



MINUTES
CIVIL SERVICE COMMISSION
MEETING
JANUARY 3, 2024
4:00 P.M.

The City of Madeira Beach Civil Service Commission meeting was scheduled for 4:00 p.m. on January 3, 2024, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

MEMBERS PRESENT: Jerry Cantrell, Chair
Cristina Ponte, Vice Chair
Paul Tilka
Judithanne McLauchlan
Clara VanBlargan, Ex-Officio Secretary

MEMBERS ABSENT:

CITY STAFF PRESENT: Robin Gomez, City Manager
Megan Powers, Assistant to City Manager/HR Staff
Attorney Rob Eschenfelder, Trask Daigneault, L.L.P.

1. CALL TO ORDER

Chair Jerry Cantrell called the meeting to order at 4:07 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll. All were present.

3. PUBLIC COMMENT

There were no public comments.

4. APPROVAL OF MINUTES

A. Approval of Minutes

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Commissioner McLauchlan asked to show in the minutes she was present at the meeting.

Vice Chair Ponte motioned to approve the minutes with the correction. Commissioner McLauchlan seconded the motion, and all were in favor. The motion carried 4-0.

Chair Cantrell asked that they discuss Item 7. A, the RFP – Classification and Compensation Plan Study, after the HR Report. The Commission agreed.

5. HR REPORT

HR Staff Megan Powers gave an update to the HR Report.

6. NEW BUSINESS

A. RFP – Classification and Compensation Plan Study

Chair Cantrell said the scope of service is what they are asking for and asked if it covered all City positions. The City Manager said yes.

The City Manager said the responses to the RFP and a recommendation would be brought back to the March 7, 2024 meeting. It would then go to the Board of Commissioners for approval.

After a brief discussion among the board members, Vice Chair Ponte motioned to accept the RFP presented in the packet and begin advertising. Commissioner Tilka seconded the motion, and all were in favor. The motion carried 4-0.

7. OLD BUSINESS

I. "Draft" Personnel Policy Manual (starting on Page VII-4. B. Sick Leave)

Chair Cantrell suggested he read aloud the first sentence of every paragraph so it would be easier to track where they are going to make a change. The Commission consented.

Chair Cantrell said at the next meeting he would like to revisit a question from the last meeting regarding permanent additional duties on page V.C.b. that he would like the attorney to clarify. He would like the City Clerk to put a placeholder on that agenda.

VII. LEAVES OF ABSENCE

B. Sick Leave

NOTE: Family and Medical Leave Act (FMLA) will be considered and, if applicable, will run concurrently with Sick Leave. (See FMLA Section: VII.L.)

1. Full-time and part-time employees who fill established positions earn Sick Leave credits each bi-weekly pay period based on a maximum of 80 paid hours (pro-rated if less than January 3, 2024, Civil Service Commission Meeting Minutes

80). Tracking of sick leave accruals is by the calendar year. The accrual rate for regular employees is five hundredths (.05) of an hour for each hour paid up to a maximum of 80 hours (.07 for Fire/EMS employees on 24/48 hour shifts). (Examples: 80 paid hrs. x .05 = 4 hrs.; 60 paid hrs. x .05 = 3 hrs.; EMS 80 paid hrs. x .07 = 5.6 hrs., etc.).

Chair Cantrell asked if they talked about what maternity leave would look like. The attorney said he will write it and bring it back to them for discussion.

Attorney Eschenfelder said that in the current policy sick leave is granted to all full-time employees at a rate of 96 hours per year, 8 hours per month. Part-time and temporary employees are not eligible to receive that benefit. Sick leave is accrued with no maximum. Employees can cash out up to 24 hours of their earned sick leave for perfect attendance without sick leave used during that fiscal year. The final payout upon separation is 25% of the accrued hours. At the last meeting it was said they wanted no payout of sick leave and no maximum accrual. The City Clerk said they had mentioned allowing one last payout before January 2025. Chair Cantrell said that was so everybody would be where they needed to be and not lose time.

Attorney Eschenfelder said they should write it to say no payout, and then at the end, they debate where they draw the line so current employees do not feel they have been slighted. After they are done with the policy, they release it to the Board of Commissioners with a recommendation of what to do with current employees. They could determine when the last payout would be at that time.

Chair Cantrell asked the City Clerk to put down that before they go live with the Personnel Policy, they should address the date the sick leave accrual will end for payout.

Chair Cantrell asked if the numbers plugged in paragraph 1 were approximations or actual hours. The attorney said those are numbers he plugged in there in 2020. He read the current policy and said they needed to debate if they wanted to change the current policy or otherwise he will stick in the current policy. The City Manager said he was good with the current policy numbers. The attorney said he does not recommend carrying forward the sick leave payout because it encourages people not to take their sick leave so they can get a payout of their sick leave. That will not transfer over to the current policy unless they want it to transfer over.

2. Employees using sick leave are paid at the hourly rate in effect at the time the approved sick leave is taken, but such leave used shall not count as hours worked for any purpose other than FMLA eligibility.
 3. During leave of absence with pay, employees continue to earn sick leave credits (with the exception of employees drawing hours from the Sick Leave Bank or Long-Term Disability).
 4. Full-time and part-time employees who fill established positions may accumulate unlimited sick leave credits.
 5. Sick leave earned during any pay period is credited to the employee on the last day of
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that pay period. In the case of employment termination, it is credited on the last day the employee is on the payroll.

6. Use of sick leave credits cannot be authorized prior to being earned and credited. And used only with approval from the department director or designee, who may require sufficient and specific medical documentation of the need for leave prior to authorizing sick leave pay. Sick leave pay may be denied to any employee who fails to provide requested documentation.

Vice Chair Ponte recommended that after the word credited in the first sentence, put a period to make its own sentence for clarity. The Commission agreed.

7. Sick leave hours are charged to an employee's sick leave account. If accumulated sick leave is exhausted, the employee may request through the appropriate departmental authority to use vacation, compensatory time, or personal holiday (may be used only as a whole day) leave to cover remainder of the absence.

Commissioner McLauchlan asked if there was a sick leave pool. Chair Cantrell said not in the current policy and paragraph 3 is the only reference to sick leave bank in the entire document. Attorney Eschenfelder said he would add a "Sick Leave Bank" subsection and create a sick leave bank.

Chair Cantrell asked if the City offered short-term or long-term disability for the employees. The City Manager said yes. Chair Cantrell said there should be a maximum amount that can be donated to a person. If the person is on FMLA, the total donation should not exceed the time FMLA allows.

Commissioner McLauchlan said they need the section on the sick leave bank because it does not make sense for individual people to donate to individual people. It seems complicated. She suggested having one bank. If somebody needs it, they can draw on it.

Attorney Eschenfelder said they had the donation system in the City of Saint Petersburg long ago when he was an attorney there. He had donated 30 hours of his time to an employee, which was very generous because his pay rate was way more than 30 hours for her. He does not recommend that system because it sets up a popularity contest. He recommended his sick leave bank policy. People can donate to a sick leave bank. If they do, they are participants in the program run by employees who are a committee of three or so people. Management stays out of making decisions that are by their nature arbitrary. The committee would make the decisions based on merits, and donations would be made dollar for dollar. Ms. Powers explained how they do it currently.

The City Manager said having a sick leave pool is the simplest way. When an employee request hours, hours are donated to them. The attorney read his sick leave bank policy. Commissioner McLauchlan suggested adding the attorney's sick leave bank policy to the listing in paragraph 7.

Commissioner Tilka asked if he was an employee making \$30 an hour and if he donated an hour to another employee making \$15 an hour, would that employee get a \$30 credit? The attorney said it would be dollar for dollar. An employee would be donating the value of his sick leave hour. If a higher-paid employee makes \$20 an hour, they would be giving \$20 to the sick leave bank for one hour. If a \$10 an hour employee uses it, they get two hours of sick leave donation. People with

different rates of pay would be donating to the pool.

The City Manager said that needed to be reviewed because he was not sure if they are currently doing it that way. If donating an hour, it is just an hour regardless of who donated the hour and regardless of their rate of pay. The attorney said the City is already accounting for sick hours at the rate of the employee's pay. It is on the computer somewhere. If he gives "x" number of hours, it translates to "x" number of dollars based on his hourly pay rate.

The City Clerk said she had seen that type of report long ago. It showed the total hours donated and the value of each hour donated.

The City Manager said the program should be based on hours, not dollars. If an employee asks for 20 hours, they receive 20 donated hours.

Vice Chair Ponte suggested tabling the item until they receive additional information from the attorney. They need to figure out what works and makes sense. If they cannot implement it, there is no need to do it. The Commission agreed.

Chair Cantrell asked that the information be brought back to them. Ms. Powers said she would contact HR in other cities to see what they are doing and if they have software used for that. Vice Chair Ponte said a timesheet software should do it.

8. Sick leave can be authorized for the following purposes:

a. Personal Sick Leave

Personal Sick Leave is for an employee's personal illness, injury, or exposure to a contagious disease which could endanger other employees. Any sick leave credits used for these reasons are authorized in accordance with the provisions of Section VII.B.9. For purposes of this Policy, personal illness includes complications in pregnancy, miscarriage, childbirth, and recovery from these. Note: Medical Attention - In accordance with 29 C.F.R., § 785.43, and Section IV.B.6, time spent by an employee in waiting for and receiving non-elective medical attention (with the exception of worker compensation-related visits) on the premises or at the direction of the employer during the employee's normal working hours on days when he or she is working constitutes hours worked.

9. The employee has the responsibility of notifying his/her supervisor or other designated personnel when sick leave absence is necessary. This notification should be given prior to the absence, if possible, or as soon as possible on the first day of absence. Upon request, an employee may be permitted to use sick leave credits if the following procedures are followed:

a. Prior to authorizing an employee to use sick leave credits, the department director may require the employee to certify that the absence is for reasons outlined in this Policy.

b. After three (3) consecutive workdays (regardless of number of scheduled hours in any workday) of sick leave absence, the employee ~~may shall~~ be required to provide FMLA medical certification from a certified health care provider before being

authorized to use additional sick leave credits, ~~unless deemed unnecessary by the department director based upon facts already known.~~

Vice Chair Ponte requested to change subsection b to say an FMLA medical certification "may" be required instead of "shall" be required. If using the word "may," the language at the end of the sentence that reads, "unless deemed unnecessary by the department director based upon facts already known" should be removed. Chair Cantrell said it would not be needed.

- c. Employees may be required to report periodically (no more often than seven (7) calendar day intervals) on the status of their sick leave and intent to return to work and may be required to submit (no more often than thirty (30) day intervals) medical certification/re-certification from a certified health care provider if their sick leave continues.
- d. Employees may be required to convalesce at a specific location, such as ~~a health care facility or~~ at home where deemed necessary by the department director to prevent abuse of sick leave.

Chair Cantrell said it should be done by a healthcare provider, not a department director. The attorney recommended leaving it as worded, or it could be worthless. An employee can get a healthcare provider to write whatever they want. That should be a tool in the manager's toolchest. It will only be in a situation when management suspects they are not really sick. Chair Cantrell suggested removing the language "a healthcare facility or" from paragraph 9. d. The Commission agreed.

- e. Upon returning to work following a long-term illness or injury, an employee may be required to provide medical certification from a certified health care provider showing he/she is safely able to perform the essential functions of his/her job with or without reasonable accommodation.

Vice Chair Ponte suggested combining Sections VII.B.6. and VII.B.9 because it seems redundant. Attorney Eschenfelder said he would look at it to see if it was appropriate.

- 10. An employee who refuses to comply with the above stated requirements is not eligible to use sick leave credits. Any unapproved absence from work will be considered unauthorized and may subject the employee to disciplinary action in accordance with the provisions of Section XI. of this Policy.
- 11. Employees providing written documentation from a certified health care provider indicating that the employee is unable to perform regular job duties due to an accident, illness, or medically related reason, with the approval of the department director, may be placed on light duty status or assigned to perform other temporary duties which will not be prohibited by the condition during recuperation, within the following guidelines:
 - a. The employee's hourly rate of pay remains the same, including personnel working non- standard schedules (such as 24/48 shifts).

- b. If requested by the employer, the employee submits to a physical examination by a certified health care provider (selected and paid for by the department) prior to approval (or continuation) of the temporary status. Failure to comply could result in denial of use of further sick leave.
- c. The temporary status may be approved by the department director for a period not to exceed three (3) consecutive months.
- d. Requests to remain in temporary status in excess of the three-month period must be authorized by the City Manager. Such requests will only be considered under exceptional circumstances.
- e. Approval of temporary light duty is in the sole discretion of the City and is conditioned upon the availability of budgeted payroll funds to pay the employee and/or temporary workers at the same time, the disruption which may be caused to other workers in the workplace, the needs of the department, and the availability of bona fide light duty work to be done.
- f. With documentation from a certified health care provider stating the employee may return to regular, unrestricted, full duty status, the employee will resume his/her regular position.

Vice Chair Ponte asked if a position must be kept available. Attorney Eschenfelder said if it is an FMLA qualifying event, they would be required to hold the position for at least twelve weeks. If the employee's healthcare provider said they are able to come back and the employee claimed to be still sick and did not come back after the 12 weeks, they would not be able to return to the position.

- g. When approved to return to regular, unrestricted, full duty status, failure by the employee to do so could result in termination of employment under Section XI. of the Policy.
- h. Approval of temporary light duty does not signify the City's agreement that the employee is a qualified individual with a disability under the Americans with Disabilities Act ("ADA") or the Rehabilitation Act, or that the employee is covered by the terms of the FMLA or abrogate any defense that the City may have under the civil rights laws.
- i. Employees who are determined to be unable to perform the essential functions of their job may either request a reasonable accommodation under Section IX.E, or where no accommodation is available, be referred to the Alternate Employment Program under Section IX.F.

12. ~~Payment of Unused Sick Leave~~

- ~~a. Sick leave will NOT count as time worked for the calculation of overtime. Cash-Out Sick leave may be accrued with no maximum. Employees shall be allowed to cash-out up to 24 hours of their earned sick for having perfect attendance without sick leave used during that fiscal year. The final payout upon separation will be made on 25% of the accrued hours, subject to Article XI, Section 1101: Resignations. Employees shall not be permitted to use sick time during the last two weeks of employment unless a healthcare provider's note is submitted to the Human Resources Personnel.~~
- ~~b. When sick, annual leave, and accrued holiday or compensatory time has been exhausted, any additional leave will be without pay.~~
- ~~c. Employees with continuous service who leave City employment, and qualify to receive payment of unused sick leave credits, may be paid a percentage of their existing sick leave balance in accordance with the table shown below:~~

Less than 5 Years of Service	0%	10 Years of Service	40%
5 Years of Service	30%	11 Years of Service	42%
6 Years of Service	32%	12 Years of Service	44%
7 Years of Service	34%	13 Years of Service	46%
8 Years of Service	36%	14 Years of Service	48%
9 Years of Service	38%	15 Years of Service	50%

~~*Note: Payment for unused sick leave balances for contract employees will be in accordance with the contract in effect at the time of separation.*~~

- ~~d. Employees who are rehired by Madeira Beach after having previously worked for the City are not entitled to receive credit for unpaid sick leave hours related to the previous period of employment.~~
- ~~e. Payment of unused sick leave credit is paid in a lump sum at the regular hourly rate in effect at the time of separation. This payment is not considered as salary in determining the average final compensation of an employee in the State administered retirement system. There is a lifetime maximum payout of *** sick leave hours for all eligible employees.~~
- ~~f. Employees shall forfeit all sick leave payouts under this section if employment terminates because the employee:
 - ~~(1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or~~~~

- ~~(2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or~~
- ~~(3) Is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or~~
- ~~(4) Has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees; or~~
- ~~(5) Was terminated for having committed any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.~~
- ~~(6) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.~~
- ~~(7) Forfeiture shall also occur where the employee resigns from employment after having been charged by the City or other law enforcement authority with any of the above acts but prior to having been terminated.~~

Attorney Eschenfelder said the entire Section VII.B.12 would be taken out. It deals with sick leave payout. The City will not be doing it anymore. Section VII.B.13. would become VII.B.12.

~~13.~~ 12 Notwithstanding any provision of this Policy referring to "calendar year," accruals of leave balances shall be governed by the City's adopted payroll tracking system and may be calculated by the payroll calendar year used by that system.

Chair Cantrell said they have 30 minutes remaining and are roughly halfway through the document. He asked if they wanted to meet again in February. The Commission agreed to meet again at their scheduled meeting on March 7 from 4:00 p.m. to 7:00 p.m. and try working through VII, VIII, IV, and X.

The attorney suggested not reading the text. Chair Cantrell said they need to be clear on what is being changed if they do not read the text.

C. Personal Medical Appointment Leave

1. With prior approval, Personal Medical Appointment leave allows eligible employees to attend personal medical-related appointments when it is not possible to arrange for appointments during off-duty hours.
2. Approved personal medical appointment leave is charged to an employee's sick leave account. Personal medical appointment hours are not considered hours worked towards overtime.
3. Personal medical leave will be recorded appropriately on the timecard (i.e., sick, FMLA, or no pay), in accordance with established pay codes for such leave. Where applicable, use of this leave will also be classified as FMLA protected and recorded as such. Departments are responsible for ensuring that FMLA coverage be documented where applicable.
4. Since medical facilities have varying waiting periods for appointments, there is no set limit for the number of hours for an appointment. The employee should give his/her best estimate at the time of submission of request to the department.
5. Only the time used for the medical appointment, plus travel time to and from the appointment, may be coded as personal medical appointment leave. In addition, where the appointment is for an invasive medical test requiring pre-test preparation or a recovery period which causes an employee to be unable to report for duty, such preparation or recovery time may also qualify as personal medical appointment leave.
6. If there is a question that an employee may be abusing personal medical appointment leave, the department director may require verification of appointments.

Chair Cantrell asked if paragraph 6 was something HR needed to be involved in or if the department directors would make their notes. Attorney Eschenfelder said it was appointment verification, not asking for medical information. It was to make sure the benefit was not being abused.

7. Requests for personal medical appointment leave should be submitted with as much lead- time as possible. Personal Medical Appointment Leave may not be used for worker compensation examinations, treatment, etc., which must instead be coded as worker compensation leave.
8. If covered under the Family and Medical Leave Act, as evidenced through execution of adequate certification and employer response forms, personal medical appointment leave will not be used in evaluating an employee's performance.

D. Bereavement Leave

1. Paid leave may be authorized for probationary and regular employees (OPS employees are ineligible) who have a death in their "immediate" families (see 2. below). The

following procedures apply:

- a. Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to * scheduled workdays (* days for employees working four 10 hour shifts) with the exception of Fire/EMS 24/48 hour employees, who may be authorized to receive up to two shifts (not to exceed 48 hours) and 12 hour shift employees may be authorized to receive up to four shifts not to exceed 48 hours.

Chair Cantrell asked how many days are currently provided for bereavement leave. The City Manager said in-state bereavement is three days and out-of-state is five days. Under the Fire Union Agreement, it is one shift for in-state and two shifts for out-of-state.

- b. Bereavement leave is separate and distinct from other types of leave and is not chargeable to any accrued leave balance (i.e., sick, vacation, etc.). Bereavement leave does not count as hours worked towards overtime.
- c. In the event a family death occurs during an employee's approved sick, vacation or compensatory time leave, the time missed due to the death may be designated as bereavement leave, if eligible. The actual leave account charged (i. e., sick, vacation, etc.) can be adjusted through a request from the department director to the Human Resources Staff.
- d. Bereavement leave is paid in accordance with scheduled workdays. ~~including premium pay differentials if applicable.~~

Chair Cantrell asked to remove "including premium pay differentials if applicable" in paragraph d because it was not necessary.

2. Definition of Immediate Family

For the purpose of administering this type of leave, "Immediate Family" is defined as the following persons, as related by blood or law to the employee and/or the employee's spouse: spouse, child, stepchild, foster child, grandchild, parent, step-parent, grand or great grandparent, step-grand or step-great grandparent, brother, sister, half-brother, half-sister, step-brother, step-sister, or legal guardian. The definition also includes an individual for whom the employee or the employee's spouse is the legal guardian, and any other family member of the employee or of the employee's spouse who was a full-time resident in the employee's household immediately preceding the death.

Chair Cantrell asked if they could add a statement to paragraph 2 that the director could use discretion. If known that an unmarried couple has been living together for an extended time it could be granted to that person. Commissioner McLaughlan felt the last sentence of paragraph 2 captures what Chair Cantrell was looking for.

3. Proof of Purpose of Leave

Validation of the request is left to the discretion of the employee's department director.

E. Military Leave

1. For purposes of interpreting this Section, the general term "Military Leave" includes both Military Leave, as provided for in subsection (2) below, and Military Call, as provided for in subsection (3) below.
2. Military Leave: In accordance with Chapter 115, Florida Statutes, City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or a member of the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted military leave on all days during which the employee is ordered to active duty or inactive duty for training. Such employees shall not be required to work or use accrued personal leave on any day during which they are engaged in training under official orders. Whether continuous or intermittent, such leave with pay may not exceed 240 working hours in any one annual period beginning January 1 and ending December 31. Administrative leave of absence for additional or longer periods of time for assignment to duty functions of a military character, including assignments under applicable FEMA or USERRA regulations, shall be without pay unless required by federal law.
3. Military Call: City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard, who are ordered to active military duty shall, upon presentation of a copy of the employee's official orders, be granted military leave beginning with the day ordered to duty and ending up to 31 days after the date of release from the military service or from hospitalization continuing after discharge, unless a longer period is required by the FMLA. The first thirty (30) calendar days of such leave shall be with full pay. (Note: Employees would only be compensated for scheduled workdays during this 30-day period.)
4. Scheduled workdays for which Military Leave is taken under the rules outlined in subsections (2) and (3) above will be compensated as Military Leave or Military Call (as applicable) and will not count towards overtime. If an employee approved for Military Leave is scheduled to work a shift which qualifies for premium pay differential, Military Leave hours will be compensated at the appropriate premium pay differential rate.
5. Employees requesting Military Leave shall furnish the department director with competent orders from the appropriate military command as valid evidence of such duty status. These orders shall be kept in the employees' departmental personnel file. Since "competent orders" are not always defined or consistent, department directors should consult with the Human Resources Department for guidance.

6. Any absence in excess of the limits set in subsections (2) and (3) above may, upon request by the employee and approval by the appropriate supervisor, be covered by accrued vacation leave, accrued comp. time or personal holiday. If not requested by the employee or approved by the appropriate supervisor as vacation, comp. time, or personal holiday, such absences in excess of the limits shall be approved as military leave without pay. However, such leave shall be without loss of seniority, time or efficiency rating. Should any portion of the leave be paid leave, the employee shall be entitled to accumulate all benefits granted under paid leave status.
7. Madeira Beach employees called to active military service will not be discharged, reprimanded, or in any other way penalized because of their absence due to such service. The employee's position may be filled by another employee with substitute or temporary status. Upon separation from the military service, the employee shall be eligible to return to the former position held or a different position in the same class in the same geographic location.
8. Veteran's Leave: A City employee filling a regular established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability, shall be granted veteran's leave for such reexamination or treatment without loss of pay or benefits. The maximum veteran's leave authorized for this purpose shall not exceed six (6) calendar days in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime.
9. Issues of military leave not addressed in this policy shall be resolved as provided for state employees in applicable provisions of the Florida Administrative Code, Florida Statutes, and federal law.

F. Jury Leave

1. Whenever an employee (full-time, part-time or temporary OPS) is called for jury duty, upon presentation of the summons to his/her supervisor, the employee will be excused from scheduled workdays and will receive Jury Leave pay for hours actually performing such duty, but not exceeding their scheduled work hours. The employee will not be compensated by the City for Jury Leave on unscheduled workdays unless the employee requests to substitute a night or weekend shift or portion thereof immediately preceding or following jury duty. The employee keeps any jury fees received.
2. Paid Jury Leave hours are considered as hours worked for all compensation purposes including calculating hours worked towards overtime. The City does not reimburse an employee for meals, lodging, travel, or any other expenses incurred as a juror.
3. Employees are required to report to work if excused from jury duty during their regular

working hours. However, if their scheduled shift has been filled or they are not otherwise needed to complete the shift, they may, with supervisory approval, charge the balance of their scheduled work hours to their vacation or compensatory time leave accounts, or take the time off without pay, but only to the extent they are not able to make up regularly scheduled hours by means of flex time assignment.

4. An employee called to jury duty shall promptly notify his or her department director and provide a copy of the court summons so that arrangements may be made in advance for his or her absence from work. When requested by an employee's department director, an employee will provide the director with a statement of actual days spent on jury duty service (such as by memo or e mail) before compensation is approved. Where the Clerk of Court engages in "day prior call in" programs (where unseated jurors call a number to determine whether their presence will be needed the next day), employees who discover their presence at the courthouse will not be required the following day (but who have not yet been released from duty) shall report to work on that day unless otherwise ordered by the Court. Once an employee is released from duty, he or she shall inform the department and report to work as required in Paragraph ~~4~~ 3 above.
5. An employee called to jury duty while on vacation leave shall be allowed jury duty pay for that time served in court which corresponds to his or her regular workday. Such employee shall have his or her vacation leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department. In the event a holiday occurs during the period an employee is serving on jury duty, he or she shall receive holiday pay for the holiday rather than jury duty pay.
6. Employees who have a normal work schedule outside the regular business day (night or weekend shifts) who are summoned for jury duty during the business day immediately following the scheduled shift shall, if they request, be permitted to be excused from their scheduled work shift (or portion thereof) immediately prior to the jury duty day, in order to rest or otherwise prepare for their jury service. However, such excused period shall not exceed 8 hours and, where an employee requests to be excused from work for a portion or all of a scheduled shift, the employee shall not be compensated for the shift or portion thereof, not actually worked (unless vacation leave is used) but shall only be compensated for jury duty equal to the number of shift hours missed performing such duty. Notwithstanding the general requirement for employees to report to duty should they not be required to spend an entire day of jury duty service, night/weekend shift employees who serve any portion of a day for jury duty without taking time off their regular shift shall be paid for the entire shift, not to exceed the number of work hours scheduled.

Attorney Eschenfelder said Section F states that if an employee is summoned to jury duty, the City will excuse them. They will receive jury leave pay for hours spent performing jury duty but not exceeding their scheduled work hours.

G. Witness Leave

1. An employee appearing as a witness for the City in a court case or administrative proceeding within the boundaries of Pinellas County, in which the City is a party, including depositions, post-termination proceedings, mediation or arbitration proceedings, or who is subpoenaed as a witness in a court case or administrative proceeding in which the employee's testimony is related to official City business, is considered to be on duty during such appearance (not including travel time), even during off-duty hours. The employee must remit to the City any witness fee received in connection with the appearance. In the event the litigation is in a forum outside Pinellas County, and the employee attends as a witness for Madeira Beach, he/she shall be entitled to per diem expenses in accordance with Florida Statutes § 112.061. However, in the event the litigation is in a forum outside Pinellas County, and the employee is subpoenaed by a party other than Madeira Beach, the employee may keep any reimbursement of travel expenses, and he/she shall not be entitled to reimbursement of per diem expenses from the City.
2. An employee who voluntarily appears at a court or administrative proceeding, as defined above, on behalf of a party litigating against the City shall be ineligible for witness leave pay by the City for any time spent at such proceeding and must attribute such time to appropriate available leave balances or take leave without pay.

Attorney Eschenfelder said if an employee voluntarily appears in court to testify against the City, they would not be paid. Chair Cantrell asked if they would be paid if subpoenaed. Attorney Eschenfelder said yes because they would be compelled to be there.

3. An employee who becomes a party in or appearing as a witness in any case other than those described in Paragraph 1. is considered to be off duty and must attribute such time to appropriate available leave balances or take leave without pay. Under such circumstances, the employee is entitled to keep any witness fee received. The only exception to this provision is where a City EMT or Paramedic who, while off duty, renders medical aid or assistance at an accident scene or emergency event and by so doing becomes a witness. In such cases, the EMT or Paramedic will be paid as described in Paragraph 1. above.

H. Disability Leave

Note: Family and Medical Leave Act (FMLA) eligibility will be considered and may run concurrently with Disability Leave. (See FMLA Section: VII.L.)

1. Workers' Compensation

- a. An employee who suffers accidental injury arising out of work performed in the course and scope of City employment may qualify for benefits during periods in which the employee is unable to work, as provided in the Workers' Compensation Law, F.S. Chapter 440. Any employee who has suffered an injury or illness while

at work is required to report that injury or illness on an appropriate City form as soon as possible. Supervisors or managers who are aware of such illness/injury are required to provide the appropriate form to the employee, to compel the employee to complete it, and to promptly report the incident to the director and risk management.

- b. The City's risk management staff administers all workers' compensation claims and benefits.

Vice Chair Ponte asked if the City has risk management staff. Attorney Eschenfelder said it is a generic term and collectively includes City paid employees and the worker's compensation insurance carrier. The Commission suggested revising subsection b to give reference to who the risk management staff includes.

- c. An employee receiving workers' compensation wage benefits may, at the employee's election, use available leave balances, in accordance with Section VII.B.7, to supplement those benefits. The supplemental payments plus workers' compensation benefits cannot exceed the employee's regular salary. Time spent by an employee accessing treatment for a workers' compensation covered injury does not count as hours worked toward overtime.
- d. An employee who is released to light duty by the workers' compensation primary care provider may, at the discretion of the department director, be assigned to perform other than his/her regular duties during recuperation. An employee who refuses to accept a light duty assignment will be ineligible for other disability leave, may lose workers' compensation benefits, and will be subject to disciplinary action under Section XI. of the policy.

Chair Cantrell asked if Section VII.B.11 could be cross-referenced to Section VII.H.1.d. Attorney Eschenfelder said he would do that.

- e. An employee who refuses to return to work after being released to unrestricted full duty by the workers' compensation primary care provider will be subject to discipline, including discharge, or may be deemed to have abandoned his/her job and resigned.
- f. Nothing in this sub-section eliminates or reduces an employee's rights under Florida law to appeal workers' compensation decisions, nor should it be read as guaranteeing light duty work. Where no bona fide light duty work is available within the employee's department, the employee may be required to remain out of the workplace until recuperated. While no employee will be retaliated against for having submitted a claim for benefits and will give every opportunity for employees to recover from work-related injuries, the City reserves its right under law to terminate any employee for the inability to perform the essential functions of his or her job where the needs of the City so require. (See Section IX-E).

[At the next meeting, the Civil Service Commission will begin their discussion on page VII, 15. H. 2. Short-Term Disability Leave / Reasonable Accommodations / Fitness for Duty Exam]

8. ITEMS TO BE SCHEDULED FOR FUTURE MEETINGS

The Commission addressed each item and gave the status. The City Clerk will note the status of each item listed on the agenda:

- A. Ordinance 2023-06, Amendment to Civil Service Commission Rules

Chair Cantrell said they needed to finish addressing the policy before addressing the ordinance because some of the amendments to the Civil Service rules directly relate to the policy.

- B. Classification of all Classified City Positions, based upon the Duties, Authority, and responsibility of each position, with adequate provisions for classification of any position whenever warranted by circumstances (City Charter, Sec. 5.7, C, 1) – **In process**
- C. Pay Plan for all Classified City Positions (City Charter, Section 5.7, C, 2) – **In process**
- D. Methods for determining Merits and Fitness of Candidates for Appointment or Promotions (City Charter, Section 5.7, C, 3) - **Verify redlines in policy on March 7th, then decide to remove the item.**
- E. Grievance procedures, including procedures for hearing grievances by Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee. In this respect, the Civil Service Commission shall have the power to issue subpoenas to compel attendance by witnesses and to administer oaths (City Charter, Section 5.7, C, 6) - **Addressed at the recent joint BOC meeting. The ordinance will go forward at the same time the policy goes forward. The item can be removed.**
- F. Implementation Process for making sure that all Rules, Regulations, and Procedures of the Employee Personnel Policy are working and are followed by everyone (City Charter, 5.7, C, 8) - **This item to be addressed in Ordinance 2023-06, Civil Service Commission Rules.**
- G. Department Specific Rules – **For review at a future meeting**
- H. Ex Officio Board Member – **Robert's Rules of Order – City Clerk to schedule training – All Board members are invited**
- I. Employee Satisfaction Surveys – **Address after Personnel Policy is adopted**
- J. Employee Termination Survey – **Address after Personnel Policy is adopted**
- K. Exit Interview Survey – **Address after Personnel Policy is adopted**
- L. HR Director Position – **Address after Personnel Policy is adopted**

- M. PowerPoint History Presentation- Civil Service Commission beginning when it was first created by the City of Madeira Beach Voters - **Address after Personnel Policy is adopted**
- N. Review of Offer Letter - **Address after Personnel Policy is adopted**
- O. Document Control – **Addressed. Remove from list**

9. NEXT MEETING

The Civil Service Commission scheduled their next meeting for March 7, 2024, from 4:00 p.m. to 7:00 p.m.

10. ADJOURNMENT

Chair Jerry Cantrell adjourned the meeting at 6:09 p.m.

ATTEST:

Jerry Cantrell, Chair

Clara VanBlargan, City Clerk/Secretary Ex-Officio