

ORDINANCE NO. 2017-005

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF COCONUT CREEK BY AMENDING CHAPTER 21, "PERSONNEL ADMINISTRATION," ARTICLE I, "CIVIL SERVICE CODE," SECTIONS 21-1, "GENERAL PROVISIONS;" 21-2, "ORGANIZATION FOR ADMINISTRATION;" 21-5, "EMPLOYMENT INFORMATION AND REQUIREMENTS;" 21-6, "EXAMINATIONS" BY RE-TITLING IT, "EMPLOYEE RECRUITMENT AND HIRING PROCEDURES;" 21-8, "APPOINTMENTS;" 21-9, "EMPLOYEE BENEFITS;" 21-10, "ATTENDANCE AND LEAVE;" 21-11, "PERFORMANCE EVALUATIONS AND PAY-FOR-PERFORMANCE;" 21-17, "SEPARATIONS;" AND 21-18, "AMENDMENT OF PERSONNEL RULES;" BY REPEALING ARTICLE I, "CIVIL SERVICE CODE," SECTION 21-7, "ELIGIBLE LISTS," IN ITS ENTIRETY; AND BY AMENDING ARTICLE II, "AT-WILL EMPLOYEE POLICIES AND PROCEDURES MANUAL," SECTIONS 21-19, "GENERAL PROVISIONS;" 21-22, "EMPLOYMENT INFORMATION AND REQUIREMENTS;" 21-23, "APPOINTMENTS;" 21-24, "EMPLOYEE BENEFITS;" 21-25, "ATTENDANCE AND LEAVE;" 21-26, "EVALUATIONS/PAY-FOR-PERFORMANCE INCREASES;" AND 21-29, "AMENDMENT OF RULES AND REGULATIONS;" IN ORDER TO UPDATE THE TERMS AND CONDITIONS OF CITY EMPLOYMENT, PROVIDE CROSS-REFERENCES TO APPLICABLE ADMINISTRATIVE ORDERS AND PROVIDE CLARIFICATION FOR SAME; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City is committed to providing a competitive compensation and benefits package designed to attract and retain highly-qualified employees while maintaining fiscal responsibility; and

WHEREAS, the City Manager has recommended certain amendments to the Civil Service Code and the At-Will Employees Policies and Procedures Manual that clarify or alter terms and conditions of employment; and

WHEREAS, the City Commission finds and determines that these amendments are in the best interest of the City; and

WHEREAS, Section 166.021, Florida Statutes, reinforces the authority granted under the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law, and to enact ordinances in furtherance thereof.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AS FOLLOWS:

Section 1: That the City's Code of Ordinances shall be amended by amending Chapter 21, "Personnel Administration," Article I, "Civil Service Code," Sections 21-1, "General Provisions;" 21-2, "Organization For Administration;" 21-5, "Employment Information and Requirements," 21-6, "Examinations" by re-titling it, "Employee Recruitment and Hiring Procedures;" to read as follows:

ARTICLE I. - CIVIL SERVICE CODE

SECTION 21-1. - GENERAL PROVISIONS

Sec. 21-1.1. - Definitions.

The following terms, phrases, words and other derivations shall have the meanings as listed below:

1.1.1. *Alternate* shall be defined as a Board member who has been appointed by the City Commission or elected by the employees to serve when a quorum cannot be formed.

~~1.1.2. *Assembled examination* shall be defined as an examination administered to a group of applicants at a specified time.~~

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- 1.1.32. *At-will employee* or *At-will position* shall mean an employee/position that is excluded from the provisions of the Civil Service Code, and is not covered under a collective bargaining agreement.
- 1.1.2. *Average workshift* shall mean the number of hours in the employee's regularly scheduled workweek divided by five (5) regardless of the number of days the employee is scheduled to work.
- 1.1.3. *Board* means the Civil Service Board.
- 1.1.4. *City* means the City of Coconut Creek.
- 1.1.6. *Civil Service* shall encompass all positions not specifically identified as at-will or represented by a bargaining unit.
- 1.1.7. *Contract employee* shall mean an at-will employee whose terms and conditions of employment are governed by a contract between the contract employee and the City.
- 1.1.8. *Exempt employee*, or *FLSA-Exempt employee*, shall mean an employee who is paid on a salaried, versus hourly, basis and is exempt from the overtime provisions of the Fair Labor Standards Act (FLSA).
- 1.1.9. *Full-time employee* shall mean an employee who works a minimum of thirty (30) hours per week on a continuous year-round basis.
- 1.1.910. *Grievance* shall mean a dispute concerning the interpretation or application of this Civil Service Code.
- 1.1.4011. *Immediate family* shall be defined as an employee's spouse, child, parent, parent-in-law, sibling, step-child, grandparent, step-parent, step-sibling, half-sibling, sibling-in-law, child-in-law, grandchild, or step-grandchild ~~or partner registered under the Broward County Domestic Partnership Ordinance.~~
- 1.1.4412. *Layoff* shall mean the separation from employment due to such reasons as lack of work, economic reasons or because of reorganization of the City, its departments or jobs or due to the needs of the City.
- 1.1.4213. *May* shall be interpreted as permissive.
- ~~1.1.13. *Non-assembled examination* shall be defined as an examination that is given on a continuous basis.~~

1.1.14. *Non-exempt employee*, or *FLSA-Non-exempt employee*, shall mean an employee who is paid on an hourly basis and subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

1.1.15. *Part-time employee* shall mean an employee who works fewer than thirty (30) hours per week on a continuous year-round basis.

1.1.16. *Probationary employee* is an employee who has not completed the original probationary period of at least twelve (12) months.

~~1.1.16. *Reallocation* shall mean the pay range adjustment (upward or downward) for a position in a class to allow recruitment at entry level as warranted by a wage study of similar positions.~~

1.1.17. *Promotional probationary period* shall mean the trial period following a promotion.

1.1.18. *Re-employment list* shall mean the listing of those employees who have been laid off.

~~1.1.18. *Promotional probationary period* shall mean the trial period following a promotion.~~

1.1.19. *Regular employee* shall mean an employee who has successfully completed the original probationary period and is employed in continuous year-round service.

~~1.1.20. *Part-time employee* shall mean an employee who works fewer than thirty (30) hours per week on a continuous year-round basis.~~

~~1.1.21. *Full-time employee* shall mean an employee who works a minimum of thirty (30) hours per week on a continuous year-round basis.~~

1.1.22. *Shall* is to be interpreted as mandatory.

1.1.23. *Temporary employee* shall mean an employee who is employed in a temporary capacity, for a specific period of time, typically not to exceed six (6) months, and receives no City benefits.

1.1.24. *Termination* shall mean the discharge, dismissal, removal or otherwise permanently severed from employment with the City.

1.1.~~25~~23. *Workday* or *normal workday* shall mean the number of hours regularly scheduled for an employee to work during a twenty-four-hour period. The term shall not mean a guarantee of a minimum number of hours per day or per week.

1.1.~~26~~24. *Workweek* or *normal workweek* means the number of hours regularly scheduled for an employee to work during the seven (7) consecutive days commencing and ending on the days defined by the payroll cycle. The term shall not mean a guarantee of any minimum number of hours per day or per week.

1.1.~~27~~. Reserved.

1.1.~~28~~. *Average workshift* shall mean the number of hours in the employee's regularly scheduled workweek, divided by five (5).

Sec. 21-1.2. - Authority and administration.

1.2.1. ~~These policies and procedures~~ This Article shall apply to and govern all civil service employees of the City regardless of the time of creation of the office or position or appointment to that position.

SECTION 21-2. - ORGANIZATION FOR ADMINISTRATION

Sec. 21-2.1. - The Civil Service Board.

There shall be a Civil Service Board who shall consist of five (5) members as follows:

2.1.1. Two (2) members shall be appointed by the City Commission who shall be residents of the City of Coconut Creek and who shall not be employees of the City.

2.1.2. Two (2) members, elected by majority vote of the regular employees who shall be regular employees holding regular full-time positions in the Civil Service provided, however, that such members shall not be employed in the same City department and shall not be employees of the Human Resources, City Manager, City Commission, City Clerk, or City Attorney departments. Employees who are serving promotional probation may vote, as long as they have successfully completed a twelve-month probationary period.

2.1.3. One (1) member shall be appointed by the City Manager and shall be a resident of the City of Coconut Creek and ~~who~~ shall not be an employee of the City.

2.1.4. There shall be two (2) alternate members to the Civil Service Board, one (1) of whom shall be elected by the employees and shall hold a regular full-time position in the Civil Service, shall not be employed in the same City department as the regular employee members, and shall meet the requirements and restrictions described in 21-2.1.2, and one (1) of whom shall be appointed by the City Commission (who shall not be a City employee but who shall be a resident of the City).

If needed, there may be elected temporary alternates for the employee members position, elected to hear grievances or appeals in which the regular member and/or alternate have a conflict of interest as described in Section 2.1.8 below.
~~are members of the same department as the grievant.~~

2.1.5. All terms shall be for two (2) years.

2.1.6. Any unexpired term vacancy shall be filled by the electing or appointing authority.

2.1.7. ~~On or before October 1st of each fiscal year, the~~The bBoard shall elect its eChairperson and vVice-eChairperson, who shall serve in those respective positions for the ensuing year, ~~ending September 30th.~~ No eChairperson or vVice-eChairperson shall serve in such position beyond the term for which appointed or elected to the Civil Service Board.

2.1.8. The Civil Service Board shall have the following powers:

- A. Hear appeals in the method provided in this Code of any regular employee in the civil service who has been suspended without pay for more than three (3) work shifts, demoted or dismissed and report its decision in writing to the City Manager.
- B. Hear appeals in the method provided in this Code of any Regular Employee in the civil service who has a grievance as provided in Section 15 of the Civil Service Code and report in writing its recommendations to the City Manager.
- C. Establish its own rules for the conduct of Civil Service Board meetings as well as to establish requirements for attendance by members of the Board.
- D. ~~An employee member of the Board shall be prohibited from voting on any matter involving an appeal by an employee in the same department as the employee member. In this instance, there will be an elected alternate employee representative who will sit for the hearing.~~ A Board member shall be prohibited from voting on any matter presenting a conflict of interest, including but not limited to, an appeal by a family member or someone with whom the Board member has a close working or personal relationship. If the City and appellant do not agree as to whether a conflict of interest exists, the remaining Board members shall decide by majority vote (with a tie resulting

in the Board member in question being prohibited from voting). In such instances, an elected alternate employee representative will vote on the matter being heard.

- ~~E. If requested by the Director of Human Resources, aid in the administration of examinations for new and replacement personnel under the Code, except for uniform services which may, with permission of the Board, be administered by a state or county agency that can provide the City with qualified applicants.~~
- ~~F. If requested by the Director of Human Resources, aid in the administration of all promotional examinations for vacancies to a higher position for all classified personnel.~~

Sec. 21-2.4. - The Director of Human Resources.

The City Manager shall appoint a Director of Human Resources who shall be responsible to the City Manager for the administrative and technical direction of the City Personnel Program. He/she shall be known as the Director of Human Resources (which may be used interchangeably with Human Resources Director or Director of Human Resources and Risk Management) and shall:

SECTION 21-5. - EMPLOYMENT INFORMATION AND REQUIREMENTS

Sec. 21-5.1. - General guidelines for employment

5.1.2. *Basis of employment.* All employment with the City shall be based upon merit, knowledge, skill, ability, qualifications and moral fitness as evidenced by:

- A. Training and experience as reflected by the application form and other documentation of certification, registration, etc.
- B. Psychological examination and/or performance tests (when applicable).
- C. Pre-employment (after conditional offer of employment is made) physical examination and drug testing ~~shall~~ may be required to determine whether the individual can effectively perform the essential duties and functions of the position for which he/she is applying with or without reasonable accommodation. Such examination shall be performed by a eCity-designated physician and laboratory and paid for by the City.
- D. Background investigation of the individual, his/her training, education or other characteristics related to being an employee of the City.

Sec. 21-5.2. - Nepotism.

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5.2.4. Family members for the purpose of this section only, mean: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or registered domestic partner ~~registered under the Broward County Domestic Partnership Ordinance.~~

~~Sec. 21-5.3. - Political religious restrictions.~~

~~5.3.1. No political, racial, ethnic, gender, fraternal or religious affiliation shall be considered as a qualifying or disqualifying condition for or against employment with the City of Coconut Creek.~~

~~5.3.2. No political, racial, ethnic, gender, fraternal or religious affiliation shall be permitted to influence any action or recommendation relative to present employees.~~

~~Sec. 21-5.4. - Residence.~~

~~There shall be no requirement of residence for filing application for a position in the City service. Appointees to positions in the City service shall, within ninety (90) days from the date of appointment, establish residence and actually reside during their period of employment within the counties of Broward, Miami Dade or Palm Beach.~~

~~Sec. 21-5.5. - Minimum qualifications.~~

The Director of Human Resources may, after consultation with the Department Directors concerned, prescribe specific requirements, physical or otherwise as in his/her judgment are required bonafide occupational qualifications by the nature of the work to be performed. Such requirements shall be shown in the position announcement, and shall constitute the minimum qualifications to apply for any particular position.

~~Sec. 21-5.6. - Physical standards.~~

~~*Requirements for physical and/or psychological examinations and/or drug testing.* All new, reemployed, reinstated and transferred employees may be required to undergo a prescribed psychological and/or physical examination and/or drug testing to be administered by a licensed physician and/or laboratory, designated by the City. The purpose of the examination will be to determine and certify the psychological and physical fitness of the applicant and to assess his/her ability to perform the essential duties and~~

~~functions of the position with or without reasonable accommodation for which appointment is being considered.~~

~~A physical and/or psychological examination may be requested for an employee any time after the original date of employment at the discretion of the Director of Human Resources, and subject to the approval of the City Manager. Determination of physical and/or mental fitness to perform the essential duties and functions of the position with or without reasonable accommodation will be by a physician or physicians designated by the Director of Human Resources.~~

~~When an employee of the City is reported by the examining physician to be physically or psychologically unable to perform the essential duties and functions of the position which he/she is employed, with or without reasonable accommodation, such employee may, within five (5) days from the date of his/her notification of such determination by the examining physician, indicate, in writing, to the Director of Human Resources, his/her intention to submit the questions of his/her physical or psychological fitness to a physician of his/her choice. In the event there is a difference of opinion between the employee's physician and the City's physician, the Civil Service Board shall select a third physician to examine the employee.~~

~~The Civil Service Board shall, after having reviewed all three (3) physicians' determinations have the final and binding authority to decide the physical and/or psychological fitness of the employee to perform the essential duties and functions of the position in which he/she is employed with or without reasonable accommodation based upon identical recommendations by two (2) of the three (3) physicians. Those applicants given pre-conditional offers of employment who are determined to be physically and/or psychologically unable to perform the essential duties and functions of the position with or without reasonable accommodation shall not be appointed. When it has been determined by the Civil Service Board that a current employee, is physically and/or psychologically unable to perform the essential duties and functions of the position with or without reasonable accommodation, in the position in which he/she is employed may be demoted or terminated from the City Service in accordance with this Code.~~

~~Sec. 21-5.74. - Age requirements.~~

~~It shall be the policy of the City that there be no discrimination in the employment of any person on the basis of age. However, the minimum age for full-time employment with the City shall be eighteen (18) unless the applicant has graduated from high school, earned a GED or is currently enrolled in school or a GED program.~~

~~Sec. 21-5.8. - Vacancy and examination announcement.~~

~~Public notice of vacancies and employment examinations shall be given at least eight (8) calendar days in advance of the closing date of the Position Opening Listing (POL),~~

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~~by posting POL announcements on Government Center bulletin boards and in such other places and such other manner as the Director of Human Resources may deem advisable.
Sec. 21-5.9. - Filing of application.~~

~~All applicants for positions in the City service must file a written application on the form prescribed by the Director of Human Resources within the time limit fixed in the position announcement.~~

~~Sec. 21-5.10. - Rejection of application.~~

~~The Director of Human Resources shall reject any application or applicant where he/she has determined:~~

~~5.10.1. That the application was not filed within the period specified in the position announcement, was not filed on the prescribed form, or was incomplete.~~

~~5.10.2. That the applicant lacks any of the required qualifications set forth in the position announcement.~~

~~5.10.3. That the applicant is unable to perform the essential duties and functions of the position in which he/she seeks employment with or without reasonable accommodation.~~

~~5.10.4. That the applicant has made false statements of a material fact, or practices or attempted to practice any fraud or deception in his/her application or test, or in attempting to secure an appointment. If appointed, the Director of Human Resources may cancel the certification and appointment.~~

~~5.10.5. That the applicant was previously in the City service and was removed for cause or resigned not in good standing.~~

~~5.10.6. That the applicant, after notification, did not promptly present himself/herself at the time and place designated for an examination, interview, or other required appointment.~~

~~5.10.7. The applicant has an employment history that is inconsistent with the effective performance of the duties of the position which he/she is applying.~~

~~5.10.8. That the applicant has previously been convicted of a felony or first degree misdemeanor directly related to the position for which application has been made as per 112.011, Florida Statutes, as may be amended.~~

~~Sec. 21-5.11. - Notice of rejection of application.~~

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~~Whenever an application or applicant is rejected, written notice of such rejection and the reasons for the action shall be given to the applicant by the Director of Human Resources.~~

~~Sec. 21-5.12. Postponement and cancellation of examination.~~

~~Any examination may be postponed or cancelled at the discretion of the Director of Human Resources. In either case, each applicant shall be notified of the postponement or cancellation and the reasons for the action.~~

~~Sec. 21-5.13. Employment of the disabled.~~

~~A disabled person shall be defined as any person having an impairment that substantially limits one (1) or more major life activities.~~

~~Disabled persons will be considered for employment by the City, unless it is shown that the particular disability prevents the satisfactory performance of the essential duties and functions of the position for which application has been made with or without reasonable accommodation.~~

~~Sec. 21-5.14. Veteran's preference.~~

~~Veterans applying for re-employment, reinstatement and preference shall be accorded such preference as required by Chapter 295, Florida Statutes, as may be amended from time to time.~~

~~Sec. 21-5.155. - Driver license update requirements.~~

~~5.155.1. The City may require and confirm the status of a valid driver license and a good driving record for all applicants for and employees in positions required to obtain the current driver license status for all employees who drive City vehicles.~~

~~5.155.2. Employees required to drive a City vehicle shall maintain a valid driver license. Upon notification that if an employee's driver license has been expired, suspended, or revoked, the affected employee shall, within forty-eight (48) hours of such verification, he or she must notify his or her supervisor within twenty-four (24) hours and provide proof of having a valid driver license within forty-eight (48) hours.~~

SECTION 21-6. - EXAMINATIONS EMPLOYEE RECRUITMENT AND HIRING PROCEDURES

~~Sec. 21-6.1. Recruitment by examination.~~

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~~6.1.1. All appointments in the classified service shall be made according to skill, ability, qualification, merit and fitness. Skill, ability, qualification, merit, and fitness shall be ascertained by examinations which shall be prepared, conducted, and/or approved by the Director of Human Resources. All examinations shall be impartial and shall relate to those matters which will test fairly the capacity and fitness of the applicants to discharge efficiently the duties of the positions to be filled.~~

~~6.1.2. Examinations may be assembled or non-assembled, and may include written, oral, physical tests, performance tests, interviews, ratings, training, experience, computer-based examinations, criteria rating forms, or any combination of these. They may take into consideration character, physical fitness or any other qualifications or attributes which, in the judgment of the Director of Human Resources, enter into a determination of the relative fitness of applicants.~~

Sec. 21-6.1. The City shall abide by all local, state, and federal laws pertaining to the recruitment, selection, and hiring of employees.

Sec. 21-6.2. - Reserved. The City's procedures for recruiting, selecting, and hiring employees are outlined in the Human Resources Recruitment and Hiring Policies and Procedures.

Sec. 21-6.3. - Examinations.

~~6.3.1. The Director of Human Resources may conduct examinations for positions on a continuous, non-continuous, assembled or non-assembled basis.~~

~~6.3.2. The Director of Human Resources shall determine the minimum qualifying grade for any part or parts of an examination.~~

~~6.3.3. Appropriate scientific techniques and procedures shall be used in rating results of examinations and in determining the relative ratings.~~

~~6.3.4 Any applicant who fails to attain at least this minimum grade shall be considered to have failed the examination and shall not be considered eligible for the position for which the examination was conducted. However, the applicant is eligible to compete in another examination for the same class during a subsequent recruitment period.~~

~~6.3.5. Any applicant shall have the right to make one (1) personal inspection of his/her examination papers within thirty (30) calendar days from the date of testing. A manifest error in rating a test or test procedure shall be corrected if called to the attention of the Director of Human Resources within the inspection period. Such corrections shall not invalidate any appointment previously made from such a list.~~

~~Secs. 21-6.4, 21-6.5. - Reserved.~~

Section 2: That the City's Code of Ordinances shall be amended by amending Chapter 21, "Personnel Administration," Article I, "Civil Service Code" by repealing Section 21-7, "Eligible Lists" in its entirety as follows:

~~SECTION 21-7. - ELIGIBLE LISTS RESERVED~~

~~Sec. 21-7.1. - Establishment of eligible lists.~~

~~7.7.1. The Director of Human Resources shall establish and maintain such eligible lists for the various classes of positions as are necessary to meet the needs of the service. Each such list shall contain the names of those persons who are deemed by virtue of the recruitment and/or examination process to be qualified to perform the duties required in the specific class.~~

~~7.1.2. Current City employees whose names appear on the eligible list shall be afforded the opportunity to interview for the position.~~

~~7.1.3. Selection for each competitive vacancy shall be made from those persons whose names appear on the eligible list.~~

~~Sec. 21-7.2. - Duration of lists.~~

~~7.2.1. The duration of each eligible list, and the names appearing thereon, shall be determined by the Director of Human Resources and shall not be less than six (6) months nor more than two (2) years.~~

~~7.2.2. An eligibility list may be abolished, at the discretion of the Human Resources Director, upon expiration of the advertised duration period or when there are five (5) or fewer names remaining on the eligibility list, or when every person named on the list has been considered for employment, but not appointed, whichever comes first. When an eligibility list containing names is abolished for a reason other than expiration of the advertised duration period, the person(s) whose name(s) remain(s) on the list shall be notified in writing that the list is abolished and the reason(s) for abolishment. Such persons shall be eligible to reapply for such a position upon a new Position Opening Listing being advertised and posted for the position; however such person must still meet the minimum qualifications for such position in order to have their names added to the new eligibility list for such position.~~

~~Sec. 21-7.3. - Reemployment lists.~~

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~~7.3.1. A regular employee who has been involuntarily separated from the City service as a result of a layoff shall have his/her name placed on a reemployment list for the same class and position held at the time of separation. The name of such employee shall be placed upon the list in the order of his/her total continuous time served in the class.~~

~~7.3.2. Such employee shall be eligible for reemployment for a period of one (1) year from the effective date of his/her layoff. It shall be the responsibility of each employee to keep the City advised of his/her current whereabouts. Any and all reemployment rights shall terminate upon employee's failure to accept the position offered within ten (10) calendar days following the notice of reemployment.~~

~~Sec. 21-7.4. - Removal of names from list.~~

~~The Director of Human Resources may at any time, remove the name of an eligible person from a list for any one (1) or more of the following causes:~~

~~7.4.1. At the request of the eligible.~~

~~7.4.2. Failure to respond to notice to appear for interview, testing, or other required appointment within the time limited in such notice.~~

~~7.4.3. Declining an appointment.~~

~~7.4.4. Failure to notify the Director of Human Resources of a change of address.~~

~~7.4.5. Appointment to a regular position through certification from a list for another class at the same or higher salary.~~

~~7.4.6. In any case where the Director of Human Resources finds that an eligible is or has in any manner become disqualified for the class for which he/she is listed.~~

~~7.4.7. In the event employee has failed to maintain a minimum or satisfactory level of performance in his/her present classification.~~

~~Sec. 21-7.5. - Restoration of names to eligible lists.~~

~~7.5.1. Whenever any person's name is removed from an eligible list for any one (1) or more of the causes mentioned in the preceding section, they shall immediately be notified thereof unless their whereabouts are unknown.~~

~~7.5.2. Such person may, within five (5) calendar days from date of removal, make a written request to the Director of Human Resources for restoration of his/her name to such list for the duration of his/her eligibility. The request shall set forth the reason for the conduct resulting in removal of the name from the list, and shall further specify the reasons given for restoration of the name.~~

~~7.5.3. The Director of Human Resources after full consideration of the request, may restore the name to the eligible list or may refuse such request. The person shall be notified in writing of the Director of Human Resource's action. Applicants who are current employees of the City may appeal the decision made by the Director of Human Resources to the City Manager, whose ruling shall be final and binding.~~

Section 3: That the City's Code of Ordinances shall be amended by amending Chapter 21, "Personnel Administration," Article I, "Civil Service Code," Sections 21-8, "Appointments;" 21-9, "Employee Benefits;" 21-10, "Attendance and Leave;" 21-11, "Performance Evaluations and Pay-For-Performance;" 21-17, "Separations;" and 21-18, "Amendment of Personnel Rules" to read as follows:

SECTION 21-8. - APPOINTMENTS

Sec. 21-8.2. - Promotional appointment.

8.2.4. Performance Evaluation. A promotion changes an employee's anniversary date for performance evaluation purposes. However, upon promotion, an employee may be eligible for a prorated pay-for-performance, based on the number of months spent in the prior position, subject to the provisions of the Administrative Order related to evaluations and pay-for-performance. ~~who was at least six (6) months into the annual evaluation period for the previous position shall receive a performance evaluation for the previous position, and a prorated pay-for-performance increase shall be awarded based on the number of full months the employee served in that position. Such pay for performance shall be based on a percentage of the pay earned prior to the promotion, and shall be calculated prior to any pay increase earned as a result of the promotion.~~

Sec. 21-8.11. - Temporary assignment.

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8.11.3. *Rate of pay.* An employee who is temporarily assigned the duties and responsibilities of a position which has a higher pay classification than the permanently assigned position shall be compensated at four percent (4%) above his/her current pay rate, after serving at least ~~five (5)~~ seven (7) consecutive workingcalendar days in the temporary assignment. The higher rate of pay shall begin on the first day following the completion of the ~~five (5)~~ seven (7) consecutive workingcalendar days minimum service.

SECTION 21-9. - EMPLOYEE BENEFITS

~~Employees in the Civil Service~~ employees shall be entitled to ~~the following certain employment benefits, which may vary by full-time or part-time status and FLSA exemption status.~~ Benefits are available to full-time and part-time employees, except those designated as being available only to full-time employees. The City reserves the right to alter employee benefits contained herein, ~~with financial impacts subject to if approved by the City Commission's approval through the annual budget process or other appropriate Commission action.~~ Details of the following employment benefits, including eligibility, shall be outlined by Administrative Order:

Sec. 21-9.1. - Longevity plan.

~~9.1.1. Longevity payment shall be made one (1) time per year, payable the first bi-weekly pay period in December, based on the following longevity schedule:~~

- ~~A. After completion of three (3) years of service\$250.00~~
- ~~B. After completion of six (6) years of service\$400.00~~
- ~~C. After completion of nine (9) years of service\$550.00~~
- ~~D. After completion of twelve (12) years of service\$700.00~~
- ~~E. After completion of fifteen (15) years of service\$850.00~~

~~9.1.2. Longevity eligibility is defined by the years of service as of November 30th of the year the longevity payment is being awarded.~~

~~9.1.3. Longevity shall not be calculated with the employee's wage, but will be maintained as a separate benefit.~~

Sec. 21-9.2. - Retirement plan.

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~~9.2.1. Employees hired into full-time positions prior to May 1, 2002 elected to either remain in the ICMA Retirement Corporation's 401(a) Money Purchase Plan or to become a participant in the Florida Retirement System (FRS). This election was irrevocable. Full-time employees hired on or after May 1, 2002, and part-time employees, regardless of hire date, shall be participants of the FRS unless prohibited by state law. All FRS terms and conditions, including the required city contribution and the required employee contribution, if applicable, are as provided by Chapter 121, Florida Statutes and the Florida Administrative Code, as may be amended from time to time. If any conflict arises between section 21-9.2. and State and/or Federal law, the State and/or Federal law shall prevail.~~

~~A. Employees hired into full-time positions prior to May 1, 2002.~~

~~1. ICMA 401(a) Money Purchase Plan. This defined contribution plan is only available to those who were employed in full-time positions prior to May 1, 2002 and who elected to remain in the ICMA 401(a) plan. The city's contribution shall be fourteen percent (14%) of the employee's gross wages. Employees shall be required to make a mandatory contribution to the plan. Once each year, on or before the first pay in October, participants remaining in the ICMA Retirement Corporation's 401(a) plan, based on a majority vote, shall have the right to increase or decrease the percentage of their mandatory contribution into the ICMA 401(a) Account, provided that the total contribution shall not exceed the limits mandated by the Internal Revenue Code. The retirement age from city service and other plan provisions shall be defined in the ICMA plan documents.~~

~~2. Florida Retirement System (FRS). For those who were employed in full-time positions prior to May 1, 2002 and who elected to join the FRS, 2.a. below shall apply. For Fiscal Years 2014 and 2015 only, either 2.a. or 2.b. below shall apply only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, whichever provides the greater employee benefit:~~

~~a. For those who were employed in full-time positions prior to May 1, 2002 and who elected to join the FRS, there may be a Residual Amount, which is defined as the difference between fourteen percent (14%) of their eligible earnings and the percentage of eligible earnings the city is required to contribute to the FRS. The city shall contribute any Residual Amount into the employee's ICMA Retirement Corporation's 457 Deferred Compensation Plan account. If the amount to be contributed to the FRS as determined by the State of Florida increases to an amount equal to or exceeding fourteen percent (14%) of the employee's eligible earnings, the Residual Amount shall be reduced to zero percent (0%), and there shall be no additional contribution into an employee's 457 account unless the city's required FRS contribution subsequently decreases to less than fourteen percent (14%) of the employee's eligible earnings. Employees who effectively retire by entering the FRS Deferred~~

~~Retirement Option Program (DROP) cease eligibility for any city 457 contribution.~~

~~b. For Fiscal Years only, in the event of a mandatory employee contribution to the FRS, the city shall contribute an equivalent percentage only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, not to exceed three percent (3%), of eligible earnings to the employee's ICMA 457 account.~~

~~B. Employees hired into full-time positions on or after May 1, 2002 but before July 1, 2011. Employees hired into part-time positions before July 1, 2011 shall be participants in the FRS unless participation is prohibited by Florida Statutes. There shall be no city contribution to the employee's ICMA 457 account, except that. However, for Fiscal Years 2014 and 2015 only, in the event of a mandatory employee contribution to the FRS, the city shall contribute an equivalent percentage only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, not to exceed three percent (3%) of eligible earnings to the employee's ICMA 457 account. If the city's required FRS contribution exceeds 7.77% for Regular Class or 20.25% for Special Risk Class, the city's 457 contribution shall be decreased or eliminated so that the combined city payment does not exceed 10.77% or 23.25%, respectively, of eligible earnings. Once the city's 457 contribution is eliminated, any future reduction to the city's required FRS contribution shall not result in reinstatement of the 457 contribution.~~

~~C. Employees hired into full-time or part-time positions on or after July 1, 2011 shall be participants in the FRS unless participation is prohibited by Florida Statutes. There shall be no city contribution to the employee's ICMA 457 account.~~

~~9.2.2. Employees Hired into Full-time or Part-time positions following Retirement from the FRS shall be required to abide by all reemployment requirements as provided by Chapter 121, Florida Statutes, and the Florida Administrative Code, as may be amended from time to time, which may prohibit renewed membership in the FRS, in which case the employee would have no City-funded retirement benefit.~~

~~9.2.3. All full-time and part-time employees shall have the option of establishing and contributing to an ICMA Retirement Corporation 457 Deferred Compensation Plan or other voluntary employee retirement plans offered by the City, as may be amended from time to time.~~

~~Sec. 21-9.3. - Insurance program.~~

~~9.3.1. The City shall make available to all full-time employees a group insurance program which shall include, but not be limited to:~~

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~~A. Health and accident insurance including major medical insurance~~

~~B. Life insurance~~

~~C. Accidental death and dismemberment insurance~~

~~D. Short-term Disability Insurance~~

~~During open or initial enrollment, all employees who decline the City's group medical insurance shall show proof of such coverage through another policy.~~

~~9.3.2. The City Commission shall determine the City's contribution toward the cost of such insurance program through the annual budget process, and shall be outlined in an Administrative Order, pursuant to the City's Section 125 Plan Documents. City contributions shall be made on a pro rata basis each pay period.~~

~~9.3.3. If the cost of the health insurance program selected by the employee exceeds the City's contribution, the employee shall pay the balance on a pro rata basis each pay period through payroll deduction or through the conversion of accrued sick leave and/or vacation leave, pursuant to the guidelines outlined by Administrative Order, subject to funding through the annual budget process.~~

~~9.3.4. Reserved.~~

~~9.3.5. The City reserves the right to change the insurance carriers or the method of funding said group insurance programs.~~

~~9.3.6. The City agrees to provide a Long Term Disability insurance policy for full-time employees at no cost to the employees.~~

~~9.3.7. Retirement Medical Compensation Program.~~

~~A. The Retirement Medical Compensation Program provides for compensation for those employees eligible for the City's group health insurance plan to continue purchasing medical insurance after the employee has retired from City service until the retiree becomes eligible for Medicare.~~

~~B. All regular, full-time employees are eligible for the Retirement Medical Compensation Program after attaining a minimum age of fifty-five (55) and after having completed ten (10) years of continuous service.~~

~~C. This Retirement Medical Compensation Program shall provide one hundred fifty dollars (\$150.00) per month, for the benefit of the retiree, toward insurance premiums.~~

~~Any charges above one hundred fifty dollars (\$150.00) either due to rate changes or family status, shall be the obligation of the retiree payable to the City to be paid quarterly in advance of the premium due date. If a retiree is insured through a program not sponsored by the City, the benefit of one hundred fifty dollars (\$150.00) shall be provided directly to the retiree. Retirees may be requested in writing to provide proof of coverage through a program not sponsored by the City. If a retiree fails to provide proof of coverage, the Retirement Medical Compensation Program shall cease, and the retiree shall receive no further payments. Employees shall provide a thirty-day written notice to the City's Human Resources Director prior to retiring from City service. Should an employee retire without giving thirty-day written notice, a claim for benefits pursuant to this subsection shall be filed and received by the City by the last day of the month in which retirement occurred. If such a claim is not received by the last day of the month in which retirement occurred, said claim shall be forever barred.~~

~~9.3.8. Retirement Medical Entitlement. Retirement from the City for the exclusive purpose of continuing City sponsored group insurance eligibility pursuant to Section 112.0801, Florida Statutes, as amended, is hereby defined as a full-time regular employee completing ten (10) years of continuous City service and attaining a minimum age of fifty-five (55). Employees shall provide a thirty-day written notice to the City's Human Resources Director prior to retiring from City service. Should an employee retire without giving thirty-day written notice, a claim for benefits eligibility pursuant to this sub-section shall be filed and received by the City by the last day of the month in which retirement occurred. If such a claim is not received by the last day of the month in which retirement occurred, said claim shall be forever barred.~~

~~9.3.9. Loss of eligibility for medical retirement compensation and retirement medical entitlement. Should a retired City employee subsequently enter into an employment relationship, in which an employer provides medical benefits and/or duplicated group benefits, the Retirement Medical Compensation Program and Retirement Medical Entitlement shall terminate. Upon written request from the City, retirees shall be required to provide the City their Federal W-2 Wage and Tax Statement on or before February 15 of each calendar year. Failure to provide the W-2 may result in the termination of the Retirement Medical Compensation Program and Retirement Medical Entitlement. The City reserves the right to cancel a retiree's health insurance benefit the first time the retiree's payment is forty-five (45) days past due, or if the payment is late by fourteen (14) days more than once in a 12-month period. In any event, this provision shall not provide deferred benefits upon retirement from City service. In this regard, any lapse in a retiree's medical coverage or City sponsored group benefits will forever terminate the Retirement Medical Compensation Program and Retirement Medical Entitlement.~~

Sec. 21-9.4. - ~~Voluntary Tuition Reimbursement Program (VTRP).~~

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~~9.4.1. Purpose. To provide tuition assistance to regular, full-time employees participating in accredited training or educational programs designed to strengthen their abilities, which in turn directly benefits the City. Final approval of such requests and the determination as to whether the program benefits the City shall be vested in the City Manager or designee.~~

~~9.4.2. Authority. The City Commission shall determine through the annual budget process the amounts of funds available for the VTRP. Requests for reimbursement are subject to the availability of funds for such program.~~

~~9.4.3. Procedure.~~

~~A. By April 1 of each year, employees shall notify the Director of Human Resources, in writing, of their intention to seek reimbursement in the upcoming fiscal year.~~

~~B. Such request requires approval by the Director of Human Resources and the City Manager, as job related.~~

~~C. Employee shall pay his/her tuition at time of enrollment in approved course.~~

~~D. Books, materials, supplies, activity fees and other school fees shall be the employee's responsibility.~~

~~E. The amount payable for such reimbursement shall be based upon and not exceed the established credit hour rate of tuition as charged in the state university system at the time enrolled, regardless of the employee's election to attend a private university or college. Upon employee's successful completion of approved course with a final grade of "P" or "S" or "A", the City will reimburse the employee for one hundred percent (100%) of the tuition; seventy-five percent (75%) reimbursement for a grade of "B"; and fifty percent (50%) reimbursement for a grade of "C", provided that employee furnishes payment receipt and official grade report. No payment shall be made for any other grade.~~

~~F. The maximum tuition reimbursement available to any employee shall be the equivalent of eighteen (18) credit hours for course work at either the State of Florida community college level or the State of Florida university level per year. Effective October 1, 2013, the City shall not approve reimbursement of tuition for classes that exceed eighteen (18) credit hours in a year to defer reimbursement of excess hours to a subsequent fiscal year. However, deferred reimbursement that was approved prior to October 1, 2013 for fiscal year 2013-2014 only will be reimbursed.~~

~~G. Training and/or study time will be undertaken during the employee's off-duty time.~~

~~H. Employee requesting educational assistance shall complete and submit an Educational Assistance Form to his/her immediate supervisor prior to the course start date. Such request shall require approval of the immediate supervisor, the Department Director, the Human Resources Director, the Finance & Administrative Services Director, and the City Manager. Employee shall pay the tuition at time of enrollment. Upon successful completion of approved course with a grade of "C" or higher, employee shall furnish the Human Resources Director with payment receipt and official grade report within fifteen (15) calendar days of the end of the current semester.~~

~~I. Any employee who does not follow the proper process for VTRP requests shall have the request deferred to the end of the fiscal year and shall be reimbursed only if budgetary funds are still available.~~

~~9.4.4. *Payment to City upon resignation.* If an employee resigns his/her employment with the City within twelve (12) months from the date of completion of any course for which employee has received City tuition reimbursement, then the amount of said reimbursement shall be repaid to the City by the employee by deduction from the employee's final paycheck.~~

~~9.4.5. In the event that the employee's final paycheck is lesser than the amount reimbursed and employee fails to reimburse the City within thirty (30) days, and the services of an attorney are required to collect such refund, such attorney's fees and court costs shall be added to the reimbursement owed to the City.~~

Sec. 21-9.5. - Leave benefits.

The City shall maintain a leave program as described in the Attendance and Leave section of this Code.

~~Sec. 21-9.6. - Reserved.~~

SECTION 21-10. - ATTENDANCE AND LEAVE

Sec. 21-10.1. - Hours of work.

Sec. 21-10.2. - Overtime Compensation.

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10.2.3. *Overtime Requirements.* When circumstances require reasonable overtime on the part of any employee, he/she will be asked to work such reasonable and scheduled overtime. Such overtime shall be performed only with authorization of the Department Director. Compensation for authorized overtime shall be provided in the budget and approved by the City Manager.

A. Employees shall be compensated at the rate of one and one half (1 ½) times their normal hourly rate or, in lieu of paid overtime, granted compensatory time as described under Section 10.6.10. of this Code for any hours exceeding 40 hours in a workweek. Hours that do not exceed 40 hours in a workweek shall be compensated at the regular rate. In declared emergency conditions, paid overtime shall be mandatory, and compensatory time shall not be granted.

B. Employees must have proper authorization prior to working overtime, including monitoring or responding to e-mails remotely or from a personal device, or altering/flexing hours. Employees who work overtime or flex work hours without proper authorization shall be subject to disciplinary action, up to and including termination.

~~C. Holiday pay shall not be considered hours worked for overtime purposes.~~

~~1. When an employee's regular day off falls on a holiday, the employee shall either be scheduled for an average workshift off during the same week, or shall receive one average workshift of holiday pay at the employee's regular rate of pay, whichever department operations permit.~~

2C. When ~~the~~ an employee works on ~~the~~ a holiday, he/she shall receive one (1) average workshift of holiday pay at the employee's regular rate of pay and the actual hours worked at the employee's overtime rate of pay.

3D. If an employee is called in to work on the employee's regular day off, or after arriving home after completing their work shift, ~~regardless of whether or not a holiday has occurred during the week,~~ the employee shall be paid overtime for the three (3)-hour minimum, or for time actually worked, whichever is greater.

DE. Employees shall submit all overtime/compensatory time entries within one (1) week of the overtime being worked. Overtime/compensatory requests must be rounded up or down to the nearest fifteen (15) minutes.

Sec. 21-10.6. - Leave.

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All authorized absences from work shall be covered under one of the following types of leave:

- a) Sick leave
- b) Funeral leave
- c) Military leave
- d) Vacation leave
- e) Holiday leave
- f) Leave of absence without pay
- g) Jury duty
- h) Occupational disability leave
- i) Non-occupational disability leave
- j) Compensatory leave
- k) Personal leave
- l) Family Medical Leave (FMLA)
- m) Administrative leave
- n) Job Basis leave

The use of all types of paid leave shall not be considered as a right which employees may use at their discretion. It is a benefit, and therefore, employees must request the use of paid leave from their supervisors prior to taking time off from work.

10.6.1. *Sick leave.*

- A. *Earned.* Each full time and part time employee shall accrue .0462 hours of sick leave allowance for each hour of regular paid service. Sick leave is earned from the date of employment.
- B. Sick leave shall not be granted in advance of actually being accrued.

- C. *Accumulation.* Sick leave may be accumulated to a maximum of six hundred twenty (620) hours as of the last day of the pay period including November 1st of any year. If an employee accumulates over five hundred twenty (520) hours, the City shall convert for cash payment to the employee all sick leave over five hundred twenty (520) hours at the rate of two (2) hours of sick leave for one (1) hour of pay. Payment of this conversion shall be on the first bi-weekly pay period in December. ~~The employee shall not be given cash for any amount in excess of five hundred twenty (520) hours upon separation of employment.~~
- D. ~~Employees with more than 120 hours of accrued sick leave and at least three (3) years of City service~~ may be eligible to convert sick leave annually to offset the employee's medical insurance deduction, pursuant to ~~Section 21-9.3~~Administrative Order.
- E. *Separation.* Upon permanent separation from the City, an employee, or his/her designated beneficiary will be paid for accumulated sick leave at their pay rate at the time of separation as follows:
- ~~1. Upon death or upon retirement at age fifty-five (55) or older with at least ten (10) years of service—One hundred percent (100%) of each hour accumulated.~~
 21. Resignation, retirement, or layoff in good standing after completion of twenty (20) years of continuous service—One hundred percent (100%) of each hour accumulated.
 32. Resignation, retirement, or layoff in good standing after completion of fifteen (15) years of service, but less than twenty (20) years of service—Seventy-five percent (75%) of each hour accumulated.
 43. Resignation, retirement, or layoff in good standing after completion of three (3) years of service, but less than fifteen (15) years of service—Fifty percent (50%) of each hour accumulated.
 54. Resignation or layoff with less than three (3) years of service—No payment.
 65. Termination or resignation not in good standing—No payment.
 76. The City Manager has the sole discretion to authorize payouts of up to 100% of accrued leave in situations involving reorganization, separation

agreements, retirement incentives, and other situations that are in the best interest of the City.

10.6.2 *Funeral leave.* Funeral leave shall be granted to an employee requesting same by filing of appropriate form with the ~~e~~Department ~~d~~Director, for a period not to exceed ~~five average workshifts~~ the number of regularly scheduled hours in one (1) workweek, per occurrence, in the event of death in his/her immediate family for the purpose of attending the funeral or should it be necessary for the employee to attend to the funeral arrangements of the deceased.

~~Funeral leave shall not be charged to sick leave or to compensatory time.~~

Any absence in excess of this amount shall be charged to vacation leave, ~~or~~ compensatory time if accrued, personal leave, job basis leave, or to leave without pay if no ~~vacation or compensatory~~ paid leave is available.

The Department Director may require sufficient proof of a death in the family before compensation is approved and paid.

10.6.3. *Military leave.* Any employee who presents official orders requiring his or her attendance for a period of training or ~~other~~ active duty as a member of the United States Armed Forces or the State of Florida National Guard shall be entitled to military leave with no loss of pay for ~~a period not to exceed two hundred forty (240) hours, or such period provided~~ the duration required by Federal and/or State law, in addition to any pay received from the Federal or State government. Authorized leave of absence for additional or longer periods of time for assignment to duty functions shall be without pay and shall be granted by the City. The appropriate provisions of Federal and State laws shall apply to the reemployment of employees granted a leave of absence on active military duty.

10.6.4. *Vacation leave.*

A. Each employee in the Civil Service shall accrue annual vacation leave, in accordance with the applicable schedule as follows:

B. FLSA-Exempt Employees.

1. FLSA-Exempt employees shall accrue vacation leave in accordance with the following schedule:

Fewer than <u>three (3)</u> years of service	.0385 hours vacation accrual per each regularly <u>scheduled</u> paid hour
Completion of <u>three (3)</u> years of service	.0577 hours vacation accrual per each regularly <u>scheduled</u> paid hour
Completion of <u>six (6)</u> years of service	.0770 hours vacation accrual per each regularly <u>scheduled</u> paid hour
Completion of <u>nine (9)</u> years of service	.0962 hours vacation accrual per each regularly <u>scheduled</u> paid hour
Completion of <u>thirteen (13)</u> years of service (only employees hired on or before September 30, 1996 <u>and eligible for this accrual rate by September 30, 2016</u>)	.1154 hours vacation accrual per each regularly <u>scheduled</u> paid hour (only employees hired on or before September 30, 1996 <u>and eligible for this accrual rate by September 30, 2016</u>)
Completion of <u>seventeen (17)</u> years of service (only employees hired on or before September 30, 1992 <u>and eligible for this accrual rate by September 30, 2016</u>)	.1347 hours vacation accrual per each regularly <u>scheduled</u> paid hour (only employees hired on or before September 30, 1992 <u>and eligible for this accrual rate by September 30, 2016</u>)

2. For FLSA-Exempt employees, vacation leave may be accumulated up to a maximum of two hundred forty (240) hours as of the last day of the pay period including ~~October~~ November 1st of any fiscal year. Once the maximum two hundred forty (240) hours has been reached, no further accumulation shall occur until the vacation leave balance is less than two hundred forty (240) hours. Employees with fewer than ten (10) years of service shall be paid for any accumulations over two hundred forty (240) hours, one (1) time per year up to a maximum payment of forty (40) hours. Employees with at least ten (10) years of service shall be paid for any accumulations over two hundred forty (240) hours, one (1) time per year up to a maximum payment of eighty (80) hours.

C. FLSA Non-Exempt Employees.

1. FLSA Non-exempt employees shall accrue vacation leave in accordance with the following schedule:

Fewer than <u>four (4)</u> years of service	.0385 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
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Completion of <u>four (4)</u> years of service	.0577 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of <u>seven (7)</u> years of service	.0770 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of <u>ten (10)</u> years of service	.0962 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of <u>fifteen (15)</u> years of service (only employees hired on or before September 30, 1994 <u>and eligible for this accrual rate by September 30, 2016</u>)	.1154 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked (only employees hired on or before September 30, 1994 <u>and eligible for this accrual rate by September 30, 2016</u>)
Completion of <u>twenty (20)</u> years of service (only employees hired on or before September 30, 1989)	.1347 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked (only employees hired on or before September 30, 1989)

2. For FLSA Non-exempt employees with fewer than ten (10) years of service, vacation leave may be accumulated up to a maximum of two hundred (200) hours as of the last day of the pay period including ~~October~~ November 1st of any fiscal year. Once the maximum two hundred (200) hours has been reached, no further accumulation shall occur until the vacation leave balance is less than two hundred (200) hours. For employees with at least ten (10) years of service, vacation leave may be accumulated up to a maximum of two hundred forty (240) hours as of the last day of the pay period including ~~October~~ November 1st of any fiscal year. Employees with at least ten (10) years of service shall be paid for any accumulations over two hundred forty (240) hours, one (1) time per year up to a maximum payment of eighty (80) hours.

D. Vacation leave may be used to supplement sick leave due to sickness or injury only after sick leave has been fully exhausted.

E. An non-probationary employee, or his or her designated beneficiary, in case of death, shall receive full payment for all earned vacation leave, not to exceed 520 hours minus the number of hours paid out upon entering the Deferred Retirement Option Program, if applicable, upon separation of service at the rate of his or her final ~~bi-weekly or hourly~~ pay rate wage or salary. Probationary employees shall receive no payment upon separation of service. ~~Vacation leave is earned on each hour of service, not on an annual basis.~~

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- F. Holidays which occur during a selected period for vacation leave shall not be charged against such vacation leave.
- G. The period selected by an employee for his or her vacation leave must have prior approval of the Department Director.
- H. An employee cannot be paid in lieu of taking his/her vacation, except upon separation, or pursuant to subsection 21-10.6.4.B.2 or C.2., above.
- I. Department Directors will arrange vacation schedules and reallocate remaining duties on such a basis as to cause minimum interference with the normal functions and operations of the organization. Department Directors shall have the discretion to determine their respective department's vacation schedule and the system by which their respective employees are assigned vacation leave.
- J. Vacation pay will be based on hours worked per week and vacation pay will be at the employee's regular hourly rate of pay.
- ~~K. Upon separation, an employee will be paid for accumulated vacation leave as follows:

 - ~~1. Upon death or retirement, the employee or his/her designated beneficiary shall receive full payment for all accumulated vacation leave, up to a maximum of two hundred eighty (280) hours.~~
 - ~~2. Probationary employees no payment.~~
 - ~~3. Regular employees full payment of accumulated vacation leave, up to a maximum of two hundred eighty (280) hours.~~
 - ~~3. The City Manager has the sole discretion to authorize payments for up to 100% of accrued leave in situations involving reorganization, separation agreements, retirement incentives, and other situations that are in the best interest of the City.~~~~

10.6.5. *Holiday leave.*

- A. The following days shall be observed by all Civil Service employees as holidays:

New Year's Day

Martin Luther King Junior's Birthday Day

Presidents' Day

Memorial Day

Independence Day

Labor Day

Veterans Day

Thanksgiving Day

Day after Thanksgiving Day

Christmas Day

One-half day on Christmas Eve Day

One-half day on New Year's Eve Day

- B. Except as described in Sections 21-10.6.5.C and H below, holidays occurring on a Saturday shall be observed on the previous Friday, ~~and~~ ~~H~~ holidays occurring on a Sunday shall be observed on the following Monday.
- C. Departments that remain open on holidays shall observe the actual holidays.
- D. Holidays must be taken as they occur and may not be accumulated, except as provided in Section 21-10.6.5.H below.
- E. The employee must work the day before and the day after each holiday to be eligible for holiday pay with the exception of normal days off or excused absences.
- F. All employees shall be allowed to take vacation, personal, or compensatory leave, if available, for religious reason, including but not limited to attendance or participation in services for Good Friday, Passover, Yom Kippur, Rosh Hashanah, or other recognized religious days. This leave is subject to the discretion of the Department Director or his/her designee, but shall not be unreasonably withheld, and shall be granted only if minimum departmental staffing needs are met.

- G. When an employee works on a holiday, he/she shall receive one average workshift of holiday pay at the employee's regular rate of pay and the actual hours worked at the employee's overtime rate of pay. Additionally, ~~E~~employees required to work a full scheduled work shift on Thanksgiving Day or Christmas Day shall be granted overtime pay or compensatory time equivalent to the hours actually worked on the holiday in addition to any paid compensation.
- H. If a holiday falls on a regular day off, the employee shall be scheduled for an average workshift off during the same week, or be awarded compensation at the employee's regular rate of pay, or be provided banked leave time based on the average workshift, whichever City/Department operations permit.
- I. Holiday pay shall be based on the average workshift, which is the regularly scheduled hours in the workweek divided by five (5) regardless of the number of days the employee is regularly scheduled to work, except that paid holiday leave shall be granted for the full number of hours the employee would have otherwise been scheduled to work had the holiday closure not prevented the employee from working his or her regularly scheduled hours.

10.6.8. *Occupational disability leave.*

- A. *Definition.* Authorized absence from work due to injury or sickness incurred while on duty and directly related to work performed, excluding negligence on the part of the employee.
- B. *Negligence* shall be defined as any action which is taken that is not necessary in the actual performance of duty, as determined by the Director of Human Resources or his/her designee. Sick leave accumulation shall be used in cases of negligence.
- C. *Occupational Disability Leave (ODL) Benefit and Workers' Compensation Disability Benefit.* An employee who is ~~on authorized occupational disability leave shall be eligible to receive Workers' Compensation statutory workers' compensation disability benefits~~ shall be eligible to receive ODL benefits as follows:
 - 1. Calendar day one (1) through calendar day fourteen (14), the employee shall receive a combination of ~~W~~workers' C~~ompensation~~ disability benefits and a City wage supplement equal to the employee's gross

wages. In no event shall the total of the statutory ~~W~~workers' ~~C~~ompensation disability benefits and the wage supplement received from the City equal more than the employee's gross wages in effect at the time of injury. The Human Resources Director may extend this period of full compensation if the Worker's Compensation insurance provider has been unsuccessful in scheduling the employee's first appointment during this period.

2. Calendar day fifteen (15) (unless delayed pursuant to Sub-Section 21-10.6.8.C.1 above) to the end of statutory ~~W~~workers' ~~C~~ompensation ~~D~~isability Benefits or until the employee is no longer employed by the City, whichever is first in time, the employee shall receive a combination of ~~W~~workers' ~~C~~ompensation disability benefits and a City wage supplement equal to seventy-five percent (75%) of the employee's gross wages. In no event shall the total of ~~W~~workers' ~~C~~ompensation disability benefits and the wage supplement received from the City under this paragraph equal more than seventy-five percent (75%) of the employee's gross wages in effect at the time of the injury. Employees shall use sick leave, vacation leave or any other leave time that they have accumulated to supplement their wages under this ~~s~~Section up to a maximum of one hundred percent (100%) of the employee's gross wages in effect at the time of the injury. No employee shall be permitted to receive any more than one hundred percent (100%) of their gross wages in effect at the time of injury.
3. Any and all statutory ~~W~~workers' ~~C~~ompensation disability payments for loss of wages shall be endorsed to the City, and the City will issue a regular payroll check to the employee.
4. The employee shall be required to cooperate in the treatment as prescribed by the City's designated ~~W~~worker's' ~~C~~ompensation physician(s) health care provider(s) in order to obtain maximum medical improvement or recovery, and in order to remain eligible for the City wage supplement.
5. Health care provider appointments. Employees who are released to return to work regular duty or provided with temporary light duty following their initial visit to the designated workers' compensation health care provider are not eligible for the Occupational Disability Leave wage supplement benefit. Health care provider appointments should be scheduled during non-working hours when possible, or employees shall use sick leave, vacation leave, or any other leave time that they have accumulated if their appointments fall within the scheduled workday.

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10.6.9. *Non-occupational disability leave.*

- A. *Definition.* Authorized absence from work due to injury or sickness incurred not while on duty.
- B. Short-Term and Long-Term Disability insurance. The City provides full-time employees with Short-Term Disability (STD) and Long-Term Disability (LTD) insurance for absences from work due to sickness or injury incurred not while on duty.
- C. *Coordination of benefits with sick, vacation or other authorized leave.* Any employee who is on non-occupational disability leave, as defined above, and upon approval of the required forms with the STD or LTD Insurance Carrier, shall receive disability insurance payments as specified by the STD/LTD policy, and shall use accumulated sick, vacation or other authorized accumulated leave to supplement the STD/LTD and receive the maximum of one hundred percent (100%) of their salary at the time of sickness or injury. No employee shall be permitted to receive any more than one hundred percent (100%) of their salary in effect at the time of injury. All individuals requiring STD/LTD shall file the required forms with the appropriate insurance carrier through the City.

SECTION 21-11. - PERFORMANCE EVALUATIONS AND PAY-FOR-PERFORMANCE

Performance evaluations shall be conducted and pay-for-performance shall be awarded following the procedures outlined by Administrative Order, subject to funding availability as determined through the budget process.

~~Sec. 21-11.1 – Purpose.~~

~~The evaluation process provides a method for monitoring job performance based upon established standards and objectives for each position. It also provides a means for: (1) communicating goals and objectives of management to employees; (2) distributing organizational rewards and promotions equitably; (3) motivating employees to improve their performance; and (4) evaluating selection and promotion criteria.~~

~~Sec. 21-11.2. - Requirements.~~

~~All employees shall be evaluated on the form(s) prescribed by the Director of Human Resources as follows:~~

~~11.2.1. Non-probationary employees annually, on their anniversary date and every year thereafter during their term of employment with the City.~~

~~11.2.2. Probationary employees, including those serving the promotional probationary period quarterly, from date of appointment until completion of probation.~~

~~11.2.3. Employees who are promoted to a new position during the rating period - upon promotion, pursuant to Section 21-8.2.4.~~

~~Sec. 21-11.3. - Procedure.~~

~~11.3.1. The Director of Human Resources shall notify each department director monthly, in writing, the name(s) of their employees who are due to be evaluated, based upon their date of appointment. Such notice shall list; (1) name of employee; (2) reason for evaluation; (3) due date.~~

~~11.3.2. Each Department Director shall be responsible to ensure that evaluations are completed, signed and returned to the Human Resources Director not more than thirty (30) days after the due date. The failure to receive said evaluation on a timely basis shall allow employees to submit to the grievance procedure as to timeliness only, up through Step 3 of the grievance procedure contained in section 21-15 of this Code.~~

~~11.3.3. The person completing the evaluation shall be the employee's supervisor who has knowledge of the work of the employee or is the one most closely acquainted with the employee's work performance. Evaluations shall be based on observable, measurable work. All evaluations shall be objective, and shall not be based on favoritism, cronyism, or retaliation. All employees shall have the opportunity to discuss their evaluation with their supervisor, and to effect change on their rating if the employee can demonstrate that such rating was in error. Employees are encouraged to utilize the Significant Event Form for documenting their own performance. Such documentation shall be used to discuss any disputed ratings with their respective supervisors and to support their point of view in the event of a grievance. Based on the pay for performance system, employees shall have the right to process a grievance on their overall rating on their annual performance evaluation, up through Step 2 of the grievance procedure contained in Section 21-15 of this Code.~~

~~11.3.4. The supervisor shall complete the evaluation form. Each factor rated shall be scored as per the evaluation guidelines developed by the Director of Human Resources.~~

~~11.3.5. After completing the evaluation form, the Supervisor shall then hold a conference with the employee being evaluated. This conference is a mandatory requirement of the evaluation process and is for the purpose of explaining the basis for the specific ratings, offering suggestions for changes or improvements in job performance, and providing a basis for discussion with the employee.~~

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~~11.3.6. Upon completion of the conference, the form shall be signed by the supervisor and employee. The employee may respond to the ratings in writing.~~

~~11.3.7. The completed form is then submitted to the next immediate supervisor for review and signature, and then to the department director for review and signature. The evaluation is then forwarded to the Director of Human Resources for submission to the City Manager for review and signature, and then placed in the employee's permanent personnel file.~~

~~11.3.8. Notwithstanding any provision of this section, the Department Manager and/or Director may participate in the evaluation process, including effecting change of ratings, at any stage. The employee shall be notified if any changes are made after he/she has signed the evaluation.~~

~~Sec. 21-11.4. Pay for performance increase.~~

~~11.4.1. All non-probationary employees shall be eligible for pay-for-performance compensation based upon their annual evaluation provided said compensation is approved and funded in the City's adopted budget.~~

~~11.4.2. Pay for performance compensation shall range from 0%-5%, in all half-percent increments, subject to funding availability.~~

~~11.4.3. The compensation shall be derived by adding up all scores on the performance evaluation, dividing by the number of scores, and rounding up to the nearest half-percentage.~~

~~11.4.4. Employees at the maximum of their pay range shall receive any pay for performance compensation as a lump sum payment based on a percentage of the annual base salary. If an employee is not at the maximum of the pay range, but the pay for performance increase would increase the employee's wages above the maximum range, wages shall be increased to the maximum of the range, with the remainder of the increase paid as a lump sum.~~

~~Sec. 21-11.5.~~

~~When an employee has worked in more than one (1) department during the rating period, each department shall complete an evaluation. The evaluation scores shall then be combined and weighted on a twelve (12) month basis. For example, Employee A worked in Department A for three (3) months of the rating period and in Department B for nine (9) months of the rating period. The ratings for Department A would be valued at twenty-five percent (25%) and Department B at seventy-five percent (75%).~~

SECTION 21-17. - SEPARATIONS

Sec. 21-17.2. - Lay-off.

17.2.6. ~~No employee in lay-off status shall retain rights beyond twelve (12) months from the date of layoff.~~ An employee placed in lay-off status shall have his/her name placed on a reemployment list for the same class and position held at the time of separation, or in the position held immediately prior to promotion in the case of failure to pass a promotional probationary period, for twelve (12) months. The name of such employee shall be placed upon the list in the order of his/her total continuous time served in the class.

21-18. - AMENDMENT OF PERSONNEL RULES

Sec. 21-18.1. - Amendments.

Amendments or revisions to this Code may be recommended for adoption by the ~~City Commission, by the City Manager,~~ or by the City Commission of its own motion. Such amendments or revisions of the Code shall become effective after approval by Ordinance of the City Commission.

Section 4: That the City's Code of Ordinances shall be amended by amending Chapter 21, "Personnel Administration," Article II, "At-Will Employee Policies and Procedures Manual," Sections 21-19, "General Provisions," 21-22, "Employment Information And Requirements," 21-23, "Appointments," 21-24, "Employee Benefits," 21-25, "Attendance and Leave," 21-26, "Evaluations/Pay-for-Performance Increases," and 21-29, "Amendment of Rules and Regulations," to read as follows:

ARTICLE II. - AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL

SECTION 21-19. - GENERAL PROVISIONS

Sec. 21-19.1. - Definitions.

The following terms, phrases, words and other derivations shall have the meanings as listed below:

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- 19.1.1. ~~City means the City of Coconut Creek. Administrative Officers shall mean those at-will employees performing the functions of upper level management, as identified by the City Manager.~~
- 19.1.2. ~~City Manager shall mean that position identified as the Chief Executive Officer by the City Commission pursuant to the City Charter. Assistant City Managers/Deputy City Manager shall mean those positions of Assistant City Manager or Deputy City Manager that are filled by appointment by the City Manager.~~
- 19.1.3. ~~Assistant City Managers/Deputy City Manager shall mean those positions of Assistant City Manager or Deputy City Manager that are filled by appointment by the City Manager. At-will employee or At-will position shall mean an employee/position that is excluded from the provisions of the Civil Service Code, and is not covered under a collective bargaining agreement.~~
- 19.1.4. Average workshift shall mean the number of hours in the employee's regularly scheduled workweek, divided five (5), regardless of the number of days the employee is scheduled to work.
- 19.1.5. ~~Administrative Officers shall mean those individuals performing the functions of an administrative officer, as identified by the City Manager. City shall mean the City of Coconut Creek.~~
- 19.1.6. City Manager shall mean that position identified as the Chief Executive Officer by the City Commission pursuant to the City Charter.
- 19.1.7. Class Titles are descriptive of the work performed and identify each class. Class Titles shall be used in all personnel, accounting, budget, appropriation and financial records. No person shall be appointed, or employed in a position in the City under a title not included in the Classification Plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank, may be used for such purposes.
- 19.1.8. Contract employee shall mean an at-will employee whose terms and conditions of employment are governed by a contract between the employee and the City.
- 19.1.49. Department Director/Department Head shall mean those positions in which such individual performs the function of directing and supervising the operations of any department or division as established and designated by the City Manager.

19.1.10. Full-time employee shall mean an employee who works a minimum of thirty (30) hours per week on a continuous year-round basis.

19.1.11. Immediate family shall be defined as an employee's spouse, child, parent, parent-in-law, sibling, step-child, grandparent, step-parent, step-sibling, half-sibling, sibling-in-law, child-in-law, grandchild, or step-grandchild.

19.1.12. May shall be interpreted as permissive.

19.1.13. Shall is to be interpreted as mandatory.

19.1.614. *Temporary employee* shall mean an employee who is employed in a temporary capacity for a specific period of time, typically not to exceed six (6) months, and receives no City benefits.

~~19.1.7. Class Titles are descriptive of the work performed and identify each class. Class Titles shall be used in all personnel, accounting, budget, appropriation and financial records. No person shall be appointed, or employed in a position in the City under a title not included in the Classification Plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank, may be used for such purposes.~~

19.1.815. *Termination* shall mean the discharge, dismissal, removal or otherwise permanently severed from employment with the City.

19.1.916. *Workday or normal workday* shall mean the number of hours regularly scheduled for an employee to be worked during a twenty-four-hour period. The term shall not mean a guarantee of a minimum number of hours per day or per week.

19.1.4017. *Workweek or normal workweek* shall mean the number of hours regularly scheduled for an employee to be worked during the seven (7) consecutive days commencing and ending on the days defined by the payroll cycle.

~~19.1.11. Average workshift shall mean the number of hours in the employee's regularly scheduled workweek, divided five (5).~~

~~19.1.12. At-will employee or At-will position shall mean an employee/position that is excluded from the provisions of the Civil Service Code, and is not covered under a collective bargaining agreement.~~

Sec. 21-19.2. - Authority and administration.

19.2.1. ~~These policies and procedures~~ This Article shall apply and govern the following positions, unless otherwise specified herein:

- A. The City Manager
- B. Deputy/Assistant City Managers
- C. Department Directors or Department Heads
- D. Administrative Officers (all grades)
- E. Temporary employees
- F. Deputy/Assistant City Attorneys ~~and Assistant City Attorneys~~
- G. Contract Employees

SECTION 21-20. - ORGANIZATION FOR PERSONNEL ADMINISTRATION

Sec. 21-20.2. - The Director of Human Resources.

The City Manager shall appoint a Director of Human Resources who shall be responsible to the City Manager for the administrative and technical direction of the City Personnel Program.

He/she shall be known as the Director of Human Resources (which may be used interchangeably with Human Resources Director or Director of Human Resources and Risk Management) and shall:

SECTION 21-22. - EMPLOYMENT INFORMATION AND REQUIREMENTS

Sec. 21-22.1. - General guidelines for employment.

22.1.1. *Basis of employment.* All employment with the City shall be based upon merit, skill, ability, qualifications and moral fitness as evidenced by:

- A. Training and experience as reflected by the application form and other documentation of certification, registration, etc.

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- B. Psychological examination and/or performance tests.
- C. Pre-employment physical examinations and drug testing ~~shall~~may be required to determine whether the individual can effectively perform the essential functions of the position for which he/she is applying with or without reasonable accommodation. Such examination shall be performed by a City-designated physician and laboratory and paid for by the City.
- D. Background investigation of the individual, his/her training, education or other characteristics as relates to being an employee of the City.

Sec. 21-22.2. - Nepotism.

22.2.4. Family members, for the purpose of this section only, are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or registered domestic partner ~~registered under the Broward County Domestic Partnership Ordinance.~~

~~Sec. 21-22.3. - Political religious restrictions.~~

~~22.3.1. No political, racial, ethnic, gender, fraternal or religious affiliation shall be considered as a qualifying or disqualifying condition for or against employment with the City of Coconut Creek.~~

~~22.3.2. No political, racial, ethnic, fraternal or religious affiliation shall be permitted to influence any action or recommendation relative to employees.~~

Sec. 21-22.4. - Residence.

~~There shall be no requirement of residence for filing application for an at-will position in the City service. Appointees to positions in the City service shall, within ninety (90) days from the date of appointment, establish residence and actually reside during their period of employment within the counties of Broward, Miami-Dade or Palm Beach.~~

Sec. 21-22.53. - Minimum qualifications.

The Director of Human Resources may, after consultation with the City Manager and/or Department Directors concerned, prescribe specific requirements, physical or otherwise, as in his/her judgment are required bonafide occupational qualifications by the nature of the work to be performed. Such requirements shall be shown in the vacancy announcement, and shall constitute the minimum qualifications to apply for any particular position.

~~Sec. 21-22.6. - Physical standards.~~

~~Requirements for physical and/or psychological examinations and/or drug testing: All new, reemployed, reinstated and transferred employees may be required to undergo a prescribed psychological and/or physical examination and/or drug testing to be administered by a licensed physician, and or laboratory designated by the City. The purpose of the examination will be to determine and certify the psychological and physical fitness of the applicant and to assess his/her ability to perform the essential duties and functions of the position, with or without reasonable accommodation for which appointment is being considered.~~

~~A physical and/or psychological examination may be requested for an employee any time after the original date of employment at the discretion of the Director of Human Resources, and subject to the approval of the City Manager. Determination of physical and/or mental fitness to perform the essential duties and functions of the position with or without reasonable accommodation will be by a physician or physicians designated by the Director of Human Resources.~~

~~When an employee of the City is reported by the examining physician to be physically or psychologically unable to perform the essential duties and functions of the position which he/she is employed, with or without reasonable accommodation, such employee may, within five (5) days from the date of his/her notification of such determination by the examining physician, indicate in writing to the Director of Human Resources his/her intention to submit the questions of his/her physical or psychological fitness to a physician of his/her choice. In the event there is a difference of opinion between the employee's physician and the physician selected by the Director of Human Resources, the City Manager shall select a third physician to examine the employee. The City Manager shall, after having reviewed all three (3) physicians' determinations have the final and binding authority to decide the physical and/or psychological fitness of the employee to perform the essential duties and functions of the position in which he/she is employed, with or without reasonable accommodation, based upon identical recommendations by two (2) of the three (3) physicians. Those applicants given pre-conditional offers of employment who are and determined to be physically and/or psychologically unable to perform the essential duties and functions of the position, with or without reasonable accommodation unfit shall not be appointed. An employee finally determined to be physically and/or psychologically unable to perform the essential~~

~~duties and functions of the position, with or without reasonable accommodation, in the position in which he/she is employed may be reassigned, demoted or terminated by the City Manager.~~

~~Sec. 21-22.74. - Age requirements.~~

~~It shall be the policy of the City that there be no discrimination in the employment of any person solely on the basis of age. However, the minimum age for full-time employment with the City shall be eighteen (18) unless the applicant has graduated from high school, earned a GED or is currently enrolled in school or a GED program.~~

~~Sec. 21-22.8. - Filing of application.~~

~~All applicants for positions in the City service must file written application on the form prescribed by the Director of Human Resources within the time limit prescribed by the City.~~

~~Defective applications shall be returned to the applicant with a notice to amend the same. Amendments or corrections must be made within the time limit fixed by the Director of Human Resources.~~

~~Sec. 21-22.9. - Rejection of application.~~

~~The Director of Human Resources shall reject any application or applicant where he/she has determined:~~

~~22.9.1. That the application was not filed within the period specified in the announcement or was not filed on the prescribed form.~~

~~22.9.2. That the applicant lacks any of the required qualifications set forth in the announcement.~~

~~22.9.3. That the applicant is unable to perform effectively the duties of the position in which he seeks employment.~~

~~22.9.4. That the applicant has made false statements of a material fact, or practices or attempts to practice any fraud or deception on his/her application or test, or in attempting to secure an appointment. If appointed, the City Manager may cancel such appointment.~~

~~22.9.5. That the applicant was previously in the City service and was removed for cause or resigned not in good standing.~~

~~22.9.6. That the applicant, after notification, did not promptly present himself at the time and place designated for the examination or interview.~~

~~22.9.7. That the applicant has an employment history that is inconsistent with the effective performance of the duties of the position which he/she is applying.~~

~~22.9.8. That the applicant has previously been convicted of a felony or first degree misdemeanor directly related to the position for which application has been made as per 112.011, Florida Statutes, as may be amended.~~

~~Sec. 21-22.10. - Notice of rejection of application.~~

~~Whenever an application or applicant is rejected, written notice of such rejection and the reasons for the action shall be given to the applicant by the Director of Human Resources.~~

~~Sec. 21-22.11. - Employment of the disabled.~~

~~A disabled person shall be defined as any person having an impairment that substantially limits one (1) or more major life activities.~~

~~Disabled persons will be considered for employment by the City, unless it is shown that the particular disability prevents the satisfactory performance of the essential duties and functions of the position for which application has been made with or without reasonable accommodation.~~

~~Sec. 21-22.12. - Veteran's preference.~~

~~Veteran's applying for re-employment, reinstatement, and preference shall be accorded such preference as required by Chapter 295, Florida Statutes, as may be amended from time to time.~~

~~Sec. 21-22.135. - Prohibition on campaign activities.~~

~~In order to avoid the appearance of impropriety, the eCity ~~m~~Manager, aAssistant eCity ~~m~~Manager(s), aAssistant to the eCity ~~m~~Manager, eCity eClerk, dDeputy eCity eClerk, pPolice eChief, dDeputy pPolice eChief, eCity aAttorney and aAssistant eCity aAttorney(s) shall not participate in a campaign involving any candidate or incumbent eCommissioner, for the City of Coconut Creek City Commission, including being a member of an election or re-election committee for a candidate; public endorsement with or without financial support of a candidate; holding campaign signs, wearing a campaign t-shirt, or other public display of support for a candidate; signing an endorsement card for a candidate; attending a candidate's campaign fundraiser; chairing or co-chairing an ongoing election campaign or fundraiser for a candidate; or providing a financial~~

campaign contribution. Nothing in this section shall be deemed to prohibit the ~~eCity mManager, aAssistant eCity mManager(s), aAssistant to the eCity mManager, eCity eClerk, dDeputy eCity eClerk, pPolice eChief, dDeputy pPolice eChief, eCity aAttorney and aAssistant eCity aAttorney(s)~~ from casting a vote for any such municipal candidate in a municipal election.

SECTION 21-23. - APPOINTMENTS

Sec. 21-23.3. -~~Examinations.~~ Employee recruitment and hiring process.

~~Examinations may be assembled or nonassembled, and may include written, oral, physical tests, performance tests, ratings or training and experience or any combination of these. They may take into consideration character, physical fitness or any other qualifications or attributes which, in the judgment of the Director of Human Resources, enter into a determination of the relative fitness of applicants.~~

The City's procedures for recruiting, selecting, and hiring employees shall be outlined in the Human Resources Recruitment and Hiring Policies and Procedures and shall be in accordance with all local, state, and federal laws.

Sec. 21-23.43. - Rate of pay—At-will employees.

At-will employees may be hired at any pay rate within the pay range established for the position.

SECTION 21-24. - EMPLOYEE BENEFITS

~~Administrative Officers~~ All full-time at-will employees covered by these regulations shall receive the following benefits. Assistant City Attorneys shall receive benefits as determined by the City Commission. City Commissioners' benefits shall be outlined by Resolution. The City reserves the right to alter employee benefits contained herein, with financial impacts subject to if approved by the City Commission's approval through the annual budget process or other appropriate Commission action. Details of the following employment benefits, including eligibility, shall be outlined by Administrative Order:

Sec. 21-24.1. - Retirement plan.

~~24.1.1. Employees hired into full-time positions prior to May 1, 2002 elected to either remain in the ICMA Retirement Corporation's 401(a) Money Purchase Plan or to become a participant in the Florida Retirement System (FRS). This election was irrevocable. Full-time employees hired on or after May 1, 2002, and part-time~~

~~employees, regardless of hire date, shall be participants of the FRS unless prohibited by state law. All FRS terms and conditions, including the required City contribution and the required Employee contribution, if applicable, are as provided by Chapter 121, Florida Statutes and the Florida Administrative Code, as may be amended from time to time. If any conflict arises between section 21.24.1. and State and/or Federal law, the State and/or Federal law shall prevail.~~

~~A. Employees hired into full-time positions prior to May 1, 2002.~~

~~1. ICMA 401(a) Money Purchase Plan. This defined contribution plan is only available to those who were employed in full-time positions prior to May 1, 2002 and who elected to remain in the ICMA 401(a) plan. The city's contribution shall be fourteen percent (14%) of the employee's gross wages. Employees shall be required to make a mandatory contribution to the plan. Once each year, on or before the first pay in October, participants remaining in the ICMA Retirement Corporation's 401(a) plan, based on a majority vote, shall have the right to increase or decrease the percentage of their mandatory contribution into the ICMA 401(a) Account, provided that the total contribution shall not exceed the limits mandated by the Internal Revenue Code. The retirement age from city service and other plan provisions shall be defined in the ICMA plan documents.~~

~~2. Florida Retirement System (FRS). For those who were employed in full-time positions prior to May 1, 2002 and who elected to join the FRS, 2.a. below shall apply. For Fiscal Years 2014 and 2015 only, either 2.a. or 2.b. below shall apply only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, whichever provides the greater employee benefit:~~

~~a. For those who were employed in full-time positions prior to May 1, 2002 and who elected to join the FRS, there may be a Residual Amount, which is defined as the difference between fourteen percent (14%) of their eligible earnings and the percentage of eligible earnings the city is required to contribute to the FRS. The city shall contribute any Residual Amount into the employee's ICMA Retirement Corporation's 457 Deferred Compensation Plan account. If the amount to be contributed to the FRS as determined by the State of Florida increases to an amount equal to or exceeding fourteen percent (14%) of the employee's eligible earnings, the Residual Amount shall be reduced to zero percent (0%), and there shall be no additional contribution into an employee's 457 account unless the city's required FRS contribution subsequently decreases to less than fourteen percent (14%) of the employee's eligible earnings. Employees who~~

~~effectively retire by entering the FRS Deferred Retirement Option Program (DROP) cease eligibility for any city 457 contribution.~~

~~b. For Fiscal Years 2014 and 2015 only, in the event of a mandatory employee contribution to the FRS, the city shall contribute an equivalent percentage only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, not to exceed three percent (3%), of eligible earnings to the employee's ICMA 457 account.~~

~~B. Employees hired into full-time positions on or after May 1, 2002 but before July 1, 2011. Employees hired into part-time positions before July 1, 2011 shall be participants in the FRS unless participation is prohibited by Florida Statutes. There shall be no city contribution to the employee's ICMA 457 account, except that. However, for Fiscal Years 2014 and 2015 only, in the event of a mandatory employee contribution to the FRS, the city shall contribute an equivalent percentage only for eligible employees enrolled in the Regular Class or Special Risk Class of FRS, not to exceed three percent (3%) of eligible earnings to the employee's ICMA 457 account. If the city's required FRS contribution exceeds 7.77% for Regular Class or 20.25% for Special Risk Class, the city's 457 contribution shall be decreased or eliminated so that the combined city payment does not exceed 10.77% or 23.25%, respectively, of eligible earnings. Once the city's 457 contribution is eliminated, any future reduction to the city's required FRS contribution shall not result in reinstatement of the 457 contribution.~~

~~C. Employees hired into full-time or part-time positions on or after July 1, 2011 shall be participants in the FRS unless participation is prohibited by Florida Statutes. There shall be no city contribution to the employee's ICMA 457 account.~~

~~24.1.2. Employees Hired into Full-time or Part-time positions following Retirement from the FRS shall be required to abide by all reemployment requirements as provided by Chapter 121, Florida Statutes, and the Florida Administrative Code, as may be amended from time to time, which may prohibit renewed membership in the FRS, in which case the employee would have no City-funded retirement benefit.~~

~~24.1.3. All full-time and part-time employees shall have the option of establishing and contributing to an ICMA Retirement Corporation 457 Deferred Compensation Plan or other voluntary employee retirement plans offered by the City, as may be amended from time to time.~~

Sec. 21-24.2. - Insurance program.

~~24.2.1. The City shall make available to all full-time employees a group insurance program which shall include, but not be limited to:~~

~~A. Health and accident insurance including major medical~~

~~B. Life insurance~~

~~C. Accidental death and dismemberment insurance~~

~~D. Short-term Disability Insurance~~

~~During open or initial enrollment, all employees who decline the City's group medical insurance shall show proof of such coverage through another policy.~~

~~24.2.2. The City Commission shall determine the City's contribution toward the cost of such insurance program through the annual budget process and shall be outlined in an Administrative Order, pursuant to the City's Section 125 Plan Documents. City contributions shall be made on a pro rata basis each pay period.~~

~~24.2.3. If the cost of the health insurance program selected by the employee exceeds the City's contribution, the employee shall pay the balance on a pro rata basis each pay period through payroll deduction or through the conversion of accrued sick leave, pursuant to the guidelines outlined by Administrative Order, subject to funding through the annual budget process.~~

~~24.2.4. Reserved.~~

~~24.2.5. The City reserves the right to change the insurance carriers or the method of funding said group insurance program.~~

~~24.2.6. The City agrees to provide a Long-Term Disability insurance policy for full-time employees at no cost to the employees.~~

~~24.2.7. Retirement Medical Compensation Program.~~

~~A. The Retirement Medical Compensation Program provides for compensation for those employees, elected officials, and contractual officers eligible for the City's group health insurance plan to continue purchasing medical insurance after the employee has retired from City service until the retiree becomes eligible for Medicare.~~

~~B. All full-time employees are eligible for the Retirement Medical Compensation Program after attaining a minimum age of fifty (50) and after having completed ten (10) years of continuous service.~~

~~C. This Retirement Medical Compensation Program shall provide two hundred fifty dollars (\$250) per month, for the benefit of the retiree, toward insurance premiums. Any charges above two hundred fifty dollars (\$250) either due to rate changes or family status, shall be the obligation of the retiree payable to the City to be paid quarterly in advance of the premium due date. If a retiree is insured through a program not sponsored by the City, the benefit of two hundred fifty dollars (\$250) shall be provided directly to the retiree. Retirees may be requested in writing to provide proof of coverage through a program not sponsored by the City. If a retiree fails to provide proof of coverage, the Retirement Medical Compensation Program shall cease, and the retiree shall receive no further payments. Employees shall provide a thirty-day written notice to the City's Human Resources Director prior to retiring from City service. Should an employee retire without giving thirty-day written notice, a claim for benefits pursuant to this subsection shall be filed and received by the City by the last day of the month in which retirement occurred. If such a claim is not received by the last day of the month in which retirement occurred, said claim shall be forever barred.~~

~~24.2.8. Retirement Medical Entitlement. Retirement from the City for the exclusive purpose of continuing City sponsored group insurance eligibility pursuant to Section 112.0801, Florida Statutes, as amended, is hereby defined as a full-time regular employee completing a minimum of ten (10) years of continuous City service and attaining a minimum age of fifty (50), or, for Administrative Officers who are sworn law enforcement officers in the Police Department, completing a minimum of twenty (20) years of continuous City service with no minimum age. Employee shall provide a thirty-day written notice to the City's Human Resources Director prior to retiring from City service. Should an elected official, contractual officer or employee retire without giving thirty-day written notice, a claim for benefits eligibility pursuant to this sub-section shall be filed and received by the last day of the month in which retirement occurred. If such a claim is not received by the last day of the month in which retirement occurred, said claim shall be forever barred.~~

~~24.2.9. Loss of Eligibility for Retirement Medical Compensation and Retirement Medical Entitlement. Should an elected official, contractual officer or retired City employee subsequently enter into an employment relationship, in which an employer provides medical benefits and/or duplicated group benefits, the Retirement Medical Compensation Program and Retirement Medical Entitlement shall terminate. Upon written request from the City, retirees shall be required to provide the City their Federal W-2 Wage and Tax Statement on or before~~

~~February 15 of each calendar year. Failure to provide the W-2 may result in the termination of the Retirement Medical Compensation Program and Retirement Medical Entitlement. The City reserves the right to cancel a retiree's health insurance benefit the first time the retiree's payment is forty five (45) days past due, or if the payment is late by fourteen (14) days more than once in a 12-month period. In any event, this provision shall not provide deferred benefits upon retirement from City service. In this regard, any lapse in a retiree's medical coverage or City sponsored group benefits will forever terminate the Retirement Medical Compensation Program and Retirement Medical Entitlement.~~

~~Sec. 21-24.3. - Voluntary Tuition Reimbursement Program (VTRP).~~

~~24.3.1. Purpose. To provide tuition assistance to full time at will employees voluntarily participating in accredited training or educational programs designed to strengthen their abilities, which in turn directly benefits the City. Final approval of such requests and the determination as to whether the program benefits the City shall be vested in the City Manager or designee.~~

~~24.3.2. Authority. The City Commission shall determine through the annual budget process the amounts of funds available for the VTRP. Requests for reimbursement are subject to the availability of funds for such program.~~

~~24.3.3. Procedure.~~

~~A. — By April 1st of each year, employees shall notify the Director of Human Resources, in writing, of their intention to seek reimbursement in the upcoming fiscal year.~~

~~B. — Such request requires approval by the Director of Human Resources and/or the City Manager, as job related.~~

~~C. — Employee shall pay his/her tuition at time of enrollment in approved course.~~

~~D. — Books, materials, supplies, activity fees and other school fees shall be the employee's responsibility.~~

~~E. — The amount payable for such reimbursement shall be based upon and not exceed the established credit hour rate of tuition as charged in the state university system at the time enrolled regardless of the employee's election to attend a private university or college. Upon employee's successful completion of approved course with a final grade of "P" or "S" or "A", the City will reimburse the employee for one hundred percent (100%) of the tuition; seventy-five percent (75%)~~

reimbursement for a final grade of "B"; and fifty percent (50%) reimbursement for a final grade of "C", provided that employee furnishes payment receipt and official grade report. No payment shall be made for any other grade.

~~F. The maximum tuition reimbursement available to any employee shall be the equivalent of eighteen (18) credit hours for course work at either the State of Florida community college level or the State of Florida university level, per year. Effective October 1, 2013, the City shall not approve reimbursement of tuition for classes that exceed eighteen (18) credit hours in a year to defer reimbursement of excess hours to a subsequent fiscal year. However, deferred reimbursement that was approved prior to October 1, 2013 for fiscal year 2013-2014 only will be reimbursed.~~

~~G. Training and/or study time will be undertaken during the employee's off-duty time.~~

~~H. Employee requesting educational assistance shall complete and submit an Educational Assistance Form to his/her immediate supervisor prior to the course start date. Such request shall require approval of the immediate supervisor, the Department Director, the Human Resources Director, the Finance & Administrative Services Director, and the City Manager. Employee shall pay the tuition at time of enrollment. Upon successful completion of approved course with a grade of "C" or higher, employee shall furnish the Human Resources Director with payment receipt and official grade report.~~

~~I. Any employee who does not follow the proper process for VTRP requests shall have the request deferred to the end of the fiscal year and shall be reimbursed only if budgetary funds are still available.~~

~~24.3.4. Payment to City upon resignation. If an employee resigns his/her employment with the City within twelve (12) months from the date of completion of any course for which employee has received City tuition reimbursement then the amount of said reimbursement shall be repaid to the City by the employee by deduction from the employee's final paycheck.~~

~~24.3.5. In the event that the employee's final paycheck is less than the amount reimbursed and employee fails to reimburse the City within thirty (30) days, and the services of an attorney are required to collect such refund, such attorney's fees and court costs shall be added to the reimbursement owed to the City.~~

Sec. 21-24.4. – Longevity plan.

Sec. 21-24.45. - Leave benefits.

The City shall maintain a leave program as described in the Attendance and Leave section of ~~these policies and procedures~~this Article.

~~Sec. 21-24.5. - Longevity plan.~~

~~24.5.1. Longevity allowance for full-time at-will employees hired before 9/25/80 shall be six (6) percent of the annual salary as of 11/1/05.~~

~~24.5.2. Longevity allowances for full-time employees hired after 9/25/80:~~

~~A. After completion of three (3) years of service\$250.00~~

~~B. After completion of six (6) years of service\$400.00~~

~~C. After completion of nine (9) years of service\$550.00~~

~~D. After completion of twelve (12) years of service\$700.00~~

~~E. After completion of fifteen (15) years of service\$850.00~~

~~24.5.3. Longevity shall not be calculated with the employee's wage, but will be maintained as a separate benefit.~~

~~24.5.4. Longevity payment shall be made one (1) time per year. Payment of this benefit shall be made on the first bi-weekly pay period in December.~~

~~24.5.5. Longevity eligibility is defined by the years of service as of November 30th of the year the longevity payment is being awarded.~~

~~Sec. 21-24.6. - Reserved.~~

SECTION 21-25. - ATTENDANCE AND LEAVE

Sec. 21-25.1. - Hours of work.

Sec. 21-25.6. - Leave.

All authorized absences from work shall be covered under one of the following types of leave for at-will employees:

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- a) Sick leave
- b) Funeral leave
- c) Military leave
- d) Vacation leave
- e) Holiday leave
- f) Leave of absence without pay
- g) Jury duty
- h) Occupational disability leave
- i) Non-occupational disability leave
- j) Job basis leave
- k) Compensatory leave
- l) Personal leave
- m) Family and medical leave
- n) Administrative leave

25.6.1. *Sick leave*

- A. *Earned.* Each full-time employee shall accrue .0462 hours of sick leave allowance for each hour of regular paid service. Sick leave is earned from the date of employment.
- B. Sick leave shall not be granted in advance of actually being accrued.
- C. *Accumulation.* Sick leave may be accumulated to a maximum of six hundred twenty (620) hours as of the last day of the pay period including November 1st of any year. If an employee accumulates over five hundred twenty (520) hours, the City shall convert for cash payment to the employee all sick leave over five hundred twenty (520) hours at the rate of two (2) hours of sick leave for one (1) hour of pay. Payment of this conversion shall be made on the first bi-weekly pay period in December. ~~The employee shall not be given cash for~~

~~any amount in excess of five hundred twenty (520) hours upon separation of employment.~~

D. ~~Employees with more than 120 hours of accrued sick leave and at least three (3) years of City service may be eligible to convert sick leave annually to offset the employee's medical insurance deduction, pursuant to the Administrative Order Section 21-24.2.~~

D. *Separation.* Upon permanent separation from the City, an employee, or his/her designated beneficiary will be paid for accumulated sick leave at their pay rate at the time of separation as follows:

~~1. Upon death, or upon retirement at age fifty (50) or older with at least ten (10) years of service (or twenty (20) years of service with no age requirement for sworn law enforcement personnel not in a Collective Bargaining Unit) - One hundred percent (100%) of each hour accumulated.~~

21. Resignation, retirement, or layoff in good standing after completion of twenty (20) years of continuous full-time service - One hundred percent (100%) of each hour accumulated.

32. Resignation, retirement, or layoff in good standing after completion of fifteen (15) years of service, but less than twenty (20) years of service - Seventy-five percent (75%) of each hour accumulated.

43. Resignation, retirement, or layoff in good standing after completion of three (3) years of service, but less than fifteen (15) years of service - Fifty percent (50%) of each hour accumulated.

54. Resignation, retirement, or layoff with less than three (3) years of service - No payment.

65. Termination or resignation not in good standing - No payment.

76. The City Manager has the sole discretion to authorize payments for up to 100% of accrued leave in situations involving reorganization, separation agreements, retirement incentives, and other situations that are in the best interest of the City.

25.6.2. *Funeral leave.* Funeral leave shall be granted to an ~~full-time~~ employee requesting same by filing of appropriate form with the ~~d~~Department ~~d~~Director, for a period not to exceed ~~five average workshifts~~ the number of regularly scheduled hours in one (1) workweek, per occurrence, in the event of death in his/her immediate family for the purpose of attending the funeral or should it be necessary for the employee to attend to the funeral arrangements of the deceased.

~~Funeral leave shall not be charged to sick leave or to compensatory time.~~

Any absence in excess of this amount shall be charged to vacation leave, ~~or~~ compensatory time if accrued, personal leave, job basis leave, or to leave without pay if no ~~vacation or compensatory~~ paid leave is available.

The City Manager and/or Department Director may require sufficient proof of a death in the family before compensation is approved and paid.

25.6.3. *Military leave.* Any full-time employee who presents official orders requiring his or her attendance for a period of training or ~~other~~ active duty as a member of the United States Armed Forces or the State of Florida National Guard shall be entitled to military leave with no loss of pay for ~~a period not to exceed two hundred forty (240) hours, or such period provided~~ the duration required by Federal and/or State law, in addition to any pay received from the Federal or State government. Authorized leave of absence for additional or longer periods of time for assignment to duty functions shall be without pay and shall be granted by the City. The appropriate provisions of Federal and State laws shall apply to the reemployment of employees granted a leave of absence on active military duty.

25.6.4. *Vacation leave.*

A. Administrative Officers shall accrue annual vacation leave, in accordance with the following schedule:

Less than one (1) year service	. <u>03845</u> hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of one (1) year service	. <u>05757</u> hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of three (3) years service	. <u>076670</u> hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of five (5) years of service	. <u>09642</u> hours vacation accrual per each regularly <u>scheduled paid</u> hour worked

Completion of ten (10) years service	.11534 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked
Completion of fifteen (15) years of service (only employees hired on or before September 30, 1994)	.1346 hours vacation accrual per each regular hour worked (only employees hired on or before September 30, 1994)
Completion of twenty (20) years of service (only employees hired on or before September 30, 1989 <u>and serving as Administrative Officers as of September 30, 2016</u>)	.1538 hours vacation accrual per each regularly <u>scheduled paid</u> hour worked (only employees hired on or before September 30, 1989 <u>and serving as Administrative Officers as of September 30, 2016</u>)

- B. Administrative Officers may accumulate up to a maximum of two hundred eighty (280) hours of vacation leave as of the last day of the pay period including ~~October~~ November 1 of any fiscal year. Employees with more than two hundred eighty (280) hours may be paid for any accumulations over two hundred eighty (280) hours, one (1) time per year, up to a maximum payment of eighty (80) hours.
- B. Vacation leave shall be accrued from date of employment but may not be granted in advance of being actually earned.
- D. Vacation leave may be used to supplement sick leave due to sickness or injury only after sick leave has been fully exhausted.
- E. An employee, or his or her designated beneficiary, in case of death, shall receive full payment for all earned vacation leave, not to exceed 600 hours minus the number of hours paid out upon entering the Deferred Retirement Option Program, if applicable, upon separation of service at the rate of his or her final bi-weekly or hourly pay rate, wage or salary. ~~Vacation leave is earned on each hour of service, not on an annual basis.~~
- F. Holidays which occur during a selected period for vacation leave shall not be charged against such vacation leave.
- G. The period selected by an employee for his or her vacation leave must have prior approval of the City Manager and/or Department Director.
- H. An employee cannot be paid in lieu of taking his/her vacation, except upon separation or, if an Administrative Officer, pursuant to ~~sub~~Section 21-25.6.4.B., above.

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- I. The City Manager and/or Department Director will attempt to arrange vacation schedules and reallocate remaining duties on such a basis as to cause minimum interference with the normal functions and operations of the organization. The City Manager and/or Department Director shall have the discretion to determine respective department's vacation schedules and the system by which their respective employees are assigned vacation leave.
- J. Vacation pay will be based on hours worked per week and vacation pay will be at the employee's regular rate of pay.
- K. ~~Upon separation, an employee will be paid for accumulated vacation leave as follows:~~
 - 1. ~~Upon death or retirement, the employee or his/her designated beneficiary shall receive full payment for all accumulated vacation leave, up to a maximum of three hundred twenty (320) hours.~~
 - 2. ~~Probationary employees no payment.~~
 - 3. ~~Regular employees full payment of accumulated vacation leave, up to a maximum of three hundred twenty (320) hours.~~
 - 4. ~~The City Manager has the sole discretion to authorize payments for up to one hundred percent (100%) of accrued leave in situations involving reorganization, separation agreements, retirement incentives, and other situations that are in the best interest of the City.~~

25.6.5. *Holidays.*

- A. The following days shall be observed by all full-time employees as holidays:
 - New Year's Day
 - Martin Luther King Junior's Birthday
 - Presidents' Day
 - Memorial Day
 - Independence Day
 - Labor Day

Veterans Day

Thanksgiving Day

Day after Thanksgiving Day

One-half day Christmas Eve Day

Christmas Day

One-half day New Year's Eve Day

B. Except as described in Sections 21-25.6.5.C and H below, Holidays occurring on a Saturday shall be observed on the previous Friday, and ~~H~~olidays occurring on a Sunday shall be observed on the following Monday.

C. Departments that remain open on holidays shall observe the actual holidays.

D. Holidays must be taken as they occur and may not be accumulated, except as provided in Section 21-10.6.5.H below.

~~E~~E. Holidays must be taken as they occur and may not be accumulated, except as provided in Section E below.

~~F~~F. The employee must work the day before and the day after each holiday to be eligible for holiday pay with the exception of normal days off or excused absences.

~~G~~G. If a holiday falls on a regular day off, the employee shall be scheduled for an average workshift off during the same week, or be awarded compensation at the employee's regular rate of pay, or be provided banked leave time based on the average workshift, whichever City/Department operations permit.

~~H~~H. Holiday pay shall be based on the average workshift, which is the regularly scheduled hours in the workweek divided by five (5) regardless of the number of days the employee is regularly scheduled to work, except that paid holiday leave shall be granted for the full number of hours the employee would have otherwise been scheduled to work had the holiday closure not prevented the employee from working his or her regularly scheduled hours.

25.6.7. *Jury duty.* An full-time employee who is legally summoned to serve on a jury, shall be permitted absence with pay, minus the amount received from the courts, for the time during regularly scheduled work hours required to perform such duty. The employee shall provide his/her supervisor with a copy of the summons upon its receipt.

25.6.8. *Occupational disability leave.*

- A. *Definition.* Authorized absence from work due to injury or sickness incurred while on duty and directly related to work performed, excluding negligence on the part of the employee.
- B. *Negligence* shall be defined as any action which is taken that is not necessary in the actual performance of duty, as determined by the Director of Human Resources or his/her designee. Sick leave accumulation shall be used in cases of negligence.
- C. *Occupational Disability Leave (ODL) Benefit and Workers' Compensation Benefit.* An full-time employee who is ~~an authorized occupational disability leave~~ shall be eligible to receive ~~Workers' Compensation~~ statutory workers' compensation disability benefits shall be eligible to receive ODL benefits as follows:
 - 1. Calendar day one (1) through calendar day fourteen (14), the employee shall receive a combination of ~~W~~workers' C~~ompensation~~ disability benefits and a City wage supplement equal to the employee's gross wages. In no event shall the total of the statutory ~~W~~workers' C~~ompensation~~ disability benefits and the wage supplement received from the City equal more than the employee's gross wages in effect at the time of injury. The Human Resources Director may extend this period of full compensation if the Worker's Compensation insurance provider has been unsuccessful in scheduling the employee's first appointment during this period.
 - 2. Calendar day fifteen (15) (unless delayed pursuant to ~~S~~Sub-section 21-25.6.8.C.1 above) to the end of the statutory ~~W~~workers' C~~ompensation~~ disability ~~B~~enefits or until the employee is no longer employed by the City, whichever is first in time, the employee shall receive a combination of ~~W~~workers' C~~ompensation~~ disability benefits and a City wage supplement equal to seventy-five percent (75%) of the employee's gross wages. In no event shall the total of ~~W~~workers' C~~ompensation~~ disability benefits and the wage supplement received from the City under this paragraph equal more than seventy-five percent (75%) of the employee's gross wages in effect at the time of the injury. Employees shall use sick

leave, vacation leave or any other leave time that they have accumulated to supplement their wages under this ~~s~~Section up to a maximum of one hundred percent (100%) of the employee's gross wages in effect at the time of the injury. No employee shall be permitted to receive any more than one hundred percent (100%) of their gross wages in effect at the time of injury.

3. Any and all statutory ~~W~~workers' ~~C~~ompensation disability payments for loss of wages shall be endorsed to the City, and the City will issue a regular payroll check to the employee.
4. The employee shall be required to cooperate in the treatment as prescribed by the City's designated ~~W~~worker's' ~~C~~ompensation ~~physician(s)~~ health care provider(s) in order to obtain maximum medical improvement or recovery, and in order to remain eligible for the City wage supplement.
5. Health care provider appointments. Employees who are released to return to work regular duty or provided with temporary light duty following their initial visit to the designated workers' compensation health care provider are not eligible for the Occupational Disability Leave wage supplement benefit. Health care provider appointments should be scheduled during non-working hours when possible, or employees shall use sick leave, vacation leave, or any other leave time that they have accumulated if their appointments fall within the scheduled workday.

SECTION 21-26. - EVALUATIONS/PAY FOR PERFORMANCE INCREASES

Sec. 21-26.2. - Merit pay for performance.

Administrative Officers shall be eligible for pay for performance compensation, ~~ranging from 0—5%,~~ based upon their annual evaluation, provided said compensation is approved and funded in the City's adopted budget.

SECTION 21-29. - AMENDMENT OF RULES AND REGULATIONS

Sec. 21-29.1. - Amendments.

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Amendments or revisions to these Policies and Procedures may be recommended for adoption by the ~~City Council~~, by the City Manager, or by the ~~City Council~~Commission of its own motion. Such amendments or revisions of the Code shall become effective after approval by Ordinance of the City Commission.

Section 5: Conflicts. That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 6: Severability. That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

Section 7: Codification. That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

Section 8: Effective Date. That this Ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 8TH DAY OF JUNE, 2017.

PASSED SECOND READING THIS 22ND DAY OF JUNE, 2017.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

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	<u>1st</u>	<u>2nd</u>
Tooley	<u>Aye</u> _____	_____
Rydell	<u>Aye</u> _____	_____
Sarbone	<u>Aye</u> _____	_____
Belvedere	<u>Aye</u> _____	_____
Welch	<u>Aye</u> _____	_____

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