

**ORDINANCE NO.: 19-10**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA; AMENDING CHAPTER 2 (ADMINISTRATION); ARTICLE VIII (NONBARGAINING UNIT PERSONNEL ADMINISTRATION) TO BRING PAY IN LIEU OF NOTICE IN COMPLIANCE WITH STATE LAW; DIFFERENTIATE BETWEEN A NONBARGAINING UNIT EMPLOYEE AND AN EXEMPT EMPLOYEE; DEFINE ADMINISTRATIVE LEAVE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, effective July 1, 2011, Florida State Statute Section 215.425 does not allow for severance pay or “pay in lieu of notice” to exceed an amount greater than 20 weeks of compensation.

**WHEREAS**, some employees are defined as nonbargaining unit but are not exempt from overtime and compensatory time.

**WHEREAS**, Administrative Leave is considered leave with pay.

**WHEREAS**, words which are underlined (underlined) are additions to the text and words which have a strike through (~~strike through~~) the characters are deletions from the text.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA:**

**Section 1.** The City Council of the City of South Daytona amends the following sections of Chapter 2 (Administration), Article VIII (Nonbargaining Unit Personnel Administration) to read as follows:

Sec. 2-402 Employment and termination

- (c) Nonbargaining unit personnel shall serve at the will of the city manager and the city manager shall have the absolute authority to dismiss any such nonbargaining unit personnel with or without cause. Nonbargaining unit personnel are employed on an at-will basis. Nothing in this article, nor in any policy or procedure that has been enacted or promulgated prior to this article, shall create any right of due process with respect to

discipline and/or termination. No nonbargaining unit personnel shall have any property interest in continuing employment with the city. Nonbargaining unit personnel shall be given all accrued benefits upon termination and may be provided severance pay in lieu of notice as follows:

Term of Years in the Same Position	Pay in Lieu of Notice
0 to 5 years	<del>5 weeks</del> <u>2 weeks</u>
Over 5 to 10 years	<del>12 weeks</del> <u>4 weeks</u>
Over 10 years	<del>2 additional weeks for each year of service to a maximum of 6 months</del> <u>6 weeks</u>

Sec. 2-403 Rights and benefits.

- (c) Nonbargaining unit personnel that also qualify as an exempt employee shall not be eligible for overtime compensation or compensatory time. Effective 10/1/19, the city manager is hereby authorized to grant may authorize up to twenty (20) hours of administrative leave without pay occasionally with pay during each fiscal year, ~~which will be chargeable as leave with pay.~~ This will be granted in consideration of the extra time ~~department heads~~ nonbargaining unit/exempt employees may be required to spend in the course of their duties.
- (f) Nonbargaining unit personnel that are either department heads or ~~assistant~~ assistant department heads will be classified as senior management under the Florida Retirement System, as long as the position meets all of the requirements under state law and that the city has an available position to designate as senior management. In the event there are more department heads than positions available to be designated as senior management,

the department head with the most years of service with the city will receive the senior management designation. When a department head is designated as a senior manager, the city may purchase, at the city manager's discretion and at the city's cost, all of the employee's past service credit.

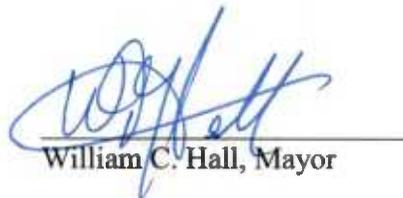
**Section 2.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for an reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application thereof.

**Section 3.** That all ordinances made in conflict with this Ordinance are hereby repealed.

**Section 4.** That this Ordinance shall become effective immediately upon its adoption.

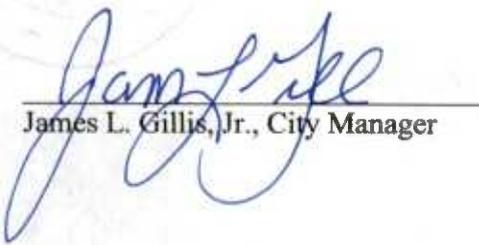
**PASSED** upon first reading at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 23<sup>rd</sup> day of July, 2019.

**PASSED AND ADOPTED** on the final reading and public hearing at a regular meeting of the City Council of the City of South Daytona held in the City of South Daytona, Florida, on the 13<sup>th</sup> day of August, 2019.



William C. Hall, Mayor

ATTEST:



James L. Gillis, Jr., City Manager