



# City of Eustis

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TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 19, 2023

RE: RESOLUTION NUMBER 23-07 AMENDMENT TO PERSONNEL RULES AND REGULATIONS; 6.04 SICK LEAVE AND 6.05 ANNUAL LEAVE PAYMENT UPON SEPARATION, AND 6.09 EMERGENCY PAID SICK LEAVE PROGRAM

**Introduction:**

Resolution Number 23-07 amends the City's Personnel Rules and Regulations to include clarification the maximum payment provided to an employee, regardless of the number of terms of employment with the City for accrued sick leave is 480 hours and 200 hours annual vacation leave. This resolution also eliminates Section 6.09 Emergency Paid Sick Leave Program.

**Recommended Action:**

Staff recommends approval of Resolution Number 23-07.

**Background:**

**Payment of sick leave and annual vacation leave upon separation from employment-**

The intent of this change is to clarify the current policy regarding the payment of accrued sick leave and annual vacation leave upon separation from employment. Statements have been added to the policy specifying the maximum payment provided to an employee, regardless of the number of terms of employment with the City is 480 hours for accrued sick leave and 200 hours for annual vacation leave.

It is recommended the following sections be added to the City Personnel Rules and Regulations as underlined and indicated in red;

Section 6.04, Sick Leave

F. Payment upon separation from employment

1. Employees who are terminated from City service for unacceptable performance or conduct, resign without fourteen (14) days' notice, or abandon their positions (Section 8.01-B and E) shall not be eligible for payment of accrued sick leave benefits.
2. Employees may be eligible for payment of accrued sick leave in the following instances:

- a. Employees who retire or resign in good standing after three (3) years of continuous full-time service may be paid unused sick leave accrued after July 20, 1978 to a maximum of 480 hours.
- b. Sick leave credits accrued prior to July 20, 1978, shall be calculated at twenty-five percent (25%) of the regular rate of pay for reimbursement at the time of retirement only.
- c. Accrued sick leave, not to exceed 480 hours, of employees who die while in the service of the City and who were employed full time for three (3) continuous years shall be paid to the beneficiary, surviving spouse or estate of the employee as determined by law or by executed form in the personnel file.
- d. Employees who are laid off for six (6) months or more shall receive payment for accrued sick leave, not to exceed 480 hours, at the time of separation from the City.
- e. The maximum payment provided to an employee, regardless of the number of terms of employment with the City is 480 hours for accrued sick leave.

#### Section 6.05, Annual Leave (Vacation)

##### F. Payment upon Separation

1. Employees who are terminated from City service for unacceptable performance or conduct, resign without fourteen (14) days' notice, or abandon their positions (Section 8.01-B and E) shall not be eligible for payment of accrued annual leave and forfeit such accrued leave.
2. Employees may be eligible for payment of accrued annual leave in the following instances:
  - a. Employees who retire or resign in good standing may receive annual leave credit as of the date of separation. Said credit shall not exceed 200 hours.
  - b. Accrued annual leave, not to exceed 200 hours, of employees who die while in the service of the City and who were employed full time for one (1) year of continuous service, shall be paid to the beneficiary, surviving spouse or estate of the employee as determined by law or by executed form in the personnel file.
  - c. Employees who are laid off for at least six (6) months shall receive payment for accrued annual leave, not to exceed 200 hours at the time of separation from the City.
  - d. The maximum payment provided to an employee, regardless of the number of terms of employment with the City is 200 hours for accrued annual leave (vacation).
3. Payment for accrued annual leave does not apply to employees having less than twelve (12) months of full-time employment.

##### Emergency Paid Sick Leave Program

The Families First Coronavirus Response Act (FFCRA) required certain employers, including public employers, to provide employees with up to 80 hours of emergency paid sick leave for specified reasons related to COVID-19. This federally mandated

program was in effect from April 1, 2020 through December 31, 2020. After that date, it became a voluntary program and the City of Eustis chose to extend the emergency paid sick leave program.

Through approval of Resolution 21-77 on November 4, 2021, the City of Eustis Personnel Rules and Regulations were amended to add Section 6.09 Emergency Paid Sick Leave Program. The resolution authorized the City Manager to implement an emergency paid sick leave program to grant an employee a maximum total allotment of 80 hours of paid sick leave if they contract COVID-19 or must self-quarantine due to COVID-19. At this time, since COVID-19 is transitioning from a pandemic to an endemic, as the virus becomes more stable and manageable, it is recommended we end the Emergency Paid Sick Leave Program effective February 1, 2023.

**Alternatives:**

1. Approve Resolution Number 23-07 authorizing the revisions to Sections 6.04 Sick Leave and 6.05 Annual Leave (Vacation) and eliminating Section 6.09 Emergency Paid Sick Leave Program.
2. Deny Resolution Number 23-07 either in whole or in part.

**Discussion of Alternatives:**

Alternative 1 approves the resolution.

**Advantages:**

- Clarifies Section 6.04 and Section 6.05 regarding payment of accrued sick leave and annual vacation leave upon separation from employment.
- Eliminates Section 6.09 Emergency Paid Sick Leave Program as the COVID-19 virus has become more stable and manageable.

**Disadvantages:**

- None noted for clarifying Section 6.04 and Section 6.05.
- Eliminating Section 6.09 may cause some morale issues for those employees who have not used the maximum allotment of 80 hours of Emergency Paid Sick Leave.

Alternative 2 denies the resolution in whole or in part.

**Advantages:**

- Policy regarding payment for accrued sick and vacation leave for employees with breaks in service would lack specific clarity regarding multiple terms of employment.
- Continues the ability for an employee to earn emergency paid time off due to COVID-19 for a qualified reason.

**Disadvantages:**

- May cause some misunderstanding regarding payment of accrued sick and vacation leave for employees with breaks in employment with the City.
- Continues the amount of employee paid time off due to a COVID-19 qualified reason.

**Budget /Staff Impact:**

There is no additional cost to implement the revisions as recommended.

**Community Input:**

There has been no community input on this resolution, but the public will have an opportunity to comment at the meeting.

**Prepared by:**

Bill Howe, Human Resources Director