

City Clerk's Office Comments

4/2/2025 Personnel Policy, Rules, and Procedures Manual

1. Front cover of personnel policy:

- Change “Ordinance 25-01” to “Ordinance 2025-01”
- Change effective date “April 6th, 2025” to “April 2, 2025,” the ordinance's effective date was changed to April 2, 2025, the date of adoption.

2. **Not clear about this one. Page 1-2, - I. Employment, A. Non-Temporary (Regular)**

Employment, 8. - No employee may begin activities associated with working for the City, including engaging in post-offer screening activities, until the candidate signs, electronically or otherwise, a conditional offer of employment. No term or condition of employment, including matters of pay, **bonuses**, expense reimbursement, or other similar matters, shall be effective unless included within a conditional offer of employment.

- **Page IV-4, – IV. Pay Hours of Work and Workweek, C. Pay Eligibility, 1. Extra Hours. b. Exempt Employees** - For purposes of this Policy, exempt employees are paid on a salaried basis and are expected to work the hours necessary to accomplish assigned duties and responsibilities. **Paid extra hours are only to be considered under the terms of an approved performance bonus plan.**
- **Page IV-7, IV. Pay Hours of Work and Workweek, D. Work Time Records and Emergency Conditions, 6. Pay for Work During Declared Emergency. – 2nd Paragraph.** - For all employees in positions classified as FLSA exempt, such employees **will receive no additional compensation** for any hours worked during any declared emergency. FLSA non-exempt employees shall receive overtime at 1.5 times their regular hourly rate of pay for any hours worked in excess of 40 hours in a work week during any declared emergency regardless of what non-emergency hours he or she may have worked during any given work week and regardless of what specific work assignment such employee is given during the emergency period.

3. **Page 1-2, I. Employment. A. Non-Temporary (Regular) Employment, 10.** For purposes of this Policy, the term “at-will” or “serving at-will” shall mean that employees holding positions **designated** by the **Board of Commissioners** as such serve at the will and pleasure of the City Manager, and includes, but is not limited to, all deputy or assistant city managers and directors. All employees directly reporting to the City Manager shall be deemed as “director” for purposes of this Policy notwithstanding their actual title. Absent City Charter or contract terms to the contrary, the City Manager, City Clerk, City Treasurer, and City Attorney serve at the will and pleasure of the Board of Commissioners subject only to the terms of any employment contract to the contrary.

- Should “Board of Commissioners” in the first sentence be changed to “**City Manager?**” The City Manager designates and appoints the administrative officers who serve at the will and pleasure of the City Manager. The Board of Commissioners does not approve the City Manager’s designations, only the “Acting City Manager” designation.
- Should “acting city manager” be added in the last sentence? “By letter filed with the City Clerk, the City Manager shall designate, **subject to the approval of the Board of Commissioners**, a qualified City administrative officer **to exercise the powers and perform the administrative duties of the Manager during an extended temporary absence or debilitating disability** (city charter, 5.4. B.). The Board of Commissioners approves the City Manager’s designation of the administrative officer to serve as the “acting city manager.” When an “acting city manager” is serving in the absence of the city manager, would the “acting city manager” serve at the will and pleasure of the Board of Commissioners until the city manager returns to work?
- **City Charter 5.4, B**

B. *Acting City Manager.* By letter filed with the City Clerk, the City Manager shall designate, subject to approval of the Board of Commissioners, a qualified City administrative officer to exercise the powers and perform the administrative duties of Manager during an extended temporary absence or debilitating disability. In the event the City Manager fails, or is unable, to make such a designation, the Board of Commissioners by resolution may appoint a qualified City administrative officer to serve in the extended absence or incapacity of the City Manager. The Board of Commissioners may revoke the City Manager's designation at any time and appoint another officer of the City to serve until the City Manager shall return to duty.

4. **Page I-6. – I. Employment. D. Employment of Relatives (Nepotism). 3.** - For purposes of this Section only, public official, hereinafter referred to as "official," shall include, but not be limited to, Commissioners, the City Manager, assistant City Manager, City Clerk, City Attorney, City Treasurer, department directors, assistant directors, managers, supervisory employees and any other City employee authorized to make employment-related recommendations or decisions, whether the official is elected, contracted, appointed, or hired.

- Should “Acting City Manager” be named in the list of officials?

5. **Page II-10. – Personnel Files. B. Access to and Retention of Official Personnel Files.**
 - Official personnel files must be retained for a length of time determined by the State of Florida Bureau of Archives and Records Management. **This period is currently twenty-**

five (25) years following the employee's effective date of separation from City employment. Because of the permanency of such records, department directors must carefully review documents to determine their necessity before requesting entry to the "official" personnel file. The City Manager, in consultation with the City Attorney as needed, is authorized to develop administrative procedures concerning the proper storage of, and access to, records, including medical files, of current or former employees.

- Currently, some employees are in FRS and others are in the IIMC Retirement System. – It would be better to remove the sentence stating the 25 years. It could be 25 years or 50 years, depending on the retirement system the employee is a member of.

PERSONNEL RECORDS: STATE-ADMINISTERED RETIREMENT SYSTEM

Item #19

This record series consists of all personnel information relating to each employee participating in a state-administered retirement system. The series may include, but is not limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers' compensation reports, copies of I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/assignments, training records, emergency contact information, copies of licensure/professional credentials, and other related materials. Section 110.201, *Florida Statutes*, Personnel rules, records, and reports, and Rule 60L-30, *Florida Administrative Code*, Personnel Programs and Records, require state agency personnel officers to institute uniform personnel rules and procedures and to determine what records are to be filed in their agency's official personnel files. Agencies should ensure that any records needed beyond the stated retention to calculate post-employment benefits are retained. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "EMPLOYMENT ELIGIBILITY VERIFICATION FORMS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items.

RETENTION: 25 fiscal years after any manner of separation or termination of employment

PERSONNEL RECORDS: NON-STATE-ADMINISTERED RETIREMENT SYSTEM (LOCAL GOVERNMENT)

Item #162

This record series consists of all personnel information relating to each employee not participating in a state-administered retirement system, including all "permanent" employees (with or without benefits). The series may include, but is not

limited to, employment applications, résumés, personnel action reports, correspondence, oaths of loyalty, fingerprints, job-related medical examination reports, performance evaluation reports, workers' compensation reports, copies of I-9 forms (Department of Homeland Security, U.S. Citizenship and Immigration Services, Employment Eligibility Verification form), benefits records, work schedules/assignments, training records, emergency contact information, copies of licensure/professional credentials, and other related materials. Agencies should ensure that any records needed beyond the stated retention to calculate post-employment benefits are retained. See also "DRUG TEST CASE FILES," "EMPLOYMENT APPLICATION AND SELECTION RECORDS," "EMPLOYMENT ELIGIBILITY VERIFICATION FORMS," "STAFF ADMINISTRATION RECORDS," and other "PERSONNEL RECORDS" items.

RETENTION: 50 fiscal years after any manner of separation or termination of employment.

6. Page IV-6. Pay, Hours of Work and Workweek, C. Pay Eligibility, 6. Certifications and Degrees. Paragraph 6. Certifications and Degrees

Paragraph 6 does not belong in this section. The same or similar information is referenced on Pages XXI-1 and XXI-2, Professional Development, which the Board of Commissioners discussed and changed at first reading.

7. Page VI-2. – VI. Holidays. B. Listing of Holidays. 14. Floating Holidays. A. - Floating holidays are to be taken during the **year in which they are awarded. Failure to use available floating holidays by the end of the fiscal year will result in those days being lost.**

- To be clearer, to address when floating holidays are awarded, could the first sentence be changed to “**Floating holidays are awarded at the beginning of the fiscal year.**” Floating holidays are currently awarded in January of the fiscal year. If they must be taken by the end of the fiscal year, it only gives nine months to take the floating holidays if awarded in January.

8. Page VII-4 – VII. Leaves of Absence, A. Vacation Leave; Maternity/Paternity Leave,

9. - Notwithstanding the requirement to use vacation leave by the end of the fiscal year or forfeit same, in recognition of the change in the City’s prior “buy out” policy, employees may receive a one-time payout of accrued vacation leave until July 1st 2025.

To be clearer, could the sentence be changed to, “Notwithstanding the requirement to use **the** vacation leave **in excess of the accrued amount allowed shown in the above chart** by the end of the fiscal year or forfeit same, in recognition of the change in the City’s prior “buy out” policy, employees may receive a one-time payout of accrued vacation leave until July 1st 2025.

9. Page VII-4 – VII. Leaves of Absence, A. Vacation Leave; Maternity/Paternity Leave,

10. – In paragraph 10, should “**Paternity/Maternity Leave**” be changed to “**Maternity/Paternity Leave**,” the same as the section title?

10. Page VII-10. – VII. Leaves of Absence. D. Bereavement Leave. 1. A. - Bereavement leave may be authorized (excluding holidays if scheduled to work the holiday) for up to three (3) scheduled workdays (five (5) days if the deceased family member lived outside of Florida).

Will five days of bereavement leave be given if the deceased person lived outside the state but was brought back to Florida for service and burial?

11. Page VII-22 – VII. Leaves of Absence. K. Family and Medical Leave Act of 1993

(FMLA). 4. Spouses Working for the Same Employer. – If both spouses work for the same employer (**Board of Commissioners**), the combined leave shall not exceed 12 weeks in the 12-month period, if the leave is taken:

Does Paragraph 9 only apply to charter officers that work directly for the Board of Commissioners, or should Board of Commissioners be changed to “City of Madeira Beach?”