

**RESOLUTION NO. 2021-13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, AMENDING THE CITY OF VENICE PERSONNEL PROCEDURES AND RULES, 2020 EDITION, SECTION 1.27, DRUG FREE WORKPLACE POLICY; AND SECTION 2.2, VACATION LEAVE; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Sec. 50-35 of the Code of Ordinances provides that amendments to the City of Venice Personnel Procedures and Rules may be made and adopted by resolution; and

**WHEREAS**, the City of Venice ("City") has a drug-free workplace policy; and

**WHEREAS**, the City wishes to clarify and state with greater specificity the rights and obligations of the city and its employees pursuant to that policy; and

**WHEREAS**, due to the onset of the COVID-19 pandemic this year, employees are unable to use their vacation time as readily as during normal times; and

**WHEREAS**, with the current "use/lose" provisions in place, employees may be forced to 'waste' vacation time staying at home or feel forced to travel against their better judgment, risking their families and fellow coworkers; and

**WHEREAS**, city council wishes to amend the City of Venice Personnel Procedures and Rules, 2020 edition to waive the "use/lose" provisions for vacation time accrued in 2021 and to add to the drug free workplace policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA**, as follows:

**SECTION 1.** The whereas clauses above are ratified and confirmed as true and correct.

**SECTION 2.** Section 1.27, Drug Free Workplace Policy, of the City of Venice Personnel Procedures and Rules, 2020 edition is hereby amended as follows:

**1.27 DRUG FREE WORKPLACE POLICY**

The City of Venice is committed to maintaining a safe, productive work environment at all city facilities and work sites and safeguarding city property. In addition to the harmful effects of illegal drugs, the abuse of alcohol and/or illegal drugs can undermine employee productivity, and the quality of the city's standard of service to the community. Therefore, the city has established this drug free workplace policy which applies to all employees and applicants for

employment in order to provide a safe workplace and promote high standards of employee health by establishing and maintaining a work environment free from the effects of illegal drug or alcohol use.

The manufacturing, distribution, dispensing or possession and/or use of alcohol or illegal drugs on city property or during assigned work hours is prohibited and will be subject to discipline up to and including dismissal.

Employees who report to work under the influence of alcohol or illegal drugs or employees who operate city machinery or vehicles while under the influence of these substances will be subject to discipline up to and including dismissal. Due to the seriousness of the consequences and safety implications of being found under the influence of alcohol while on duty, anyone assigned to be on-call should avoid consumption of any such substances for the designated on-call period.

#### Drug Testing

The city reserves the right to require drug and/or alcohol testing of employees under the following circumstances:

##### Applicants/New Hires

Any applicant who is offered employment with the city shall, as a condition of employment, submit to testing for the presence of drugs and alcohol. Applicants who refuse to take a drug test when requested will not be considered for employment with the city.

##### Reasonable Suspicion

If two or more supervisors have reasonable suspicion that an employee is under the influence of alcohol or illegal drugs while at work, the city may require the employee to undergo drug and/or alcohol testing.

##### Random Testing

The city maintains the right to require random testing of any employee pursuant to applicable laws that allow such testing. This notwithstanding, random testing for bargaining unit employees will be restricted to Commercial Drivers' License (CDL) drivers unless otherwise provided for in a collective bargaining agreement.

##### Testing Procedures

The testing will be conducted by a method of the city's choosing, at a testing facility selected

by the city. For Breathalyzer and/or field sobriety tests, the city may utilize the police department certified staff.

#### Positive Test Results

A positive test result will only be reported after full review by the Medical Review Officer and the employee has been given an opportunity to provide an explanation and/or prescription.

The city reserves the right to place employees with a confirmed positive test on an unpaid leave of absence. If the employee goes to treatment for drug/alcohol dependency, they may utilize their sick and/or vacation accruals to maintain no loss of pay.

The city reserves the right to discipline employees with a confirmed positive test.

#### Refusal of Testing

Employees who refuse to take a drug test when requested will be subject to discipline.

#### Employee Counseling

The city has established a voluntary counseling program to assist those employees who voluntarily seek help for alcohol or drug problems. The employee should contact the human resources department for additional information.

#### Medical Marijuana

The possession or use of medical marijuana is not allowed on city premises.

If an applicant or employee with a legal reference for marijuana (for the treatment of a medical condition) tests positive on the substance limits for the drug test, it will be reported by the lab as a "positive drug test" and will be treated in accordance with all other positive tests.

Employees and applicants shall be given an opportunity to provide any information relevant to the test, including identification of currently or recently used prescription or non-prescription medications as well as any legal referral for marijuana use for the treatment of a medical condition.

There are no additional exceptions for applicants or employees with legal referrals for marijuana.

**SECTION 3.** Section 2.2, Vacation Leave, of the City of Venice Personnel Procedures and Rules, 2020 edition is hereby amended as follows:

The City of Venice Resolution is amended as follows with ~~strike through text~~ identifying deletions and underlined text indicating additional language.

## 2.2 VACATION LEAVE

Vacation with pay is one of the ways the city shows appreciation to employees for their length of service and good work. Employees shall accrue paid vacation leave beginning on their date of hire in accordance with the requirement of being on paid status for at least eighty (80) hours in any month. Vacation accrual is based on the employee's length of service according to the following schedule:

### Non-management:

<u>Length of Service</u>	<u>Amount of Paid Vacation</u>
1 year through 7 years	8 hours per month
8 years through 12 years	12 hours per month
13 years or more	16 hours per month

### Management:

<u>Length of Service</u>	<u>Amount of Paid Vacation</u>
1 year through 5 years	8 hours per month
6 years through 10 years	12 hours per month
11 years or more	16 hours per month

Vacation leave shall be accumulated by an employee at the end of the month for any month in which they are on paid status for at least eighty (80) hours. For the purpose of this section, paid status includes vacation leave, holiday pay hours, sick leave, compensatory time and supplemented workers compensation.

Vacations must be scheduled through the employee's supervisor and department head based on operational needs. If a designated holiday falls within a vacation period, holiday pay will be utilized for that day. As an incentive to take vacation time off, other than for vacation time accrued in 2020 and 2021, due to COVID-19, employees must take at least one half of the number of hours earned each year or risk losing vacation leave not utilized. In addition to accruals from previous years, employees are allowed to carry-over no more than one-half of their accrued time from the current calendar year, other than 2020 and 2021, due to COVID-19. Employees will be notified near the end of the year if they appear to be at risk of losing accrued time. Only extenuating circumstances documented and approved by the department head and the director of human resources will result in an exception to this policy.

Employees who are covered under a collective bargaining agreement and who separated for any reason will receive pay for any vacation that has been earned but not used. For each nonbargaining employee who is separated for any reason, in lieu of such payment directly to the employee, the city, on behalf of the non-bargaining employee, shall contribute up to the limit permitted by applicable tax law for the respective plan (without endangering the tax status of that plan), an amount equal to 100% of final vacation leave pay into the City of Venice

non-bargaining retirement plan or other similar plan. Final vacation leave pay is defined as the number of vacation leave hours earned but not used multiplied by the employee's straight hourly rate or equivalent at the time of termination as determined by the finance department.

#### Vacation Cash-In

Employees who are covered under a collective bargaining agreement and that accumulate more than two hundred eighty (280) hours for non-management (or four hundred eighty (480) hours for management/supervisory employees) in any one year shall be compensated at their regular straight time hourly rate of pay for all time in excess of this maximum. Each non-bargaining employee who accumulates more than two hundred eighty (280) hours for non-management (or four hundred eighty (480) hours for management/supervisory employees) in any one year shall be compensated at 50 % of their regular straight time hourly rate of pay for all time in excess of this maximum.

The city, on behalf of the non-bargaining employee, shall contribute up to the limit permitted by applicable tax law for the respective plan (without endangering the tax status of that plan), an amount equal to 50% of excess vacation leave pay into the city of Venice non-bargaining retirement plan or other similar plan. Excess vacation leave pay for this section is defined as the number of vacation leave hours in excess of 280 hours for non-management employees or 480 hours for management/supervisory employees in any one year multiplied by the employee's regular straight hourly rate or equivalent as determined by the finance department. Any payments made directly to the employee shall be made within the first payroll period in December of each year.

**SECTION 4.** This Resolution shall take effect immediately upon its adoption.

**APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 23RD DAY OF MARCH 2021.**

---

Ron Feinsod, Mayor

ATTEST

---

Lori Stelzer, MMC, City Clerk

I, **LORI STELZER**, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of a Resolution duly adopted by the City Council of said city at a meeting thereof duly convened and held on the 23rd day of March 2021, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of March 2021.

(SEAL)

\_\_\_\_\_  
Lori Stelzer, MMC, City Clerk

Approved as to form:

\_\_\_\_\_  
Kelly Fernandez, City Attorney