

Prepared by: City Clerk's Office

RESOLUTION NO. 2022-28

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, ADOPTING AN AMENDED CIVIL EMERGENCY PAY POLICY; SUPERSEDING RESOLUTION NO. 2019-13; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council adopted a civil emergency pay policy on April 9, 2019 through Resolution 2019-13; and

WHEREAS, City Council desires to amend the civil emergency pay policy to provide flexibility in the hours that may be worked during an emergency declaration.

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

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

SECTION 2. This Resolution supersedes Resolution No. 2019-13 in its entirety.

SECTION 3. Emergency Declarations.

For purposes of this document as it relates to emergency declarations, all City employees are considered to be essential, and, as such, may be called upon to perform certain tasks that may or may not conform to their normal job duties.

SECTION 4. Emergency Pay Policy.

An emergency declaration may be issued under conditions that may include, but are not limited to: riots, civil disorders, epidemics, power failures, hurricane conditions, Red Tide outbreaks or similar conditions. An emergency declaration may require the temporary closing of all or some of the departments and facilities of the city. The purpose of this document is to describe additional pay policies that will be in effect if an emergency declaration is issued. Implementation of the pay provisions of this policy will be at the discretion of the city manager.

In the event of an emergency declaration, the city may suspend the non-monetary provisions of the city's collective bargaining agreements during the time the emergency declaration is in effect. During this time, there are certain city services that will be considered essential and must be maintained. During an emergency declaration, certain employees will remain at their normal work positions, as they have the skills and qualifications necessary to maintain essential city services.

SECTION 5. Notification.

The city manager, or designee, will notify department heads of the emergency declaration and department heads will ensure that their respective division heads and employees are notified as to the extent and scope of the emergency declaration.

The director of human resources, or designee, will notify in writing the Fraternal Order of Police, International Association of Firefighters, and American Federation of State, County, and Municipal Employees presidents or their designees of the dates and times that the emergency declaration is declared and the date and times of the conclusion of the emergency declaration that suspends the non-monetary provisions of the agreements. Notifications shall be made within a reasonable time after the conclusion of an emergency declaration.

SECTION 6. Essential Services.

Certain essential city services are required to be maintained in an emergency declaration. The employees involved in these essential services are excused from work only with the specific authorization of their department head or designee. A department head, or designee, may cancel or rescind the approved leave of an employee during an emergency declaration.

Employees whose primary work functions are considered essential services include, but are not limited to: sworn law enforcement personnel, fire personnel, neighborhood point-of-distribution staff, public information officer, public works and utilities employees. Other employees' primary work functions may be considered essential on a case-by-case basis as determined by the city manager, department heads, or one of their designees.

Non-exempt employees regularly scheduled to work during an emergency declaration and who are not able to work during that time due to the closing of a facility, or another valid reason as defined and approved by the city manager, or designee, shall be eligible for closing pay. If eligible, the amount of closing pay for the non-exempt employee will be the employee's regular hourly rate for the normally scheduled work. Closing pay hours paid, but not worked, shall not count towards overtime.

SECTION 7. Closing Pay for Employees.

Exempt employees regularly scheduled to report to work during an emergency declaration and who are not able to work during the emergency declaration due to the closing of a facility, or another valid reason as defined and approved by the city manager, or designee, shall receive their regular pay for the normally scheduled work.

Failure to report to work during an emergency declaration by employees required for essential services may be cause for disciplinary action up to and including termination.

SECTION 8. Emergency Declaration Pay Period.

The city manager, or designee, will determine the period of time during an emergency declaration in which special pay policies are in effect. Such period will be known as the emergency declaration pay period. The emergency declaration pay period will only be in force for a portion of the entire emergency declaration. During the emergency declaration pay period, the following shall apply:

- Employees may be called upon to perform their regular duties, or may be required to perform other or additional tasks. The other or additional tasks may, or may not, be related to their normal work function.
- Non-exempt employees shall be paid their regular hourly rate during their established regular duty hours; and shall be paid a time-and-one-half rate for additional hours worked.
- Exempt employees shall be paid their regular hourly rate during established regular duty hours and shall be paid a time-and-one-half rate for additional hours worked.
- Charter officers of the city shall earn emergency pay at one and a half times the normal pay rate for hours worked in addition to their normal work hours.
- In any 24-hour period, an employee is limited to working a maximum of 16 hours followed by a minimum of 8 hours off, unless otherwise authorized by the city manager. Employees whose regular duty hours schedules them to work more than 16 consecutive hours are exempt from the 16-hour work restriction.
- Employees whose regular work hours include a pay differential, and who work during an emergency declaration at other times different from their regular duty hours, shall be paid standard rates associated with those other hours worked.
- Compensatory time off leave accrued may be granted by the city manager, or designee, in lieu of overtime pay, on a case-by-case basis; will be granted on an hour-by-hour basis without regard to premium time; and will be granted on a one and a half times hourly rate, for hours worked beyond the employee's total normal work hours.

SECTION 9. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 11TH OF OCTOBER, 2022.

Ron Feinsod, Mayor

ATTEST

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, 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 Venice City Council at a meeting thereof duly convened and held on the 11th day of October 2022, a quorum being present.

WITNESS my hand and the official seal of the said city this 11th day of October 2022.

Kelly Michaels, MMC, City Clerk

(SEAL)

Approved as to form:

Kelly Fernandez, City Attorney