

Prepared by: City Clerk's Office

RESOLUTION NO. 2023-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, SARASOTA COUNTY, FLORIDA, ADOPTING A REVISED STATE OF EMERGENCY PAY POLICY; SUPERSEDING RESOLUTION NO. 2022-28; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, an emergency condition, including but not limited to; riots, civil disorders, epidemics, power failures, severe weather conditions, or other man-made or natural disasters may develop that require the temporary closing of some or all of the departments and facilities of the city; and

WHEREAS, City Council recognizes the need to define additional operational and fiscal policies should such an emergency condition occur, warranting the proclamation of a state of emergency, the activation of emergency preparedness activities by city employees, including the potential closing of facilities, and the alteration of the city service delivery.

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 and replaces Resolution No. 2022-28 in its entirety.

SECTION 3. States of Emergency.

For purposes of this document as it relates to states of emergency, 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.

A proclamation of a state of emergency may be issued under conditions that include, but are not limited to: riots, civil disorders, epidemics, power failures, hurricane conditions, Red Tide outbreaks or similar conditions. A state of emergency 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 a state of emergency is declared. Implementation of the pay provisions of this policy will be at the discretion of the city manager.

In the event of a proclamation of a state of emergency, the city may suspend the non-monetary provisions of the city's collective bargaining agreements during the time the state of emergency is in effect. During this time, there are certain city services that will be considered essential and must be maintained. During a state of emergency, 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 proclamation of a state of emergency and department heads will ensure that their respective division heads and employees are notified as to the extent and scope of the state of emergency.

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 state of emergency is declared and the date and times of the conclusion of the state of emergency that suspends the non-monetary provisions of the agreements. Notifications shall be made within a reasonable time after the conclusion of a state of emergency.

SECTION 6. Essential Services.

Certain essential city services are required to be maintained in a state of emergency. 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 a state of emergency.

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.

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

SECTION 7. Closing Pay for Employees.

Non-exempt employees regularly scheduled to work during a state of emergency 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.

Exempt employees regularly scheduled to report to work during a state of emergency and who are not able to work during the state of emergency 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.

SECTION 8. State of Emergency Pay Period.

The city manager, or designee, will determine the period of time during a state of emergency in which special pay policies are in effect. Such period will be known as the state of emergency pay period. The state of emergency pay period may only be in force for a portion of the entire state of emergency. During the state of emergency 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 at their regular or alternate work location as designated by their department head. The other or additional tasks may, or may not, be related to their normal work function.
- Employees who are ordered to work, or ordered to remain at a city facility, or who cannot leave a city facility due to emergency conditions, shall earn emergency pay at one and a half times their normal rate of pay for all hours for which the condition applies during the emergency pay period.
- Employees will qualify for payment shift differentials if they actually work shifts that qualify for shift differential payment, i.e. evening shifts or night shifts. This shift differential payment will apply regardless of their normal work schedules. 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 described above.

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 14th DAY OF FEBRUARY 2023.

Nick Pachota, 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 the City Council of said city at a meeting thereof duly convened and held on the 14th day of February 2023, a quorum being present.

WITNESS my hand and the official seal of said City this 14th day of February 2023.

(SEAL)

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney