



## CITY OF ST. AUGUSTINE BEACH

**Date:** February 11, 2020

**To:** Mayor England  
Vice Mayor Kostka  
Commissioner George  
Commissioner Rumrell  
Commissioner Samora

**From:** Beverly Raddatz, MMC, City Clerk

**Subject:** Amending and /or Adding to the Personnel Manual

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**Background:**

As policies and laws change, it is imperative that the Personnel Manual is updated. As discussed at the February 3, 2020 Regular Commission meeting, I am bringing items to the Commission that have been either requested by the Commission or have had law changes.

Resolution 20-05 addresses General Policies, Anti-Fraternization of Support Personnel, and Service Animals in the workplace. These policies have been vetted by City Attorney Wilson, FMIT Attorney Michael Spillman, the Society for Human Resource Management (SHRM) and the Florida Public Human Resources Association to comply with federal, state and local laws and best practices.

**Budget Analysis:**

There is minimum budget analysis for these changes.

**Impact Analysis:**

Adding the Anti-Fraternization of Support Personnel and Service Animal policies to the Personnel Manual gives boundaries between a supervisor and their subordinate and gives reasonable accommodations to disabled employees by allowing service animals.

**Recommendation:**

It is the recommendation of staff to adopt the proposed Resolution 20-05.

**RESOLUTION NO. 20 - 04**

**CITY OF ST. AUGUSTINE BEACH  
ST. JOHNS COUNTY**

**RE: TO AMEND OR ADD SECTIONS I.7 – I.12,  
XX.13, X1X.1-4, XX.13 IN THE PERSONNEL  
MANUAL OF THE CITY OF ST. AUGUSTINE  
BEACH**

The City Commission of St. Augustine Beach, St. Johns County, Florida, in the regular meeting duly assembled on March 2, 2020, resolves as follows:

To amend the Personnel Manual regarding *General Policies, Section 1.7-1.12, Section XX.13, Anti-Fraterization of Support Personnel, and Section XX.14, Service Animals* for the City of St. Augustine Beach and is hereby changed as shown in Exhibit A of this resolution, which shall be incorporated into the Personnel Manual.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Commission of the City of St. Augustine Beach, St. Johns County, Florida shall amend or add to the General Policies, Consensual Romantic or Sexual Relationships, and Service Animals to the City of St. Augustine Beach Personnel Manual to read as shown in Exhibit A, with the remainder of the policies remaining as adopted previously.

**RESOLVED AND DONE**, this 2<sup>nd</sup> day of March 2020, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

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Margaret England, Mayor

ATTEST:

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Max Royle, City Manager

## EXHIBIT A

### I. GENERAL POLICIES

#### I.7 NEW POSITIONS

A. In the event that a new position is to be established, the department head shall submit a request to the City Manager/Chief of Police to include position classification, pay and merit advancement plan. The City Manager/Chief of Police shall furnish ~~to the Commission for approval an outline of the duties of the new position, the minimum required education, training and experience required requirements~~ and the suggested beginning annual salary for the position within their administrative duties within the approved budget of the Commission.

B. ~~In the event that circumstances be substantially changed the department head shall submit a request to the City Manager/Chief of Police that the applicable position description be changed to correspond with the change in basic duties, which shall be presented to the City Commission for approval.~~

#### I.8 ADMINISTRATION

The City Manager shall be responsible for the administration and implementation of the City's personnel regulations, ~~as established by the City Commission and applicable to those employees~~ working under the City Manager's administration. This same rule shall apply to the Chief of Police for those non-sworn employees under his administration and direction. This concept shall apply throughout the Personnel Manual, except where otherwise noted.

#### I.9 AMERICANS WITH DISABILITIES ACT COORDINATORS

The City Manager/Chief of Police or their designee shall be the City's ADA coordinators for their respective areas of operations. ~~Grievances concerning disabilities shall be governed by Section XVI of the Personnel Manual.~~

#### I.10 RECORDS

The originals of all personnel records, including employment applications, leave requests, work performance evaluations, etc., for all departments shall be kept in the City Manager's office, with the exception of the Police Department records, which shall be kept in the Police Department building. Confidential medical information will be kept in separate files in the City Manager's office and Police Department with respect to their employees.

#### I.11 INTERPRETATIONS

Interpretations of the provisions of the Personnel Manual shall be made by the ~~when made by the City Commission~~ City Manager or Police Chief and shall prevail over interpretations made by anyone else.

#### I.12 CONFLICT OF INTEREST

All City employees, shall abide by all applicable provisions of the state's Code of Ethics (Part III of Chapter 112.531-112.535 Florida Statutes).

### **XX.13 ANTI-FRATERNIZATION OF SUPPORT PERSONNEL**

#### **I. PURPOSE**

Consensual intimate relationships between employees in supervisor-subordinate roles increase the likelihood of sexual harassment in the workplace and create morale problems resulting from actual or perceived favoritism. Such relationships can also create a conflict of interest where personal loyalties interfere with obligations owed to the City. Because of this, these relationships are detrimental to the City's mission.

#### **II. DEFINITION OF TERMS**

- A. For purposes of this policy, the term "consensual intimate relationship" is defined as a relationship in which two (2) persons are married or engaged by mutual consent in a betrothed, dating, amorous, intimate, and/or sexual relationship. This definition applies regardless of the sexual orientation or gender of the employees involved.
- B. For purposes of this policy, the term "intimate" is defined as any form of sensual expression between individuals.
- C. For purposes of this policy, the term "supervisor" is defined as any individual who oversees, instructs, advises, directs, or evaluates the employment or progress of other employees.
- D. For purposes of this policy, the term "subordinate" is defined as an individual under the authority of a supervisor.
- E. For purposes of this policy, the term "work location" is defined to include department and City sites under the direct supervision of an employee of the City.
- F. For purposes of this policy, the term "Department" is a distinctly identifiable division or operational unit of the City, distinguished by area of responsibility or geographic area, whose managers are responsible for all its associated costs and for ensuring adherence to its budgets or which fiscal responsibility is assigned.

Examples of departments include but are not limited to:

- 1. Finance and Administration
- 2. Public Works Department
- 3. Building Department
- 4. Police Department

### III. **POLICY**

- A. It is misconduct, subject to disciplinary action, for supervisors and subordinates at the same work location to engage in a consensual intimate relationship.
- B. It is misconduct for any supervisor to participate in the evaluation or employment decisions involving another employee or job applicant with whom the supervisor has a consensual intimate relationship.
- C. This policy is not applicable to employees who are not in a supervisor-subordinate role.
- D. Supervisors and subordinates who are engaged in a consensual intimate relationship will not be considered in violation for the continuous duration of the relationship, provided the relationship existed prior to the first public notice of this policy, continued through its effective date, and within thirty (30) calendar days of the effective date of this policy disclose in writing to the City Clerk / HR Director the existence of the consensual/intimate relationship of the supervisor and subordinate. Failure to provide such written disclosure required in this section to the Superintendent will be considered misconduct and subject to disciplinary action.
- E. After proper disclosure has been received, the conflict will be resolved by transferring one (1) of the employees if possible. If transferring is not possible, termination will be required.
- F. The transfer shall be immediate, as determined by the City Manager / Police Chief.
- G. The employee to be transferred, and the time and location of said transfer, shall be determined by the City Manager / Police Chief.
- H. The employee must meet all established qualifications for the position to which s/he is transferred.

### IV. **DISCIPLINARY ACTION**

- A. Supervisors and subordinates who engage in a consensual intimate relationship, in violation of this policy, are subject to disciplinary action ranging from involuntary transfer, reassignment, demotion, suspension, or termination as appropriate.
- B. Unwelcomed behavior, though not a violation of this policy, may be a violation of the City's Anti-Sexual Harassment policy and the Employee Oath.

## XX.14. SERVICE ANIMALS

The City of St. Augustine Beach prohibits bringing a pet (a domestic animal kept for pleasure or companionship) to work or having a pet in the City's controlled buildings and premises, with the exception of service animals for a person with disabilities and K9 dog(s) for the Police Department.

### 1. Service Animal Definition

According to the Americans with Disabilities Act (ADA), a service animal is defined as "any animal individually trained to work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals to an impending seizure or protecting individuals during one, and alerting individuals who are hearing impaired to intruders, or pulling a wheelchair and fetching dropped items."

A person with a disability uses a service animal as an auxiliary aid. In compliance with the ADA, service animals are welcome in all buildings on City property and may attend any class, meeting or other event. There may be an exception to certain areas.

Employees requesting accommodation for a disability that includes a service animal must contact the Human Resource (HR) Department and complete a Documentation of Disability form. All service animals must be registered with the HR department and have a physician's report that a service animal is needed.

Requirements of service animals and their owners include:

- All animals need to be immunized against rabies and other diseases common to that type of animal. All vaccinations must be current.
- Animals must wear a rabies vaccination tag.
- All dogs must be licensed per state law.
- Service animals must wear an owner identification tag (which includes the name and phone number of the owner) at all times.
- Animals must be in good health.
- Animals must be on a leash, harness or other type of restraint at all times, unless the owner/partner is unable to retain an animal on leash due to a disability.
- The owner must be in full control of the animal at all times. The care and supervision of the animal is solely the responsibility of the owner/partner.
- The owner/partner must provide the HR department staff with information as to how the animal accommodates for the individual's disability.

Reasonable behavior is expected from service animals while on City property. The owners of disruptive and aggressive service animals may be asked to remove them from the City's facilities. If the improper behavior happens repeatedly, the owner may be told not to bring the service animal into any facility until the owner takes significant steps to mitigate the behavior.

Cleanliness of the service animal is mandatory. Consideration of others must be taken into account when providing maintenance and hygiene of service animals. The owner/partner is expected to clean and dispose of all animal waste.

**ADA DISABILITY FORM**  
**CITY OF ST. AUGUSTINE BEACH**

Dear Physician,

A request for an employment-related reasonable accommodation has been made by our employee \_\_\_\_\_ (name). To assist us with this process, please complete the following questions below.

**Please answer these questions to help determine disability and reasonable accommodation.**

1) Please review the attached job description. (If no job description is attached, please discuss the position with our employee to determine essential job duties.) Is the employee able to perform the essential job functions of this position with or without reasonable accommodation?

Yes / No

If yes, please continue to next question.

If no, how long will the employee be unable to perform these job duties?

\_\_\_\_\_ # of weeks      # of months      permanently

2) Does the employee have a physical or mental impairment?

If yes, what is the impairment?

3) What limitations are interfering with job performance, and how do they affect the employee's ability to perform the job functions?

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4) What adjustments to the work environment or position responsibilities would enable the employee to perform the essential functions of that position?

5) The employee's typical schedule is \_\_\_\_\_ . What, if any, adjustments need to be made to the employee's work schedule to enable the employee to perform the essential functions of that position?

6) How would your suggestions improve the employee's job performance?

7) How long will the employee need the reasonable accommodation? If unable to provide date, when will he or she be medically reevaluated?

Any additional comments or suggestions:

\_\_\_\_\_  
Physician Name (Please Print) Date

\_\_\_\_\_  
Signature of physician completing form