



MINUTES

CIVIL SERVICE COMMISSION MEETING NOVEMBER 20, 2023 3:30 P.M.

The City of Madeira Beach Civil Service Commission meeting was scheduled for 3:30 p.m. on November 20, 2023, 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 (Arrived at 3:57 p.m.)
Paul Tilka
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 3:34 p.m.

2. ROLL CALL

City Clerk Clara VanBlargan called the roll.

3. PUBLIC COMMENT

There were no public comments.

4. APPROVAL OF MINUTES

A. Approval of Minutes

- **2023-11-14, Civil Service Commission Meeting Minutes**

Commissioner Tilka motioned to approve the minutes as written. Chair Cantrell seconded the motion, and all were in favor. The motion carried 3-0.

5. HR REPORT

A. HR Report 10-25-2023

HR Staff Megan Powers reviewed the HR Report and said she was getting ready to post a firefighter position.

6. NEW BUSINESS

A. Oath of Office – Judithanne McLauchlan

City Clerk Clara VanBlargan administered the Oath of Office to Commissioner Judithanne McLauchlan.

7. OLD BUSINESS

The Civil Service Commission mostly read silently while making changes to the policy, which made it difficult to follow.

A. "Draft" Personnel Policy Manual (starting on Page IV-10)

IV. PAY, HOURS OF WORK AND WORKWEEK

E. Salary Basis Compensation Questions

F. Forms

Attorney Eschenfelder said he would put in the appropriate place at the beginning of the policy, "No forms and no procedures are to be implemented before being reviewed by the Civil Service Commission."

V. CLASSIFICATION AND PAY PLAN

A. General Policies

The Civil Service Commission added language to this paragraph:

The Civil Service Commission, working with the Human Resources Department, will periodically examine, by use of staff, consultants, and such other resources available, market conditions and comparative wage data for relevant public and private sector employers, and based upon the results of this examination, will make a written recommendation to the City Manager and Board of Commissioners concerning wage adjustments. Based upon such written recommendations concerning the need for market equity adjustments, the City Manager may propose a budget including funds sufficient to implement such adjustments concurrent with a new fiscal year and may implement same upon budget approval. Any such overarching market equity adjustments shall be confined by the budget approved by the Board of Commissioners for that fiscal year.

Chair Cantrell said he did not see where there was a structured pay scale process that would

guarantee everyone was treated equitably. Commissioner McLauchlan thought they should revisit it after the classification and pay plan goes through. The consensus of the Board was to address starting wages and increases beyond the median pay scale and how it should be structured after the classification and pay plan goes through.

Chair Cantrell asked the City Manager if it would give him time to prepare a budget. The City Manager said they would not make any adjustments as a result of the RFP until next fiscal year.

Vice Chair Ponte said any time more than one person is having difficulties understanding the language that the concerned language should be restated.

Vice Chair Ponte and Chair Cantrell would like page V-1, V.A Classification and Pay Plan to be clearer (reference section 5.C.11). Attorney Eschenfelder agreed to edit the wording.

C. Application

1.c “At no time...” Vice Chair Ponte would like the third line corrected. The period belongs outside the parenthesis. EX: ... in b. above).

2. New Hire Employment

- a. Initial employment in a classified position is normally paid the minimum of the assigned pay grade.

Chair Cantrell said they would readdress it after the classification and pay plan goes through. He worked at places where new hires were targeted to start at the mid-range of a pay grade based on meeting certain requirements. Attorney Eschenfelder said it was drafted to start with a base that is at the minimal assigned range. He said Chair Cantrell was describing a unionized step plan, and he counseled against it. It could lead to wasting money. Chair Cantrell clarified he was not requesting the implementation of a unionized structure. It is a method to ensure and guarantee every employee is treated equitably.

Vice Chair Ponte asked the City Manager what the practice of the City was. The City Manager said they hire at the minimum unless the department head makes a case for an individual based on experience.

Vice Chair Ponte asked Chair Cantrell for a solution to the recommended structure to address equitable pay scales for new hires. “What is your recommendation to improve it.”

3. Promotions

- b. Internal Promotion occurs when a qualified employee is placed in a higher position without advertising. Requests for internal promotions must be submitted to the Human Resources Staff by the department director with explicit support documentation (i. e., employee meets job requirements, will not create equity or other issues with other employees, is in the employee's career path, employee is already

performing duties, and is in the best interest of the City). The Human Resources Staff shall either approve or deny the request. Pay guidelines are the same as outlined in V.C.3.a. above (Note: External recruitment helps build strong workforces. Therefore, positions below director level should usually be advertised. Internal promotions without first advertising should only be considered in unusual circumstances, such as recruitment difficulty, departmental health/safety criteria dictate immediate need to fill, internal candidate with extraordinary skills or background, etc.)

Vice Chair Ponte did not agree with the Note. It should be preferred to promote internally below the director's level to keep people developing. Attorney Eschenfelder said it does not prohibit internal promotions. It says the City should test the marketplace first by advertising. Vice Chair Ponte suggested adding language that would reflect the encouragement of internal advertising to the Note. The Commission agreed.

Added language: Added to 5.3.c.a

All current employees are encouraged to apply for promotions, and Department Directors and Human Resources staff shall endeavor to make promotional opportunities known to all current employees.

4. Demotions (Changes to Lower Classifications)

A correction was made to this paragraph:

- a. An employee who applies through open competition, or requests a voluntary transfer, to a lower classification and pay grade, and is accepted; or who ~~is~~ ~~are~~ involuntarily demoted to a lower classification for non-disciplinary reasons (i. e., inability to perform the duties of the job, reduction in work force, lack of work, reorganization, etc.), will be placed in the lower pay grade at the same percentage above the lower pay grade minimum as the employee's previous rate of pay was above the previous pay grade minimum. (See example below). This is subject to approval by the Human Resources Staff.

Chair Cantrell recessed the meeting at 4:48 p.m. and reconvened at 4:59 p.m.

5. Temporary Assignments

- a. Acting Status. Employees temporarily assigned to perform all duties of a higher-level position may receive additional compensation during the assignment at a rate determined by the City Manager. The assignment must be appropriately documented by the department director and approved by the Human Resources Staff. Regular salary adjustments are granted during temporary assignments and shall be applied to the employee's non-acting pay rate. Upon expiration of the acting status, the employee's pay rate will return to the same level it was prior to entering into acting status but increased by any regular salary adjustments which occurred during that period. An employee may not be placed in acting status unless that employee meets

the minimum qualifications of the higher-level position.

- b. Additional Duties. Employees temporarily assigned by their directors to perform additional duties while continuing to perform their regular duties may, upon request of the director and approval by the Human Resources Staff, be eligible to receive additional compensation over their current pay rate consistent with Section IV.C.3.g and Section V.C.3.a., above. Regular salary adjustments are granted during temporary additional duty status and shall be applied to the employee's non-temporary duty pay rate. Upon expiration of the temporary duties status, the employee's pay rate will return to the same level it was prior to assignment of the temporary additional duties. Alternative forms of compensation for the performance of additional duties may be developed by the City Manager from time to time and may be utilized in lieu of the rate enhancement provided for above.

Vice Chair Ponte asked if they should consider adding language that would make it clear when the acting status or additional duties status has ended. Attorney Eschenfelder said he would add a sentence to the end of subsection a., "The acting status begins and ends on the dates established by the manager and agreed to by the employee."

Vice Chair Ponte expressed a desire to have language clarifying acting status and extra duties.

6. Reclassifications and Reorganizations

Chair Cantrell asked what would happen if there was a restructuring, but an employee would not qualify for the pay grade they must go to. He asked how a reorganization to get rid of employees would be prevented. Attorney Eschenfelder said if the employee does not fit the minimum qualifications, they cannot be reclassified into the higher job, which would result in a layoff described in Section IX. Injuries and illnesses would be handled in Section IX.F., which describes his proposal for an Alternative Employment Program.

Added language:

- a. Any reclassification or reorganization shall be presented to the Civil Service Commission prior to implementation.

Subsection "d". Any reclassification or reorganization shall be presented to the CSC prior to implementation.

7. Transfers/Lateral Transfers

Vice Chair Ponte suggested adding language similar to the last sentence in Section 5.a., stating the need to meet the minimum requirements set forth for a specific job description. The Board agreed.

Employees may be transferred to vacant positions with the same job title (transfer) or within the same pay grade, different job title (lateral transfer) without advertising, if

appropriate justification is provided and the request is authorized by the department director, approved by the Human Resources Staff and future department director if transfer is to another department. Transfers/lateral transfers are not eligible for pay adjustments. An employee may not be transferred to a different position unless that employee meets the minimum qualifications of that position.

8. Permanent Additional Duties

Where an employee is permanently assigned significant additional duties not warranting a reclassification of their position, the employee's director shall work with the Human Resources Staff to determine a suitable wage rate increase.

Vice Chair Ponte asked the City Manager if there was a standard approach used, like an annual performance review. The City Manager said yes. Additional duties would not be given without giving compensation, and that would be part of the budget review of positions. Vice Chair Ponte suggested adding it be documented and signed by both parties. Attorney Eschenfelder said he would not counsel it. The City uses a computerized pay system, so that would be the documentation. All documents related to wage changes are one of the categories in the list of things required to be in a personnel file.

VI. HOLIDAYS

B. Listings of Holidays

The Attorney read his list of City paid holidays that he put in the policy:

1. New Year's Day - January 1
2. Martin Luther King's Birthday - Third Monday in January
3. President's Day - Third Monday in February
4. Memorial Day - The last Monday in May
5. Juneteenth Day – June 19
6. Independence Day - July 4
7. Labor Day - First Monday in September
8. Veteran's Day - November 11
9. Thanksgiving Day - Fourth Thursday in November
10. Friday After Thanksgiving Day
11. Christmas Eve – December 24
12. Christmas Day - December 25
13. Floating Holidays (s)

- e. Notwithstanding the availability of floating holidays to employees, advanced permission to use a floating holiday must be obtained, and the department director has the sole discretion to allow a floating holiday to be used on any particular day, or to rescind a prior approval where the urgent needs of the City so require, and no reasonable alternative is present.

Chair Cantrell asked if language could be added to reflect rescinding a prior approval due to an

emergent situation. The Attorney said if the language were added, the ability of the manager to put a resource into place to get a job done would need to be done for the organization's best interest would be taken away. The Commission agreed to the attorney's suggested changes.

The City Clerk said New Year's Eve is not listed and it is currently a City paid holiday. The City Manager said he was removing New Year's Eve but adding President's Day and Juneteenth Day.

Vice Chair Ponte thought it would be appropriate throughout the document to make references to the appropriate sections because it is intended to help people utilizing it. The Board agreed.

VII. LEAVES OF ABSENCE

A. Vacation Leave

Vice Chair Ponte asked that Section VII.A.3. be revised to be clearer.

The City Manager said the sick leave incentive needs to go away, and he does not support it. It incentivizes the employee not to take a sick day, so they get paid out.

The City Manager said he is a big advocate of mandating vacation. It would be a good internal control and would help to combat fraud.

Chair Cantrell said sick time should not be paid out. The City Manager said he did not want it to be paid out. It causes fraud amongst the higher ups. The City Clerk said if she spent an hour and a half at the doctor she still works that day until 10:00 p.m. or midnight, which is more than an eight-hour workday.

Vice Chair Ponte asked that Section VII.A.5.f become VIIA.5e. and VII.A.5.e. be made VII.A.6. Attorney Eschenfelder said he would make the change. He would also make the change in the sick leave section.

The City Manager said he was not in favor of the annual payout, which is allowed in the current employee handbook. The consensus of the Board was to eliminate the annual payout for vacation and Section VII.A.9.

After a brief discussion about a one-time payout, the Attorney suggested adding the sentence, "There would be a one-time payout for employees in place as of the effective date of the new Personnel Policy, but that payout must be taken prior to January 1, 2025" and to add, "Employees may only begin a new calendar year with a maximum of twice the annual current amount."

Commissioner Tilka asked if employees could donate sick time to other employees. The City Manager said they allow up to 24 hours, three days a year.

Vice Chair Ponte asked that a zero be placed before all decimal places throughout the document.

Vice Chair Ponte suggested they verify the section references at the end and add new ones if they

need to.

The City Clerk asked if the New Year's Eve holiday was being eliminated for the record. The City Manager suggested striking New Year's Eve but adding President's Day and Juneteenth holidays.

The City Manager suggested that Election day (major cycle – 4-year) should be a holiday. Attorney Eschenfelder recommended that they return to it in election leave.

The City Clerk asked what the holidays were for the fire department union employees.

Chair Cantrell said he only gets two holidays a year.

Commissioner McLauchlan said she would not want to make any changes to something the employees are used to. It could cause low morale.

The consensus of the Commission was to revisit the entire section in January, starting on Page VII-1, VII. Leaves of Absence, A. Vacation Leave.

[Ended on Page VII-4. B. Sick Leave]

9. NEW BUSINESS

10. ITEMS TO BE SCHEDULED FOR FUTURE MEETINGS

1. RFP – Classification and Compensation Plan Study – To include an analysis of the current staff positions and their responsibilities; increased efficiency and cross-training of personnel to develop teamwork within the departments and within the organization as a whole; a new classification and compensation plan with updated positions descriptions, policies and procedures for future classification action and related management/supervisory training
2. 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)
3. Pay Plan for all Classified City Positions (City Charter, Section 5.7, C, 2)
4. Methods for determining Merits and Fitness of Candidates for Appointment or Promotions (City Charter, Section 5.7, C, 3)
5. Grievance procedures, including procedures for hearing of grievances by the 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)
6. 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)

7. Meeting Schedule for Regular Meetings
8. Ex Officio Board Member – Robert's Rules of Order
9. Employee Satisfaction Surveys
10. Department Specific Rules
11. Chair and Vice Chair Appointments in November 2023
12. HR Director Position
13. PowerPoint History Presentation- Civil Service Commission beginning when it was first created by the City of Madeira Beach Voters

11. NEXT MEETING

The Civil Service Commission scheduled its next meeting for Wednesday, January 3, 2024, at 4:00 p.m.

12. ADJOURNMENT

Chair Jerry Cantrell adjourned the meeting at 6:32 p.m.

ATTEST:

Jerry Cantrell, Chair

Clara VanBlargan, City Clerk/Secretary Ex-Officio