

**RESOLUTION 02-2017**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, AMENDING SECTIONS 2.01 (DEFINITION OF TERMS), 4.05 (VACANCY ADVERTISEMENTS), 4.11 (TRANSFERS), AND 8.09 (GRIEVANCE PROCEDURE) OF THE CITY'S PERSONNEL POLICIES AND PROCEDURES AND PROVIDING FOR AN EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Seminole desires to provide the most effective efficient services to its employees and to the public; and

**WHEREAS**, conditions, trends, and needs within the employee recruitment, selection, management, and retention fields constantly evolve, and the City frequently reviews its policies and practices in order to ensure continued success in hiring, training, and retaining its employees; and

**WHEREAS**, the City Manager, in consultation with the City's Human Resources Director, recommends that certain changes be made to the City's Personnel Policies and Procedures in order to reflect current conditions, trends, and goals, as well as the needs of the City; and

**WHEREAS**, the proposed amendments to the Personnel Policies and Procedures are attached herewith in strikethrough/underline format.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, THAT:**

**SECTION 1:** Sections 2.01 (DEFINITION OF TERMS), 4.05 (VACANCY ADVERTISEMENTS), 4.11 (TRANSFERS), and 8.09 (GRIEVANCE PROCEDURE) are hereby amended in accordance with the attached sections attached as Exhibit A.

**SECTION 2:** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SEMINOLE, FLORIDA, THIS 22 DAY OF August, 2017.**

  
Leslie Waters, Mayor

ATTEST:

  
Patricia Beliveau, City Clerk

## 2.01 TERMS (CONTINUED)

**EMPLOYEE** - Any employee of the City covered by the provision of these Personnel Policies and Procedures.

- A. **Salaried Employees** - Those employees designated by the City Manager which meet the criteria for exempt status under the Fair Labor Standards Act (FLSA).
- B. **Full-Time Hourly Employee** - Any employee whose official performance of duty generally requires forty (40) working hours per week.

**EXAMINATION** - The process of testing, evaluating, or investigating the fitness and qualifications of applicants and employees.

**GRIEVANCE** - Grievance means an alleged violation, misinterpretation, or misapplication with respect to one (1) or more employees of any provision of these policies and procedures which arises during the term of these Personnel Policies and Procedures.

**GROUP** - A number of positions which involves similar duties, responsibilities, and qualifications and is designated by a title indicative of the kind of work.

**HUMAN RESOURCE OFFICER** - An employee designated by the City Manager to be accountable for the personnel operations of the City.

**IMMEDIATE FAMILY** - Immediate family is defined as the employee's spouse, children and parents. Spouse means a husband or wife as defined or recognized under Florida State law for the purpose of marriage. Parent means a biological parent, foster parent, stepparent or legal guardian. Child means a biological child, adopted, foster, step or legal ward.

**LAYOFF** - Separation of an employee (as herein defined) from a position in the personnel system because of the reduction in work load available, lack of funds by the City, abolition of the position, alteration in the departmental/divisional organization, or for other related causes.

**PART-TIME EMPLOYEE** - An employee employed for an indefinite duration who regularly works less than the established work week of the department/division and class in which employed.

**PERFORMANCE EVALUATION** - The periodic evaluation or appraisal of an employee's work performance, conduct, attendance, and potential.

~~**PERSONNEL ADVISORY BOARD** - The City Council shall establish a Personnel Advisory Board made up of three (3) members. The City Council shall appoint one (1) City resident to the Board, the City Manager shall appoint a resident of the Fire District to the Board, and those two (2) appointees shall appoint a third member. All appointees shall have experience in dealing with personnel issues and one (1) member shall be an attorney. Appointees shall not be a current or former employee or family member of same. The term of appointment shall be for three (3) years.~~

#### **4.04 RECRUITMENT**

- A. When a vacancy occurs in a classified position, the Department/Division Head shall notify the City Manager stating the date of vacancy, position, title, and any other pertinent facts which may be necessary.
- B. When a Department/Division Head wishes to establish a new position, he/she shall notify the City Manager, in writing, stating the class title, if such a class exists, or a position description, when no such position is classified, and the reason for the request. No new position will be established without the approval of the City Manager and the City Council.

#### **4.05 VACANCY ADVERTISEMENTS**

- A. The City Manager/Human Resource Officer shall advertise all such vacancies except those to be filled by ~~promotion or lateral movement~~ internal transfer by of existing municipal staff in at least one (1) issue of a newspaper circulated in the City giving the job title and salary range. Position vacancies will be advertised externally utilizing any of the following methods at the discretion of the City Manager: the City's website, external job posting websites, social media websites, and/or advertisement placed in a newspaper circulated in the City. The City Manager may also authorize the Department/Division Head to advertise the position as indicated above. Applications shall be received for at least one (1) week after the date of advertisement.
- B. During emergency situations that could affect public safety, the hiring process involving advertising may be waived by the City Manager.

#### **4.06 SELECTION/APPOINTMENT**

The City Manager shall endeavor to select and appoint the best-qualified candidate for the available position. During the recruitment and selection process, the City Manager shall have discretion to recognize like prior employment with regards to employment offers as it pertains to salaries and benefits as guided by the City's Personnel Policies and Procedures.

#### **4.07 PRE-EMPLOYMENT MEDICAL EXAMINATIONS**

For those positions in the City's service that require particular mental and physical conditions in order to properly carry out or withstand the prescribed tasks of the position, it may be necessary for job applicants to pass a medical evaluation by a city physician prior to an employment offer. Such medical examinations will be based on bona fide occupation standards established to accommodate physical handicaps and limitations.

In addition, all applicants will be required to submit to drug screen testing in accordance with the City's DRUG FREE WORK PLACE POLICY adopted by Resolution 09-93. Arrangements for all medical examinations will be made by the City Manager or his/her designee with a physician assigned by the City. The City shall bear the costs of all such examinations.

#### **4.08 FRAUDULENT CONDUCT, FALSE, OR OMITTED STATEMENTS BY AN APPLICANT**

Fraudulent conduct, false, or omitted statements by an applicant or by others with the applicant's consent, in any application or at any point in the selection process, shall be deemed reason for exclusion of the applicant from consideration for the position or for termination from City employment, regardless of when discovered.

#### **4.09 PROBATIONARY APPOINTMENTS**

The probationary period shall begin immediately upon appointment or promotion to a position and shall continue for a period of six (6) months (non-exempt employees) or twelve (12) months (exempt employees and Fire Rescue Department employees - see definitions). Upon successful completion of the probationary status, an employee shall be granted employment status in that position. Vacation and sick leave credit for the probationary period shall accrue but ordinarily no such leave may be taken by newly hired employees without the approval of the City Manager. An employee removed during a probationary period has NO right of appeal.

#### **4.10 EMPLOYMENT RESTRICTIONS**

An employee shall not appoint, employ, promote or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position any individual who is related to the employee, either by affinity (marriage) or by consanguinity (blood). Such said individual may not be appointed, employed, promoted, or advanced in or to a position if such appointment, employment, promotion, or advancement has been advocated by an employee who is related to the individual as aforesaid. Further, in order to avoid any potential conflict, no relative shall occupy a supervisory position in relation to another relative. If a conflicting relationship should occur subsequent to employment, the City Manager shall have the authority to take appropriate action to eliminate the conflict.

#### **4.11 TRANSFERS**

A position may be filled by transferring an employee who meets the minimum qualifications from another position after internal vacancy advertisement, without the requirement for external vacancy advertisement ~~of the same class to a class for which the employee qualifies and having the same maximum salary.~~ Transfers must be approved by both Department/Division Heads concerned and the City Manager.

## 8.08 POLITICAL ACTIVITY

All employees are encouraged to register to vote and exercise this privilege. In the public interest, it is City policy and a governmental benefit to remove career employees from the arena of partisan political activity. Florida Statutes impose certain restrictions on the political activities of state, county, municipal officers, and employees. Also, those employees in positions supported in whole or in part by federal funds may be subject to those restrictions contained in the Federal "Hatch Act." The following prohibitions shall apply to all City officers and employees:

- A. No person shall promise, attempt, or use political position, influence, or coercion in an effort to erode the merit system nature of the City's work force by patronage or favoritism for past or future political influences or services, either implied or actual.
- B. The City shall not permit the use of its equipment, property, facilities, or supplies for partisan political purposes.
- C. Employees shall not solicit, **during working hours**, for contributions or any sort of support or influence for any political party, office, or candidate, either from other employees' superiors, elected officials, or candidates.

Violations of any of these restrictions shall result in disciplinary action including discharge as determined by the provisions of Chapter IX of these rules.

## 8.09 GRIEVANCE PROCEDURE

Any employee who believes that he/she has received inequitable treatment because of some condition of his/her employment may personally, or through his/her representative, appeal for relief from that condition through the following steps:

- Step 1** An employee is expected to discuss any grievance initially with his/her immediate Supervisor within three (3) days of the alleged inequitable treatment.
- Step 2** If the matter is not settled, the employee may submit a written grievance and relief sought to the Department/Division Head no later than seven (7) days of the alleged inequitable treatment. The Department/Division Head shall respond to the employee in writing within three (3) working days of receipt of the grievance. (Note: For Fire Rescue Department employees, Step 2 shall be to the District Chief/Assistant Chief before presentation to the Fire Chief).
- Step 3** If the employee feels that the grievance has not been satisfactorily adjusted addressed by the Department/Division Head, a written grievance may be submitted to the City Manager within fourteen (14) days of the alleged inequitable treatment. The City Manager may conduct hearings, investigations, and/or reviews necessary to determine the facts of the grievance or alleged inequitable treatment, and issue a written finding no later than twenty-one (21) days from the alleged inequitable treatment.

Step 4 — If the employee feels the findings of the City Manager does not address the grievance within five (5) days of receipt of the City Manager's findings, a written appeal may be submitted to the Personnel Advisory Board.

Step 5 — The Personnel Advisory Board shall meet within ten (10) calendar days from receipt of a written appeal to hear an employee's grievance and make a written finding within seven (7) calendar days. Said findings shall be considered advisory and submitted to the City Manager.

#### **8.10 HOURS OF WORK**

The normal work week of full-time employees will be forty (40) hours. The normal hours of administrative and office personnel shall be from 8:00 a.m. to 4:30 p.m. The meal period is unpaid time and shall normally be one-half (1/2) hour.

#### **8.11 DEPARTMENT RULES**

Department/Division Heads are authorized to frame and promulgate rules, additional and supplemental to these rules, provided they are not in conflict with these rules. All such rules are subject to approval, amendment, and/or revocation by the City Manager.

#### **8.12 PERSONNEL RECORDS**

The City Manager shall direct the maintenance and location of personnel records of each employee to a single location. Such records shall include a personnel file for each employee giving basic vital statistics, disciplinary actions, employee appeals, and official acts involving the employee, any examination records, and any employment records. They shall be available for inspection and review insofar as such is permitted under the Public Records Act.

#### **8.13 PARTICIPATION IN EMPLOYEE ORGANIZATIONS**

All employees have the right to organize, join, or participate in or to refuse to join or participate in any employee collective bargaining organization under procedures established by the State Statutes.



# CITY OF SEMINOLE

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## AGENDA MEMORANDUM

**DATE:** August 22, 2017

**AGENDA ITEM:** 3.C.

**DEPARTMENT:** Human Resources

**DIVISION:**

**SUBMITTED BY:** Erica Ottmann

**SUBJECT:** Resolution No. 02-2017 Amending Chapter II Section 2.01, Chapter IV Section 4.05.A and 4.11, and Chapter VIII Section 8.09 of the City of Seminole's Policies and Procedures Manual.

### **BACKGROUND:**

The proposed changes to Chapter IV of the City's Policies and Procedures Manual updates the definition of "internal transfer" to include voluntary reduction in grade or voluntary transfer from full time to part time in addition to voluntary promotions or lateral transfers.

These proposed changes would also revise the requirements for external vacancy advertisements. The current policy requires the City to place an employment advertisement in at least one issue of a newspaper circulated in the City, except for those positions which are filled by an internal promotion or a lateral transfer. Newspaper advertisements result in significantly fewer job applications than online vacancy advertisements, they typically take 3-5 business days to print, and cause the City to incur additional expenses for an advertisement method with a comparatively low applicant yield. The proposed changes to the policies would eliminate the requirement to place an advertisement in a newspaper circulated in the City, and would allow the City Manager or Human Resource Director to choose the external job advertisement method, resulting in an anticipated reduction in the average advertising cost per applicant.

The proposed change to Chapter II of the Policies and Procedures Manual removes the definition of the "Personnel Advisory Board." In addition, the proposed changes to Chapter VIII of the Policies and Procedures Manual remove the Personnel Advisory Board from the City's grievance procedure for non-union employees. The Personnel Advisory Board is by definition, advisory and has no authority to overturn a decision determination made by the City Manager. The City currently utilizes the services of a labor attorney to ensure employee rights are protected, and that employment decisions are aligned with City policies. Having a Personnel Advisory Board does not reduce the risk of litigation related to employment actions, does not provide any meaningful protection of employee's rights, and presents a risk or undermining the decisions and actions of the City administration. This change is recommended by the City's labor and employment law special counsel.

**ATTACHMENT:**

A resolution of the City Council of the City of Seminole, Florida, amending sections 2.01 (Definition of Terms), 4.05 (Vacancy Advertisements), 4.11 (Transfers), and 8.09 (Grievance Procedure) of the City's Personnel Policies and Procedures and providing for an effective date.

**RECOMMENDATION:**

Approve the proposed changes to the City of Seminole's Personnel Policies and Procedures.

**SUGGESTED CITY COUNCIL ACTION:**

Approve Resolution No. 02-2017 amending Chapter II Section 2.01, Chapter IV Section 4.05.A and 4.11, and Chapter VIII Section 8.09 of the City of Seminole's Policies and Procedures Manual.