

**ORDINANCE NO. 2010-024**

**AN ORDINANCE OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING CHAPTER 21, CODE OF ORDINANCES, ENTITLED "PERSONNEL ADMINISTRATION," BY AMENDING ARTICLE I THEREOF, ENTITLED "CIVIL SERVICE CODE," BY AMENDING SECTIONS 21-4, 21-5, 21-8, 21-9, 21-10, AND 21-12; BY AMENDING ARTICLE II THEREOF, ENTITLED "AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL," BY AMENDING SECTIONS 21-21, 21-22, 21-24, 21-25, AND 21-26; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City Manager has recommended certain amendments to the Civil Service Code and the At-Will Employees Policies and Procedures Manual; and

**WHEREAS**, the City Commission finds and determines that these amendments are in the best interest of the City; and

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:**

**Section 1:** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

**Section 2:** That Chapter 21, Code of Ordinances, entitled "Personnel Administration" is hereby amended by amending Article I, entitled "Civil Service Code," and Article II, entitled "At-Will Employees Policies and Procedures Manual," to read and provide as follows:

## ARTICLE I. CIVIL SERVICE CODE

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### SECTION 21-4. THE CLASSIFICATION AND COMPENSATION PLANS

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#### Sec. 21-4.5. Compensation Plan.

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4.5.2. On October 1st of any year, the minimum and maximum pay ranges and employees' current rate of pay shall be increased by the change in the April to April Consumer Price Index, U.S. Department of Labor, All Urban Consumers, Miami/Fort Lauderdale Area, provided said increase is approved and funded in the City's adopted budget.

4.5.3. The City reserves the right to alter the compensation plan, including but not limited to eliminating or changing the amount and/or payment methods of the increase described in Section 4.5.2 above as well as pay-for-performance and requiring leave without pay or furloughs if approved by the City Commission.

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### SECTION 21-5. EMPLOYMENT INFORMATION AND REQUIREMENTS

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#### Sec. 21-5.2. Nepotism.

5.2.1. No member of the family of a City Commissioner, City Attorney, Deputy City Attorney, Assistant City Attorney, City Manager, Deputy City Manager, Assistant City Manager, or Human Resources Director shall be hired as an employee of the City. This does not preclude a family member, with the exception of the City Manager's family members, from acting as an unpaid or temporary employee, such as a summer counselor or intern.

5.2.2. No family members shall be employed in a City Department where the Department Director is a family member, and no employee shall be supervised by a family member.

5.2.3. No person shall be employed as an employee in the same department as a member of his/her family without the City Manager's approval. This provision shall not apply if a family member is a temporary employee in the same division.

5.2.4. Family members for the purpose of this section only, mean: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband,

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wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or partner registered under the Broward County Domestic Partnership Ordinance.

5.25. The City shall adhere to all requirements of F.S. 112.3135, as may be amended.

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## **SECTION 21-8. APPOINTMENTS**

Sec. 21-8.1. Original appointment.

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8.1.2. *Probationary period.* A probationary period shall be regarded as an integral part of the examination process that shall be utilized for closely observing the employee's work for securing the most effective adjustment of the new employee whose performance does not meet the required work standards.

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E. Probationary employees can be reprimanded, suspended, demoted, or terminated for any reason, without cause and without recourse, as contained in Section 21-14 entitled "Disciplinary Appeal Process" or Section 21-15 entitled "Grievances."

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## **SECTION 21-9. EMPLOYEE BENEFITS**

Employees in the Civil Service shall be entitled to the following benefits. Benefits are available to full-time and part-time employees, except those designated as being available only to full-time employees. The City reserves the right to alter employee benefits contained herein if approved by the City Commission through the annual budget process.

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Sec. 21-9.2. Retirement plan.

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9.2.3. Once each year, on or before the first pay in October, participants remaining in the ICMA Retirement Corporation's 401 plan, based on a majority vote, shall have the right to increase or decrease the percentage of their mandatory contribution into the ICMA 401 Account. The employee's mandatory contribution shall not be less than nine percent (9%) of their gross wages. The total contribution shall not exceed the limits mandated by the Internal Revenue Code.

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#### Sec. 21-9.3. Insurance program.

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9.3.3. If the cost of the health insurance program selected by the employee exceeds the City's contribution, the employee shall pay the balance on a pro rata basis each pay period through payroll deduction or through the conversion of accrued sick leave and/or vacation leave, pursuant to the guidelines outlined by Administrative Order, subject to funding through the annual budget process.

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#### Sec. 21-9.4. Voluntary Tuition Reimbursement Program (VTRP).

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##### 9.4.3. *Procedure.*

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F. The maximum tuition reimbursement available to any employee shall be the equivalent of eighteen (18) credit hours for course work at either the State of Florida community college level or the State of Florida university level per year. The City recognizes the increasing enrollment in non-traditional programs and other methods that enable employees to complete additional credit hours in a fiscal year; therefore, the following provisions apply:

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6. Under no circumstances shall more than 18 credit hours be reimbursed in any fiscal year.

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## SECTION 21-10. ATTENDANCE AND LEAVE

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### Sec. 21-10.2. Overtime Compensation.

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#### 10.2.4. *Call-out procedure.*

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G. Assigned call-out duty persons will be paid one hundred twenty-five dollars (\$125.00) per week as on-call premium. This payment shall be prorated daily for call-out assignments lasting less than one full week.

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### Sec. 21-10.6. Leave.

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#### 10.6.5. *Holiday leave.*

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D. Holidays must be taken as they occur and may not be accumulated, except as provided in Section H below.

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H. If a holiday falls on a regular day off, the employee shall be scheduled for an average workshift off during the same week, or be awarded compensation at the employee's regular rate of pay, or be provided banked leave time based on the average workshift, whichever City/Department operations permit.

I. Holiday pay shall be based on the average workshift.

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## SECTION 21-12. RULES AND REGULATIONS FOR DISCIPLINE

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### Sec. 21-12.2. Disciplinary action.

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12.2.3. Although discipline, up to and including termination of employment, may be based on other causes, any one (1) or more of the following shall be sufficient:

- A. Incompetency or inefficiency in performance of duties.
- B. Conviction of any felony, or of a misdemeanor that is related to the employee's position and/or involve actions that may diminish the public's trust, whether the offense occurred on or off duty.
- C. Willful violation of any of the provisions of the City Charter or this Code.
- D. Violation of any lawful regulation, rule, procedure, order or direction made or given by a supervisor, or violation of any law or City policy, where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public.
- E. While on duty, or while in uniform, including meal breaks, being publicly intoxicated, drinking intoxicating liquor or being under the influence of intoxicating liquor or controlled substances, or refusal to take any required tests to determine their use.
- F. Offensive conduct or language toward the public, fellow employees, or supervisors, or abusive public criticism of supervisors or public officials.
- G. Misappropriation, misuse, negligent, careless, or unauthorized use of City property or funds and/or damage to City property.
- H. Attempting to induce any officer or employee of the City to commit an act in violation of any lawful or reasonable regulation.
- I. Conduct, either while on or off duty, which reflects discredit upon the City.
- J. Excessive tardiness or absenteeism, or being absent without leave or failing to report after leave of absence has expired.
- K. Engaging in any form of work stoppage.
- L. Failure to notify the Department Director and Director of Human Resources, within one (1) working day, of expiration, suspension or revocation of valid operator or CDL license, or any lapse of such licensure for more than 48 hours when the employee's job requires a valid operator or CDL license.
- M. Sleeping or loafing during work hours, or otherwise misusing City time.
- N. Theft, unauthorized removal or willful damage to any property belonging to another employee or the City.
- O. Unauthorized duplication or use of keys or any device used for locking or securing City facilities or property.
- P. Unauthorized entry to, or exit from City premises at any time.
- Q. Dangerous practical joking, horseplay, wrestling, fighting or throwing of objects.
- R. Threatening, interfering, or coercing of other employees or supervisors while engaged in the performance of their duties on and off City property. This shall not

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be construed to preclude on-site representatives from investigating possible safety hazards or other items relating to unsafe working conditions.

S. The introduction or possession of firearms, knives, explosives, or any other lethal instrument or deadly weapon on City property and/or without proper authorization.

T. Illegal or unauthorized gambling, conducting of lotteries or engaging in any other game of chance, for value, on City property at anytime.

U. Violation of safe work practices, including failure to wear City-issued safety equipment when appropriate.

V. Deliberate falsification or omission of pertinent information on City records and/or giving false replies or testimony on any matter relating to City activities.

W. A documented breach of public trust or unethical conduct.

X. Fabrication of events or actions of employees or supervisors.

Y. Retaliation of any type against a supervisor or employee for reporting an incident, or in response to any disciplinary action recommended by a supervisor and approved by the Department Director and/or City Manager.

Z. Legalized or illegal gambling, while on or off duty, including meal breaks, while wearing City-issued clothing identifying the individual as a City employee.

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#### **Sec. 21-12.12. Probationary employees--no right of appeal.**

Probationary employees may be reprimanded, suspended, demoted, or terminated for any reason, without cause and have no rights of appeal pursuant to Section 21-14, Disciplinary Appeal Process or Section 21-15, Grievances.

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## ARTICLE II. AT-WILL EMPLOYEES POLICIES AND PROCEDURES MANUAL

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### SECTION 21-21. THE CLASSIFICATION AND COMPENSATION PLANS

#### Sec. 21-21.1. Compensation plan.

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21.1.3. The City reserves the right to alter the compensation plan, including but not limited to eliminating or changing the amount and/or payment methods of the increase described in Section 21.1 above as well as pay-for-performance and requiring leave without pay or furloughs if approved by the City Commission.

### SECTION 21-22. EMPLOYMENT INFORMATION AND REQUIREMENTS

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#### Sec. 21-22.2. Nepotism.

22.2.1. No member of the family of a City Commissioner, City Manager, Deputy City Manager, Assistant City Manager, City Attorney, Deputy City Attorney, Assistant City Attorney, or Human Resources Director shall be hired as an employee of the City. This does not preclude a family member, with the exception of the City Manager's family members, from acting as an unpaid or temporary employee, such as a summer counselor or intern.

22.2.2. No family members shall be employed in a City Department where the Department Director is a family member, and no employee shall be supervised by a family member.

22.2.3. No person shall be employed as an employee in the same division of a department as a member of his/her family.

22.2.4. Family members, for the purpose of this section only, are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, or partner registered under the Broward County Domestic Partnership Ordinance.

22.2.5. Section 22.2.3., above, does not apply to temporary employees.

22.2.6. The City shall adhere to all requirements of F.S. 112.3135, as may be amended.

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## SECTION 21-24. EMPLOYEE BENEFITS

All full-time at-will employees covered by these regulations shall receive the following benefits. Assistant City Attorneys shall receive benefits as determined by the City Commission. The City reserves the right to alter employee benefits contained herein if approved by the City Commission through the annual budget process.

### Sec. 21-24.1. Retirement plan.

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24.1.3. Once each year, on or before the first pay in October, participants, remaining in the ICMA Retirement Corporation's 401 plan, based on a majority vote, shall have the right to increase or decrease the percentage of their mandatory contribution into the ICMA 401 Account. The employee's mandatory contribution shall not be less than nine percent (9%) of their gross wages. The total contribution shall not exceed the limits mandated by the Internal Revenue Code.

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### Sec. 21-24.3. Voluntary Tuition Reimbursement Program (VTRP).

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#### 24.3.3. *Procedure.*

\*\*\*\*\*

F. The maximum tuition reimbursement available to any employee shall be the equivalent of eighteen (18) credit hours for course work at either the State of Florida community college level or the State of Florida university level, per year. of Florida community college level or the State of Florida university level per year. The City recognizes the increasing enrollment in non-traditional programs and other methods that enable employees to complete additional credit hours in a fiscal year; therefore, the following provisions apply:

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6. Under no circumstances shall more than 18 credit hours be reimbursed in any fiscal year.

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## SECTION 21-25. ATTENDANCE AND LEAVE

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### Sec. 21-25.6. Leave.

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#### 25.6.5. *Holidays.*

C. Holidays must be taken as they occur and may not be accumulated, except as provided in Section E below.

\*\*\*\*\*

E. If a holiday falls on a regular day off, the employee shall be scheduled for an average workshift off during the same week, or be awarded compensation at the employee's regular rate of pay, or be provided banked leave time based on the average workshift, whichever City/Department operations permit.

F. Holiday pay shall be based on the average workshift.

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## SECTION 21-26. EVALUATIONS/PAY FOR PERFORMANCE INCREASES

### Sec. 21-26.1. Evaluations.

All evaluations for at-will employees shall be as established by the City Manager.

### Sec. 21-26.2. Merit pay for performance.

Administrative Officers shall be eligible for pay for performance compensation, ranging from 0-5%, based upon their annual evaluation, provided said compensation is approved and funded in the City's adopted budget.

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**Section 3:** That in the event any provision or application of this Ordinance shall be held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

**Section 4:** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 5:** That all Ordinances or parts of Ordinances in conflict herewith are to the extent of said conflict, hereby repealed.

**Section 6:** That this Ordinance shall be in full force and effect immediately.

PASSED FIRST READING THIS 14th DAY OF October, 2010.

PASSED SECOND READING THIS 28<sup>th</sup> DAY OF October, 2010.

*/s/ Lisa K. Aronson*

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Lisa K. Aronson, Mayor

Attest:

1<sup>st</sup>

2<sup>nd</sup>

*/s/ Barbara S. Price*

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Barbara S. Price, MMC  
City Clerk

Aronson	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Gerber	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Aye</u>
Belvedere	<u>Aye</u>	<u>Aye</u>

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