

RESOLUTION NO. 2019-11

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VENICE, SARASOTA COUNTY, FLORIDA, AMENDING THE CITY OF VENICE PERSONNEL PROCEDURES AND RULES, 2013 EDITION, SECTIONS 1.6 PROBATION, 1.12 CLASSIFICATION AND COMPENSATION, 1.27 DRUG FREE WORKPLACE POLICY, 2.5 DISCRETIONARY LEAVE ISSUES AND SECTION 2.11 MILITARY SERVICE; 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, city council wishes to amend the City of Venice Personnel Procedures and Rules, 2013 edition.

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 1.6, Probation, of the City of Venice Personnel Procedures and Rules, 2013 edition is hereby amended as follows:

1.6 PROBATION

The probationary period is a working test period used by the supervisor and department head to closely observe a new employee's work. It will be utilized to review the new employee's performance to determine if they meet the required standards. The probationary period shall begin immediately upon hire and shall be for a period of six (6) months (or less at the discretion of the city manager) unless the position requirements and job posting clearly provide for an extended probationary period. In cases of internal promotions the probationary period shall be 90 days. In no case shall the probationary period extend beyond one (1) year, except in extenuating circumstances approved by the city manager.

Evaluation of Performance

The human resources department will notify the department head that an employee performance appraisal needs to be completed for a probationary employee thirty days prior to the conclusion of the probationary period. The probationary employee's immediate supervisor will complete the appropriate appraisal form for review and approval by the department head and the director of human resources at least ten working days prior to the termination date of the employee's probationary period.

Termination During Probationary Period

The department head or director of human resources, with approval of the city manager, may discharge temporary and probationary employees at any time with or without cause and without the right of appeal or hearing in any manner.

Appointment

A probationary employee who has received a rating less than satisfactory on their evaluation or has received any form of disciplinary action during their probationary period may not receive a regular appointment. Appointment to regular status is not automatic upon the expiration of the probationary period. In order to obtain an appointment to regular status, the new employee must have received a completed satisfactory performance evaluation.

Promotion While On Probation

An employee must complete the probationary period before being considered for any promotion or change to another position within the city unless approved by the city manager.

SECTION 3. Section 1.12, Classification and Compensation, of the City of Venice Personnel Procedures and Rules, 2013 edition is hereby amended as follows:

1.12 CLASSIFICATION AND COMPENSATION

Job classification is determined by the requirements of the job and factors such as responsibility, skill, training, education, and working conditions. The city bases pay increases upon job performance, classification, length of service with the city and other economic and job considerations. The applicable Non-Bargaining Pay Plan or union agreements contain specific grades, which are reviewed and maintained by the director of human resources. When a new position is created, the director of human resources shall recommend a grade for approval by the city manager. The director of human resources shall establish pay rates for temporary employees, whether employed directly or through an employment agency. Any employee who is temporarily and specifically assigned by the city to a position in a higher grade shall receive a rate of pay which is five percent higher than the employee's regular rate of compensation, or higher at the discretion of the city manager. This increment shall not be awarded to employees whose job description specifically designates them as the person to act in someone else's temporary absence, unless such absence exceeds 30 calendar days, nor to those on light duty assignments in the course of recovery from job-related injury or illness. Similarly, this increment shall not apply in cross-training situations, but only when the employee is fully qualified and specifically assigned. It shall not be the intent of the city to assign such duty on a frequent or continually reoccurring basis except under emergency or extenuating circumstances.

SECTION 4. Section 1.27, Drug Free Workplace Policy, of the City of Venice Personnel Procedures and Rules, 2013 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.

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.

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 referral for marijuana (for the treatment of a medical condition) tests positive based 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 drug 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 5. Section 2.5, Discretionary Leave Issues, of the City of Venice Personnel Procedures and Rules, 2013 edition is hereby amended as follows:

2.5 DISCRETIONARY LEAVE ISSUES

Donation of Leave

Employees may elect to voluntarily donate either sick or vacation leave on a case-by-case basis upon approval by the director of human resources. The donated time may only be utilized as sick leave for serious medical conditions that have been approved as FMLA related. An employee may elect to donate a maximum of forty (40) hours to each eligible receiving employee per calendar year. The employee receiving the donated time must utilize all their leave accruals (compensatory, sick and vacation) prior to utilizing any donated time. Any donated time not subsequently needed/used as sick leave will be returned to the appropriate accrual bank of the donor involved. Donated time may not be used after Short Term Disability payments have started, if applicable.

Emergency Request

In extenuating emergency circumstances, employees who are covered under a collective bargaining agreement may request payment of leave accrued on a case-by-case basis, taking into account the nature of the designated emergency and the departmental budget. The employee who is covered under a collective bargaining agreement must specify the nature of the emergency condition and submit the request to their department head for initial recommendation. If the department head determines that the funds are available in the department budget and it is a

bona fide emergency, the request will be forwarded to the director of human resources and the city manager for approval. Payment will be based on the cash-in options within these procedures and rules for employees who are covered under a collective bargaining agreement.

In extenuating emergency circumstances that would qualify as a hardship distribution under the IRS regulations 401(k), non-bargaining employees may request payment of leave accrued on a case-by-case basis, based on the cash-in options within these procedures and rules for non-bargaining employees in section 2.2, vacation leave and section 2.4, sick leave, taking into account the nature of the designated emergency and the departmental budget. The non-bargaining employee must specify the nature of the emergency condition and submit the request to their department head for initial recommendation. If the department head determines that the funds are available in the department budget and it is a bona fide emergency, the request will be forwarded to the director of human resources and the city manager for approval.

Community Service

Upon prior written approval by the director of human resources and the city manager, employees may request leave with pay for authorized community service activities.

SECTION 6. Section 2.11, Military Service, of the City of Venice Personnel Procedures and Rules, 2013 edition is hereby amended as follows:

2.11 MILITARY SERVICE

Active Duty

Employees who are inducted into the United States Armed Forces must show their orders to their supervisor as soon as they are received. During the first thirty (30) days on active military duty, activated employees will receive their city regular base pay and benefits in addition to their military base pay. After the initial thirty (30) days on active duty, if the military base pay is less than the city regular base pay, the city will pay the difference to the activated employee for the duration of their term of active duty. The employee will be required to provide official documentation of their compensation from the military, including any increases or decreases, which may occur during their term of active duty.

Insurance benefits will continue as if the employee were still actively employed with the city, subject to the terms and conditions contained in applicable policies and plan documents. If the employee elects to continue family/dependent group health insurance coverage or any of the other available options while on active duty, the employee will continue to be responsible for the associated premium payments, in accordance with the procedures set up for that purpose. The city will continue to contribute, on an actuarial basis, the city's share to the applicable pension plan. If the employee is a member of a pension plan that requires their contribution, the employee will contribute based on the amount of pay received pursuant to this section. The activated employee's vacation and sick leave accruals will be frozen, and will not continue to accrue while the employee is on active duty. Activated employees are entitled to keep all seniority rights and their seniority continues to accrue while they are away from work.

All regular employees returning from active service are eligible for re-employment in the same position they left (or a similar one in terms of status, pay and with accrued seniority), under the following conditions:

- Individual must receive an honorable discharge.
- Individual must still be qualified to perform the job duties. If the individual needs to practice job skills, a reasonable time will be granted as determined by the city manager. In the event an individual is not qualified for their former position (required job skills have changed or the individual has a disability which precludes them from performing the essential functions of the position), then the individual will be allowed to attempt to qualify for a similar job.
- Individual being reinstated must complete employment medical examination or drug screening applicable for the position.
- If the city's circumstances have changed and the position no longer exists, then the veteran may apply for any other open positions.
- Individual must apply for re-employment within the applicable timeframes listed below: (a) For periods of military service of 1 to 30 days, they must return by the beginning of the following first regularly scheduled workday with allowance for safe return travel; (b) For periods of military service of 31 to 180 days, they must apply for re-employment no later than 14 calendar days after the completion of their service; or (c) For periods of military service 181 days or more, they must report to work no later than 90 calendar days after the completion of their military service. All of these periods are extended to two years if the individual is hospitalized or slow to return to health because of an injury incurred or aggravated during military service.

Reserve or National Guard Training Leave

If an employee is a member of the Reserve, National Guard or other reserve component of the Armed Forces of the United States and called upon for training, the first ~~seventeen (17) days~~ 240 hours of military leave will be considered paid leave in any one calendar year. The employee should give their supervisor as much advance notice as possible of the intent to be away. The employee shall be required to submit an order or statement from the appropriate military commander as evidence of such duty. Such order or statement must accompany the formal request for military leave.

SECTION 7. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED AT A REGULAR MEETING OF THE VENICE CITY COUNCIL HELD ON THE 9TH DAY OF APRIL 2019.

John W. Holic, 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 9th day of April 2019, a quorum being present.

WITNESS my hand and the official seal of said City this 9th day of April 2019.

(SEAL)

Lori Stelzer, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney