



# CITY OF VENICE

FLORIDA

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## Interoffice Memorandum

**TO:** Mayor Holic and City Council Members

**FROM:** Edward F. Lavalley 

**RE:** Civil Emergency Pay Policy/Emergency Declarations

**DATE:** March 28, 2019

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Attached is a proposed modification to the Emergency Pay Policy. The policy defines City of Venice personnel pay and performance details related to a declared emergency. The most recent implementation of the current policy was with the occurrence of Hurricane Irma. The recommended modifications include changes in rates of pay for employees. The recommended pay rate structure resembles the most typical emergency pay policies among area governmental agencies.

The proposed policy also addresses working conditions for employees during declared emergencies. One of the purposes is to better define employee duties and responsibilities. A point of clarification concerns the critical value of employees. All City of Venice employees are considered "essential" and may be called on to perform certain duties during a declared emergency that may, or may not, conform to their normal work activities.

The proposed policy is the product of suggestions received from Council members and staff. Not all suggested changes received are included in the proposed policy as some suggested changes among the submittals were in conflict or disagreement with others. Through the Human Resources Department, the policy was also subject to legal review by the City's labor attorney. The proposed draft incorporates changes recommended by the labor attorney.

Following is a summary of significant changes between the existing policy governing emergency declarations and the proposed updated policy.

- The current policy refers to Civil Emergency Pay Policy, and was adopted by Resolution 2006-14. While civil disturbances may give rise to an emergency declaration, natural weather disasters may also create conditions warranting a declaration. Accordingly, the title is changed to *Emergency Declarations* to more clearly encompass civil and natural disasters.

- The current policy classifies employees as "essential" or "non-essential" as an indication of the critical nature of their specific job duties during emergency conditions. This distinction has given rise to disputes about the essential nature of some job tasks and further the related obligations of certain employees under conditions of declared emergencies. The proposed policy defines all City employees as "essential". The reference to "essential" in the proposed policy focuses on the specific job duties of each employee position during normal working conditions for purposes of determining whether those job tasks are "essential" in nature during emergency conditions and need to be performed during declared emergencies. For employees whose regular job duties may not be considered "essential" during declared emergencies, those employees may be called upon to perform other tasks not normally included in their regular duties.
- The current pay policy provides that all city employees, except Charter Officers, receive a double-time rate of pay from the time an emergency declaration is made until the declaration has ended. Charter Officers' pay is subject to a determination by the City Council. Historically, the Council has elected to provide the same rate of pay that other employees receive during emergency declaration periods. The proposed policy is simplified and uniform. It provides that all employees, including Charter Officers, receive a time-and-one-half rate of pay during the declared emergency pay periods. The declared emergency pay period is distinct from the Emergency Declaration Period. The declared emergency pay period can represent a portion of the Emergency Declaration Period, but not all of it. The purpose of recognizing the two distinct periods is to allow for a declared emergency to be called without immediately invoking the employee premium pay rate. The emergency pay period can be subsequently initiated as an impending emergency condition approaches and warrants specific emergency preparations. The proposed policy eliminates the double-time rate of pay, simplifies the pay standard for all employees, and distinguishes the time that an Emergency Declaration may be made from the time that employees begin to receive the time-and-one-half rate of pay.

EFL/jg

Attachment