


MEMORANDUM

TO: Commissioner England
Commissioner George
Commissioner Samora
Commissioner Rumrell
Commissioner Torres

FROM: Max Royle, City Manager 

DATE: December 8, 2020

SUBJECT: Proposed Changes to the Personnel Manual: Review of Resolutions 21-01, 21-02 and 21-03

As part of her continuing updating of the City's Personnel Manual, Ms. Raddatz, the City Clerk/Human Resources Director, has prepared resolutions to amend three sections. Her memos are attached. She'll present the resolutions at your January meeting and will explain them in more detail.

ACTION REQUESTED

It is that you discuss the proposed changes with Ms. Raddatz and that you decide whether to approve the resolutions or whether some need revisions for submission to you at your February 1st meeting.



CITY OF ST. AUGUSTINE BEACH

Date: January 4, 2021

To: Commissioner England
Commissioner George
Commissioner Rumrell
Commissioner Samora
Commissioner Torres

From: Beverly Raddatz, MMC, City Clerk

Subject: Amending the Personnel Manual Regarding Sections II.4, III.2, IV.1 and IV.2

Background:

Resolution 20-01 states minor changes that are required according to the current state and federal guidelines. Best practices currently in the industry advises not doing a drug test, physical, or background checks before the City offers the position because a candidate could claim discrimination before the interview has been done. It is a requirement by law that all drug tests, physicals, and background checks must have the prospective employee's consent before the tests are done.

I reviewed these policies with Assistant City Attorney Taylor and City Manager Royle.

Staff Impact:

None

Budget Analysis:

None

Recommendation:

It is the recommendation of staff to adopt the proposed resolution to update the Personnel Manual.

RESOLUTION NO. 21-01

CITY OF ST. AUGUSTINE BEACH
ST. JOHNS COUNTY

RE: AMENDING SECTIONS II.4, III.2, IV.1 AND
IV.2 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 January 4, 2021, resolves as follows:

To amend the Personnel Manual regarding amending Sections II.4 BASIC CONDITIONS FOR EMPLOYMENT, III.2 NOTIFICATION – REJECTION OF APPLICATION, IV.1 TEMPORARY, and IV.2 PART-TIME 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 Section II.4 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 4th day of January, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Margaret England, Mayor

ATTEST:

Max Royle, City Manager

EXHIBIT A

II.4 BASIC CONDITIONS FOR EMPLOYMENT

- A. An employee shall satisfy the following requirements:
1. Complete a written application.
 2. Complete and file a Federal Withholding Tax Exemption form (W4).
 3. Secure an employment certificate if under eighteen (18) years of age.
 4. Show proof of a valid social security card within thirty (30) days of employment date.
 5. Complete a government form regarding U.S.A. citizenship (Form I-9) and must be accepted into E-Verify system.
 6. ~~Doctor's physical: As a condition of any job offer,~~ After a job offer is made, a doctor's physical, and a drug test the employee will be scheduled for an employment physical, drug test and background check will be required of applicants. The City shall pay for the physical examination and drug test. For the applicant to be hire they must pass the physical and drug test. If the employee works with cash payments or is a police officer they must get a background check and pass to become an employee of the City.
 7. Possess a valid Florida driver's license, ~~if job duties with City require driving a vehicle~~ or state issued identification card.
 8. For some positions, completion of an FBI background and fingerprint check is required. Employee must give written consent to investigate the employee's consumer reports.
 9. Employee oath must be signed as required by Florida Statutes, Section 876.05(1).

III.2 NOTIFICATION - REJECTION OF APPLICATION

Whenever an application or applicant is rejected, notice of such rejection shall be ~~given~~ mailed or emailed to the applicant by the City Manager/Chief of Police or Department Head.

IV. TYPES OF APPOINTMENTS

IV.1 TEMPORARY

- A. Temporary employees are to be hired only for estimated specific lengths of time. The salary and proposed length of employment shall be approved by the department head and the City Manager/Chief of Police through the budget process, ~~and to be reported at the next City Commission meeting.~~ Temporary employment shall never be used as a method of filling, even temporarily, a regular position in order to pay a salary lower or higher than that published for the regular position.

IV.2 PART-TIME

- A. "Part-time employee" shall be defined as a non-shift employee, either temporarily or regularly employed by the City, whose normal work week is less than ~~forty (40)~~ thirty (30) hours.
- B. ~~Fringe b~~Benefits for part-time employees shall be the same as stated in Section IV.1.B. However, regular, part-time employees shall be entitled to accrual and granting of vacation leave in accordance with Section ~~XI.15~~ 14 of this manual by the percentage of hours worked.
- C. When part-time employees are hired for other than a temporary assignment of specific duration, they shall be paid a pro-rata portion of the published full-time salary for the position.
- D. Regular part-time employees, temporary and seasonal employees shall be entitled to pay only for actual hours worked, and shall not be entitled to any other pay, such as pay while on jury duty or for holidays.



CITY OF ST. AUGUSTINE BEACH

Date: January 4, 2021

To: Commissioner England
Commissioner George
Commissioner Rumrell
Commissioner Samora
Commissioner Torres

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

Subject: Amending the Personnel Manual Regarding Section XI.5 Paternity Leave

Background:

This resolution states minor changes that are required according to the current state and federal guidelines and follows all ADA and FMLA guidelines best practices.

I reviewed this resolution with Assistant City Attorney Taylor and City Manager Royle.

Staff Impact:

Depending on the amount of time taken by the employee may affect the department, but a temporary employee could be hired until employee was able to return.

Budget Analysis:

If the employee uses their sick, vacation or compensation leave and the department needed a replacement, then it could affect the budget.

Recommendation:

It is the recommendation of staff to adopt Resolution 21-03 for the Personnel Manual.

RESOLUTION NO. 21-02

CITY OF ST. AUGUSTINE BEACH

RE: TO ADD SECTION IX.5 PARENTAL LEAVE IN THE CITY
ST. AUGUSTINE BEACH PERSONNEL MANUAL

ST. JOHNS COUNTY

The City Commission of St. Augustine Beach, St. Johns County, Florida, in the regular meeting duly assembled on January 4, 2021, resolves as follows:

1. To add Sections XI.5 of the Personnel Manual for the City of St. Augustine Beach is hereby added as shown in Exhibit A of this resolution and such language 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 added Section XI.5, Parental Leave 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 4th day of January 2021, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Margaret England, Mayor

ATTEST:

Max Royle, City Manager

EXHIBIT A

XI.7 5 THE FAMILY AND MEDICAL LEAVE ACT PARENTAL LEAVE

- A. Federal guidelines on discrimination because of sex provide that absence due to maternity related reasons be considered and treated as temporary disability. Disability caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery is, for all job-related purposes, temporary disability. The medical leave plan shall be applied to disability due to pregnancy or childbirth on the same terms and conditions as it is applied to other temporary disabilities.
- B. Parental leave is a period of approved absence for incapacitation related to pregnancy and confinement. Parental leave may be charged to medical leave or to any combination of medical leave, annual leave and leave of absence without pay. Additionally, the City shall also count parental leave as part of an eligible employee's entitlement under the Family and Medical Leave Act.
- C. Parental leave notice shall be given in writing 30 days prior to the leave unless there is a medical emergency regarding the pregnancy.
- D. The time when a birth mother/father should return to work will be determined on an individual basis and will generally depend on the physical nature of the work, the needs of the City and the results of professional medical guidance.
- E. An employee will be allowed to continue working so long as the conditions of the pregnancy do not adversely impair her work performance or health as determined by the City with physician, and employee input, and on the needs of the City.
- F. The date on which the employee shall return to work following maternity leave shall be based on a medical statement from a certified physician stating that he/she is physically and mentally able to perform normal duties of he /her position with full efficiency.



CITY OF ST. AUGUSTINE BEACH

Date: January 4, 2021

To: Mayor England
Commissioner George
Commissioner Rumrell
Commissioner Samora
Commissioner Torres

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

Subject: Amending the Personnel Manual Regarding Section XI.9 Military Leave of Absence and Benefits

Background:

Several City employees are in the military as Reservists, National Guard members, etc. and they are called for active duty or training at different times during the year. The current Personnel Manual was not clear on questions of pay and benefits while on military leave and what procedures the City employees would need to follow.

I reviewed these policies with Assistant City Attorney Taylor and City Manager Royle.

Staff Impact:

Staff would be impacted by a loss of one or more employees if employees are on training or active duty in the military. The procedure clearly defines after 30 days a temporary replacement could be hired to maintain cohesiveness for the department. When the military duty is over and the City employee returns, they return to the City at the same rate of pay and ranking position if possible.

Budget Analysis:

At the present time the City pays the employee on military leave for the first 30 days and after the 30 days the employee has an option of using their accumulated vacation or compensation time during their military leave or classified as on military leave of absence without pay. This helps the department to hire a temporary replacement after 30 days or longer without paying double for the same position, which would increase their budget.

Recommendation:

It is staff's recommendation to adopt the proposed Resolution 21-03 for the Personnel Manual.

RESOLUTION NO. 21-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE BEACH, FLORIDA CHANGING SECTION IX.9 OF THE PERSONNEL MANUAL REGARDING MILITARY LEAVE AND BENEFITS.

The City Commission of St. Augustine Beach, St. Johns County, Florida, in the regular meeting duly assembled on January 4, 2021, resolves as follows:

1. To change Section IX.9 of the Personnel Manual for the City of St. Augustine Beach is hereby changed as shown in Exhibit A of this resolution and such language 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 changed Section IX.9, Military Leave and Benefits 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 4th day of January 2021, by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida.

Margaret England, Mayor

ATTEST:

Max Royle, City Manager

EXHIBIT A

IX.9 MILITARY LEAVE

~~The City of St. Augustine Beach will grant a military leave of absence if you are absent from work because you are serving in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). You must give your City Manager/Chief of Police advance notice of upcoming military service, unless military necessity prevents advance notice or it is otherwise impossible or unreasonable.~~

- ~~A. Military leave for City employees shall be governed by Chapters 115 and 250.48, Florida Statutes.~~
- ~~B. Entitlement rights for City employees called to military service shall be in accordance with Title 38, U.S. Code Chapter 43.~~
- ~~C. Contributions made by the City to the Florida State Retirement System for City employees called to military service shall be in accordance with Chapter 121.111, Florida Statutes.~~

IX. 9 Military Leave of Absence and Benefits

The City of St. Augustine Beach is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Specifically, no person will be denied employment, reemployment, promotion, or other benefit of employment based on such membership. Furthermore, no person will be subjected to retaliation or adverse employment action because such person has exercised his or her rights under applicable law or this policy. If any employee believes that he or she has been subjected to discrimination in violation of this policy, the employee should immediately contact the City Manager or Chief of Police who is responsible for the employee and the City Clerk / HR Director.

IX.9.1 Eligibility

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including Reservists, National Guard members for training, (up to 240 per year), periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

IX.9.2 Procedures for Military Leave

1. Unless military necessity prevents it, or is otherwise impossible or unreasonable, an employee should provide the City with notice of the need for leave as far in advance as is reasonable under the circumstances. Written notice is preferred, but not required under the law or this policy.
2. To request a temporary or extended military leave of absence, the employee should generally obtain a City of St. Augustine Beach Leave/Overtime/Comp Time Request form from their Department Head.
3. Department Head and City Manager or Chief of Police will review and sign the City of St. Augustine Beach Leave/Overtime/Comp Time Request form.
4. The Finance Department will pay the employee for 30 days from the date of active duty. After 30 days, the employee may use their vacation or compensation time until it ends. Training pay allotment of up to two-hundred and forty (240) hours will be paid to the employee during his training yearly.
5. If the employee does not return to work, the Department Head must notify Human Resources, so that appropriate action will be taken.

IX.9.3 Benefits

If an employee is absent from work due to military service, benefits will continue as follows:

1. An employee on extended military leave may elect to continue group health insurance coverage for the employee and covered dependents under the same terms and conditions for a period not to exceed 90 days from the date that the military active duty begins. The employee must pay monthly the premium normally paid by the employee for the first 90 days. After the initial 90-day period, the employee and covered dependents can continue group health, dental, and vision insurance up to 24 months at 102% of the overall premium rate under COBRA according to 20 C.F.R. Section 1002.163.
2. The group term life/AD&D (currently Sun Life Financial) provided by the City will end 30 days from the date the employee started active duty with the military. The employee may ask the City Clerk /HR Director to complete a conversion form for their life insurance and the employee would pay their payments to the life insurance company directly.
3. If the employee has a supplemental policy (currently with Colonial Life or AFLAC) through the City, they will have to continue their coverage directly through Colonial Life or AFLAC. The employee would have to contact the respective insurance company to continue paying for the insurance.
4. Employees do not accrue vacation; compensation leave; or sick leave while on military leave of absence status after 30 consecutive days of active duty.
5. With respect to the City's retirement plan, upon reemployment from active military duty, employees who have taken military leave will be credited for purposes of vesting with the time spent in military service and will be treated as not having incurred a break in service. Immediately upon returning from the military to the City, the employee may, at the employee's election, makeup all employee contributions that the employee would have been eligible to make had the employee's employment

not been interrupted by military service. Such contributions must be made within a period that begins with the employee's return to the City and that is not greater in duration than three times the length of the employee's military service. Employees will receive all associated City match for such contributions. Florida Retirement System (FRS) requires an honorable, administrative, general, entry level separation and/or medical separation discharge from military service when returning from active duty.

6. Supplemental insurance will end 30 days after the employee becomes active military. Converting to an individual policy may continue voluntary dependent supplemental insurance coverage. To exercise this conversion option, dependents must submit a written application (currently from Colonial Life or AFLAC) and the first premium payment within 31 days immediately following the loss of coverage

IX.9.4 Returning to the City after Military Leave of Absence

Upon an employee's prompt return to the City after active military duty (as defined below), an employee will be reinstated to active employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service.
2. More than 90 days and less than 5 years of military service - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.
3. Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the employee will be employed in (i) any other position of similar seniority, status and pay for which the employee is qualified or could become qualified with reasonable efforts by the City; or (ii) if no such position exists, in the nearest approximation consistent with the circumstances of the employee's situation.

IX.9.5 Application for Returning to the City

An employee who has engaged in military service must, to be entitled to the reemployment rights set forth above, apply for reemployment according to the following schedule:

1. If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the employee must report for to the City at the beginning of the first full regularly scheduled

working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.

2. If service is for 31 days or more but less than 181 days - the employee must apply for reemployment with the City Clerk/HR or Chief of Police no later than 14 days following the completion of service.

3. If service is over 180 days - the employee must apply for reemployment with the City Clerk/HR or Chief of Police no later than 90 days following the completion of service.

4. If the employee is hospitalized or convalescing from a service-connected injury - the employee must apply for reemployment with the City Clerk / HR or Chief of Police no later than two years following completion of service.

IX.9.6 Exceptions to Employment

In addition to the employee's failure to come back to the City in a timely manner, an employee is not entitled to reinstatement as described above if any of the following conditions exist:

1. The City's circumstances have so changed as to make reemployment impossible or unreasonable.

2. Reemployment would pose an undue hardship upon the City of St. Augustine Beach.

3. The employee's employment prior to the military service was merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

4. The employee did not receive an honorable, administrative, general, entry level separation, and medical separation discharge from military service.

IX.9.7 General Benefits Upon Returning to the City

Employees reemployed following military leave will receive seniority and other benefits determined by seniority that the employee had at the beginning of the military leave, plus any additional seniority and benefits the employee would have attained, with reasonable certainty, had the individual remained continuously employed. An employee's time spent on active military duty will be counted toward their eligibility for FMLA leave once they return to their job at the City of St. Augustine Beach. Additionally, upon reemployment, a covered employee will not be discharged except for cause for up to one year following reemployment.

IX.9.8 Documentation

An employee's Department Head will, upon the employee's reapplication for employment, request that the employee provide the City with military discharge documentation to establish the timeliness that the employee returned to the City, the duration of the military service, and the honorable, general, entry level separation, and medical separation discharge from the military service.