

RESOLUTION NO. 2026-07

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. 2023-06; 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 departments and facilities of the City; and

WHEREAS, City Council recognizes the need to define additional operational and fiscal policies should such emergency conditions occur, warranting the declaration of a state of emergency, the activation of emergency preparedness activities by City employees, including the potential closing of facilities, and the alteration of 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 hereby ratified and confirmed as true and correct.

SECTION 2. This Resolution shall be known as the City of Venice State of Emergency Pay Policy (“Policy”).

SECTION 3. States of Emergency.

For purposes of this Policy as it relates to states of emergency, all City employees are considered to be essential, and, as such, may be required to perform certain tasks that may or may not conform to their normal job duties and/or work schedule. Failure to report as directed may result in disciplinary action, up to and including discharge from City employment.

SECTION 4. Emergency Pay Policy.

A declaration 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 departments and facilities of the City. The purpose of this Policy 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 declared by the City Manager. Implementation and activation of pay provisions under this Policy shall be based on non-discretionary criteria tied to the declaration of a state of emergency and documented operational needs.

This Policy shall be applied uniformly across all City departments and all declared emergencies.

Activation and payment under this Policy are not contingent upon the availability, receipt, or reimbursement of Federal or State grant funding.

In the event of a declaration 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 declaration 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 the state of emergency is declared and concluded. Notifications shall be made within a reasonable time following the conclusion of the state of emergency.

SECTION 6. Essential Services.

Certain essential City services are required to be maintained during a state of emergency. 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 approved leave during a state of emergency.

Employees whose primary work functions are considered essential 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, including those of supervisor, manager, director and charter officer status 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.

Employees who are on pre-scheduled time off (including but not limited to vacation, sick, bereavement, compensatory time, FMLA, etc.) will retain that status during the declared emergency and will not receive closing pay.

Employees who can and do work remotely as directed by their department director will be paid as normal for hours worked.

All closing pay shall be documented in accordance with FEMA Public Assistance labor eligibility and documentation requirements.

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 this Policy is 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:

- a. 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.
- b. 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 (including those on Standby status as defined herein), 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. This provision applies to all non-exempt and exempt city employees including those of supervisor, manager, director and charter officer status.
- c. 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.

Standby Time (Note – Standby Time is defined in this Policy differently from the same term used in the AFSCME collective bargaining agreement)

Standby time is defined as periods during a declared state of emergency when an employee is officially ordered to remain at a City facility or designated location, or when emergency conditions prevent the employee from leaving the facility, thereby restricting the employee's ability to use the time for personal purposes. Standby time shall be authorized in advance by the City Manager or designee(s) and shall be limited to circumstances where:

- a. The employee is required to remain on-site to maintain essential services; or
- b. Emergency conditions prevent the employee from safely leaving the work location.

Standby time shall not include:

- a. Periods when an employee is free to leave and use the time for personal activities. On-call pay will not be paid to those in Standby status. (The employee who is not on Standby status will be paid for being on-call per the applicable collective bargaining agreement); and
- b. Time spent resting, sleeping, or off duty without a requirement to remain at a City facility.

Standby time eligibility, approval, and compensation shall be:

- a. Applied uniformly across all departments;
- b. Non-discretionary once criteria are met;
- c. Independent of Federal or State grant funding availability; and
- d. Documented in accordance with FEMA Public Assistance labor eligibility and record-keeping requirements.

SECTION 9. Meals for Employees and Volunteers.

During a declared state of emergency, the City may provide meals to employees and volunteers engaged in eligible emergency protective measures, including those assigned to the Emergency Operations Center, provided the individual is not receiving per diem.

Meal costs shall be reasonable, necessary, and documented in compliance with City and FEMA Public Assistance requirements.

SECTION 10. Applicability.

This Policy applies uniformly regardless of whether the emergency event results in a Presidential disaster declaration.

SECTION 11. Annual Review.

The City’s emergency pay, labor, and financial response policies shall be reviewed no less than annually and updated as necessary to ensure continued compliance with applicable federal, state, and local requirements, including FEMA Public Assistance guidance.

SECTION 12. This Resolution supersedes and replaces Resolution No. 2023-06 in its entirety.

SECTION 13. 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 JUNE, 2026.

Nick Pachota, Mayor

ATTEST

Kelly Michaels, 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 23rd day of June, 2026, a quorum being present.

WITNESS my hand and the official seal of the said city this 23rd day of June, 2026.

Kelly Michaels, City Clerk

(SEAL)

Approved as to form:

Kelly Fernandez, City Attorney