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THANK YOU

City Of Coconut Creek Code of Ordinances
Chapter 21 – Personnel Administration

Article 1. Civil Service Code

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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.
- 1.1.3. *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.
- 1.1.4. *Board* means the Civil Service Board.
- 1.1.5. *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. *Grievance* shall mean a dispute concerning the interpretation or application of this Civil Service Code.
- 1.1.10. *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, step-grandchild or partner registered under the Broward County Domestic Partnership Ordinance.
- 1.1.11. *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.
- 1.1.12. *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. *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. *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, 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. *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. *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).

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2000-44, § 1, 12-14-00; Ord. No. 2001-026, § 1, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-1.2. Authority and administration.

1.2.1. These policies and procedures 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.

1.2.2. All offices, positions and pay ranges are created and authorized by the City Manager subject to the approval of the City Commission.

1.2.3. With specific exclusion of matters reserved to the Civil Service Board and the City Commission as set out by the City Charter, general authority and responsibility for the administration of these rules and regulations rests within the respective departments.

(Ord. No. 2003-026, § 1, 10-9-03)

Sec. 21-1.3. City's rights and responsibilities.

1.3.1. The City possesses the sole right to operate the City and all management rights repose in it. These rights include, but are not limited to, the following:

To direct all operations of the City; to establish reasonable work rules and schedules of work; to create, combine, modify and eliminate positions within the City; to hire, promote, transfer, schedule and assign employees in positions within the City; to suspend, demote, discharge and take other disciplinary action against employees; to relieve employees from their duties; to maintain efficiency of City operations; to take whatever action is necessary to comply with State or Federal law; to introduce new or improved methods or facilities; to change existing methods or facilities; to determine the kinds and amounts of services to be performed as pertains to City operations; and the number and kind of classifications to perform such services; to contract out for goods or services; to determine the methods, means and personnel by which City operations are to be conducted; to take whatever action is necessary to carry out the functions of the City in situations of emergency.

Sec. 21-1.4. Prohibitions.

1.4.1. No person shall be appointed or promoted to, or demoted, dismissed or suspended from any position in the civil service, or in any way favored or discriminated against with respect to employment in the civil

service because of his/her political or religious opinions or affiliations or his/her race, creed, color, national origin, disability, gender, sexual orientation, or age. The City has established an internal procedure to investigate and resolve alleged cases of discrimination which is in addition to existing and adequate procedures established by Broward County, the State of Florida, and the Federal Government. Accordingly, allegations of employment discrimination as described in this section cannot be processed through the grievance procedure or appealed to the Civil Service Board.

- 1.4.2. No person shall seek or attempt to use any political endorsement in connection with any appointment to a position in the civil service.
- 1.4.3. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated to:
- A. Secure or attempt to secure for any person an appointment to a position in the civil service; or
 - B. To obtain an increase in or other advantage in employment in any position, for the purpose of influencing the vote or political action of any person or for any consideration.
- 1.4.4. No employee in the Civil Service and no member of the Civil Service Board shall directly or indirectly, solicit or take part in soliciting an assessment, subscription or contribution of any employee of the City for any political organization or purpose during work hours or on City property.
- 1.4.5. No person elected to public office in the City, during the term of which he/she was elected, shall serve in any position in the civil service.
- 1.4.6. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provision of

the City Charter and these rules, or in any manner commit or attempt to commit any fraud preventing the impartial execution of the provisions of the City Charter and these rules.

- 1.4.7. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for or on account of any appointment, proposed appointment, promotion or proposed promotion to, or any advantage in, a position in the civil service.
- 1.4.8. No employee, examiner, or other person shall defeat, deceive, or obstruct any person in his right to examination, eligibility, certification or appointment under the City Charter and these rules, or furnish to any person any special or secret information for the purpose of affecting the rights or prospects of any person with respect to employment in the civil service.
- 1.4.9. No employee shall solicit any elected or appointed official to inform or to seek or receive assistance with a personnel grievance or appeal.
- 1.4.10. Any officer or employee who violates any of the provisions of this section shall be subject to appropriate discipline (including discharge) as provided for in this code.
- (Ord. No. 137-94, § 3, 9-22-94; Ord. No. 2001-026, § 1, 9-13-01)

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 posi-

tions in the Civil Service provided, however, that such members shall not be employed in the same City department. 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, 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 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 shall be filled by the electing or appointing authority.

2.1.7. On or before October 1st of each fiscal year, the board shall elect its chairperson and vice-chairperson, who shall serve in those respective positions for the ensuing year, ending September 30th. No chairperson or vice-chairperson 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 rules and procedures for the employee election of two (2) members of the Board and the administration of said election.

D. 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.

E. 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.

F. 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.

G. 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.

(Ord. No. 2001-026, § 2, 9-24-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-2.2. The City Commission.

The City Commission shall have the authority to:

2.2.1. Approve the Civil Service Code

2.2.2. Approve the Compensation Plan

Sec. 21-2.3. The City Manager.

The City Manager shall:

- 2.3.1. Be responsible to the City Commission for the administration of the personnel system subject to this Code.
- 2.3.2. Appoint or remove all subordinate officers and employees as provided in this Code, City Charter or Code of Ordinances.
- 2.3.3. Perform such other duties and exercise such other powers in personnel administration as may be prescribed by law, the City Charter, Code of Ordinances, and this Code.

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 and shall:

- 2.4.1. Administer the provisions of this Code.
- 2.4.2. Develop and administer such recruitment and examination programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City service.
- 2.4.3. Prepare and recommend to the City Manager a Classification Plan, and amendments to, the Classification Plan so that it will reflect, on a current basis, the duties being performed by each employee in the City service, and the class to which each position is allocated.
- 2.4.4. Administer the Compensation Plan including the periodic review of salary and wage levels affecting City employment, and the periodic investigation of factors affecting the economic level of salaries and to make recommendations to the City Manager for amendments to the pay plan.
- 2.4.5. Provide for the establishment and maintenance of a roster of all employees in the City service.

2.4.6. Provide such forms and procedures as he/she may consider necessary, appropriate or desirable to carry out the personnel program.

2.4.7. Develop and establish, in cooperation with the City Manager and the various Department Directors, such training and education programs for employees in the City service, as conditions warrant.

2.4.8. Attend meetings of the Civil Service Board.

2.4.9. Perform such other activities with reference to personnel administration, not inconsistent with the City Charter or this Code, as may be deemed necessary or desirable to enforce the provisions of these rules, as the City Manager may direct.

2.4.10. Prepare and recommend to the City Manager such rules or amendments to the rules as may be necessary or advisable to carry out the intent and purpose of the City Personnel Program.

2.4.11. Until such time as the City Manager appoints or reappoints a Director of Human Resources, the City Manager or his/her designee shall retain the duties of the Director of Human Resources.

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 2001-026, § 2, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

SECTION 21-3. POSITIONS INCLUDED IN THE CITY SERVICE**Sec. 21-3.1. The city service.**

The City Service shall comprise all offices and positions in the City employ, now existing or hereafter created. The City service is divided into four (4) classifications:

3.1.1. At-will positions are those positions in the City employment not governed by the Civil Service Code or a collective bargaining unit.

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 ex-

empt 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.

3.1.3. FLSA-Non-exempt Civil Service positions are those positions that are governed by the Civil Service Code and are paid on an hourly basis and are subject to the overtime provisions of the Fair Labor Standards Act (FLSA).

3.1.4. Positions included in a collective bargaining unit.
(Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-3.2. Positions.

3.2.1. Positions that are excluded from Civil Service provisions shall be as hereinafter described:

- A. City Manager.
- B. Deputy City Manager and Assistant City Managers.
- C. Department Directors.
- D. Administrative Officers (all grades).
- E. Temporary employees.
- F. Any other positions identified as at-will by the City Commission. The Civil Service Code does not apply to at-will employees.
- G. Positions that are within a collective bargaining unit as certified by the Florida Public Employee Relations Commission, but to whom the Civil Service Code does not apply pursuant to the provisions of the collective bargaining agreement.
- H. City Attorney.
- I. Deputy City Attorney and Assistant City Attorneys.
- J. Contract Employees.

3.2.2. Civil Service positions shall include all other positions now existing or hereafter created but not excluded by Item 3.2.1. of this Section.

(Ord. No. 2000-44, § 1, 12-14-00; Ord. No. 2001-026, § 3, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-3.3. Status of employees in the city service.

All regular employees in the City service holding positions in the civil service on the effective date of this Code shall continue to be considered regular employees and as such entitled to the rights, benefits and privileges extended to such employees by the City Charter and these rules.
(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 143-95, § 1, 9-28-95)

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 class of employment. The plan standardizes 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.

4.2.2. *Class titles* which are descriptive of the work performed and which identify each class. Class Title 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.

- 4.2.3. *Job descriptions* which contain a description of the nature of the work and of the relative responsibility of the positions in each class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledge, 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.

- 4.2.4. *Position listing* which shows the Class 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 duties being performed by each employee in the City Service and the Class to which each position is allocated.

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

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 168-97, § 1, 12-11-97; Ord. No. 2001-026, § 4, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-4.5. Compensation Plan.

- 4.5.1. The Compensation Plan shall assign Pay Ranges for each Class 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 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 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.)

(Ord. No. 2001-026, § 4, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2007-004, § 2, 5-10-07; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-4.6. Approval.

Final approval of all pay ranges and pay rates for each class 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. (Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-4.7. Accounting responsibilities.

4.7.1. *Directors.* Department Directors shall maintain accurate records on forms approved by the Director of Human Resources to accurately reflect employees' leave, attendance and absences. Master payroll journals will be maintained by Finance and Administrative Services, for auditing purposes.

4.7.2. *City Manager.* The City Manager, through the Director of Human Resources, shall review the compliance of the departments to the requirements, standards and policies established by the "Classification" and Compensation Plan by maintaining permanent personnel files and absentee records.

4.7.3. *Director of Finance and Administrative Services.* The Director, among other duties, directs and provides control over the disbursement of the City funds, including that portion attributed to payrolls. The director shall establish accounting procedures in order to provide accurate payroll calculations, provide budgetary reporting, assist department heads in payroll preparation and provide controls necessary to meet fiscal, budgetary and auditing compliance standards.

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-4.8. Direct payroll deposit—required.

4.8.1. Effective October 1, 2001, all employees in the classified service shall have their

bi-weekly pay directly deposited into an account at the financial institution of their choice.

4.8.2. The bi-weekly payday may change at the convenience of the City, but annual salaries shall not be affected by a change in the day that pay is distributed. (Ord. No. 2001-026, § 4, 9-13-01)

SECTION 21-5. EMPLOYMENT INFORMATION AND REQUIREMENTS

Sec. 21-5.1. General guidelines for employment

5.1.1. *Equal opportunity employment.* The City of Coconut Creek is an equal opportunity employer in compliance with the guidelines set forth by the Equal Employment Opportunity Commission (EEOC). The City shall not discriminate against any City employee or employment applicant on the basis of race, religion, color, national origin, gender, sexual orientation, age, or disability.

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 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 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.

(Ord. No. 2001-026, § 5, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-5.2. Nepotism.

5.2.1. No member of the family of a City Commissioner, City Attorney, Deputy City Attorney, Assistant City Attorney, City Manager, Deputy City Manager, Assistant City Manager, or Human Resources Director shall be hired as an employee of the City. This does not preclude a family member, with the exception of the City Manager's family members, from acting as an unpaid or temporary employee, such as a summer counselor or intern.

5.2.2. No family members shall be employed in a City Department where the Department Director is a family member, and no employee shall be supervised by a family member.

5.2.3. No person shall be employed as an employee in the same department as a member of his/her family without the City Manager's approval. This provision shall not apply if a family member is a temporary employee in the same division.

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 partner registered under the Broward County Domestic Partnership Ordinance.

5.2.5. The City shall adhere to all requirements of F.S. 112.3135, as may be amended.

(Ord. No. 163-96, § 1, 9-26-96; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 5, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2010-024, § 2, 10-28-10)

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.

(Ord. No. 2005-022, § 1, 6-23-05)

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.

(Ord. No. 2005-022, § 1, 6-23-05)

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 func-

tions 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 accommoda-

tion 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. 21-5.7. 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. (Ord. No. 2001-026, § 5, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

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), 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. (Ord. No. 2001-026, § 5, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

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. (Ord. No. 2005-022, § 1, 6-23-05)

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.

(Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-5.11. 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. 21-5.12. 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. 21-5.15. Driver license update.

5.15.1. The City may obtain the current driver license status for all employees who drive City vehicles.

5.15.2. Upon notification that an employee's driver license has been expired, suspended, or revoked, the affected employee shall, within forty-eight (48) hours of such verification, provide proof of having a valid driver license.

(Ord. No. 2001-026, § 5, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2009-013, § 2, 9-10-09)

SECTION 21-6. EXAMINATIONS

Sec. 21-6.1. Recruitment by examination.

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.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 6, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-6.2. Reserved.

Editor's note—Ord. No. 2009-013, § 2, adopted Sept. 10, 2009, deleted § 21-6.2, which pertained to identity of examinees concealed and derived from Ord. No. 2001-026, § 6, adopted Sept. 13, 2001.

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.

(Ord. No. 2001-026, § 6, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06)

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

Editor's note—Ord. No. 2006-040, § 1, adopted Dec. 19, 2006, repealed §§ 21-6.4, 21-6.5, which pertained to "non-assembled examinations" and "promotional examinations", and derived from Ord. No. 137-94, § 3, adopted Sept. 22, 1994; Ord. No. 2001-026, § 6, adopted Sept. 13, 2001; Ord. No. 2005-022, § 1, adopted June 23, 2005.

SECTION 21-7. ELIGIBLE LISTS

Sec. 21-7.1. Establishment of eligible lists.

- 7.1.1. 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.

(Ord. No. 2001-026, § 7, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

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. ; Ord. No. 2006-040, § 1, 12-19-06

- 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.

(Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-7.3. Reemployment lists.

- 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.

(Ord. No. 2001-026, § 7, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

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.

(Ord. No. 2001-026, § 7, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

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 writ-

ten 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.
- (Ord. No. 137-94, § 3, 9-22-94; Ord. No. 2001-026, § 7, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

SECTION 21-8. APPOINTMENTS

Sec. 21-8.1. Original appointment.

- 8.1.1. *Definition.* The initial appointment to a position in a class in the City service.
- 8.1.2. *Probationary period.* A probationary period shall be regarded as an integral part of the examination process that shall be utilized for closely observing the employee's work for securing the most effective adjustment of the new employee whose performance does not meet the required work standards.
 - A. *All Employees* —probationary period shall be one (1) year from the date of hire, unless extended. Notwithstanding the above, probationary employees on approved leave of absence in excess of thirty (30) calendar days during their probationary period shall have their probationary period extended by the same length of time as the entire leave of absence.
 - B. Probationary employees on approved Workers' Compensation leave in excess of thirty (30) calendar days during their probationary period shall

have their probationary period extended by the same length of time as the entire leave of absence.

- C. Prior to completion of the probationary period, the employee's Department Director shall, through a personnel evaluation, either recommend acceptance as a regular employee, or recommend an extension of the probationary period, or termination. Such request for extension of an employee's probationary period shall not be arbitrary or capricious, and shall require a detailed explanation of the reason(s) for the request. The extension of the probationary period shall not exceed ninety (90) days. Any extension of the probationary period shall change an employee's anniversary date for pay-for-performance purposes.
- D. No recommendation for acceptance, extension or termination shall become final until approved by the City Manager.
- E. Probationary employees can be reprimanded, suspended, demoted, or terminated for any reason, without cause and without recourse, as contained in Section 21-14 entitled "Disciplinary Appeal Process" or Section 21-15 entitled "Grievances."
- F. *Rate of Pay.* Initial compensation for employees in the Civil Service shall be at the entry level pay rate in the assigned pay range, unless the City Manager approves initial compensation at a higher rate than entry level. The City Manager may approve initial compensation at any pay rate within the position pay range.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-8.2. Promotional appointment.

8.2.1. Definition.

- A. *Competitive:* The appointment to a position in a higher class for which

an eligible list has been established, and requires a higher level of duties and responsibilities.

- B. *Non-competitive:* An appointment to a position that has been reclassified to a higher classification, in which the incumbent in the reclassified position meets the established minimum requirements.

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. 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 21-7.3. of this Code.

8.2.3. *Rate of pay* shall be the lowest pay rate in the higher range that shall provide an eight percent (8%) increase over the pay rate received prior to the promotion for employees who are not serving the initial or a promotional probationary period. Employees who are serving any probationary period shall receive the lowest pay rate in

the higher range that shall provide a three percent (3%) increase over the pay rate received prior to the promotion.

8.2.4. *Performance Evaluation.* A promotion changes an employee's anniversary date for performance evaluation purposes. However, upon promotion, an employee 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.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-8.3, 21-8.4. Reserved.

Editor's note—Ord. No. 2005-022, § 1, adopted June 23, 2005, deleted § 21-8.3 and 21-8.4, which pertained to "seasonal appointment" and "temporary appointment" and derived from Ord. No. 2001-026, § 8, adopted Sept. 13, 2001.

Sec. 21-8.5. Emergency appointment.

8.5.1. *Definition.* The appointment to a position authorized by the City Manager due to riot, conflagration, natural disaster or emergency which threatens life, property or the general welfare of the City. Such appointment shall not exceed thirty (30) days, unless approved by the City Commission.

8.5.2. *Probationary period.* (Not-applicable)

8.5.3. *Rate of pay.* Established by City Manager

Sec. 21-8.6. Re-employment.

8.6.1. *Definition.* The appointment of a former employee who has been involuntarily separated (laid off) from the City service without fault or delinquency on his/her part, to the same position in the same class.

8.6.2. *Probationary period* shall be six (6) months from date of re-employment.

8.6.3. *Rate of pay.* The rate of pay shall be at the same pay rate he/she was at when laid-off, provided the employee is recalled to his/her position within two (2) years.
(Ord. No. 153-97, § 1, 9-25-97)

Sec. 21-8.7. Reserved.

Editor's note—Ord. No. 2005-022, § 1, adopted June 23, 2005, deleted § 21-8.7, which pertained to "re-instatement" and derived from Ord. No. 137-94, § 3, adopted Sept. 22, 1994.

Sec. 21-8.8. Lateral assignment.

8.8.1. *Definition.* The change of an employee, without a break in service, to a position in the same or similar class within the City service.

8.8.2. *Probationary period.* (Not-applicable)

8.8.3. *Rate of pay.* (Not-applicable)
(Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-8.9. Demotion.

8.9.1. *Definition.* The change of an employee to a position in a lower class.

8.9.2. *Probationary period.* (Not applicable).

8.9.3. *Rate of pay.* As determined by the Director of Human Resources with the approval of the City Manager.
(Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-8.10. Pay range reallocation.

8.10.1. *Definition.* Pay range adjustment upward or downward of a position in a class to allow recruitment at entry level as warranted by wage study of similar positions.

8.10.2. *Probationary period.* (Not-applicable)

8.10.3. *Rate of pay.* An employee whose position is reallocated upward within the pay plan may maintain the same rate of pay as held prior to reallocation. However, if the current pay rate is less than the minimum, the pay rate shall be increased to the minimum of the range for the posi-

tion. An employee whose position is reallocated downward and whose current pay rate is outside the range of the new position shall maintain the same rate of pay, until such time as the amount of the pay range surpasses the amount of pay the employee is receiving for his/her position. (Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-8.11. Temporary assignment.

8.11.1. *Definition.* A temporary assignment to a position with higher level duties and responsibilities and a higher pay classification than the regularly assigned position. All temporary assignments shall be with the prior approval of the City Manager.

8.11.2. *Probationary period.* (Not applicable).

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) consecutive working days in the temporary assignment. The higher rate of pay shall begin on the first day following the completion of the five (5) consecutive working days minimum service.

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 143-95, § 1, 9-28-95; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

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. (Ord. No. 2001-026, § 8, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

SECTION 21-9. EMPLOYEE BENEFITS

Employees in the Civil Service shall be entitled to the following benefits. 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 if approved by the City Commission through the annual budget process.

(Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2010-024, § 2, 10-28-10)

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.

(Ord. No. 2001-026, § 9, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-9.2. Retirement plan.

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 Re-

tirement 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. Effective October 23, 2011, for Fiscal Year 2012 only, either 2.a. or 2.b. below shall apply, 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. Effective October 23, 2011, for Fiscal Year 2012 only, in the event of a mandatory employee contribution to the FRS, the City shall contribute an equivalent percentage, 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. However, effective October 23, 2011, for Fiscal year 2012 only, in the event of a mandatory employee contribution to the FRS, the City shall contribute an equivalent percentage, not to exceed three percent (3%), of eligible earnings to the employee's ICMA 457 account.
- 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 Cor-

poration 457 Deferred Compensation Plan or other voluntary employee retirement plans offered by the City, as may be amended from time to time.

(Ord. No. 128-98, § 1, 10-8-98; Ord. No. 2001-026, § 9, 9-13-01; Ord. No. 2002-05, § 1, 4-11-02; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2009-013, § 2, 9-10-09; Ord. No. 2010-024, § 2, 10-28-10; Ord. No. 2011-019, § 2, 10-13-11)

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:

- 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 attain-

ing 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.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 9, 9-13-01; Ord. No. 2002-005, § 1, 4-11-02; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2007-013, § 2, 9-17-07; Ord. No. 2009-013, § 2, 9-10-09; Ord. No. 2010-024, § 2, 10-28-10)

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

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 pay-

ment 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. The City recognizes the increasing enrollment in non-traditional programs and other methods that enable employees to complete additional credit hours in a fiscal year; therefore, the following provisions apply:
1. Reimbursement for credit hours taken in excess of 18 hours per year shall be deferred to the completion of the first semester in the subsequent fiscal year, based on the academic calendar of the state university system.
 2. Deferred reimbursement for courses taken at private institutions shall be limited to three (3) credit hours per course, payable at the state tuition rates.
 3. Deferred reimbursement shall be made based on state tuition rates that were in effect during the semester the course was actually taken, regardless of when reimbursement takes place.
 4. Deferred reimbursements shall be repaid to the City if the employee resigns from his/her employment within twelve (12) months of the reimbursement, regardless of when the course was actually completed.
 5. Employees requesting deferred reimbursement for credit hours taken in excess of 18 hours per year shall still be required to submit the request form prior to the course start date.
6. Under no circumstances shall more than 18 credit hours be reimbursed in any fiscal year.
- 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.
- 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.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 9, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-9.5. Leave benefits.

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

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 143-95, § 1, 9-28-95; Ord. No. 2001-026, § 9, 9-13-01)

Sec. 21-9.6. Reserved.

Editor's note—Ord. No. 2009-013, § 2, adopted Sept. 10, 2009, deleted § 21-9.6, which pertained to educational incentive and derived from Ord. No. 2003-026, § 1, adopted Oct. 9, 2003.

SECTION 21-10. ATTENDANCE AND LEAVE

Sec. 21-10.1. Hours of work.

10.1.1. The hours of work for employees are as follows:

- A. The established work week and hours of work shall be set by the Department Directors for their respective departments with the approval of the City Manager. In order to maintain essential public services, the City must reserve the right to have such flexibility in working hours as to properly conduct its operations. Therefore, the City reserves the right to determine and establish the hours of work and work schedules for each employee. For each department, division or shift, the City shall have the right to fix, alter or change the work week, work day, the number of hours worked, the number of shifts and the starting and ending time of each. The specific work schedule established for each department, division or shift may be changed by the

City from time to time with five (5) working days notice, when practicable, to the affected employee(s), except in declared emergency situations. Employees shall be required to report for mandatory overtime under the following conditions: Three (3) workdays notice for non-emergency required overtime, and immediate notice if a City emergency has been declared by the City Manager and/or City Commission, or a Hurricane Watch/Warning or Tropical Storm Watch/Warning has been issued by the National Weather Service for an area in South Florida which includes Coconut Creek, or for special needs of the department including the maintenance of minimum staffing.

- B. In the event of a Tropical Storm Watch/Warning or Hurricane Watch/Warning being issued by the National Weather Service, on-duty personnel, including dispatchers, who are subject to having their workshift extended for overtime purposes, shall be permitted up to two (2) hours of on-duty time to report to their residence for the purpose of making final preparations or evacuation for storm protection. Scheduled time off shall be at the discretion of the Department Director in order to maintain departmental operations.
- C. Failure to report for mandatory overtime, when ordered, may result in disciplinary action up to and including termination for cause.

10.1.2. Employees shall not normally be authorized to be in non-public areas or on City property for more than twenty-five (25) minutes prior to and/or after their scheduled hours of work unless the employee is on authorized overtime or call-out. Employees who come to work early or stay late, unless assigned to do so, are considered to be there for strictly social or personal reasons.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 10, 9-13-01)

Sec. 21-10.2. Overtime Compensation.

10.2.1. *[Applicability of section.]* Section 21-10.2. does not apply to employees whose positions are designated as FLSA-Exempt. Exempt employees are expected to work the number of hours necessary for successful completion of assigned duties and responsibilities, and are not eligible for overtime pay or compensatory leave.

10.2.2. *City Declared Emergencies.* During City declared emergencies, the Administrative Order entitled, "City Declared Emergency Pay and Reporting Policy," shall dictate how all hours are paid for FLSA-Non-exempt Civil Service employees and may differ from Section 21-10.2.

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. Employees who work overtime without proper authorization shall be subject to disciplinary action, up to and including termination.

C. Holiday pay shall not be considered for 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.
2. When the employee works on the 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.
3. 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-hour minimum, or for time actually worked, whichever is greater.

10.2.4. *Call-out procedure.*

A. The call-out duty roster shall be established by the Department Director or designee. Determination of qualification of employee will be based on level of experience and department/division training.

B. The roster will consist of those employees determined as qualified and outlined in subsection A. Those employees will be listed on a roster based on a rotating schedule. An employee who does not accept the duty is placed at the bottom of the list; any employee that volunteers to "fill in" for a scheduled employee, does not change his/her position on the roster. Furthermore, the fill-in employee is to be asked to "fill in" based on the order of the rotating

schedule. Assignments shall be given in turn based on the roster. Should an employee decline the overtime duty, then the overtime shall be offered to the person whose turn is next on the roster.

- C. Personnel will be assigned by the Department Director or designee to publish the employee name, home phone number, and cell phone number, along with the Supervisor on Duty's name, home phone number, and cell phone number on the Intranet or other centrally accessible location. "Supervisor on Duty" is to be shared by the supervisors designated by the Department Director or designee.
- D. Assigned call-out duty: Call-out duty shift schedule is determined by the Department Director in order to meet operational needs. At the completion of the call-out shift, the call-out employee will turn in any call-out equipment and call-out duty log to the designated support personnel. Each call-out shall be approved by the Supervisor on Duty, at the discretion of the Department Director or designee. The Supervisor on Duty will be responsible to assign extra staffing and equipment based on seniority rotation.
- E. Employees accepting call-out duty agree to make themselves available and physically able, at all times, to respond to requests from Police Dispatch, customers, and/or supervisory personnel within a timely manner and/or within the time period required by the Department Director or designee. In the event a personal emergency occurs while an employee is on assigned call-out duty, it shall be the employee's responsibility to immediately notify the designated supervisor. In the event the assigned employee does not respond to a call-out request, with the excep-

tion of a previously reported personal emergency, the employee will be subject to disciplinary action as enumerated in Section 21-12 of this Code.

- F. If any employee responds to a call-out, he/she shall receive a minimum of three (3) hours at time and a half (1 1/2) regular pay unless he/she qualified for overtime as described in Section 21-10.2 of this Code. There shall be no payment for travel time. If the initial call-out exceeds three (3) hours, the employee shall remain in overtime status and shall be compensated for the total actual hours worked at the rate of time and a half (1 1/2). If while working on the initial call-out the employee receives a subsequent call-out, the employee shall remain in overtime pay status and shall be paid for the total hours worked. If after the first call-out, the employee returns home and is subsequently called-out, after three (3) hours since the original call began, a new three-hour minimum shall begin.
- G. Assigned call-out duty persons will be paid one hundred twenty-five dollars (\$125.00) per week as on-call premium. This payment shall be prorated daily for call-out assignments lasting less than one full week.
- H. Reserved.
- I. The Department Director or authorized designee will try, insofar as practicable, to distribute overtime work as equally as possible among the qualified employees of the department, on a rotating basis by seniority.
- J. The provisions of the Fair Labor Standards Act, and any amendments thereto as are applicable to municipal employees, shall apply to the

provisions of this section, excluding those positions that are designated as exempt.

- K. *Unforeseen Facility Closures.* In the event of an unforeseen facility closure of less than one (1) workshift, i.e., air conditioner breakdown, fire, flood, or other event that creates intolerable working conditions, only those employees affected may be dismissed from work with pay at the discretion of the City Manager. Such action shall not result in additional compensation for non-affected employees. For closures exceeding one (1) work shift, the City shall make alternate workplace facilities available, to the greatest extent possible.

10.2.5. Employees shall be relieved from duty with pay for the remainder of the workshift following any major traumatic, on-duty incident that the employee was directly involved in, at which time the employee shall attend on-duty Employee Assistance Program (EAP) sessions as scheduled by the Human Resources Department.

(Ord. No. 168-97, § 1, 12-11-97; Ord. No. 128-98, § 1, 10-8-98; Ord. No. 2001-026, § 10, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2009-013, § 2, 9-10-09; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-10.3. Attendance and punctuality.

A. *Purpose.* To clarify the City's policy regarding attendance and punctuality for Civil Service and hourly at-will employees so that there is uniform understanding and consistency of application in all departments Citywide.

B. *Description.* Attendance shall be defined as being at work during one's regularly scheduled work hours, excluding leaves of absence that have been approved in advance. Punctuality shall be defined as arriving to work on time and being at one's work station, ready to work, by the designated start time, and returning from breaks on time.

C. *Action.* In an effort to maximize the productivity and efficiency of all employees, and to establish consistent standards for reward/discipline relating to attendance/punctuality, the following policy is hereby adopted:

1. Attendance — Regular attendance is an essential function of all City positions. It helps to ensure the highest level of customer service, maximizes productivity, prevents an additional burden from being placed on co-workers, and minimizes the costs of overtime.
 - a. Unanticipated absences are those that can not have been foreseen or pre-approved (e.g. getting sick, having car problems, child care problems, sick family member, etc.) regardless of the reason. Since the amount of notice needed to provide coverage for absences varies among departments, the length of notice required to avoid an "unanticipated" occurrence shall be defined by the department. Unanticipated absences include occurrences of at least 15 minutes, whether at the beginning of the workshift, middle of the workshift, end of the workshift, or for the entire workshift.
 - b. Occurrence shall be defined as a single event (e.g., being out one (1) day counts as one (1) occurrence, and being out for five (5) consecutive days for the same illness/problem, also counts as one (1) occurrence. Someone out on Monday, back to work on Tuesday, then out again on Wednesday, counts as two (2) occurrences).
 - c. Employees who will be absent are to notify the supervisor or their designee no later than 30 minutes after their designated starting time, or within such period as required by the employee's department rules and regulations. Employees shall not leave a message, but must speak to a supervisor, or the supervisor's designee only if the supervisor is not available.

- d. Approval of leave usage for all unanticipated leave is at the discretion of the supervisor, along with the approval of the Department Director.
 - e. Repeated unanticipated absences that reveals a pattern (including, but not limited to, leave taken on Monday, Friday, before and/or after a holiday, or in conjunction with other approved leave or regular days off), may be scrutinized more closely than those taken at other times, and may require written documentation of illness or other reasons given when leave is requested.
2. Punctuality — Punctuality is an essential function of all City positions. It helps to ensure that employees are available to assist customers in a timely manner and that team members are relieved for breaks and from duty as scheduled.
- a. Employees are expected to report for work, and to be ready to perform their assigned duties, by their designated starting time. The City will allow employees to sign/clock-in 15 minutes prior to their scheduled starting time solely for the convenience of the employee. However, unless previously authorized, no work shall be performed prior to the scheduled starting time.
 - b. Tardiness is defined as failing to report to the assigned work station, ready to begin work, by the designated starting time. This includes returning from breaks and lunch periods.
 - c. Department Directors approve the work schedules and define punctuality standards for their operations and are responsible for communicating them to staff.
 - d. Employees who expect to be late are to notify the supervisor or their designee according to departmental procedures.
3. Timekeeping
- a. All employees shall use the timekeeping method required within their respective departments (i.e., time clock, computer login, timesheets, etc.).
 - b. No employee shall clock-in/out, sign timesheets, or otherwise sign in for any other employee.
 - c. If for any reason, the timekeeping method is not available (i.e., computer malfunction, etc.), it is the employee's responsibility to immediately notify the supervisor (or department timekeeper only if the supervisor is not available) of the problem.
4. Consequences for Non-Compliance
- a. Required Leave Requests — Employees must submit leave requests for occurrences of tardiness or absences of at least 15 minutes. The appropriate type of paid leave shall be requested, with approval at the supervisor's and Department Director's discretion. If no paid leave is available, the employee shall request a leave without pay. Department Directors may deny use of paid leave as part of a disciplinary action.
 - b. Performance Evaluations — Performance evaluation ratings will be adversely affected by any violation of this policy, including timekeeping procedures, reporting procedures, and tardiness or absenteeism that is disruptive to the efficient operations of the department and/or City.
 - c. Disciplinary Action
 - 1. Employees who incur at least three (3) occurrences of unanticipated absences within any consecutive thirty (30) calendar day period, and/or at least nine (9) occurrences of unanticipated absences within any consecutive twelve (12) month period, shall be issued a verbal

reprimand. Any additional occurrences after the verbal reprimand is issued may result in further disciplinary action, up to and including termination.

2. Employees whose punctuality falls below the standards de-

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fined within their respective departments and/or whose tardiness is disruptive to the efficient operations of the department and/or City shall be issued a verbal reprimand. Any additional occurrences after the verbal reprimand is issued may result in further disciplinary action, up to and including termination.

3. Any violation of timekeeping procedures or reporting procedures may be subject to disciplinary action, up to and including termination.
4. Any employee making entries/changes to the timekeeping system without proper approval and/or in an attempt to cover their own tardiness/absence or that of another employee shall be subject to severe disciplinary action, up to and including termination.
5. It shall be understood that members of the Police Department, both sworn and civilian, because of the critical nature of their work and for shift relief purposes, shall also be held subject to the requirements of the Police Department's procedures, rules, and regulations.
6. Each department director or his/her designee shall be responsible for the attendance of all persons in his/her department, shall maintain records and report such attendance in such a manner as required by the City Manager.

(Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-10.4. Reserved.

Editor's note—Ord. No. 2009-013, § 2, adopted Sept. 10, 2009, deleted § 21-10.4, which pertained to attendance incentive and derived from Ord. No. 2005-022, § 1, adopted June 23, 2005.

Sec. 21-10.5. Absence without leave.

The absence of an employee from his/her regular assigned duties for a single day or part of day, without proper authorization by the department director, including failure to call in to the supervisor each day during an absence, except in emergency situations or if physically unable, shall be deemed absence without leave. Any such absence shall be without pay and subject to disciplinary action. Three (3) days absence without notification shall be considered as a resignation not in good standing.

(Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-10.6. Leave.

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.
- 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.
 - 2. Resignation or layoff in good standing after completion of twenty (20) years of continuous service—One hundred percent (100%) of each hour accumulated.
 - 3. Resignation 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.

- 4. Resignation or layoff in good standing after completion of three (3) years of service—Fifty percent (50%) of each hour accumulated.
- 5. Resignation or layoff with less than three (3) years of service—No payment.
- 6. Termination or resignation not in good standing—No payment.

F. *Usage.*

- 1. Sick leave shall not be considered as a right which an employee may use at his discretion. It shall be considered as a privilege which shall be allowed only in the case of personal sickness or disability, including pregnancy of the employee, or in the case of sickness in the immediate family.
- 2. No more than one workweek in any calendar year may be taken as sick leave due to illness within the immediate family. This limitation does not apply to an employee who meets the definition of extraordinary circumstances as defined in Section G or who claims Family and Medical Leave as described in Section 10.6.12.
- 3. Any employee requesting leave for the reasons listed in this Section shall be required to request sick leave. If sick leave has been exhausted, the employee shall request any remaining paid leave.
- 4. In order to be granted sick leave with pay, an employee must meet the following conditions:
 - a. In the event that an employee is aware in advance

that sick leave benefits will be needed or due, it shall be the duty of the employee to notify the Department Director as far in advance as possible in writing of the anticipated time and duration of such sick leave, and the employee may be required to submit to the Human Resources Department the reason for requesting such sick leave and medical certification that the employee will be unable to perform his/her normal work function. Employees will be required to begin using sick leave on the date after which their doctor certifies that they are medically unable to perform their normal duties. An employee on sick leave is required to notify the Department Director and the Human Resources Department, at the earliest possible time of the anticipated date on which the employee will be able to resume his/her normal duties. Any employee obtaining sick leave benefits by fraud, deceit, or falsified statement shall be subject to disciplinary action, including, but not limited to suspension or dismissal.

- b. Permit such medical examination, nursing visit or inquiry which the City deems desirable.
- c. File a written request for unanticipated sick leave on the form and in the manner prescribed immediately upon return to work.

- d. Employees may be required if requested by the City to submit to the Human Resources Department a medical certificate, signed by a physician stating the kind and nature of the sickness or injury, that the employee has been incapacitated for work for the period of absence and that he/she is again physically able to perform his/her duties.

G. *Donation of accrued sick/vacation leave.*

- 1. Civil service employees may donate accrued sick/vacation leave to a designated City employee whenever extraordinary circumstances require the designated employee to be absent from work for a lengthy period of time and when the employee has exhausted all accrued types of leave due and owing him/her. In no case shall an employee be permitted to donate sick leave if his/her accrued sick leave balance would be less than ninety-six (96) hours after donation. Employees who have given notice of their resignation from employment with the City may not donate sick and/or vacation leave.
- 2. Extraordinary circumstances shall be defined as a life threatening or an incapacitating illness or injury to the employee or immediate family member as defined in this code.
- 3. The Department Director must submit a request, in writing, for permission to solicit donations of accrued leave from City service employees to the Director of Human Resources and shall specify the employee's

name, reason(s) for requesting such donations of accrued leave and estimated duration of absences, if known. Such request shall require the review of the Director of Human Resources who shall review said request within five (5) calendar days. Said review shall verify the medical doctor's certification. Approval of said request shall not be unreasonably withheld. If such request is denied, the employee has the right of appeal through the Grievance procedure as outlined in Section 21-15 of this Code, commencing with Step 3.

4. Upon approval of such request the Director of Human Resources shall make available a supply of Application for Donation of Sick/Vacation Leave forms to employees willing to donate accrued leave time. The donation shall be made as a free and voluntary act and no duress or coercion shall be placed upon an employee to make such donation of his/her accrued leave.
5. Donations of leave shall be made during a fourteen-day period, beginning with the first day after formal approval by the Director of Human Resources and ending fourteen (14) calendar days later. Forms shall be date stamped and all time donated shall be in full hour increments and shall be credited to the employee on an hour-for-hour basis. When such donated leave is used and falls below one hundred (100) hours, the Department Director shall immediately notify the Director of Human Resources or his/her designee, that additional donations of accrued leave shall be necessary. A further donation period may be established in order to keep the employee in a paid status. No more than three (3) donation periods may be established per extraordinary circumstance. An employee shall return to work for a minimum of one (1) workweek prior to an additional three (3) donation periods being considered. A monthly update of the condition of the employee/immediate family member using a Fitness for Duty/FMLA Form by the attending primary medical doctor shall be required and furnished to the Director of Human Resources.
6. In the event of excess donations received but not used due to early recovery, resignation, retirement or death, all donations received but not used shall be returned to the donating employee(s) based on the proportion of hours that employee donated in relation to the total hours donated by all employees (e.g. an employee who donates fifty (50) hours of four hundred and fifty (450) hours total donated shall be credited with 50/450ths of the hours not utilized). Such returned leave shall be reflected in the appropriate leave balance as soon as possible.
7. Time donated for this purpose shall not be considered as time used during the donor's performance rating period.
8. The employee shall immediately notify the Director of Human Resources, in writing, of the employee's return to work or of any major change in the employee's/immediate family member's physical condition.

- 9. Donated leave shall only be used for leave directly related to the reason the donated leave was requested. The recipient has no other rights to use the leave or convert the leave to cash payment.

10.6.2 *Funeral leave.* Funeral leave shall be granted to an employee requesting same by filing of appropriate form with the department director, for a period not to exceed five average workshifts, 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, or to leave without pay if no vacation or compensatory 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 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 seventeen (17) calendar days annually. 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. An employee receiving seventeen (17) calendar days training period shall receive regular pay and the amount received from the Federal or State government. The provisions of Section 8 of Chapter 720, Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, USCA) shall be applicable insofar as it relates to the re-

employment of public employees granted a leave of absence on active military duty under this law.

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 3 years of service	.0385 hours vacation accrual per each regular paid hour
Completion of 3 years of service	.0577 hours vacation accrual per each regular paid hour
Completion of 6 years of service	.0770 hours vacation accrual per each regular paid hour
Completion of 9 years of service	.0962 hours vacation accrual per each regular paid hour
Completion of 13 years of service (only employees hired on or before September 30, 1996)	.1154 hours vacation accrual per each regular paid hour (only employees hired on or before September 30, 1996)
Completion of 17 years of service (only employees hired on or before September 30, 1992)	.1347 hours vacation accrual per each regular paid hour (only employees hired on or before September 30, 1992)

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 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.

3. Effective October 2009 only, in conjunction with reducing the maximum balance limits, the annual payment described in Section 2 above shall be increased to a maximum of eighty (80) hours for employees with fewer than ten (10) years of service and a maximum of one hundred sixty (160) hours for employees with at least ten (10) years of service.

C. FLSA Non-Exempt Employees.

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

Fewer than 4 years of service	.0385 hours vacation accrual per each regular hour worked
Completion of 4 years of service	.0577 hours vacation accrual per each regular hour worked

Completion of 7 years of service	.0770 hours vacation accrual per each regular hour worked
Completion of 10 years of service	.0962 hours vacation accrual per each regular hour worked
Completion of 15 years of service (only employees hired on or before September 30, 1994)	.1154 hours vacation accrual per each regular hour worked (only employees hired on or before September 30, 1994)
Completion of 20 years of service (only employees hired on or before September 30, 1989)	.1347 hours vacation accrual per each regular 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 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 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.

3. Effective October 2009 only, in conjunction with reducing the maximum balance limits, the annual payment described in Section 2 above shall include a maximum of forty (40) hours payable to employees with fewer than ten (10) years of service and one hundred sixty (160) hours for employees with at least ten (10) years of service.
- 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 designated beneficiary, in case of death, shall receive full payment for all earned vacation leave upon separation of service at the rate of his final bi-weekly or hourly 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 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 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 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.
- 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 Section C below, holidays occurring on a Saturday shall be observed on the previous Friday. Holidays occurring on a Sunday shall be observed on the following Monday.

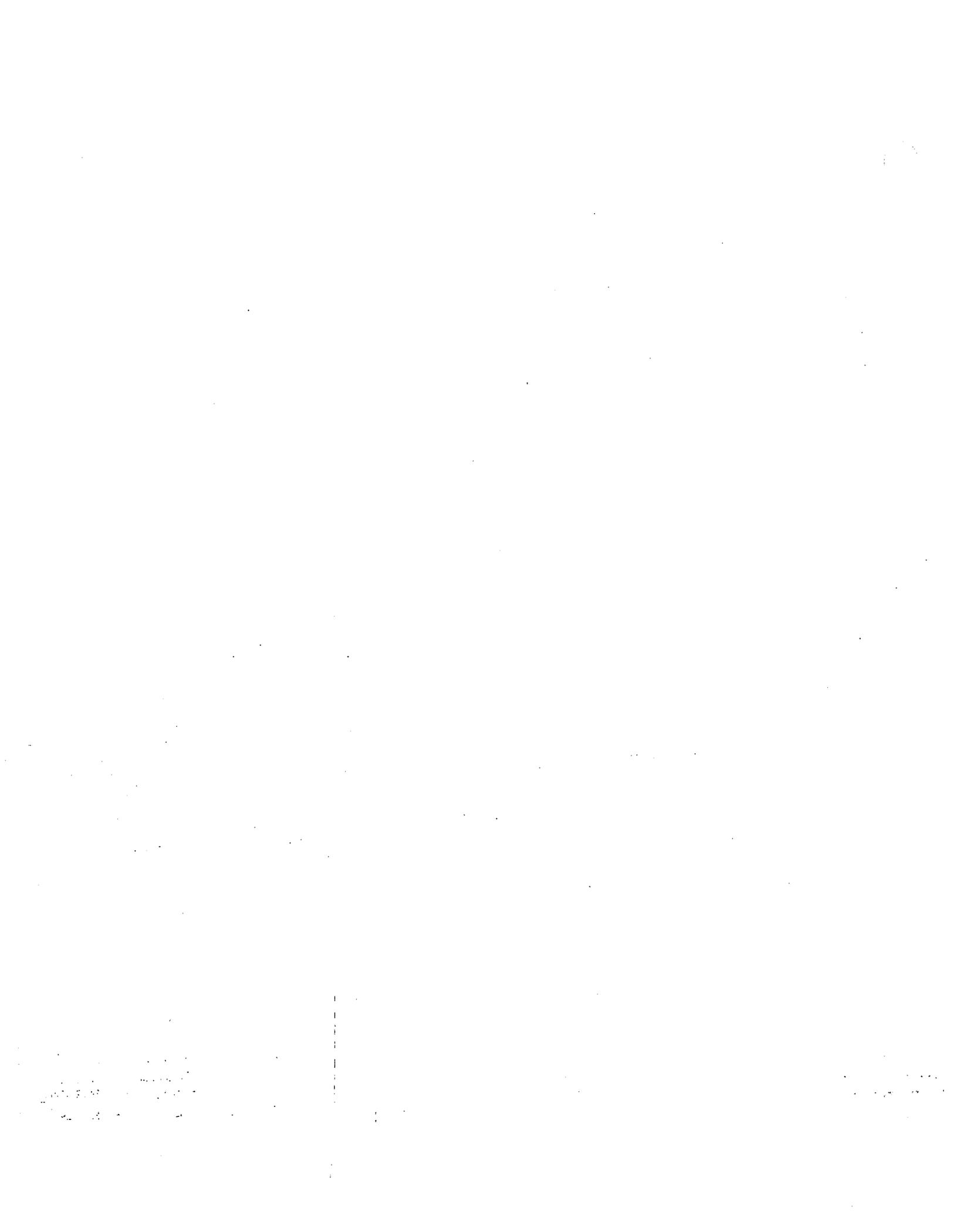
- C. Departments that remain open on holidays shall observe the actual holidays.
- D. Holidays must be taken as they occur and may not be accumulated, except as provided in Section H below.
- E. The employee must work the day before and the day after each holiday to be eligible for holiday pay with the 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. Employees required to work a full scheduled work shift on Thanksgiving Day or Christmas Day shall be granted 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.

other good and sufficient reasons which are considered to be in the best interests of the City.

- A. Department Directors may authorize up to thirty (30) calendar days leave without pay to an employee of their respective departments.
- B. The City Manager may authorize additional leave without pay for up to one (1) year.
- C. Seniority and service time for longevity pay and vacation benefits shall not be lost while an employee is on leave without pay.
- D. Employees on leave without pay shall not accumulate sick leave, or vacation leave during their leave without pay nor be eligible for holiday pay. Those employees who are on approved paid Family Medical Leave shall be paid holiday pay.
- E. Employees on leave may not work for another employer during their leave unless such employment is part of the purpose of the leave. For example, internships as part of an educational program. The determination of appropriate employment while on leave without pay shall rest solely with the City Manager and must be requested in writing prior to the leave being taken.
- F. In the case of a request for an unpaid leave of absence due to a prolonged illness or disability due to injury, such request must be accompanied by a Fitness for Duty Form identifying the illness or injury explaining why the leave is needed, estimating how long the illness or disability due to injury will continue and substantiating every two (2) months the need for continuing the leave. If the City so desires, the employee on leave shall be examined by a physician selected by the City.
- G. An employee on a non-FMLA unpaid leave of absence shall not receive the

10.6.6: *Leave of absence without pay.* A regular employee may be granted leave of absence without pay for sickness, disability, or

City's contribution to the health insurance plan. However, the employee shall, if he/she so desires, be permitted to make his/her own and the City's regular contributions to the Insurance benefits in order to continue the coverage. Although employ-



ees on unpaid FMLA leave continue to receive the City's health insurance contribution, he/she must still make his/her own regular contributions in order to continue the coverage.

10.6.7. *Jury duty.* An 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.

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. Sick leave accumulation shall be used in cases of negligence.
- C. *Workers' Compensation Benefit.* An employee who is on authorized occupational disability leave shall be eligible to receive Workers' Compensation benefits as follows:
 - 1. Calendar day one (1) through calendar day fourteen (14), the employee shall receive a combination of Workers' Compensation benefits and City wage supplement equal to the employee's gross wages. In no event shall the total of Workers' Compensation 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 Com-

- 2. Calendar day fifteen (15) (unless delayed pursuant to Section 1 above) to the end of Workers' Compensation Benefits or until the employee is no longer employed by the City, whichever is first in time, the employee shall receive a combination of Workers' Compensation 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 Workers' Compensation 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 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 Worker's Compensation 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 Worker's Compensation insurance provider has been unsuccessful in scheduling the employee's first appointment during this period.

tion physician(s) in order to obtain maximum medical improvement or recovery.

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.

10.6.10. *Compensatory leave.*

- A. *Purpose.* To provide compensation to FLSA Non-Exempt employees for time worked in excess of normal assigned working hours in lieu of paid overtime. Section 10.6.10. does not apply to FLSA-Exempt employees.
- B. *Authority.* Compensatory leave shall be granted only upon approval at the discretion of the employee's Department Director.

- C. *Accrual.* It shall be granted on a 1 to 1 1/2 basis (1 hour worked = 1 1/2 hours compensatory leave) for hours exceeding forty (40) in a workweek, and on a 1 to 1 basis for hours not exceeding forty (40) in a workweek. Eligible employees may accrue up to a maximum two hundred forty (240) hours. Employees who have accrued the maximum of hours shall be paid overtime for any additional overtime hours over the maximum. Employees shall be permitted to use accrued compensatory time within a reasonable period after it is required if it does not unduly disrupt the operations of the City.
- D. Upon termination of employment, payment for accrued compensatory time shall be calculated at the average regular rate of pay for the final three (3) years of employment, or the final regular rate received by the employee, whichever is higher. Such payment shall be made in accordance with the Department of Labor regulations, which may be amended from time to time.

10.6.11. *Personal leave.*

- A. *Purpose.* To provide leave for personal business.
- B. *Definition.* Authorized leave for personal reasons, religious observances, weddings, transaction of personal business.
- C. *Authority.* Personal leave shall be granted only upon approval at the discretion of the employee's Department Director.
- D. *Accrual.*
 - 1. All employees hired before April 1st of any calendar year shall be granted two (2) average workshifts of personal leave for that calendar year.
 - 2. New employees hired on or after April 1st of any calendar

year shall be granted one-and-one-half (1-1/2) average workshifts of personal leave for that calendar year.

3. New employees hired on or after July 1st of any calendar year shall be granted one (1) average workshift of personal leave for that calendar year.

4. New employees hired on or after October 1st of any calendar year shall be granted one-half (1/2) average workshift of personal leave for that calendar year.

E. No payment will be made upon separation from City service for any unused personal leave.

F. No carry-over of personal leave will be permitted from year-to-year.

10.6.12. *Family and Medical Leave.* The City shall provide leave pursuant to the Family and Medical Leave Act of 1993, which may be amended from time to time, with details provided in the Family and Medical Leave Act (FMLA) Administrative Order.

10.6.13. *Reserved.*

10.6.14. *Administrative leave.* Any employee may be placed on Administrative Leave (leave with pay) for reasons in the best interest of the City and/or employee (e.g. to diffuse a work-related or personal problem that has the potential for escalation if left unchecked, and has a negative effect on department/division operations, and no other solution is available). Administrative Leave shall not be used for matters of a disciplinary nature and is neither subject to Section 21-14 entitled "Disciplinary Appeal Process" nor Section 21-15 entitled "Grievances." Employees on Administrative Leave shall be subject to direction of their activities during normal work hours by the City. Such direction shall not be arbitrary or capricious. Employees on Administrative Leave shall suffer no loss in pay or benefits.

10.6.15. *Job basis leave.*

A. Purpose. To provide compensation to FLSA-Exempt employees who are not eligible for overtime pay or compensatory leave, for working an extensive number of hours in excess of normal working hours to complete assignments or special projects.

B. "Job basis" employees shall be granted job basis leave not to exceed forty (40) hours during any calendar year, pro-rated on a calendar year basis (e.g. hired on or before June 1st = 40 hours, hired after June 1st through December 1st = 20 hours).

C. No payment will be made upon separation from City Service, nor shall carryover be permitted from calendar year to calendar year.

D. No carry-over of Job Basis leave will be permitted from year-to-year.

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 143-95, § 1, 9-28-95; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 168-97, § 1, 12-11-97; Ord. No. 128-98, § 1, 10-8-98; Ord. No. 2001-026, § 10, 9-13-01; Ord. No. 2001-040, § 1, 12-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2007-013, § 2, 9-17-07; Ord. No. 2009-013, § 2, 9-10-09; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-10.7. Compliance with relevant laws.

The City's Attendance and Leave policies shall be applied in accordance with the Family and Medical Leave Act (FMLA), the Health Insurance Portability and Accountability Act (HIPAA), and any other laws protecting employee's rights to legally protected leave and privacy.
(Ord. No. 2005-022, § 1, 6-23-05)

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

Sec. 21-11.1 Purpose.

The evaluation process provides a method for monitoring job performance based upon estab-

*Editor's note—Ord. No. 2005-022, § 1, adopted June 23, 2005, amended § 21-11 by changing the title from "Evaluations" to "Performance Evaluations and Pay-For-Performance".

lished 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.

(Ord. No. 163-96, § 1, 9-26-96; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 168-97, § 1, 12-11-97; Ord. No. 2001-026, § 11, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05)

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. (Ord. No. 137-94, § 3, 9-22-94; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2006-040, § 1, 12-19-06)

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 time-

liness 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 or 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.

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.

(Ord. No. 143-95, § 1, 9-28-95; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 11, 9-13-01; Ord. No. 2005-022, § 1, 6-23-05)

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.

(Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2009-013, § 2, 9-10-09)

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%).

(Ord. No. 2005-022, § 1, 6-23-05)

SECTION 21-12. RULES AND REGULATIONS FOR DISCIPLINE

Sec. 21-12.1. General discipline and control.

The City Manager, Department Directors, and other authorized representatives will be charged with the responsibility of enforcing and maintaining proper standards of discipline and personal conduct among their employees and are vested with discretionary powers and authority to promulgate the necessary rules and regulations to operate their respective departments in a manner so as to maintain such standards.

Sec. 21-12.2. Disciplinary action.

12.2.1. Department Directors and their authorized designees are authorized to impose the following remedial measures upon an employee to ensure compliance with the City's rules, regulations or orders and to deter offensive conduct:

- A. Verbal reprimand.
- B. Written reprimand.
- C. Suspension without pay for up to three (3) work shifts subject to review and approval by the City Manager.

- D. Suspension without pay in excess of three (3) work shifts subject to review and approval by the City Manager.
- E. Other disciplinary actions subject to review and approval by the City Manager.
- F. Demotion to a position in a lower classification, subject to review and approval by the City Manager.
- G. Dismissal subject to review and approval by the City Manager.

12.2.2. The foregoing enumeration of the types of discipline shall not be meant to set forth any necessary sequence of progressive discipline.

12.2.3. Although discipline, up to and including termination of employment, may be based on other causes, any one (1) or more of the following shall be sufficient:

- A. Incompetency or inefficiency in performance of duties.
- B. Conviction of any felony, or of a misdemeanor that is related to the employee's position and/or involve actions that may diminish the public's trust, whether the offense occurred on or off duty.
- C. Willful violation of any of the provisions of the City Charter or this Code.
- D. Violation of any lawful regulation, rule, procedure, order or direction made or given by a supervisor, or violation of any law or City policy, where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public.
- E. While on duty, or while in uniform, including meal breaks, being publicly intoxicated, drinking intoxicating liquor or being under the influence of intoxicating liquor or

controlled substances, or refusal to take any required tests to determine their use.

- F. Offensive conduct or language toward the public, fellow employees, or supervisors, or abusive public criticism of supervisors or public officials.
- G. Misappropriation, misuse, negligent, careless, or unauthorized use of City property or funds and/or damage to City property.
- H. Attempting to induce any officer or employee of the City to commit an act in violation of any lawful or reasonable regulation.
- I. Conduct, either while on or off duty, which reflects discredit upon the City.
- J. Excessive tardiness or absenteeism, or being absent without leave or failing to report after leave of absence has expired.
- K. Engaging in any form of work stoppage.
- L. Failure to notify the Department Director and Director of Human Resources, within one (1) working day, of expiration, suspension or revocation of valid operator or CDL license, or any lapse of such licensure for more than 48 hours when the employee's job requires a valid operator or CDL license.
- M. Sleeping or loafing during work hours, or otherwise misusing City time.
- N. Theft, unauthorized removal or willful damage to any property belonging to another employee or the City.
- O. Unauthorized duplication or use of keys or any device used for locking or securing City facilities or property.
- P. Unauthorized entry to, or exit from City premises at any time.

- Q. Dangerous practical joking, horse-play, wrestling, fighting or throwing of objects.
- R. Threatening, interfering, or coercing of other employees or supervisors while engaged in the performance of their duties on and off City property. This shall not be construed to preclude on-site representatives from investigating possible safety hazards or other items relating to unsafe working conditions.
- S. The introduction or possession of firearms, knives, explosives, or any other lethal instrument or deadly weapon on City property and/or without proper authorization.
- T. Illegal or unauthorized gambling, conducting of lotteries or engaging in any other game of chance, for value, on City property at anytime.
- U. Violation of safe work practices, including failure to wear City-issued safety equipment when appropriate.
- V. Deliberate falsification or omission of pertinent information on City records and/or giving false replies or testimony on any matter relating to City activities.
- W. A documented breach of public trust or unethical conduct.
- X. Fabrication of events or actions of employees or supervisors.
- Y. Retaliation of any type against a supervisor or employee for reporting an incident, or in response to any disciplinary action recommended by a supervisor and approved by the Department Director and/or City Manager.
- Z. Legalized or illegal gambling, while on or off duty, including meal breaks, while wearing City-issued clothing identifying the individual as a City employee.

(Ord. No. 2001-026, § 12, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05;

Ord. No. 2006-040, § 1, 12-19-06; Ord. No. 2009-013, § 2, 9-10-09; Ord. No. 2010-024, § 2, 10-28-10)

Sec. 21-12.3. Verbal reprimand.

Any supervisor may issue a verbal reprimand to an employee. The verbal discussion between the supervisor and the employee occurs in order to allow the employee to correct the situation warranting the reprimand before it reaches the stage of a written warning notice. A record of the verbal reprimand shall be placed in the employee's personnel file.

(Ord. No. 2001-026, § 12, 9-13-01)

Sec. 21-12.4. Written reprimand.

Any Department Director or his/her designee may issue a written reprimand to an employee. A copy of the written reprimand shall be placed in the employee's personnel file and a copy given to the employee.

(Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-12.5. Suspensions without pay for up to three (3) work shifts of scheduled work.

Any Department Director or his/her designee in the absence of the Department Director may, for the purpose of discipline, suspend a regular employee without pay for a period of up to three (3) work shifts of scheduled work with the approval of the City Manager. Successive suspensions for the same occurrence shall not be permitted. In all cases of suspension, the Department Director shall furnish the employee with a copy of the notice specifying his/her reason for the suspension and give the employee an opportunity to participate in an informal pre-suspension hearing. An employee suspended for up to three (3) work shifts shall have the right to appeal the suspension up to the City Manager, as provided in Section 21-15, entitled "Grievances."

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 12, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-12.6. Suspension without pay for in excess of three (3) work shifts of scheduled work.

12.6.1. Any Department Director or, in his/her absence, his/her designee, may, for disci-

iplinary purposes, after review and approval by the City Manager, suspend a regular employee without pay for such length of time as the Department Director or his/her designee considers appropriate and as approved by the City Manager. Unless otherwise approved by the City Manager, the suspension shall not exceed sixty (60) days per occurrence.

12.6.2. A written statement of the reason for suspension shall be submitted to the Director of Human Resources and to the employee affected in each case. Before the City Manager approves the suspension, the employee shall be afforded a pre-suspension hearing with the Department Director to explain his/her conduct. Such hearing shall be held not later than twenty-four (24) hours prior to the time the suspension becomes effective, excluding Saturdays, Sundays, or legal holidays as defined herein.

12.6.3. A regular employee may, with the approval of the City Manager, be suspended with or without pay for a longer period pending the investigation or trial of any charges against him. Such employee determined to be innocent of the charges against him may be returned to duty with full pay for the period of suspension.

12.6.4. Any regular employee suspended in excess of three (3) work shifts shall have the right of appeal as set forth in Section 21-14, entitled "Disciplinary Appeal Process." Whenever a dismissal or suspension of a regular employee is disapproved and a reinstatement ordered, the employee involved shall receive reimbursement of wages lost due to such suspension.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2001-026, § 12, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-12.7. Employees in the Police Department.

The City of Coconut Creek recognizes that the Police Department has special discipline and control requirements in addition to those imposed on

general City employees. These special requirements concern emergency operations which necessitate a more strict discipline and control code inasmuch as the Police Department is a paramilitary department. Therefore, it shall be understood that, in addition to the Civil Service Code's Rules and Regulations for Discipline, sworn members and civilian personnel in the Police Department are held accountable to the Police Department's procedures, rules, and regulations. (Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-12.8. Other disciplinary action.

Any Department Director may for disciplinary purposes, after review and approval by the City Manager, require an employee to reimburse the cost of repairs to city equipment caused by the negligence of the employee and take any other disciplinary actions which may be deemed appropriate under the circumstances. (Ord. No. 153-97, § 1, 9-25-97)

Sec. 21-12.9. Demotion.

Subject to review and approval by the City Manager, department directors are vested with discretionary authority to demote employees to positions in a lower classification on the following grounds:

12.9.1. Disciplinary purposes as previously stipulated.

12.9.2. Due to lack of work, economic reasons, abolishment or combination of positions, or the needs of the City. Under this section, the demotion is to be without prejudice and the employee is eligible to receive preferential consideration and reinstatement to his/her former position or promotion to a similar position for which he/she possesses the skill, ability and qualifications.

12.9.3. Inability to successfully perform the essential duties and functions of the employee's current position.

12.9.4. A demoted employee shall be placed in a position, duties of which he/she is able to

perform in a class with a lower compensation. Regular employee status will be given the employee of a new class. A written statement of the reason for demotion shall be submitted to the employee affected and to Director of Human Resources, and the employee shall have the right of appeal as described in this Code. (Ord. No. 153-97, § 1, 9-25-97)

Sec. 21-12.10. Dismissal/termination.

12.10.1. Any regular employee may be dismissed by the Department Director, with the approval of the City Manager, for cause. With regard to regular employees, no dismissal shall take effect until a written statement of the reasons thereof is submitted to the Director of Human Resources and to the employee affected.

12.10.2. The affected employee shall be afforded a pre-termination hearing with the Department Director to explain his/her conduct. Such hearing shall be held not later than twenty-four (24) hours prior to the time the dismissal becomes effective, excluding Saturdays, Sundays, or legal holidays as defined herein.

12.10.3. Any regular employee who is dismissed shall have the right of appeal as set forth in Section 21-14, entitled "Disciplinary Appeal Process."
(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 143-95, § 1, 9-28-95; Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-12.11. Disciplinary documents.

Any employee shall be given a copy of any written disciplinary document(s) which are placed in his/her personnel file. Said employee shall review any such disciplinary document(s) acknowledging receipt. In addition, said employee shall have the right to add a rebuttal to any written disciplinary document, within seven (7) working days.

(Ord. No. 168-97, § 1, 12-11-97)

Sec. 21-12.12. Probationary employees—no right of appeal.

Probationary employees may be reprimanded, suspended, demoted, or terminated for any reason, without cause and have no rights of appeal pursuant to Section 21-14, Disciplinary Appeal Process or Section 21-15, Grievances.

(Ord. No. 2001-026, § 12, 9-13-01; Ord. No. 2010-024, § 2, 10-28-10)

SECTION 21-13. RESERVED*

Secs. 21-13.1—21-13.4. Reserved.

SECTION 21-14. DISCIPLINARY APPEAL PROCESS

Sec. 21-14.1. Disciplinary appeal process.

14.1.1. A regular employee dismissed, demoted or suspended without pay for more than three (3) work shifts of scheduled work may appeal to the City Manager for a hearing before the Civil Service Board within fifteen (15) calendar days from the time he was served with notice of suspension, demotion, or dismissal as shown by such notice. Such an appeal must be submitted in writing.

14.1.2. The City Manager shall request that the Board hear the appeal within thirty (30) calendar days from the date that such appeal shall have been filed with the City Manager.

14.1.3. Regular employees discharged, demoted or suspended without pay for more than three (3) work shifts, the Department Director; the Director of Human Resources, and the City Manager shall be given written notice by the Board of the time and place of the hearing appeal.

*Editor's note—Ord. No. 2009-013, § 2, adopted Sept. 10, 2009, deleted § 21-13, which pertained to rules and regulations for discipline and control of employees of the police department not covered by a collective bargaining agreement, and derived from Ord. No. 2005-022, § 1, adopted June 23, 2005.

14.1.4. The Board shall, within ten (10) calendar days after the hearing, render its decision to the City Manager in writing. (Ord. No. 2005-022, § 1, 6-23-05; Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-14.2. Hearing.

14.2.1. The Board shall hear the evidence upon the charges and specifications as filed with it by the Department Director. No material amendment of, or addition to, said charges and/or specifications will be considered by the Board.

14.2.2. The proceeding shall be as informal as is compatible with justice.

14.2.3. The order of proof shall be as follows: The Department Director shall present his evidence in support of the charges. The grievant will then produce such evidence as he/she may wish to offer in rebuttal.

14.2.4. The Board shall have the power of subpoena to require the attendance of any City employee. At the request of the employee charged, the Board shall require the attendance of any City employee as witness on behalf of the employee subject to charge.

14.2.5. The City Manager or his designee shall have the right to request the attendance of any City employee as a witness.

14.2.6. The City Manager and Department Director shall be represented by the City Attorney. The employee may also be represented by counsel, at his/her own expense.

14.2.7. The Board may, in its discretion, request opinions from its Special Counsel determining any question of the law and evidence.

14.2.8. The Board shall within ten (10) calendar days following this conclusion of the hearing, render a decision affirming, reversing or modifying the action of the City Manager.

14.2.9. The decision of the Civil Service Board shall be final and the employee shall have no further right of administrative appeal.

Sec. 21-14.3. Failure to appear.

If the employee whose appeal is to be heard shall fail to appear at the time fixed for hearing, and such absence is not excused by a majority vote of the Board, and if no evidence be offered in support of his appeal, the Board may render a report and recommendation to the City Manager by default, or may hear evidence offered by the removed employee and render recommendations thereon. The Board shall forthwith notify the City Manager of its findings.

Sec. 21-14.4. Reserved.

Editor's note—Ord. No. 2006-040, § 1, adopted Dec. 19, 2006, repealed § 21-14.4, which pertained to appeal by employee represented by a bargaining unit, and derived from Ord. No. 2001-026, § 13, adopted Sept. 13, 2001.

SECTION 21-15. GRIEVANCES

Sec. 21-15.1. Definition.

"Grievance" shall mean a dispute concerning the interpretation or application of this Civil Service Code or suspensions from work for up to three (3) work shifts. (Ord. No. 2001-026, § 14, 9-13-01; Ord. No. 2009-013, § 2, 9-10-09)

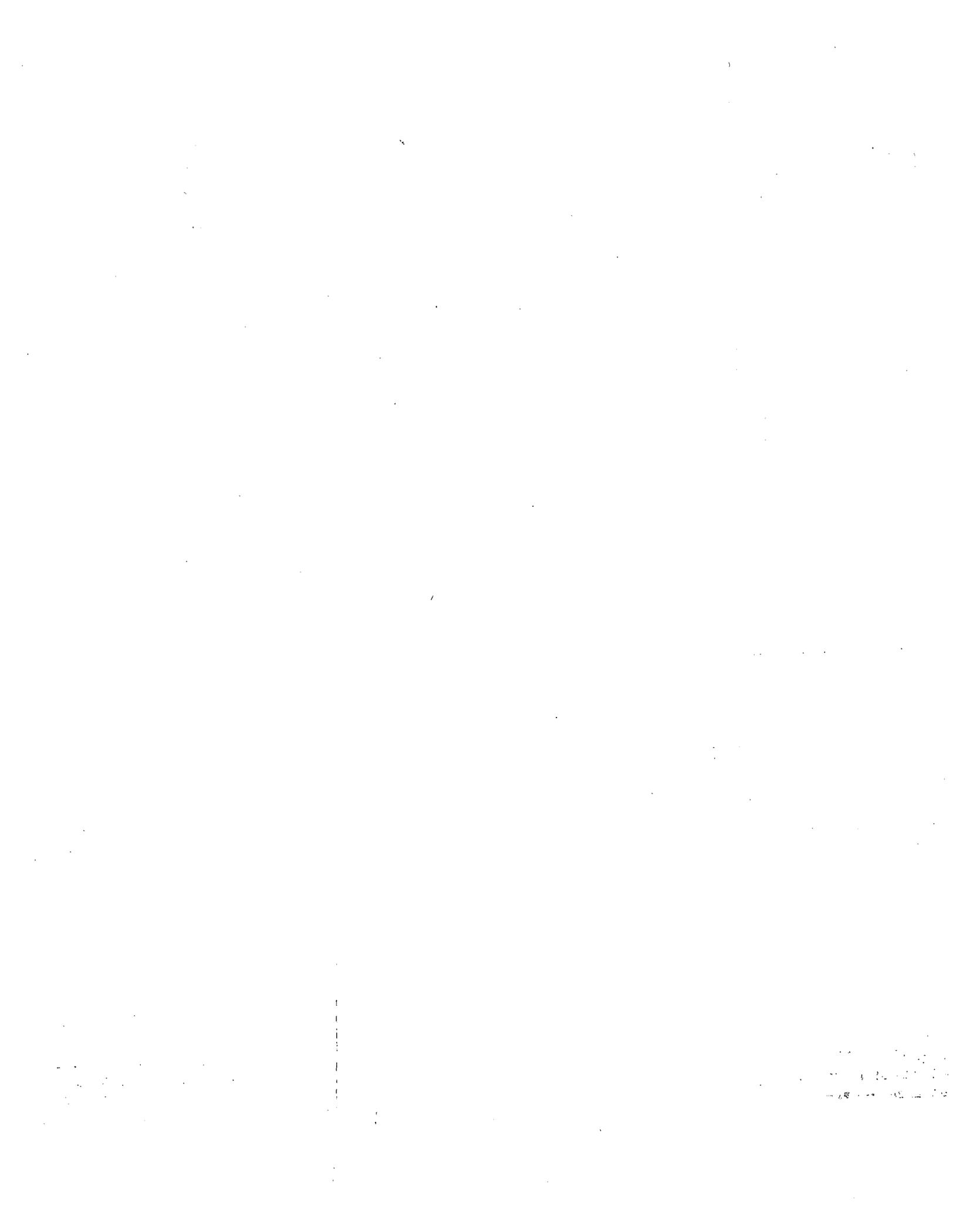
Sec. 21-15.2. Procedure for presentation of grievance.

15.2.1. STEP 1. Immediate supervisor.

A. In the event of a grievance, the employee shall perform his/her assigned work task and grieve his/her complaint later. Such grievance shall then be presented to the Supervisor in writing within five (5) working days of the occurrence of the event that gave rise to the grievance, shall be signed by the employee and shall specify:

1. Name and position of grievant.

2. The date of the alleged grievance.
3. The specific provision of this Code alleged to have been violated.
4. A clear and concise statement of the grievance, the issue in-



volved, the facts pertaining or giving rise to the alleged grievance(s); and

5. The relief requested.

- B. Within five (5) working days from the date the written grievance is presented to the Supervisor, the Supervisor shall advise the employee of his/her decision in writing.
- C. Supervisors are encouraged to consult with their Department Director or the Director of Human Resources for information which will aid the Supervisor to reach a decision.
- D. If the grievance is in response to a disciplinary action, the employee shall present the grievance directly to the supervisor issuing the discipline, which may result in Step 1 being bypassed.

15.2.2. STEP 2:

Referral to Department Director:

- A. If the grievance is not resolved by the immediate supervisor to the satisfaction of the employee, or if the decision is not made by the immediate supervisor within five (5) working days, the grievance shall be referred by the supervisor to the department director.

15.2.3. STEP 3. *Referral of grievance to City Manager.*

- A. If the disposition of the grievance by the Department Director is not satisfactory to the employee or if a decision is not made within five (5) working days, the employee may, in writing, request the Department Director to refer the grievance to the City Manager without delay.
- B. This request must be filed by the employee within five (5) working days after receipt of the Department Director's decision.
- C. The City Manager, upon being notified by the Department Director of

the referral of the grievance, may affirm, deny or modify the decision of the Department Director, or may refer the grievance to the Director of Human Resources for submission to the Civil Service Board. The City Manager will act upon the referral of the grievance within ten (10) working days, from the date he/she receives it. It is the sole decision of the City Manager to refer the grievance for submission to the Civil Service Board or to refrain from referring the grievance for submission to the Civil Service Board.

15.2.4. STEP 4:

Referral of grievance to the Civil Service Board:

When the Director of Human Resources is so notified by the City Manager, he/she shall notify the Civil Service Board within ten (10) working days following receipt of such notice. The City Manager shall call the Board to hear the referred grievance within fifteen (15) calendar days, following notification of the Referral of the grievance. The Director of Human Resources shall notify the employee, Department Director, and the City Manager of the time and place of the hearing.

15.2.5. *Recommendations of Civil Service Board:*

- A. Within ten (10) calendar days following the conclusion of the hearing, the Civil Service Board shall submit to the City Manager its report and recommendations, as approved by a majority of the Civil Service Board.
- B. Upon receipt of the Board's report and recommendations, the City Manager shall put in writing the course of action he/she intends to follow and shall forward one (1) copy of his/her decision and one copy of the Board's report and recommendations to the Department Director, one (1) copy of each to the employee; and one (1) copy of each to the Director of Human Resources.

C. The decision of the City Manager, following consideration of the report and recommendations of the Civil Service Board, shall be final and the employee shall have no further right to administrative appeal.

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 116-95, 6-22-95; Ord. No. 2001-026, § 14, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2006-040, § 1, 12-19-06)

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.

(Ord. No. 2003-026, § 1, 10-9-03; Ord. No. 2009-013, § 2, 9-10-09)

Secs. 21-16.2—21-16.16. Reserved.

Editor's note—Ord. No. 2009-013, § 2, adopted Sept. 10, 2009, deleted §§ 21-16.2—21-16.16, which pertained to drug free workplace and derived from Ord. No. 137-94, § 3, adopted Sept. 22, 1994; Ord. No. 2001-026, § 15, adopted Sept. 13, 2001; Ord. No. 2005-022, § 1, adopted June 23, 2005.

SECTION 21-17. SEPARATIONS

All separations from City service shall occur as a result of:

Sec. 21-17.1. Resignation/Retirement.

Any employee wishing to leave the City service in good standing shall file with his department director, at least two (2) weeks before leaving, a written resignation/retirement notice stating the date the resignation/retirement shall become effective and the reason for leaving. Failure to comply with this procedure may be considered cause for denying such employee future employ-

ment by the City. Unauthorized absence from work for a period of three (3) consecutive work days may be considered by the department director as a resignation, not in good standing. Department Directors shall forward all notices of resignation/retirement to the Director of Human Resources immediately upon receipt. Employee shall perform the duties of their position up to and including the last day that they intend to work. After notification that the employee desires to resign/retire from his/her position, any leave provided for under this Code shall be at the discretion of the Department Director.

(Ord. No. 2009-013, § 2, 9-10-09)

Sec. 21-17.2. Lay-off.

17.2.1. The City Manager may lay-off an employee in the classified service whenever such action is made necessary by reason of shortage of work or funds, the abolition of a position or because of changes in organization or any other reason deemed necessary by the City.

17.2.2. However, no regular employee shall be laid-off while there are temporary, provisional or probationary employees serving in the same class title for which the regular employee is eligible, qualified and available.

17.2.3. Whenever the lay-off of one (1) or more employees shall become necessary, the appointing authority shall notify the Director of Human Resources of the reasons therefore at least ten (10) work days in advance of employee notification. The Director of Human Resources shall thereupon furnish to the appointing authority names of the employees to be laid-off in the order in which such lay-off shall be affected.

17.2.4. Lay-offs shall be made within class title or positions and departments when probationary and regular employees are involved. Temporary and provisional non-regular employees, irrespective of department shall be laid off in that order prior to layoff of probationary or regular employees. When there is a reduction in

the number of regular employees, qualifications shall be the determining factor. However, when aptitude, skill, ability and the discipline record of employees are relatively equal, seniority shall govern.

17.2.5. Any interruption of employment less than fifteen (15) calendar days because of adverse weather conditions, shortage of materials or equipment, or for other unexpected or unusual reasons shall not be considered a lay-off.

17.2.6. No employee in lay-off status shall retain rights beyond twelve (12) months from the date of layoff.

17.2.7. When a vacancy occurs for which there is a recall list, the Human Resources Director shall send a certified letter of notice to the employee at the last address on file with Human Resources. Any and all reemployment rights shall be forfeited if no response is received within ten (10) business days from the date the notice was sent or if the employee refuses to return to work.

(Ord. No. 2001-026, § 16, 9-13-01; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-17.3. Dismissal.

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

(Ord. No. 137-94, § 3, 9-22-94; Ord. No. 2006-040, § 1, 12-19-06)

Sec. 21-17.4. Abandonment of employment.

If an employee is absent for three (3) consecutive work days without notification, the employee shall be considered to have abandoned his/her position, and separation benefits shall be calculated as separation from employment by termination by the City. An employee may be reinstated to his/her position if the position is still vacant, by a showing of good cause to the Department Director, subject to review/approval by the City Man-

ager, of why notification was not possible within three (3) days. The decision of the City Manager shall be final.

(Ord. No. 153-97, § 1, 9-25-97; Ord. No. 2005-022, § 1, 6-23-05)

Sec. 21-17.5. Return of city equipment upon separation.

An employee's final pay shall be withheld until the employee has returned any City-issued equipment including uniforms, keys, I.D. card, etc., excluding footwear, or if the employee owes the City any type of reimbursement.

(Ord. No. 2001-026, § 16, 9-13-01; Ord. No. 2003-026, § 1, 10-9-03)

SECTION 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.

Sec. 21-18.2. Application.

18.2.1. Members of the City Service shall retain the rank and grade and seniority they hold at the time of the effective date of this Ordinance. That is, it shall not be necessary for them to be re-appointed to the position they hold at the time, nor to go through any probationary period to hold that particular position.

18.2.2. Nothing in this Ordinance shall prevent the City Manager from reducing the number of employees in any class, as hereinabove provided.

Sec. 21-18.3. Saving clause.

If any section or part of a section of these Rules is held by any court to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these Rules unless it clearly

appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.
(Ord. No. 137-94, § 3, 9-22-94)

ORDINANCE NO. 2013-020

AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 21, CODE OF ORDINANCES, ENTITLED "PERSONNEL ADMINISTRATION," BY AMENDING ARTICLE I THEREOF, ENTITLED "CIVIL SERVICE CODE," BY AMENDING SECTIONS 21-2, 21-9, AND 21-10; BY AMENDING ARTICLE II THEREOF, ENTITLED "AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL," BY AMENDING SECTIONS 21-24 AND 21-25; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Manager has recommended certain amendments to the Civil Service Code and the At-Will Employees Policies and Procedures Manual; and

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

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

Section 1: The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

Section 2: That Chapter 21, Code of Ordinances, entitled "Personnel Administration" is hereby amended by amending Article I, entitled "Civil Service Code," and Article II, entitled "At-Will Employees Policies and Procedures Manual," to read and provide as follows:

ARTICLE I. CIVIL SERVICE CODE

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:

2.1.2. 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.

2.1.4. 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 are members of the same department as the grievant.

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

~~C. Establish rules and procedures for the employee election of two (2) members of the Board and the administration of said election.~~

SECTION 21-9. EMPLOYEE BENEFITS

Sec. 21-9.2. - Retirement plan.

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. ~~Effective October 23, 2011, for Fiscal Year 2012 and 2013 only~~ For Fiscal Year 2014 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

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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. ~~Effective October 23, 2011, for Fiscal Year 2012 and 2013 only, For Fiscal Year 2014 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. However, ~~effective October 23, 2011, for Fiscal year 2012 and 2013 for Fiscal Year 2014 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.

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

9.4.3. Procedure.

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. The City recognizes the increasing enrollment in non-traditional programs and other methods that enable employees to complete additional credit hours in a fiscal year; therefore, the following provisions apply:

1. ~~Reimbursement for credit hours taken in excess of 18 hours per year shall be deferred to the completion of the first semester in the subsequent fiscal year, based on the academic calendar of the state university system.~~
2. ~~Deferred reimbursement for courses taken at private institutions shall be limited to three (3) credit hours per course, payable at the state tuition rates.~~
3. ~~Deferred reimbursement shall be made based on state tuition rates that were in effect during the semester the course was actually taken, regardless of when reimbursement takes place.~~
4. ~~Deferred reimbursements shall be repaid to the City if the employee resigns from his/her employment within twelve (12) months of the reimbursement, regardless of when the course was actually completed.~~
5. ~~Employees requesting deferred reimbursement for credit hours taken in excess of 18 hours per year shall still be required to submit the request form prior to the course start date.~~
6. ~~Under no circumstances shall more than 18 credit hours be reimbursed in any fiscal year.~~

9.4.3. Procedure.

- 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.

SECTION 21-10 - ATTENDANCE AND LEAVE

Sec. 21-10.1. Hours of work.

10.1.3. Employees shall not leave City property during their paid fifteen (15) minute breaks without prior authorization from a supervisor. Breaks shall not be combined with meal breaks or used at the start/end of the workshift unless authorized by a supervisor.

10.1.4. Flex Hours. Employees may be allowed to flex work hours at the discretion of a supervisor, provided that employees who are non-exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) must flex work hours within the same workweek or be compensated in compliance with the FLSA.

Sec. 21-10.2. Overtime Compensation.

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.

B. Employees must have proper authorization prior to working overtime 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.

D. Employees shall submit all overtime/compensatory time entries within one 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.

10.6.1. Sick leave.

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.
- 2. Resignation or layoff in good standing after completion of twenty (20) years of continuous service—One hundred percent (100%) of each hour accumulated.
- 3. Resignation 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.
- 4. Resignation or layoff in good standing after completion of three (3) years of service—Fifty percent (50%) of each hour accumulated.
- 5. Resignation or layoff with less than three (3) years of service—No payment.
- 6. Termination or resignation not in good standing—No payment.
- 7. 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.

10.6.3. Military leave. Any employee who presents official orders requiring his 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 ~~seventeen (17) calendar days annually~~ two hundred forty (240) hours, or such period provided 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. ~~An employee receiving seventeen (17) calendar days training~~

~~period pay shall receive regular pay and the amount received from the Federal or State government. The appropriate provisions of Section 8 of Chapter 720 Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, U.S.C.A.), shall be applicable insofar as it relates Federal and State laws shall apply to the reemployment of public employees granted a leave of absence on active military duty under this law.~~

~~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. An employee receiving seventeen (17) calendar days training period shall receive regular pay and the amount received from the Federal or State government. The provisions of Section 8 of Chapter 720, Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, USCA) shall be applicable insofar as it relates to the reemployment of public employees granted a leave of absence on active military duty under this law.~~

10.6.4. Vacation leave.

B. FLSA-Exempt Employees.

~~3. Effective October 2009 only, in conjunction with reducing the maximum balance limits, the annual payment described in Section 2 above shall be increased to a maximum of eighty (80) hours for employees with fewer than ten (10) years of service and a maximum of one hundred sixty (160) hours for employees with at least ten (10) years of service.~~

C. FLSA Non-Exempt Employees.

~~3. Effective October 2009 only, in conjunction with reducing the maximum balance limits, the annual payment described in Section 2 above shall include a maximum of forty (40) hours payable to employees with fewer than ten (10) years of service and one hundred sixty (160) hours for employees with at least ten (10) years of service.~~

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.

4. 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.

ARTICLE II. AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL

SECTION 21-24. EMPLOYEE BENEFITS

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. ~~Effective October 23, 2011, for Fiscal Year 2012 and 2013 only~~ For Fiscal Year 2014 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

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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. ~~Effective October 23, 2011, for Fiscal Year 2012 and 2013 only, For Fiscal Year 2014 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. However, ~~effective October 23, 2011, for Fiscal year 2012 and 2013 for Fiscal Year 2014 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.

Sec. 21-24.2. Insurance program.

24.2.7. Retirement Medical Compensation Program.

C. This Retirement Medical Compensation Program shall provide ~~one hundred fifty dollars (\$150.00)~~ two hundred fifty dollars (\$250) per month, for the benefit of the retiree, toward insurance premiums. Any charges above ~~one hundred fifty dollars (\$150.00)~~ 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 ~~one hundred fifty dollars (\$150.00)~~ 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.

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

24.3.3. Procedure.

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. The City recognizes the increasing enrollment in non-traditional programs and other methods that enable employees to complete additional credit hours in a fiscal year; therefore, the following provisions apply:

~~1. Reimbursement for credit hours taken in excess of 18 hours per year shall be deferred to the completion of the first semester in the subsequent fiscal year, based on the academic calendar of the state university system.~~

~~2. Deferred reimbursement for courses taken at private institutions shall be limited to three (3) credit hours per course, payable at the state tuition rates.~~

~~3. Deferred reimbursement shall be made based on state tuition rates that were in effect during the semester the course was actually taken, regardless of when reimbursement takes place.~~

~~4. Deferred reimbursements shall be repaid to the City if the employee resigns from his/her employment within twelve (12) months of the reimbursement, regardless of when the course was actually completed.~~

~~5. Employees requesting deferred reimbursement for credit hours taken in excess of 18 hours per year shall still be required to submit the request form prior to the course start date.~~

~~6. Under no circumstances shall more than 18 credit hours be reimbursed in any fiscal year.~~

SECTION 21-25. ATTENDANCE AND LEAVE

Sec. 21-25.2. Overtime requirements.

Department Directors and Administrative Officers are expected to work the number of hours necessary for successful completion of assigned duties and responsibilities, and are not eligible for overtime or compensatory leave. Employees who are non-exempt from the overtime provisions of the Fair Labor Standards Act shall be paid in accordance with federal law and shall submit all overtime entries, rounded up or down to the nearest fifteen (15) minutes within one week of the overtime being worked.

Sec. 21-25.6. Leave.

25.6.1. Sick leave

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 (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.

2. Resignation or layoff in good standing after completion of twenty (20) years of continuous full-time service—One hundred percent (100%) of each hour accumulated.
3. Resignation 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.
4. Resignation or layoff in good standing after completion of three (3) years of service—Fifty percent (50%) of each hour accumulated.
5. Resignation or layoff with less than three (3) years of service—No payment.
6. Termination or resignation not in good standing—No payment.
7. 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.

25.6.3. Military leave.

Military leave. Any employee who presents official orders requiring his 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 ~~seventeen (17) calendar days annually~~ two hundred forty (240) hours, or such period provided 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. ~~An employee receiving seventeen (17) calendar days training period pay shall receive regular pay and the amount received from the Federal or State government. The appropriate provisions of Section 8 of Chapter 720 Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, U.S.C.A.), shall be applicable insofar as it relates~~ Federal and State laws shall apply to the reemployment of public employees granted a leave of absence on active military duty under this law. ~~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. An employee receiving seventeen (17) calendar days training period shall receive regular pay and the amount received from the Federal or State government. The provisions of Section 8 of~~

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~~Chapter 720, Acts of Congress of the United States, approved September 16, 1940 (Title 50 App. Section 308, USCA) shall be applicable insofar as it relates to the reemployment of public employees granted a leave of absence on active military duty under this law.~~

25.6.4. Vacation leave.

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 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. ~~Effective October 2009 only, in conjunction with reducing the maximum balance limits, a maximum of one hundred twenty (120) hours is payable for accumulations in excess of two hundred eighty (280) hours.~~

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 100% of accrued leave in situations involving reorganization, separation agreements, retirement incentives, and other situations that are in the best interest of the City.

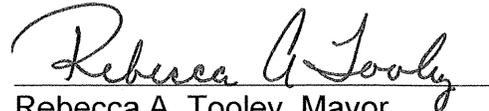
Section 3: That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 4: 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 5: That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

Section 6: That this Ordinance shall take effect retroactively to October 1, 2013.

PASSED FIRST READING THIS 26th DAY OF September, 2013.
PASSED SECOND READING THIS 10th DAY OF October,
2013.


Rebecca A. Tooley, Mayor

Attest:


Barbara S. Price, MMC
City Clerk

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

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