

RESOLUTION NO. 2009-10

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE ADOPTION OF THE PERSONNEL RULES AND REGULATIONS, AS REVISED; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Village Commission has revised the Personnel Rules and Regulations, attached hereto and incorporated herein as Exhibit "A"; and

WHEREAS, the Village Commission of the Village of Biscayne Park deems it to be in the best interests of its employees and citizens to authorize the adoption of the Personnel Rules and Regulations, as revised;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

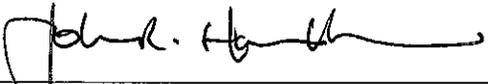
Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Personnel Rules and Regulations attached hereto and incorporated herein as Exhibit "A" are hereby adopted.

Section 4. This Resolution shall become effective upon adoption.

PASSED AND ADOPTED this 7th day of April, 2009.

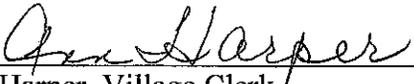
The foregoing resolution upon being Put to a vote, the vote was as follows:



John Hornbuckle, Mayor

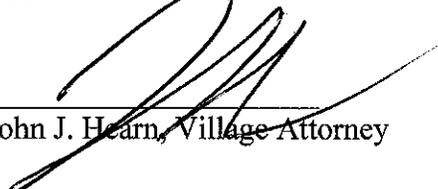
Mayor Hornbuckle yes
Vice Mayor Mallette yes
Commissioner Bernard yes
Commission Morris yes
Commissioner Anderson yes

Attest:



Ann Harper, Village Clerk

Approved as to form:



John J. Hearn, Village Attorney

VILLAGE OF BISCAYNE PARK

PERSONNEL RULES AND REGULATIONS

April 2009

*Approved
by Comm
4-7-09*

SECTION 5

5.5.1 Method of Evaluation . Applicants who appear to possess the minimum qualifications for the classification may be further evaluated by any one or a combination of the following methods: job knowledge test, performance test, interview, evaluation of training and experience, suitability profile, polygraph examination, physical ability tests, work samples, medical examination, in-depth background check or other acceptable selection techniques that measure the ability to perform the job duties. Any method chosen shall evaluate only those criteria necessary to perform adequately in the classification.

5.5.2 Disqualifications . Applicants may be disqualified from further consideration by the Village Manager for the following reasons:

5.5.2.1 . Failure to possess the minimum qualifications necessary to perform the essential functions of the position.

5.5.2.2 . Addiction to and/or currently using or abusing a controlled substance or alcohol.

5.5.2.3 . False or misleading statements in the application or failure to provide information in a timely manner. (If discovered after hiring, this is grounds for discipline up to and including discharge).

5.5.2.4 . Pled guilty or been found guilty of a felony or misdemeanor.

5.6 Selection of Appointee . An offer of employment or promotion shall be made by the Village Manager. All selections of new employees, promotions or transfers shall be approved by the City Manager, or the Department Head if given such authority by the Village Manager.

5.7 Medical Examination . All applicants for employment or promotion should be required to take a medical examination, including a drug and/or alcohol test and/or a suitability profile, by a health care provider selected by the Village. The health care provider shall certify that the applicant is physically and mentally able to perform the essential duties of the position with or without accommodation. Cost of such examination will be paid by the Village.

5.8 Fingerprints and Photographs . Applicants will be fingerprinted and photographed prior to hire. Applicants who will work with or around children will be processed and background checked by the Florida Department of Law Enforcement (FDLE).

5.9 Types of Appointments . The following types of appointments will be made:

5.9.1 Probationary . New employees hired to fill regular full-time vacancies are required to satisfactorily complete a probationary period. Length of probation varies. Refer to SECTION 6.

5.9.2 Regular . An appointment made to any classification following satisfactory completion of an original entrance or promotional probationary period.

SECTION 12

Employees excluded from bargaining units will accrue annual leave as follows: 96 hours in the first year of employment, increasing up to 200 hours after 25 years, or as amended by the Village Manager.

Exempt employees shall accrue and use leave on a daily basis rather than on hourly basis. Thus for the purposes of applying the provisions of SECTION 12 to exempt employees and simplifying leave calculations, 8 hours of leave shall be equivalent to one day and 40 hours of leave shall be equivalent to one week regardless of the actual number of hours worked per day and/or per week by the exempt employee. Exceptions will be addressed by the Village Manager such as those working 10-hour work days.

12.3.2. Accumulation of Annual Leave . Since the purpose of annual leave is to provide a period of rest and relaxation, it is intended that annual leave be used each year and not accumulated. Therefore, the following restrictions are placed on accumulation of annual leave:

12.3.2.1 . Employees must use at least one (1) week of annual leave each year, except for new employees during the first year of employment. If the required one (1) week of annual leave is not used prior to the end of the last full pay period ending in September of each year, at the Department Head's discretion, the employee will be ordered to take annual leave within the next thirty (30) calendar days. Employees must use their annual leave earned in one year by the end of the next calendar year or it will be forfeited.

12.3.2.2 . The maximum accrual of annual leave for employees excluded from bargaining units is 240 hours. The maximum accrual of annual leave for bargaining unit employees shall be in accordance with the CBAs. Calculation of hours shall be completed before any transfer of sick leave to annual leave takes place. (See SECTION 12.3.2). The restriction in number of hours that may be accumulated does not apply to excluded employees who have reached normal retirement age and are eligible to retire.

12.3.3. Payment for Annual Leave

12.3.3.1 . Partial payment of accrued annual leave is NOT permitted.

12.3.3.2 . VACANT

12.3.3.3 . Upon retirement, resignation, or dismissal, an employee will receive payment for unused accumulated annual leave at the rate of pay in effect at time of separation. Upon death of an employee, payment will be made to the beneficiary or to the estate.

SECTION 12

12.4.5-Sick Leave in Excess of Maximum Accumulation . That portion of sick leave in excess of the maximum permitted in each sick leave account will **be transferred to** and deposited in the Catastrophic Illness Reserve Fund (Subject to the approved creation of this Fund by the Village Commission). These deposits will be made at the end of the last full pay period ending in September of each year and will be credited in hourly amounts based upon the rate of earnings of the employee as of the date transferred and deposited in the Catastrophic Illness Reserve Fund. Hours deposited in the Fund can only be used under the following circumstances and only with the advanced written approval of the Village Manager subject to these conditions:

12.4.5.1 Where an employee has exhausted all sick leave and is still unable to return to work because of sickness or injury, as certified by a physician, the **employee may draw upon the** hours in the Fund account of the employee upon **recommendation of the Department Head and approval of the Village Manager**. These withdrawals shall **be at a rate not to exceed the number of hours deposited** in the fund by the employee. After those are exhausted the employee may request additional hours from the Fund or utilize SECTION 12.4.7.

12.4.6 -Advanced Sick Leave .Advanced sick leave will not be authorized.

12.4.7 .Leave Donation .Regular employees will have the opportunity to donate accrued leave time to a designated employee whenever extraordinary circumstances **require the** designated employee to be absent from work due to an extended, non-work related illness or injury, that is of a life threatening nature and when the designated employee has exhausted all earned leave. **Once leave is donated to an employee, the leave belongs to the recipient and should be used either paid as salary or in final payout.** For bargaining unit employees, leave donation requests shall be in accordance with the applicable CBA.

12.4.8 . Payment for Sick Leave at Time of Separation . There *will* be no payment, regardless of circumstances, for unused sick leave in a **sick leave account** at time of separation for reasons other than death or retirement.

Upon death or retirement of an employee, the employee or beneficiary, as applicable, will receive payment for the hours remaining in the individual's sick leave account of unused sick leave in accordance with the appropriate formula. The formulas for bargaining unit **employees are outlined** in the applicable CBA. Excluded employees will use the following **formula:**

Less than 5 years of credited service ..	.0%
6 through 10 years of credited service ...	50%
Over 10 years of credited service	75%

Payment shall be made at the rate earned by the employee at the time of death or retirement.

village clerk

From: FRANK R SPENCE [frspence@bellsouth.net]
Sent: Thursday, April 02, 2009 4:59 PM
To: Frank Spence; Village Manager
Cc: Ann Harper
Subject: Re: Revised Personnel Rules & Regulations-April 2009

Slight revision: On page 39, second line I inserted "one-half hour for"....lunch.
Frank Spence

--- On Sun, 3/29/09, FRANK R SPENCE <frspence@bellsouth.net> wrote:

From: FRANK R SPENCE <frspence@bellsouth.net>
Subject: Revised Personnel Rules & Regulations-April 2009
To: "Frank Spence" <frspence@bellsouth.net>, "Village Manager"
<villagemanager@biscayneparkfl.gov>
Cc: "Ann Harper" <aharper@biscayneparkfl.gov>
Date: Sunday, March 29, 2009, 3:53 PM

15.0 HOURS OF WORK, OVERTIME, AND OUT OF CLASSIFICATION WORK

one-half hour for 2 hours

15.1 Hours of Work . The standard work week for all full-time employees of the Village is 40 hours, including lunch, except for those personnel whose hours are set by their CBA. Department Heads shall establish normal operating hours for respective departments, subject to approval of the Village Manager.

15.1.1 Exempt Employees . As per provisions of the Fair Labor Standards Act, (FLSA) exempt employees are not entitled to overtime pay; and are paid a full salary for the workweek. However, exempt employees exercise a high level of discretion and independent judgment.

15.1.2 Non-exempt Employees . As provided in the FLSA, non-exempt employees must be paid for every hour of overtime worked over 40 hours per week. Overtime work shall be authorized in advance by the employee's immediate supervisor.

15.2 Call Back Pay . If an employee, other than an exempt employee, is called back to work during off duty hours because of an emergency or other urgent situation, the employee shall be paid for the actual time worked, or a minimum of three hours pay, whichever is greater. All payments will be made in accordance with the FLSA and/or appropriate CBA.

15.3 Employees Working in a Higher Classification . Employees temporarily working in a higher classification, at the request of the Department Head, will be compensated in accordance with the following procedures:

15.3.1 . No compensation shall be received for working in a higher classification for a period of less than four (4) hours per day.

15.3.2 . An employee working four (4) hours or more per day in a higher classification will be compensated an additional 5% for all hours worked. An employee who serves for a period of four (4) hours or more per day in a higher classification of two (2) pay-grades or more, will be compensated at 10% for all hours worked. This additional compensation will not apply to Assistant Directors when acting as Department Heads while Directors are out on any type of leave.

15.3.3 . An Assistant Department Head serving as an Acting Department Head for at least thirty (30) days may receive additional compensation at the discretion of the Village Manager, retroactive to the first day of the Acting Department Head temporary assignment.

15.3.4 . Under no circumstances shall the total additional compensation exceed the regular pay rate of the position being filled.

15.4 Assignment . A regular employee may be assigned to perform the duties of a higher classification when there is a temporary vacancy due to an employee being on extended leave of absence, extended sick leave, or other temporary reason. All assignments are subject to the approval of the Village Manager and may continue for no longer than six (6) months.

SECTION 15

Assigned employees will be compensated an additional 5%, or 10% if the position is two (2) pay-grades or more, within the range of the classification to which the employees are assigned, but accrue no other benefits or rights in the higher classification.

15.5 . Overtime Pay for Non-Exempt Employees . Overtime must be authorized by the Village Manager (or designee) prior to being worked. Overtime will be paid and/or administered pursuant to the FLSA and/or, if applicable, the appropriate CBA. Department Heads are responsible for the reporting of overtime.

15.5.1 . Overtime Pay . Overtime must be reported to the Finance Department on the biweekly payroll attendance reports during the applicable payroll period that the time was actually worked.

16.0 HOLIDAYS

16.1. Holidays with Pay . The following, and any other days as the Village Commission may authorize, are holidays for all regular full time excluded employees:

NEW YEAR'S DAY	VETERAN'S DAY
MARTIN LUTHER KING DAY	THANKSGIVING DAY
MEMORIAL DAY	DAY AFTER THANKSGIVING
INDEPENDENCE DAY	CHRISTMAS DAY
LABOR DAY	
COLUMBUS DAY	(2) FLOATING HOLIDAYS

Holidays for employees covered by a collective bargaining agreement will be governed by their CBA. The use of Floating Holidays during the employee's probationary period is addressed in SECTION 6.3.

16.2. Holiday on Scheduled Work Day . Non-exempt employees who are required to work on an observed holiday shall be granted either an alternate day off or be paid for the time worked at holiday rate (at straight time) and subject to the approval of the Village Manager.

16.3. Holidays for Part-time Employees . Regular part-time employees shall be paid for working on observed holidays, but only for the number of hours actually worked. No holiday pay will be received.

16.4 Procedure for Observance of a Weekend Holiday

16.4.1- When one of the above holidays falls on a Saturday, the Friday immediately preceding that Saturday may be observed as the holiday, if Saturday is not a regular work day of the Department. If Saturday is a regular work day for the Department, then Saturday will be observed as the holiday.

16.4.2 . When one of the holidays falls on a Sunday, the Monday immediately following that Sunday may be observed as the holiday, if Sunday is not a regular work day of the Department. If Sunday is a regular work day for the Department, the Sunday will be observed as the holiday.

16.4.3 .Exceptions to this rule may be made by the Village Manager.

16.5. Holiday Occurring within Period of Leave . When a holiday falls within the leave time of the employee, it is to be considered as a holiday and not a day of leave and will be shown as a holiday on the attendance report. The only exception to this rule will be Administrative Leave for an employee who is on Village business. In this case, the employee will receive straight time for the holiday plus straight time for the Administrative Leave.

19.0 DRUG AND ALCOHOL FREE WORK PLACE

19.1 Purpose .The Village recognizes that the use and/or abuse of controlled substances, narcotic drugs and/or alcohol has an adverse impact on the general health, welfare and safety of the users, abusers and general public. In order to neutralize this adverse impact, and to maintain the high standards of morale, productivity and efficiency in Village's operations, the Village has instituted a drug and alcohol free workplace program.

19.2. The Village prohibits employees from engaging in the following conduct:

19.2.1 . Using, possessing, dispensing, distributing or receiving alcohol, intoxicants, illegal drugs or other controlled substances on Village premises, or while engaged in Village business.

19.2.2 Reporting to work under the influence of a prescription drug, unless the employee's physician determines that the use of the prescription drug will not adversely affect the employee's ability to perform in his or her position.

19.2.3- Reporting to work under the influence or with any measurable amount of alcohol, intoxicants, illegal drugs, or other controlled substances in their system.

19.2.4 . Consuming any amount of alcohol, intoxicants, ifiegal drugs or other controlled substances while on duty or within four (4) hours of reporting for duty.

19.2.5 Refusing to undergo or cooperate in any alcohol or drug testing required by this policy.

19.2.6 Deliberately misusing this policy in regard to subordinates.

19.3.0. In accordance with the Federal Law, Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, the Village conducts alcohol and controlled substance testing. The Village is also a Drug and Alcohol Free Workplace pursuant to Chapter 440, Florida Statutes. As part of the Drug and Alcohol Free Workplace Program, the Village will reserve the right to require employees to submit to a drug and alcohol test when reasonable suspicion exists to believe that the employee may be using and/or abusing controlled substances, narcotic drugs or alcohol.

19.3.1. The Village shall select the time and place for the administration of the test, and analyze the results and circumstances involved in the actions that led to the testing before reaching a final conclusion on the particular case.

19.3.2. Employees who seek assistance for substance abuse, prior to being tested under these rules, will not be disciplined for seeking such assistance. Voluntary participation in a treatment program does not preclude disciplinary action when issues such as job performance or employee behavior arise.