

ORDINANCE NO. 2019-036

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 21, "PERSONNEL ADMINISTRATION," ARTICLE I, "CIVIL SERVICE CODE," SECTIONS 21-3, "POSITIONS INCLUDED IN THE CITY SERVICE;" 21-4, "THE CLASSIFICATION AND COMPENSATION PLANS;" 21-5, "EMPLOYMENT INFORMATION AND REQUIREMENTS;" 21-6, "EMPLOYEE RECRUITMENT AND HIRING PROCEDURES;" 21-7, "RESERVED;" 21-8, "APPOINTMENTS;" 21-9, "EMPLOYEE BENEFITS;" 21-10, "ATTENDANCE AND LEAVE;" 21-11, "PERFORMANCE EVALUATIONS AND PAY-FOR-PERFORMANCE;" 21-13, "RESERVED;" 21-14, "DISCIPLINARY APPEAL PROCESS;" 21-16, "DRUG FREE WORKPLACE;" AND 21-17, "SEPARATIONS;" AND BY AMENDING ARTICLE II, "AT-WILL EMPLOYEE POLICIES AND PROCEDURES MANUAL," SECTIONS 21-22, "EMPLOYMENT INFORMATION AND REQUIREMENTS;" 21-24, "EMPLOYEE BENEFITS;" 21-25, "ATTENDANCE AND LEAVE;" AND 21-30, "DRUG FREE WORKPLACE;" IN ORDER TO UPDATE THE TERMS AND CONDITIONS OF CITY EMPLOYMENT, PROVIDE CROSS-REFERENCES TO APPLICABLE PERSONNEL POLICIES AND PROCEDURES, 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, THE CITY COMMISSION OF THE CITY OF COCONUT CREEK HEREBY ORDAINS:

Section 1: Ratification. That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance.

Section 2: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 21, “Personnel Administration,” Article I, “Civil Service Code,” Sections 21-3, “Positions Included in the City Service;” 21-4, “The Classification and Compensation Plans;” 21-5, “Employment Information and Requirements;” 21-6, “Employee Recruitment and Hiring Procedures;” 21-7, “Reserved;” 21-8, “Appointments;” 21-9, “Employee Benefits;” 21-10, to read as follows:

ARTICLE I. – CIVIL SERVICE CODE

SECTION 21-3. - POSITIONS INCLUDED IN THE CITY SERVICE

Sec. 21-3.1. - The city service.

3.1.2. FLSA-Exempt Civil Service positions are those positions that are governed by the Civil Service Code and are paid on a salaried, versus hourly, basis and are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA). The City Manager shall, by Administrative Order, identify which positions are included in this classification.

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SECTION 21-4. - THE CLASSIFICATION AND COMPENSATION PLANS

Sec. 21-4.1. - The Classification Plan.

The Classification Plan provides a complete inventory of all positions in the City service and accurate descriptions ~~and specifications~~ for ~~each all class of employment~~ job titles. The plan standardizes job titles, each of which is indicative of a ~~definite~~ range of duties and responsibilities and has the same meaning throughout the City Service.

Sec. 21-4.2. – Composition of Classification Plan

The Classification Plan consists of:

~~4.2.1. Classes which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility which require similar experience training and qualifications.~~

4.2.21. Job Class titles, which are descriptive of the work performed ~~and which identify each class~~. Job Class Title 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 civil service 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.~~

4.2.32. Job descriptions, which contain a description of the nature of the work ~~and of the relative responsibility of the positions infor~~ each class Job Title, examples of work which are illustrative of duties ~~of positions allocated to the class, and requirements of work in terms of the~~ experience, education, knowledge, skills, and abilities ~~and skills~~ necessary for performance of the work, ~~and a statement of experience and training desirable for recruitment into the class.~~

Job descriptions are to be interpreted in their entirety. Particular phrases or examples are not to be isolated and treated as a whole definition of the class.

4.2.43. Position listing which shows the Class Job Title of each authorized position in the City Service.

Sec. 21-4.3. - Maintenance of the Classification Plan.

The Director of Human Resources is charged with the responsibility for the proper and continuous maintenance of the Classification Plan so that it will reflect, on a current basis, the job titles used by the City and the duties being performed by ~~each employee in the City Service and the Class to which each position is allocated~~ the employees assigned to each job title.

Sec. 21-4.4. - Amendments to the Classification Plan.

The Director of Human Resources shall periodically review the Classification Plan and upon the basis of his/her investigation, shall recommend to the City Manager

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amendments to the Classification Plan in the form of new Classes/Job Titles, revisions of existing Classes/Job Titles and the abolition of Classes/Job Titles no longer required in the plan. Such recommended amendments shall be effective when approved by the City Manager.

Sec. 21-4.5. - Compensation Plan.

4.5.1. The Compensation Plan shall assign Pay Ranges, also known as Pay Grades or Salary Ranges, for each Class/Job Title included in the Classification Plan. There shall be a minimum and maximum pay rate for each position within the Classification Plan.

4.5.2. On or about October 1st of any year, the minimum and maximum pay ranges and employees' current rate of pay shall be increased by the change in the April to April Consumer Price Index, U.S. Department of Labor, All Urban Consumers, Miami/Fort Lauderdale Area, provided said increase is approved and funded in the City's adopted budget.

4.5.3. The City reserves the right to alter the compensation plan, including but not limited to eliminating or changing the amount and/or payment methods of the increase described in Section 21-4.5.2 above as well as pay-for-performance and requiring leave without pay or furloughs if approved by the City Commission.

~~4.5.4. Any employee in the classification of Dispatcher who is a Certified Training Officer (CTO), and is assigned the duties as a CTO shall have their hourly rate increased by five percent (5%). This five percent (5%) is not counted toward the maximum of the salary range. (Example, a Dispatcher CTO who is at the maximum of the pay range would receive any pay for performance increase as a lump sum, but would continue to receive the five percent (5%) as part of base salary, even if over the maximum.)~~

Sec. 21-4.6. - Approval.

Final approval of all pay ranges and pay rates for each class/job title is vested in the City Manager, provided that the City Manager informs the City Commission of actions taken. Pay ranges or pay rates established that exceed those in the approved budget are subject to available funding. The City Manager shall, prior to preparation of the annual budget, make or cause to be made an investigation of the factors affecting the level of salary ranges. These studies shall compare analogous communities, wage and salary increases and should utilize any data the City Manager deems advisable. ~~The City Manager shall recommend to the City Commission such changes in the compensation plan as he deems necessary to maintain the adequacy of the salary structure.~~

SECTION 21-5. - EMPLOYMENT INFORMATION AND REQUIREMENTS

- ~~Sec. 21-5.6. - Reserved.~~
- ~~Sec. 21-5.8. - Reserved.~~
- ~~Sec. 21-5.9. - Reserved.~~
- ~~Sec. 21-5.10. - Reserved.~~
- ~~Sec. 21-5.11. - Reserved.~~
- ~~Sec. 21-5.12. - Reserved.~~
- ~~Sec. 21-5.13. - Reserved.~~
- ~~Sec. 21-5.14. - Reserved.~~

SECTION 21-6. - EMPLOYEE RECRUITMENT AND HIRING PROCEDURES

- ~~Sec. 21-6.3. - Reserved.~~
- ~~Secs. 21-6.4, 21-6.5. - Reserved.~~

SECTION 21-7. - RESERVED

SECTION 21-8. - APPOINTMENTS

Sec. 21-8.2. - Promotional appointment.

8.2.2. *Probationary period.* There shall be a nine (9) month probationary period from the date of promotional appointment to a position. If the employee has not served a one-year probationary period in a lower position, then the promotional probation shall be extended so that the employee serves a total of one (1) year probation from the date of hire or a nine (9) month probationary period from the date of promotional appointment, whichever is longer. After the successful completion of the probationary period, the person shall be a regular employee in such position. In the event the appropriate Department Director determines that the employee is not adequately performing in the new promotional position, the employee shall be given written notice of deficiencies and given thirty (30) days to rectify said deficiencies. In the event said deficiencies are not corrected within said thirty (30) day period, he/she may be placed back into the position he/she originally held, provided there is a vacancy, or may be placed back into any other job for which he/she possesses the skill, ability, and qualifications for, so long as there exists a vacancy for such position. If no vacancy exists, the employee shall be terminated, but shall be eligible for re-employment with the City in accordance with Section 21-~~17.32~~. of this Code.

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

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administrative order and/or human resources policies and procedures related to evaluations and pay-for-performance.

Sec. 21-8.12. - Seniority.

- A. Seniority shall be computed from the most recent date of hire into City Service. If two or more employees share the same date of hire, seniority shall be awarded in order of employee identification numbers, with the lowest number having the most seniority.
- B. ~~Employees with the highest seniority shall have first preference of shift election and schedule changes. In the departments that bid for vacation leave, employees with the highest seniority shall have first preference in selecting vacations. Seniority shall be used as defined by City policies and procedures that reference seniority and/or as department directors deem to be in the best interest of City and department operations.~~

SECTION 21-9. - EMPLOYEE BENEFITS

Civil service employees shall be entitled to certain employment benefits, which may vary by full-time or part-time status and FLSA exemption status. The city reserves the right to alter employee benefits contained herein, with financial impacts subject to 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 and/or human resources policies and procedures.

- Sec. 21-9.1. - Longevity plan.
- Sec. 21-9.2. - Retirement plan.
- Sec. 21-9.3. - Insurance program.
- Sec. 21-9.4. - Tuition reimbursement program.
- Sec. 21-9.5. - Leave benefits.

~~The city shall maintain a leave program as described in the attendance and leave section of this Code.~~

Section 3: That the Code of Ordinances of the City of Coconut Creek, Florida shall be amended by amending Chapter 21, "Personnel Administration," Article I, "Civil Service Code," Section 21-10, "Attendance and Leave" and by repealing Subsections 21-10.1 through 21-10.7 in their entirety.

SECTION 21-10. - ATTENDANCE AND LEAVE

Details regarding employees' rights and responsibilities pertaining to attendance, punctuality, leave, hours of work, and overtime shall be outlined by administrative order and/or human resources policies and procedures.

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Section 4: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 21, "Personnel Administration," Articles I, "Civil Service Code," Sections 21-11, "Performance Evaluations and Pay-For-Performance;" 21-13, "Reserved;" 21-14, "Disciplinary Appeal Process;" 21-16, "Drug Free Workplace;" and 21-17, "Separations;" to read as follows:

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 and/or human resources policies and procedures, subject to funding availability as determined through the budget process.

- ~~Sec. 21-11.1 - Reserved.~~
- ~~Sec. 21-11.2 - Reserved.~~
- ~~Sec. 21-11.3 - Reserved.~~
- ~~Sec. 21-11.4 - Reserved.~~
- ~~Sec. 21-11.5 - Reserved.~~

SECTION 21-13. - RESERVED

- ~~Secs. 21-13.1 - 21-13.4 - Reserved.~~

SECTION 21-14. - DISCIPLINARY APPEAL PROCESS

- ~~Sec. 21-14.4 - Reserved.~~

SECTION 21-16. - DRUG FREE WORKPLACE

- ~~Sec. 21-16.1.~~

The City recognizes that employee substance and alcohol abuse may have an adverse impact on City government, department operations, the image of City employees, and the general health, welfare and safety of the employees and the general public at large. Therefore, the City maintains a drug free workplace, pursuant to Chapters 112 and 440 of the Florida Statutes, as well as the City's Drug Free Workplace Policy Administrative Order, as may be amended from time to time.

- ~~Secs. 21-16.2 - 21-16.16 - Reserved.~~

SECTION 21-17. - SEPARATIONS

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Sec. 21-17.3. - Dismissal.

A Department Director may dismiss an employee, as described in Section 21-12 ~~or 13~~ of this Chapter.

Section 5: That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended by amending Chapter 21, "Personnel Administration," Article II, "At-Will Employee Policies and Procedures Manual," Sections 21-22, "Employment Information And Requirements;" 21-24, "Employee Benefits;" to read as follows:

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

SECTION 21-22. - EMPLOYMENT INFORMATION AND REQUIREMENTS

~~Sec. 21-22.6. - Reserved.~~

~~Sec. 21-22.8. - Reserved.~~

~~Sec. 21-22.9. - Reserved.~~

~~Sec. 21-22.10. - Reserved.~~

~~Sec. 21-22.11. - Reserved.~~

~~Sec. 21-22.12. - Reserved.~~

SECTION 21-24. - EMPLOYEE BENEFITS

Administrative officers shall receive the following benefits. City commissioners' benefits shall be outlined by resolution. The city reserves the right to alter employee benefits contained herein, with financial impacts subject to 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 and/or human resources policies and procedures:

Sec. 21-24.1. - Retirement plan.

Sec. 21-24.2. - Insurance program.

Sec. 21-24.3. - Tuition reimbursement program.

Sec. 21-24.4. - Longevity plan.

Sec. 21-24.5. - Leave benefits.

~~The city shall maintain a leave program as described in the attendance and leave section of this article.~~

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

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Section 6: That the Code of Ordinances of the City of Coconut Creek, Florida shall be amended by amending Chapter 21, "Personnel Administration," Article II, "At-Will Employee Policies and Procedures Manual," Section 21-25, "Attendance and Leave," and by repealing Subsections 21-25.1 through 21-25.8 in their entirety.

SECTION 21-25. - ATTENDANCE AND LEAVE

[Details regarding employees' rights and responsibilities pertaining to attendance, punctuality, leave, hours of work, and overtime shall be outlined by administrative order and/or human resources policies and procedures.](#)

Section 7: That the Code of Ordinances of the City of Coconut Creek, Florida shall be amended by amending Chapter 21, "Personnel Administration," Article II, "At-Will Employee Policies and Procedures Manual," Section 21-30, "Drug Free Workplace" to read as follows:

SECTION 21-30. - DRUG FREE WORKPLACE

[Sec. 21-30.1.](#)

The City recognizes that employee substance and alcohol abuse may have an adverse impact on City government, department operations, the image of City employees, and the general health, welfare and safety of the employees and the general public at large. Therefore, the City maintains a drug free workplace, pursuant to Chapters 112 and 440 of the Florida Statutes, as well as the City's Drug Free Workplace Policy [Administrative Order](#), as may be amended from time to time.

~~[Secs. 21-30.2—21-30.16.](#)~~ ~~[Reserved.](#)~~

Section 8: 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 9: 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 10: 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 11: Effective Date. That this ordinance shall become effective upon its passage on second and final reading.

PASSED FIRST READING THIS 24TH DAY OF OCTOBER, 2019.

PASSED SECOND READING THIS 14TH DAY OF NOVEMBER, 2019.

Sandra L. Welch, Mayor

Attest:

Leslie Wallace May, City Clerk

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

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