



MINUTES

BOARD OF COMMISSIONERS JOINT WORKSHOP WITH CIVIL SERVICE COMMISSION FEBRUARY 26, 2025 4:00 P.M.

The City of Madeira Beach Board of Commissioners held a joint workshop meeting with the Civil Service Commission at 4:00 p.m. on February 26, 2025, in the Patricia Shontz Commission Chambers at City Hall, located at 300 Municipal Drive, Madeira Beach, Florida.

BOC MEMBERS PRESENT:

Anne-Marie Brooks, Mayor
Ray Kerr, Commissioner District 2
Housh Ghovae, Commissioner District 4

MEMBERS ABSENT: Vice Mayor Tagliarini; Commissioner McGeehen

CIVIL SERVICE COMMISSION MEMBERS PRESENT

Jerry Cantrell, Chair
Judithanne McLauchlan, Commissioner
James, Paul, Commissioner
Paul Tilka, Commissioner

MEMBERS ABSENT: None (one member vacancy)

CITY STAFF PRESENT:

Robin Gomez, City Manager
Megan Powers, Assistant to the City Manager
Clara VanBlargan, City Clerk/Ex-Officio Secretary to Civil Service Commission
Andrew Laflin, Finance Director/City Treasurer
Thomas Trask, City Attorney
Robert Eschenfelder, Civil Service Commission Attorney

1. CALL TO ORDER

Mayor Brooks called the meeting to order at 4:10 p.m.

2. ROLL CALL

The City Attorney called the Roll.

- BOC Members Absent: Vice Mayor Tagliarini and Commissioner McGeehen
- Civil Service Commission Members: All present.

3. PUBLIC COMMENT

There were no public comments.

4. DISCUSSION ITEMS

- A. Ordinance 2025-01, New Employee Personnel Policy**
- B. Ordinance 2025-02, Amendment to Civil Service Commission Duties**
- C. Ordinance 2025-03, Post-Termination Hearing; Hearing Officers**

City Manager Robin Gomez and Civil Service Commission Chair Jerry Cantrell explained the progress made on the new personnel policy, which was now for the Board of Commissioners' review.

Mayor Brooks opened to public comment. There were no public comments.

Commissioner Kerr said he had watched some of the Civil Service Commission meetings. He applauded the efforts and voluntary time put into amending the personnel policy. He asked about some of its most significant changes.

Attorney Eschenfelder gave the history of working through the personnel policy. He said the Civil Service Commission sits as an advisory body only. The process put into place with a combination of the ordinances certainly affords an employee a much fairer opportunity if they feel they have been terminated unjustly. He explained the major changes made.

- One of the subcategories of employment is the at-will director type of employee. They have a working relationship with the manager. If it does not work out, the City Manager must be able to make the changes with his department directors without going through a due process hearing or having an opportunity to make a civil service appeal. If a new city manager comes on board, they want that person to work with the department heads and build a relationship with them to see their qualities before letting them go. In Ordinance 2025-02, a new city manager cannot terminate a department head within six months of taking over unless the city manager finds in writing that they have committed a serious offense and then lets the Board of Commissioners know the offense.
- Another major change is the new personnel policy. Many things not addressed in the current policy are addressed in the new policy. It provides the framework for the City Manager to manage his employees and affords them greater clarity of their roles and responsibilities.
 - Drug testing is overbroad in the current policy, and that has been defined.
 - Clarified the process of FMLA.
 - Put in an alternative employment program for an employee who should become disabled. They will try to find another position within the City based on the new physical limitations.

Chair Cantrell said another major change in the new policy is that in the past, employees could accumulate an unlimited amount of sick time, and once a year, they could cash in some of the hours. They felt that was not necessary. If they are sick, they need to use sick time. They also added maternity leave to the new policy based on the years in the system; they could hold up to twice the amount of sick time hours allowed in one year. A sick time bank is also offered. Employees will no longer be paid out sick time when they leave the City.

Commissioner Kerr asked if there was a maximum number of sick leave hours employees could carry over from year to year. The City Manager said they have caps on vacation or annual leave but not on sick leave hours. In the previous process, upon separation, the City paid 25% of the accumulated sick leave. By July 1, existing employees would have a final opportunity to cash out some of their sick leave. Numerous employees would like that reinserted. Cities do it in various ways. In the new policy, no one will be paid out sick leave upon separation from the City except that they can be paid out some sick leave time if they retire. Some cities have it at 50% and some at 100%. The purpose of capping accruals is that cities do not have large payouts.

Commissioner Kerr asked why they had to be defined separately. If you have a certain number of sick days and they are not sick, it should go into the PTO bank. They are only allowed to carry over "X" hours each year, which means they must take a vacation, but it reduces the liability. They do not want to penalize employees for being well.

Attorney Eschenfelder said they must consider the purpose of sick and vacation leave. They want the employees to take vacation time to relax, refresh themselves, and have a work-life balance. They want employees to take their sick leave and not come to work sick. Employees game the system by trying to accumulate hours and be paid out to build up a retirement fund with it. If everybody expects a payout, they will not use the leave for its purpose. If they get a serious illness that requires them to be out for a certain period, sick time will be available to them, and they will not lose their pay. They can also dip into their vacation time to be paid during that time. A sick leave bank policy is built in so fellow employees can donate to it. The City Manager will monitor the changes and could look at them in a year and a half for possible changes if they are not working.

Commissioner Kerr said he liked the idea of the sick pool and accumulated sick leave. They never know what life will throw at them. He asked where they were with the policy.

The City Manager showed the policy on the screen. He said there would no longer be a payout upon separation. They may request a one-time payout of 25% of their sick leave by July 1, 2025, or may donate that amount to the sick leave bank by that date.

Commissioner Ghovae asked what prompted the board to make changes to the current policy. The current policy was not made available to them for comparison. He asked how the new policy would compare with other local cities.

Attorney Eschenfelder said the current policy is on the City's website. It is not as detailed as the new one, but compared to his other municipal clients, it is closer to the new model. He works with them to get it updated.

Commissioner Ghovae appreciated the work done by the Civil Service Commission and said the employees are the backbone of the City, and they need to be there for the employees and to support them. He would be in favor of whatever makes it better for employees.

Mayor Brooks said she watched a lot of the meetings and thanked the Civil Service Commission for its work. The new policy does not speak to health insurance benefits to employees. She wants a stipend for employees who do not take advantage of the City's health insurance because they have military, Medicare, or spouse health insurance. That would be a topic for another meeting to discuss. Attorney Eschenfelder explained that a separate resolution could do it. Mayor Brooks said she felt very strongly about doing it. The City pays about \$16,000 a year for an employee's health benefit, and the employee does not need to take it; the City saves about \$16,000 a year per employee not taking the health insurance. The employee does not get a benefit. She would not know what the benefit would be. It could be on a HAS card or a monthly stipend. It should be a percentage of whatever they pay for health insurance. The employee would have to prove they are insured in some other manner. She would like it to be in the employee handbook because it is harder to change it in the employee handbook than in a resolution. By resolution, they risk stripping that benefit away by a new Board of Commission. Providing employee benefits is important because it makes Madeira Beach the place someone would want to work for and stay. It is not just about the hourly wage but the culture and the benefits. In the aftermath of the hurricanes, she spoke to many other cities that have lost some employees. Sometimes, they lose employees because a city down the street offers them \$2.00 more an hour. She wants Madeira Beach to have a culture that is so much better than that.

Attorney Eschenfelder said his concern would be adding an extra barrier of difficulty to the policy instead of doing it by resolution or ordinance. He just would not put it in the manual. It could be set up in a separate ordinance addressing the stipend situation. When the Board gets ready to do it, he will draft the ordinance.

Mayor Brooks asked if the City offered long-term or short-term disability insurance. The City Manager said the City provided short-term disability insurance to the employees at no charge to the employees. Mayor Brooks said many employees use their sick time for short-term disability. She asked how many sick days an employee would end up with per year and asked if it should be called a personal day instead of a sick day. People might be more inclined to use a personal day instead of a sick day. Attorney Eschenfelder said it was addressed in the new policy, which is personnel medical employment leave, which allows them to use it and be paid for it. Mayor Brooks said personal days would be better than sick days. People would use their days instead of holding on to them.

Mayor Brooks asked what employees got upon separation from the City. The City Manager said upon separation, the employee currently gets paid the balance of their annual vacation leave at 100% and 25% of their sick leave balance, which could be unlimited. Going forward, they would no longer pay out sick leave at separation. Chair Cantrell said they wanted it to be understood that employees were fairly compensated for something that was already occurring. They wanted to change it so it can be used more effectively and accurately, and also for the employees who have been there to capture what they thought they would get. It would not be fair to them to take it away.

Commissioner Kerr asked if everyone has the short-term disability and how long it would take to kick in if an employee needed it. The City Manager said they must comply with the Family Medical Leave Act. Commissioner Kerr said he wants everyone to be taken care of and does not want to duplicate. Attorney Eschenfelder said it was not a matter of duplication. With short-term and long-term disability, they are required to exhaust other resources first. They would draw down the City sick leave until they have none left and then look to short-term disability.

Mayor Brooks said she did not clearly understand it when she read it. The employees' suggestions were confusing because there was no indication of where they would go in the handbook or if they were accepted. The current process is that employees accumulate one day of sick leave per month and can accumulate unlimited sick leave. Upon leaving employment, they would get paid out 25%. The proposal is to give them nothing. She asked if those requesting to keep the 25% payout wanted it at retirement or termination or if they left to go elsewhere. The City Manager said it would be upon separation. Mayor Brooks said someone should not get an award if they are fired for non-conformance. There must be stipulations on who and how they would qualify for the payout. Across the board, it does not make sense. The City Manager said it is an existing benefit that has been around for a long time.

The City Manager said another is the educational benefit to employees seeking an associate's, bachelor's, or master's degree. Currently, the manual allows for 80% tuition reimbursement of the costs. This week, the decision was to either increase that to 100% or remain at the 80% tuition reimbursement and provide some stipend for the cost of books and materials. Commissioner Kerr said they would need a minimum time requirement to stay with the City.

Mayor Brooks said it states education and not continuing education. If she had no college when starting employment with the City, she would be starting her education by getting an associate's degree and not continuing her education because she had no associate's degree. The City Manager said they are paying for an associate's degree now. Mayor Brooks asked that whatever education they get, they stipulate that it must relate to the City. Attorney Eschenfelder said it states in the new policy that it must be professional development. Reimbursement shall be limited to courses required for an overall academic program degree related to the employee's City position. It excludes explicitly remedial courses and doctoral dissertation credits.

Mayor Brooks said the employees had no investment if the City paid 100%. They have to pass. Attorney Eschenfelder said it must be a Grade "C" or better.

Commissioner Ghovae asked if the classes would be taken during business hours or in the evenings. Attorney Eschenfelder said it would be on their time, not City time. Commissioner Ghovae said schools usually take their fees in the beginning. Who would pay, the employee or the City? Attorney Eschenfelder said it was a reimbursement program. The employee pays first and then requests reimbursement.

Attorney Eschenfelder said the maternity benefit was new, and it was another 'leave' bank.

The City Manager said there are two new vacation days: Presidents' Day in February and Juneteenth Day on June 19.

The City Manager said the first reading will be at the March 12th BOC Regular Meeting and the second in April.

The City Manager thanked everyone involved in the process for their work.

5. ADJOURNMENT

Mayor Brooks adjourned the meeting at 5:12 p.m.

ATTEST:

Anne-Marie Brooks, Mayor

Clara VanBlargan, MMC, MSM, City Clerk