



**MINUTES**  
**CIVIL SERVICE COMMISSION MEETING**  
**JANUARY 12, 2021**  
**10:00 A.M.**

A meeting of the City of Madeira Beach Civil Service Commission was held at 10:00 a.m. on January 12, 2021, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

**MEMBERS PRESENT:** Linda Hein (via teleconference)  
Robert Preston  
Judithanne McLauchlan  
Gene Embler

**MEMBERS ABSENT:** Michael Cavallaro, Vice Chair

**CITY STAFF PRESENT:** Robert Daniels, City Manager  
Karen Paulson, Interim HR Director  
Clara VanBlargan, City Clerk  
Attorney Rob Eschenfelder, Trask Daigneault, L.L.P.

**1. CALL TO ORDER**

Robert Preston called the meeting to order at 10:08 a.m.

**2. ROLL CALL**

City Clerk Clara VanBlargan called the roll.

**3. PUBLIC COMMENT**

Robert Preston opened to public comment. There were no public comments received in person and electronically.

**4. APPOINTMENT OF CHAIR**

The City Clerk reported that Chair Grace Critelli resigned from the Civil Service Commission due to personal reasons and that a new Chair needed to be appointed.

Robert Preston motioned to appoint Vice Chair Michael Cavallaro to serve as Chair. Gene Embler seconded the motion. The City Clerk called the roll and the motion passed 4-0.

Robert Preston asked if there was a nomination for Vice Chair and there were none. He said they would vote on a Vice Chair at the next meeting.

**5. APPROVAL OF MINUTES**

- A. 2020-06-23, Civil Service Commission Meeting Minutes**
- B. 2020-08-04, Joint BOC and Civil Service Commission Meeting Minutes**

Linda Hein motioned to approve the Civil Service Commission meeting minutes for June 23, 2020 and August 4, 2020, as presented. Robert Preston seconded the motion. The City Clerk called the roll and the motion passed 4-0.

**6. Rewrite of employee personnel manual and recommended changes for adoption – *Robert Daniels, City Manager***

Robert Preston suggested having two or three meetings to go through the draft personnel policy since it is a much larger document than the current policy. The Committee agreed.

The City Manager's Executive Assistant Megan Powers distributed a copy of the current personnel policy to the members for reference if needed.

City Clerk Clara VanBlargan distributed a copy of a section from the City Charter regarding Charter Officers and the Civil Service Commission. The City Manager read the duties and responsibilities of the Civil Service Commission as stated in the City Charter.

The City Manager explained how he wanted to go through the draft personnel, prepared by Attorney Rob Eschenfelder, and make necessary changes. He noted that after receiving the document from the attorney, he, City Clerk Clara VanBlargan, and his Executive Assistant Megan Powers read the document for accuracy because he is the one that hires and fires employees and disciplines them. They made some changes that he will go over with the Committee during the meeting.

At the request of Gene Embler, the City Manager explained his role in the hiring, firing, and disciplining employees.

Robert Preston asked the City Manager and the City Clerk to explain any discrepancies between the City Charter and the draft personnel manual that might exist.

The City Clerk explained the following in the draft personnel policy:

- In paragraph g. 2 on p. XI-9, Discipline and Discharge (p. 94 of 146, agenda packet), it states that the Human Resources Director will serve as the Clerk for post-termination hearings at the Civil Service Commission. In accordance with the City Charter, Section 5.2, the City Clerk shall be the secretary ex-officio for the Civil Service Commission. She would like to know the difference.
- In paragraph 10 on p. I-2 (p. 15 of 145, agenda packet), it lists who the Charter Officers are and that they serve at the pleasure of the Board of Commissioners. The City Treasurer is not listed. According to the City Charter, Section 5.2, the City Treasurer, who also serves as the Director of Finance, is a Charter Officer and serves at the pleasure of the Board of Commissioners. She asked if a Charter Officer is also an agent of the City. The contract

with the consultant states that the person is an independent contractor and not an agent of the City. It seems that employee Charter Offices are agents of the City. Since the consultant is not a Charter Officer or agent of the City, she thought that might be the reason for not including the City Treasurer in the paragraph.

The City Manager said since it is a contractual arrangement, they do not have a City Treasurer right now. The contract ends on September 30th. If the Board of Commissioners would like to go back to having a full-time employee in place, they could appoint one in accordance with the City Charter. That will be addressed through the budget process.

Robert Preston said since he has been living in Madeira Beach, the City Manager, City Clerk, and the City Treasurer has always been full-time employees of the City. City Manager Robert Daniels served in a temporary position as an interim until hired as a full-time employee although the City Charter requires the City Manager to be hired by the Board of Commissioners under a written employment contract. There seems to be a conflict in the City Charter regarding the City Treasurer that needs to be addressed. It does not mention hiring a City Treasurer under a written employment contract or a consultant contract.

The City Manager said hiring a contracted consultant was recently addressed by the Board of Commissioners. He brought the consultant in and got approval by the Board of Commissioners to hire the consultant on a temporary basis to perform the duties of a City Treasurer and Finance Director until they appoint an employee to serve as the Charter Officer performing those duties. He had spoken to the City Attorney about it and was told it had to be on a temporary basis and that is why the contract ends on September 30<sup>th</sup>. There is probably not a conflict per se on how long they can go without having a City Treasurer. That is up to the Board of Commissioners. They knew that when going forward with the agreement they have.

Attorney Eschenfelder said any municipal or county government has the option, unless prohibited in the Charter, which in this case it is not, to exercise some function of the government through a private contractor versus an employee. The City is doing it now with respect to the treasury function and there is nothing in the Charter that says a treasurer must be an employee. The City Charter states that the City Attorney is hired on a contractual basis and that person is not an employee.

The City Manager discussed changes he made to the draft personnel document:

p. IV-1, Pay, Hours of Work and Workweek (p. 10, current policy) (p. 25 & 26 of 146, agenda packet)

- Paragraph 1, *workweek* - The City Manager received clarification from the attorney on why the seven-minute rule was omitted from the paragraph.
- Paragraph 1, *workweek* - The workweek starts at 12:00 a.m. on a Monday and not on Sunday, and it ends at midnight on the following Sunday and not on Friday. The normal working hours are Monday through Friday, 8:00 a.m., to 4:30 p.m. and not to 5:00 p.m.

Attorney Eschenfelder said it is up to the City Manager to schedule when and how long employees can work during a work week.

- Paragraph 4, *Flextime* – The City’s requirement is that if an employee chooses flextime, they must use the flextime during that pay period.
- Paragraph 5, *Work-at-Home Program* – Changed the last sentence in paragraph 5 that reads, “All hours worked at home must be reported” to read, “All hours worked at home must be reported and a summary of the work completed must be submitted to the City Manager.”

The attorney explained his reasons for wording the paragraph the way he did.

p. V-7, Pay for Performance

- The attorney explained the various type raises given to employees such as for cost of living and for market conditions. The pay for performance applies to an individual award to individual employees. Employees can be awarded individually but it must be done legally. Awards must be budgeted.

Gene Embler asked if there was a mechanism in place that employees could recognize at the start of the year to motivate them to do certain things so they could be awarded for it.

The City Manager explained the current program in place that is being followed to award employees. He will keep the current program in place for right now but will consider the one in the draft document and discuss it during the budget process.

p. VI-2, B, Listing of Holidays (p. 44 of 146, agenda packet)

The City Manager said he was not changing the current schedule of employer-paid holidays and pointed out changes he made to the paid employee Holiday schedule in the draft document:

- President’s Day was removed because it is not an employer-paid holiday giving to employees.
- Christmas Eve and New Year’s Eve are employer-paid holidays. He added those back in.
- He agreed with adding the language, “Day before or after Christmas” and with the language in parentheses at the end, “determined annually by the City Manager” because if Christmas Eve or Christmas Day should fall on a weekend, he is able to choose an alternative day for employees to take off during the week with pay, such as on a Friday or a Monday.
- He asked that the language, “Day before or after New Year’s Day” be added to the list and with the language at the end in parenthesis, “determined annually by the City Manager,” because if New Year’s Eve or New Year’s Day should fall on a weekend, he could choose an alternative day for employees to take off during the week with pay, such as on a Friday or a Monday.
- HR Director Karen Paulson asked that “Personal Holiday” be changed back to “Floating Holidays” because employees are used to it being called that. Employees receive two floating holidays a year, which are approved in the budget adopted by ordinance.

p. VII-1, A, Vacation Leave (p. 45 of 146, agenda packet)

- The City Manager said they will continue following the current vacation leave policy. The maximum number of vacation leave hours will need to be inserted in paragraph 2 of the

draft document. The HR Director said the current schedule is on p. 14 of the current handbook. She said part-time employees do not get vacation time.

p. VII-2, A, Vacation Leave (p. 46 of 146, agenda packet)

- The City Manager said he will be keeping the current vacation buy-back pay provision. The HR Director explained the deadline for requesting buy-back hours at the end of year. If not paid out, after January 1<sup>st</sup> the employees will lose that time.

Robert Preston asked if the vacation hours are budgeted so buy-back pay is covered. The HR Director said they can't really budget for the payout because it is not known if someone will request it.

Mr. Preston said employees should use their vacation time because they are better employees when they come back from time off. He does not want employees thinking it is a cash bank they can cash into at the end of every year. Perhaps if the number of buy-back hours is reduced to 50% it could encourage employees to take their time off throughout the year instead of at the last moment. The options are something that should be considered as a recommendation to the Board of Commissioners.

Gene Embler received confirmation that there are three options to employees: use it or lose it, which must be well thought out and communicated; cash out unused leave time at the end of the year; or put it in the sick leave bank. She asked about paragraph 7, on the same page, that says vacation leave in excess of 400 hours is transferred to the employee's sick leave account on an hour-for-hour basis.

The City Manager said he did not want to change the policy for employees that have worked for the City a long time. The discussion could be about paying out at 50% for new employees after the new policy gets adopted. If it were to be changed, language would have to be included reflecting that.

The HR Director said currently part-time employees do not get paid leave time. She would like for them to get something. The City Manager said currently there is not a payout opportunity for part-time employees to get any type of leave time if they should leave the City. That is a policy decision to be worked out. The attorney asked the City Manager and the HR Director to discuss it and to let him know what to include in the next draft.

p. VII-2, A, Vacation Leave, paragraph 9 (p. 47 of 146, agenda packet)

The HR Director asked if paragraph 9 on p. 47 of 146 (p. VII-3, draft document) would revert to the old policy regarding the unused vacation time. The City Manager said yes.

The City Manager read Section 1212 on p. 38 in the current policy regarding donation of sick or annual leave. He said it is good the City has a donation of leave time policy and it does not have a financial impact on the City. Employees can donate a certain amount of their earned sick leave time to another employee to use during an unexpected long-term, non-work-related catastrophic illness such as cancer and pregnancy. The donation is done hour-for-hour or dollar-for-dollar. The

pay scale is based on who the leave time is going to. Robert Preston said he was in favor of that. The HR Director explained the process for an employee to request donation of leave time.

The attorney suggested having an employee committee to decide who will receive donation of leave time and how many hours they would get. They would go through the requests for the leave time and determine who qualifies to receive it and how much time they would get if they do qualify. He asked the City Manager and HR Director to think about it and to let him know. The HR Director said she would rather follow the current policy and keep certain information confidential. The attorney said the committee would not be meeting in the Sunshine.

p. VII-7, Leaves of Absence, B. Sick Leave (p. 51 of 146, agenda packet)

The City Manager said he will keep the current policy regarding payment of unused sick leave upon separation from the City. There is not a lifetime maximum of sick leave hours for eligible employees. The accumulated balance of sick leave is paid out at 25%.

The HR Director said the union employees get paid out at 50%.

p. VII-10, Leaves of Absence, D. Bereavement Leave (p. 51 of 146, agenda packet)

The HR Director said bereavement leave for employees is three days for in state and five days for out of state. The current policy will stay in place for all employees. It is the same for union employees.

p. XIX-1, Safety (p. 110 of 146, agenda packet) (p. 22, Section 801, current policy)

The City Manager reviewed the current policy on safety. The attorney explained his reasons for language in the draft document.

The City Manager said in some places of the draft document it mentions county and not city. He asked the attorney to make the changes.

p. XXIV, Uniforms, 2., Uniform Maintenance Allowance; 3. Uniform Rental Service (p. 133 of 146, agenda packet)

The City Manager said uniform maintenance allowance and uniform rental service is not mentioned in the current policy.

Gene Embler ask that they continue the discussion at the next meeting. She suggested each member to put their ideas in writing and send them to the City Manager to be discussed at the next meeting. She would be better prepared to weigh in on what the other members would like to discuss.

The City Manager said he could send out a new draft with all the changes already made for the next meeting.

Gene Embler said she would rather not get another draft document until all the changes have been made. Several drafts could cause confusion. She could rely on all her notes until a draft is made with all the changes.

The Committee was asked to submit their comments and questions within the next two weeks to the City Manager's Executive Assistant to filter through. The ones agreed on by the City Manager is submitted to the attorney to include in the next draft and the ones that do not agree can be discussed at the next meeting.

Robert Preston recalled when the former city manager hired a consultant to do a salary survey and determine the classification and pay plan for employees. That was recently done. When doing that again, he does not think it is the job of the Civil Service Commission to determine the classifications and what employees should be paid.

The City Clerk said the requirement in the City Charter is to include the information in the personnel policy. That information is based on the salary survey. The City Manager said the City Charter requires the information to be included in the rules.

The City Manager suggested having a final version to the Board of Commissioners at the March workshop meeting. There will be a new Commissioner serving in March and he can be apart of the discussion.

The attorney briefly discussed the Sunshine Law to the Civil Service Commission regarding communicating to other members. Discussions among members must be done in the Sunshine.

The next meeting was scheduled for Monday, February 15, 2021 at 2:00 p.m.

## **7. ADJOURNMENT**

Linda Hein motioned to adjourn the meeting at 12: 31 p.m.

ATTEST:

  
Clara VanBlargen, City Clerk/Secretary Ex-Officio

  
Robert Preston, Chair  
Gene Embler