the challenge.

E Promotional Lists and Ranking of eligible Members for Positions Included in the Law Enforcement Collective Bargaining Unit

- (1) The promotional lists, by class, will be published effective July 1 of each year, listing the candidates according to their final score on the written exam. Lists will be effective for one year from the publishing date expiring on June 30 every year.
- (2) Time extensions of the promotional lists for positions included in the collective bargaining agreement may be made only through a memorandum of understanding (MOU) with the applicable collective bargaining agent unit.

F Promotion to Investigator 1

- (1) Promotion to Investigator 1 will be made through a competitive process. In order to be considered for promotion, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as indicated on the job announcement.
- (2) Qualifications
 - (a) The sworn member must have two years of sworn law enforcement experience (one of which must be FWC law enforcement) and successfully passed the annual written promotional examination.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The score on the written promotional examination will be used and will carry a relative weight of 100 percent for ranking purposes on the promotional list.
- (4) Interview Panel – The Division may utilize a panel to interview employees who apply for an Investigator 1 vacancy in accordance with the Collective Bargaining Agreement.

- (5) Applicant Selection – Promotion to the rank of Investigator 1 will be made by the Division Director from one of the top five applicants on the promotional list who requested the class and county.
 - (a) If no suitable internal candidate for a vacant Investigator 1 position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

G Promotion to Investigator 2

- (1) Promotion to Investigator 2 will be made through a competitive process. In order to be considered for promotion, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as indicated on the job announcement.
- (2) Qualifications
 - (a) The sworn member must have three years of sworn law enforcement or sworn investigator experience (one of which must be FWC law enforcement) and successfully passed the annual written promotional examination.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The score on the written promotional examination will be used and will carry a relative weight of 100 percent for ranking purposes on the promotional list.
- (4) Seniority Consideration – One point will be added to an applicant's score on the promotional exam for each year of satisfactory service as an Investigator 1 up to a maximum of five (5) points.
- (5) Interview Panel – The Division may utilize a panel to interview employees who apply for an Investigator 2 vacancy in accordance with the Collective Bargaining Agreement.

- (6) Applicant Selection – Promotion to the rank of Investigator 2 will be made by the Division Director from one of the top five applicants on the promotional list who requested the class and county.
 - (a) If no suitable internal candidate for a vacant Investigator 2 position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

H Promotion to Lieutenant

- (1) Promotion to Lieutenant will be made through a competitive process. In order to be considered for promotion, each applicant must establish eligibility by completing the Written Examination for Lieutenant Candidates.
- (2) In order to take the Written Examination for Lieutenant Candidates, applicants must have:
 - (a) Completed four years of sworn law enforcement experience (two years of which must have been FWC law enforcement).
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) Must have at least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.
 - (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
 - (3) The member is responsible for submitting an accurate DD-214 together with the Request to take the Law Enforcement Promotional Test form (FWC/DLE-235) in order to claim the military service for experience substitution.
 - (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (3) Written Examination – The written examination plus any preference points will result in numeric scores used to rank and to establish a list of candidates eligible for consideration for promotion to Lieutenant.
 - (a) Preference points
 - (1) One preference point for completion of the 64-hour Florida General Instructor Techniques Course or FDLE-approved equivalent
 - (2) One preference point for completion of an 80-hour First-Line Supervision Course
 - (3) One preference point for completion of a 40-hour CMS Field Training Officer (FTO) Course

- (4) One preference point per year of satisfactory service as an Investigator 1 or 2, up to a maximum of two points.
- (b) The final examination score used to establish a candidate's ranking on the promotional list is determined in the following manner: (Written Examination Score + preference points) = Final Examination Score.
 - (1) Qualifying courses must be completed prior to July 1 in order to be counted for preference points. The member is responsible for submitting the appropriate documentation to the Training section prior to July 1.
 - (2) Qualifying courses completed after the promotional list publication date of July 1, will only be considered for the following year.
- (c) The eligibility list will be posted on the Division website by the Division of Law Enforcement Personnel Manager.
- (4) Interview Panel – The Division may utilize a panel to interview employees who apply for a Lieutenant vacancy. The panel shall consist of a Major, a Captain, and a Lieutenant unless waived by the Division Director. The Division may reduce the number of applicants interviewed if desired. A written exercise or skills test evaluated by the interview panel members may also be included as part of the promotional process and factored into the final interview score.
- (5) After the interview, the final promotional score will be determined in the following manner: (Final Examination Score + Interview score) ÷ 2 = Final Promotional Score.
- (6) Applicant Selection – Promotion to the rank of Lieutenant will be made by the Division Director from one of the top applicants on the promotional list who requested the class and county, considering the recommendations of the interview panel.
 - (a) If no suitable internal candidate for a vacant Lieutenant position can be identified through the promotional process, the Division Director may waive the requirements listed above and advertise the position open competitively for internal agency and external applicants.

I Promotion to Law Enforcement Captain

- (1) In order to be considered for promotion to Law Enforcement Captain, each applicant must be eligible, meet the requirements specified below, and have applied for the vacancy as advertised.
- (2) In order to be considered for promotion to Captain, the individual must have (or equivalent):
 - (a) Completed five years of sworn law enforcement experience, one year of which must have been in a supervisory capacity.
 - (b) College education from an accredited institution can substitute at the rate of 30 semester or 45 quarter hours per year for a maximum of one year of the required non-supervisory experience. Any college credit awarded for completing the FWC Law Enforcement Academy or any other Law Enforcement Basic Recruit Program cannot be included in the total number of college credit hours needed to substitute college education for experience.
 - (1) If the member claims college education as a substitute for experience, the member cannot also claim military service as a substitute for experience.
 - (c) Certain military service with a branch of the U.S. armed forces can substitute for a maximum of one year of the required experience. In order to be eligible for substitution, the military service must meet the following requirements:
 - (1) At least two (2) years of active duty service. Time spent on Active Duty for Training and/or required drill for reserve or guard members does not qualify. Service time does not have to be consecutive.

- (2) Only members discharged with their character of service noted on the DD-214 form as one of the following are eligible to substitute their military service for years of experience:
 - (a) Honorable
 - (b) General – under honorable
- (3) The member is responsible for submitting an accurate DD-214 to the Division Personnel Manager as part of the application packet in order to claim the military service for experience substitution.
- (4) If the member claims military service as a substitute for experience, the member cannot also claim college credit as a substitute for experience.
- (d) Preferred Criteria
 - (1) Completion of a 40-hour Middle Management Course
 - (2) Completion of the 64-hour Florida General Instructor Techniques Course or FDLE-approved equivalent
 - (3) Completion of a 40-hour Stress Management Techniques Course
 - (4) Completion of the Intermediate Tier (Principles of Leadership) of the FWC Leadership Development Process
 - (5) Completion of the Florida Leadership Academy approved by FDLE
- (3) Selection Process
 - (a) The Division Director may choose to institute a formal selection process for candidates eligible to promote to the rank of Captain. This process may include, but is not limited to, the following elements:
 - (1) Interview Board: qualified candidates may be interviewed by the Division Director or designee, a Deputy Director, a Major, and a Captain.
 - (2) Evaluation of an applicant's relevant training and experience.
 - (b) Promotions to Captain are made at the discretion of the Division Director based on the outcome of the selection process.

J Promotion to Major

- (1) Promotions to Major are made at the discretion of the Division Director based on an applicant's relevant training and experience.

K Promotion to Lieutenant Colonel

- (1) Promotions to Lieutenant Colonel are made at the discretion of the Division Director, with the approval of the Executive Director, based on an applicant's relevant training and experience.

L Promotion of Non-Sworn Members

- (1) The Division of Law Enforcement does not conduct a promotional process for non-sworn members. Positions available in the Division are defined by the State of Florida Department of Management Services as original appointments, promotions or reassignments.
- (2) Vacant non-sworn positions may be posted to People First and open to eligible members, internal agency, or external applicants.

M Voluntary Demotion

- (1) Sworn Members in good standing may voluntarily demote to an available Law Enforcement position, if requested by the member and agreed to by the Division Director. A voluntary

demotion may be denied or delayed at the Division Director's discretion if the member is the subject of a current internal investigation or pending disciplinary action.

- (2) Before approving a demotion to an investigative or non-bargaining unit position, the Division Director will consider the employee's suitability for the position and may convene a board to assess the employee's fitness for the position.
- (3) When members are demoted, based upon a voluntary request, they will receive a reduction in pay. The reduction will be based upon the following guidelines:
 - (a) They will be reduced to the rate of pay of an officer, plus any legislative pay increases that occurred after they left the officer classification. If demoting to a class other than officer, the member will be reduced to the rate of pay for an officer plus any legislative pay increases, plus an additional 10% or to the base pay of the class demoted to, which ever is greater. A member's final pay shall not exceed the maximum of the pay range of the class to which the member is demoted.
 - (b) All voluntary demotions are subject to review and approval by the Division Director. Voluntary demotions may be granted in other circumstances by virtue of a settlement agreement.

N Reclassification of Non-Vacant Positions

- (1) In order to facilitate necessary changes to the Division's organizational structure, it may become necessary to occasionally reclassify positions currently occupied by a member.
 - (a) If the proposed reclassification would change a member's rank below the rank currently held by the incumbent, the salary reduction program described in Section K is not applicable. Instead, an affected member may retain the salary associated with the position prior to the reclassification.
 - (1) If the reclassification results in a demotion for a member who has attained permanent status in his current position, the member may accept a voluntary demotion, and will be demoted with permanent status provided the member held permanent status in the agency in the lower position; or the member may appeal the action in accordance with Section 110.227, Florida Statutes or grieve the action in accordance with an applicable collective bargaining agreement.
 - (b) Any reclassifications will be done on a case by case basis determined by agency needs and at the discretion of the Division Director. If the classification is contained in a bargaining unit represented by a certified bargaining representative, the representative shall be notified of the proposed reclassification and afforded the opportunity to impact bargain over the change.

4 FORMS

FORM NUMBER	FORM TITLE
	Incident Summary Report
FWC/DLE-523A	Form Change Request