



# MEMORANDUM

AGENDA ITEM #IV.F

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DATE: OCTOBER 19, 2020  
TO: COUNCIL MEMBERS  
FROM: STAFF  
SUBJECT: PERSONNEL POLICY

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Council staff has reviewed the Personnel Policy and recommends the following updates.

## Section 7: Hours of Works and Leaves of Absence

7.3 Holidays - Grant funded employees receive the holidays as provided by their host agency.

7.6 Vacation Leave – Correction to be inclusive of 25 hours; lowered qualification threshold to 160 hours which is the same as separation / resignation maximum allowed hours

7.7 Sick Leave – Lowered threshold to the maximum allowed sick leave hours.

Miscellaneous grammatical corrections.

## Recommendation

Approve the updates to the Personnel Policy.





## **PERSONNEL POLICY AND PROCEDURES**

**Adopted October 19, 2020**

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# PERSONNEL POLICY AND PROCEDURES

## Section 1: Purpose, Adoption, and Amendment of Personnel Policy

- 1.1 Purpose – In accordance with Chapter 186, Florida Statutes, and the South Florida Regional Planning Council rules, the Chair shall (1) oversee the organization of the work of the Council, (2) see that all policy decisions of the Council are carried out, and (3) recommend to the Council the appointment of an Executive Director to serve as the principal operating administrator for the Council, who is responsible for all other staff as specified elsewhere in this policy. The Council may prescribe all terms and conditions of employment for its officers, employees, and agents. This Personnel Policy establishes a uniform and equitable system of personnel administration and, subject to the provisions of Chapter 29J, Florida Administrative Codes, places the responsibility for employment and supervision of the Council staff with the Executive Director. All employment is subject to the Council-approved work program and budget.
- 1.2 Adoption and Amendment –The Chair, assisted by such committee as the Council may establish, shall prepare and recommend personnel policies and procedures. The Council shall review and adopt such policies and procedures at a regular or special meeting. The Council may approve, modify, reject, or approve with modifications this policy and any amendments thereto. The Executive Director may adopt such administrative directives as are needed to clarify, supplement, or implement this policy.

## Section 2: Definitions

The following words and terms used in this policy have the meaning indicated below:

**Chair** – The person elected by the Council to serve as its Chair.

**Class** – A group of positions sufficiently alike in respect to their duties and responsibilities to justify common treatment in selection, compensation, and other employment processes, and sufficiently different from positions of other classes to justify differing treatment in one or more of these respects.

**Classification and Pay Plan** – The schedule of classes and compensation that covers all employees not in the Unclassified Service of the Council.

**Council** – The South Florida Regional Planning Council.

**Day** – Unless otherwise stated, a working day.

**Demotion** – Change of an employee from one position to another with less responsible duties or a lower salary.

**Employee** – A person employed by the Council as a member of its staff in a classified position.

**Executive Director** – The Council’s chief staff member, responsible for employment and supervision of all other staff and consultants in conducting work of the Council.

**Full-Time Employee** – A regular, probationary, or temporary employee who fills a position which normally requires services for the entire regular workweek, and who is compensated based on an annual rate. At a minimum, this requires 35 hours per workweek.

**Grade** – A class or classes of position that are sufficiently similar with respect to level of duties and responsibilities, or with respect to prevailing rates of pay for comparable work so that the same rate of pay can be equitably applied to all employees in the position classes within a grade level.

**Grant Administrator** – Supervises Grant Funded Employees.

**Grant Funded Position** - A full or part time position that is funded entirely by grants and exists only while those grant funds are available.

**Intern** – A temporary employee who is participating in an on-the-job work program in connection with enrollment in a graduate or undergraduate program at a recognized college or university.

**Military Leave** – Leave of absence granted to regular employees entering active duty in the armed forces of the State of Florida or the United States.

**Part-Time Employee** – A regular, probationary, or temporary employee who is appointed to a position that normally requires services for less than the regular workweek and who is paid on an hourly or daily rate.

**Position** – A set of delegated or assigned duties and responsibilities that require the full-time or part-time employment of one person.

**Probationary Period** – A period of up to six months actual work during which a new or promoted employee is required to demonstrate fitness for a position by performing the duties of the position to which appointed.

**Promotion** – A change of an employee from a position in one classification to a more responsible or higher salary position in a higher class or grade.

**Reclassification** – Reassignment or change in classification of an individual position to a higher or lower class based upon significant change in the kind, amount, difficulty, or responsibility of the work performed in such position.

**Regular Employee** – An employee who has been appointed to a classified position after successfully completing a probationary period.

**Temporary Employee** – A person appointed, either full-time or part-time, to a position without assurance of continuing funding or employment and who will not accrue most of the employee benefits available to regular and probationary employees. Interns and grant-funded employees are specifically temporary employees. Temporary employees are not entitled to any leave or insurance benefits.

**Transfer** – Change of an employee from one position to another in the same class or to a position in another class within the same salary range, involving similar duties and essentially the same skills.

**Unclassified Service** – Those individuals in the position of Executive Director and any grant funded position.

### Section 3: Classification and Pay Plan

3.1 Adoption of Classification and Pay Plan – This schedule of classes is the Classification and Pay Plan for all staff not in the Unclassified Service.

3.2 Intent of the Classification and Pay Plan – The Classification and Pay Plan is maintained so that positions substantially similar with respect to type, responsibility, and difficulty of work are in the same grade with the same range of pay.

3.3 Class Specifications – The Executive Director shall provide, and may amend as provided in Paragraph

3.8, written specifications for each classification in the Classification and Pay Plan. Specifications shall include class title, duties and responsibilities, and minimum qualifications for reasonable prospects of success in a grade. Specifications are intended to indicate the kinds of responsibilities allocated to the various grades, as determined by duties and responsibilities, and shall not be construed as limiting the authority of the Executive Director to assign, direct, and control the work of employees. Qualifications commonly required of all employees, such as honesty, sobriety, industry, and necessary physical capabilities shall be deemed to be qualification requirements for entrance to each grade, even though they may not be specifically mentioned in the specifications.

3.4 Use of Class Title – The Class Title is the official title of an employee for use on payrolls, budget estimates, official records, and reports relating to the position. The Executive Director may specify such other titles as are deemed necessary to convey to the public each employee’s responsibilities.

3.5 Schedule of Classes – The Classification and Pay Plan includes the following Class Titles and minimum and maximum salaries by grade, based on differences in duties and responsibilities of the classifications in each grade:

<b>Pay Grade</b>	<b>Class Titles</b>	<b>Minimum Annual</b>	<b>Maximum Annual</b>
Grade 1	Intern I	\$25,000	\$30,000
Grade 2	Intern II Planning Technician I Administrative Assistant I	\$28,000	\$38,000
Grade 3	Planning Technician II Administrative Assistant II	\$32,000	\$42,000
Grade 4	Planning Technician III Administrative Assistant III Finance Specialist I	\$38,000	\$50,000
Grade 5*	Planning Technician IV Administrative Assistant IV Web and Design Manager Finance Specialist II Regional Planner Technology Specialist	\$45,000	\$70,000
Grade 6*	Senior Planner	\$55,000	\$80,000
Grade 7*	Principal Planner Office Manager	\$65,000	\$110,000

Information Systems Manager

Grade 8*	Program Area Manager Chief Administrative Manager Chief Finance Manager	\$70,000	\$120,000
Grade 9*	Assistant Director	\$75,000	\$125,000

\* These positions may have specialized titles.

3.6 Administration of the Classification and Pay Plan – The following provisions of the Classification and Pay Plan assume that adequate funds for salary adjustments are within the budget for the year approved by the Council. These provisions shall guide the Executive Director in establishing salary administration procedures, including periodic salary reviews.

- a) Beginning Salary – The minimum rate for a grade shall normally be paid upon appointment in that grade. In instances when an applicant presents above entry qualifications or where there is a lack of applicants at the minimum rate, the Executive Director may authorize original appointment at a rate above the minimum rate, provided the justification for doing so is made a part of the personnel file of the employee.
- b) Salary Adjustments – Salary adjustments within an estimated range are not automatic, but depend on the employee’s performance, which will be reviewed at least annually in the fourth quarter by the employee’s immediate supervisor and made a permanent part of the employee’s personnel file. The employee shall be apprised of this review by the employee’s immediate supervisor at the time that it is made. Salary adjustments will be recommended by the immediate supervisor and approved by the Executive Director. The Executive Director for just cause may reduce the salary of an employee within the salary range prescribed for the class.

After the close of the fiscal year, the overall agency finances will be reviewed. If overall agency performance is within the projected expenditures and revenues, individual employee reward will be allowed. This reward will be called a pay incentive in lieu of salary increase.

- c) Total Remuneration – Salary paid to a regular employee is total remuneration for the employee, not including reimbursement for official travel.

3.7 Rates of Pay – Applicants may be appointed, and employees’ salary rates adjusted, either at the annual or monthly rate of pay for full-time employment. Part-time employees may be paid at an hourly rate of pay, which, if calculated on a full-time basis, shall not exceed the maximum of the established range for the class of position involved. For payroll purposes, an employee shall be paid their hourly rate times the number of hours worked during the affected payroll period. To determine an employee’s hourly rate of pay, the annual rate of pay is divided by 2080 hours. The hourly rate calculated in the above manner is rounded to the nearest whole cent and used for all payroll and labor cost distributions.

- 3.8 Amendment to the Classification and Pay Plan – Amendments to the Classification and Pay Plan shall be made upon the recommendation of the Executive Director and approval by the Council.

#### **Section 4: Qualifications and Appointment**

- 4.1 Applications – Applications for staff employment must be filed on forms furnished by the Council. If statements on the application are later determined to be fraudulent, the applicant, if employed, is subject to immediate dismissal.
- 4.2 Requirements – As provided in the Classification and Pay Plan, the Executive Director shall establish minimum education, training, experience, and physical condition qualifications as are deemed necessary for an employee in a given position to possess. When necessary, evidence of special qualifications will be required.
- 4.3 Appointment – The Executive Director shall authorize the appointment of a qualified applicant to a vacant, authorized position after it has been verified that budget funds are available.
- 4.4 Veterans' Preference – In treatment of employees or applicants, veterans of the United States armed forces shall be given preference when all other factors are equal.
- 4.5 Non-Discrimination – There shall be no discrimination against or in favor of employees or applicants for employment because of race, religion, color, sex, national origin, political affiliation, union affiliation, age, marital status, or physical disability that allows performance of normal duties. Every effort will be made to equitably provide opportunities to qualified women, minorities, and low-income persons in all classes of employment.
- 4.6 Recruitment – The Executive Director, subject to budgetary consideration, may incur such expenses as are necessary to recruit the best available applicants to positions on the Council staff. Such expenses may include meals and travel expenses incurred by the applicant and the interviewer. Reimbursement must be made in conformance with Council travel regulations. Moving costs and employment agency fees may be paid to the extent necessary to obtain the best qualified applicant for a position, up to the amount of \$1,500. Any employee separated from Council employment within one year of receiving a moving or agency fee allowance shall refund such allowance in full, by deduction from either payroll or travel expense checks.

#### **Section 5: Probationary Period**

- 5.1 Duration – A probationary period shall be required upon employment or promotion. The Executive Director shall determine when the probationary period shall end. Any interruption of service during



the probationary period shall not be counted as part of total service.

- 5.2 Leave Accrual and Use – An employee may accrue but may not take vacation leave during the first six months of employment. An employee separated during the first six months will not be paid for vacation leave. Sick leave will also be accrued and may be taken if necessary during the probationary period.

## **Section 6: Resignation, Layoff, Disciplinary Action**

- 6.1 Resignation – An employee accepting employment agrees that, in the event of resignation, written notice thereof will be submitted to the Executive Director 30 calendar days in advance for professional employees and 14 calendar days in advance for all other employees. Failure to comply with the above requirements constitutes serious misconduct.

Payment of accrued benefits upon termination are contingent upon compliance with the notice requirements specified in Paragraph 1, unless specifically excused by the Executive Director.

- 6.2 Layoff – The Executive Director may lay off an employee by reason of abolition of a position, shortage of either funds or work, or other reasons beyond the employee's control, which do not reflect, discredit on the services of the employee. In the event of a layoff, an employee shall, at least 10 days before the layoff date, be provided written notice, including the reason.

- 6.3 Disciplinary Action – The Executive Director may suspend, demote, or dismiss any employee who:
- a) Is negligent, incompetent, or inefficient in the performance of his/her duty.
  - b) Has been offensive in conduct toward fellow employees or the public.
  - c) Has some permanent or chronic physical or mental ailment or defect, which incapacitates his/her from proper performance of duties.
  - d) Has violated any lawful or official regulation or order, or failed to obey any lawful and reasonable direction given by a supervisor, when such violation or failure to obey amounts to insubordination or serious breach of discipline which may reasonably be expected to result in lower morale in the organization or result in loss, inconvenience, or injury to the Council or to the public.
  - e) Has solicited or taken for personal use a fee, gift, or other valuable item in the course of work or in connection with it, when such fee, gift, or other valuable item so solicited or taken might be construed to be a means of seeking a favor or obtaining better treatment than that accorded other persons either on a present or future basis or through improper use of official position or knowledge for personal benefit or for the profit or advantage of any other person or entity.

- f) Has failed to pay or make reasonable provision for future payment of just debts when discredit is caused the Council because of such failure.
- g) Has been convicted of a felony.
- h) Has, through negligence or willful conduct, caused damage to public property or supplies or the property of other employees.
- i) Has been absent without leave or has failed to report after leave of absence has been disapproved, revoked, or cancelled.
- j) Has hindered the regular operation of the Council because of excessive absenteeism.
- k) Has violated the provisions of Council rules or policies.
- l) Has attempted to use political influence in securing or attaining a position or in securing promotion or individual salary increases. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of Council Policy.
- m) Has been under the influence of alcohol or illegal drugs on duty, or if off duty, his/her conduct brings reproach upon the Council service.
- n) Has intentionally falsified a time record, or failed to report an absence from duty to supervisors.
- o) Has made a false claim for leave.
- p) Has been found after employment, to have made a false statement as part of his/her application for employment.
- q) Has misappropriated Council funds, appropriated Council property for personal use, or illegally disposed of Council property.
- r) Is antagonistic towards other Council employees, criticizing orders, rules, and policies, and whose conduct interferes with the proper cooperation of employees and impairs the efficiency of the Council service.
- s) Has failed to provide notice of resignation as required by this Personnel Policy.
- t) Has been habitually tardy in reporting for duty or has been absent frequently from duty during regular hours, or has refused to perform a reasonable amount of emergency work after working hours when directed to do so by his/her immediate supervisor.
- u) Has lost his/her driver's license and driving privileges by due process of law, when his/her

position requires the operation of a motor vehicle in the performance of his/her duties.

None of the foregoing shall be deemed to prevent the dismissal, demotion, or suspension of an employee for any cause, which is justifiable, even though such cause is not contained among those enumerated. Suspension will be without pay for any of the reasons listed above or any other just cause, for a period not to exceed 30 calendar days, unless court action is pending, in which case the suspension may be continued by the Executive Director until final court action is taken. No salary, employee benefits, or seniority shall accrue during a period of suspension and no leave may be taken.

- 6.4 Appeal – In the case of suspension, demotion, or dismissal, a regular employee shall, upon request, be furnished with a written statement of the reasons for the action.

Such employee may, within 30 calendar days after such action becomes effective, file with the Chair a written request for a hearing. The request shall include the employee's current mailing address. Upon receipt of such a request, the Chair shall appoint two other Council Members to act with him/her as an appeal board to preside at a hearing on the action of the Executive Director. The hearing shall be held within 30 calendar days of receipt of the request by the Council, upon written notice being mailed or delivered to the employee at a current mailing address, not less than seven calendar days before the hearing.

The appeal board shall approve, modify or disapprove of the action of the Executive Director, and in the case of approval, the action shall be final. In the case of disapproval, the appeal board may reinstate the employee under such conditions, as it deems proper, and may order payment to the employee of any or all compensation lost as a result of the suspension, demotion, or dismissal.

- 6.5 Seniority – Employment, promotion, demotion, and dismissal shall be on the basis of merit and efficiency. Where these factors are considered by the Executive Director as equal between employees, the action shall favor the employee with the greatest seniority.

## **Section 7: Hours of Work and Leaves of Absence**

- 7.1 Hours of Work – Eight hours shall constitute a normal work day and forty hours a normal work week. The Executive Director shall prescribe the actual hours of employment for all Council employees.
- 7.2 Overtime – The Executive Director authorizes overtime of SFRPC regular employees. The Grant Administrator authorizes overtime for Grant Contract Employees.
- 7.3 Holidays – The intent of the Council is to provide a schedule of holidays that is consistent with other government agencies in the State and Region. The following are holidays for which compensatory time off shall be granted for necessary work done on these days, except where payment is provided for under Section 7.2. These holidays are:

New Year's Day (January 1)  
Martin Luther King Day (third Monday in January)  
Presidents' Day (third Monday in February)  
Memorial Day (last Monday in May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Columbus Day (second Monday in October)  
Veterans' Day (November 11)  
Thanksgiving Day (fourth Thursday in November and the following Friday)  
Christmas Day (December 25)  
Personal, floating Day

When a holiday falls on a Saturday, the preceding Friday shall be a holiday. When a holiday falls on a Sunday, the following Monday shall be a holiday. Any employee wishing a holiday for another recognized religious holiday may exchange appropriate holiday days listed above with days for preferred religious holidays on a one for one basis. In this case, no overtime pay is allowed for work performed on the regular holiday and the Executive Director must approve of the exchange.

Temporary employees will receive the same paid holidays as classified employees.

- 7.4 Absence Without Leave – Any absence from duty that is not authorized by a specific grant of leave under the provisions of this Policy shall be an absence without leave. Such absence shall be without pay and is grounds for disciplinary action.
- 7.5 Leaves of Absence with Pay (General) – Except in emergencies, request for and approval of leave with pay shall occur prior to the beginning of the leave period. No payment shall be made unless the leave is properly approved.

Deductions from accumulated paid leave shall be made on a work hour or work day basis and no leave charge shall be made for holidays, non-work days, or non-work part days occurring at the beginning or during a period of leave with pay. No charge will be made for holidays or non-work days at the end of a leave with pay if the employee returns to work on the first working day thereafter or on the first work day after expiration of any extension of leave either with or without pay. The Executive Director or designee shall maintain records of vacation leave and overtime for each employee. Such records shall be maintained in a form and manner capable of audit.

Except for the following exception, temporary employees are not entitled to benefits listed within this personnel policy. Temporary employees shall be entitled to prorated holiday leave based upon the number of hours worked during the pay period in which the holiday occurs.

- 7.6 Vacation Leave – Each full-time regular or probationary employee shall earn annual vacation with pay at the following rates:

**Service Requirement****Accumulation Rate**

First through third year of continuous employment	3 1/2 hours per payroll period
After three years employment	6 1/2 hours per payroll period

Changes in the rate of accumulation shall be made effective at the beginning of the payroll period following completion of the third year of continuous employment.

Vacation and sick leave for part-time employees shall be pro-rated according to the following schedule:

<b>Hours Worked per Pay Period</b>	<b>Accumulation Rate</b>
Less than 25	0
25 or more	2

Any new employee, upon starting probationary employment with the Council, may be given credit for up to three years of prior full-time equivalent work experience that is considered as qualifying for Council employment, in determining the accumulation rate at which the employee begins. Accumulation at this rate begins with the employee's first payroll period and the rate increases as though the employee has been on the Council staff for whatever time period, he/she is initially credited with. The credit for previous work experience will be determined by the Executive Director.

Vacation leave accrual shall begin at the beginning of the payroll period nearest following the date of initial employment. Time in layoff, suspension, or leave without pay status, unless otherwise stated in this personnel policy, shall not be used in determining vacation leave accrual. An eligible employee being paid for less than the full payroll period will have vacation accrual prorated for that payroll period.

The Executive Director may determine the time and establish schedules governing the use of vacation leave so as to least interrupt the work program of the Council. Insofar as possible, vacation leave shall be taken within the year earned.

Vacation leave may be accumulated to a total of 240 working hours. However, an employee who is about to lose vacation leave due to the limit on accrual, may within the month following accumulation of the 240th hour apply for leave to prevent the loss of vacation leave. Approval of leave is at the discretion of the Executive Director or designee.

Employees who have an accrued annual leave balance in excess of 160 hours as of the end of the first pay period, which begins in a calendar year, shall have all hours beyond 160 cashed out provided the employee has used at least 80 hours of annual leave during the preceding calendar year. No annual leave hours in excess of 160 shall be carried over into the next year without the approval of the Executive Director.

Any regular employee who is separated from the Council staff in good standing shall be paid for the number of working hours of unused vacation leave accumulated to the employee's account up to 160

hours.

Effective October 1, 2001, and each subsequent fiscal year start date thereafter, the Executive Director's annual leave account will be credited with two hundred forty (240) hours. No annual leave hours may be carried over from September 30th.

- 7.7 Sick Leave – Sick leave shall be earned by each full-time regular and probationary employee at the rate of four working hours per full payroll period during the first three years of continuous employment and at the rate of five working hours per payroll period thereafter until 800 working hours are accumulated. Thereafter, sick leave may be accumulated only in the amount needed to remain at the maximum of 800 working hours. Changes in the rate of accumulation shall be made effective at the beginning of the payroll period following completion of three years of service. Credit for prior service in determining the accrual rate for sick leave will be allowed under the same conditions and procedures as is provided for vacation leave under Section 7.6. Sick leave accrual begins at the beginning of the pay period nearest following the initial date of employment. Time of layoff, suspension, or leave without pay, unless otherwise provided in this Policy, shall not be counted in determining sick leave accrual.

Use of sick leave must be approved by the employee's immediate supervisor and reported to the Executive Director or his/her designee. Approved uses of sick leave include:

- personal illness or injury
- medical or dental appointment
- illness of spouse, parent, or child requiring the employee's presence
- exposure to a contagious disease
- quarantine
- bereavement

The Executive Director may provide up to three days sick leave with pay if an employee has a death in the immediate family. Absences in addition to the three workdays sick leave may be charged to vacation leave upon approval by the Executive Director.

All employees whose sick leave accrual balance exceeds 500 hours at the end of November of each year will be eligible to participate in the Sick Leave Conversion Plan. Only those hours beyond 500 total hours of accrued sick leave are eligible for conversion. Accrued sick leave may be converted to vacation leave at a ratio of two (2) sick leave hours to one (1) vacation leave hour for accrued sick leave up to 800 hours at a maximum conversion of forty (40) hours vacation leave credited once annually the first period in January.

There shall be no reimbursement for sick leave outstanding at the time of a classified employee's dismissal or resignation, when all sick leave expires. The Executive Director may require a physician's statement to accompany three or more days of sick leave.

- 7.8 Sick Leave Donation Program – The Sick Leave Donation Program is a voluntary program that allows

employees of the South Florida Regional Planning Council to voluntarily donate their sick leave to a qualified Council employee who is unable to work because of extended serious illness or injury, who has exhausted all accrued annual leave, compensatory leave, sick leave, and personal days; and who is not eligible for worker's compensation.

- a) Employees who are qualified recipients for donated sick leave are those who meet all of the following conditions:
  - 1) Have completed their initial probationary period and are permanent status employees.
  - 2) Are unable to work because of extended serious illness or injury, which require hospitalization or extensive medical care (e.g., cancer, heart attack, etc.).
  - 3) Have exhausted all accrued annual leave, compensatory leave, sick leave, and personal days.
  - 4) Are not eligible for workers' compensation benefits.
  - 5) Have not previously been disciplined for abuse of sick leave.
  - 6) Who formally apply to the Executive Director to be qualified for consideration under the Sick Leave Donation Program by completing the Sick Leave Donation Program Form.
- b) A sick leave donor is an employee who donates sick leave to a qualified recipient provided that the sick leave donor:
  - 1) Has completed his/her probationary period.
  - 2) Has a sick leave balance of at least 120 hours after subtracting the sick leave amount to be donated.
  - 3) The sick leave amount to be donated does not exceed a total of 80 hours in a calendar year.
- c) Sick leave donations to a qualified recipient will be made on an hour for hour basis upon approval of the Executive Director. Once sick leave has been donated and used by the recipient, it cannot be returned to the donor. In the event of excess donations received but not used due to early recovery, resignation, retirement or death, all donations received but not utilized shall be returned to the donating employee(s) based on the proportion of hours that an employee donated in relation to the total hours donated by all employees (e.g. an employee who donates 50 hours of 450 hours total donated shall be credited with 50/450ths of the hours not utilized). Such returned leave shall be reflected in the appropriate leave balance as soon as possible.
- d) The Sick Leave Donation Program does not supplant any established Personnel Policies and Procedures.

- e) Request for approval to solicit donations of sick leave within the Council shall be submitted in writing to the Executive Director.
  - 1) The request for approval must be accompanied by acceptable medical substantiation from a licensed physician. This must include the diagnosis by the physician(s), a description of the reason the employee is unable to perform the duties of his/her position, and the physician's prognosis and expectation of a date by which the employee can return to work.
  - 2) In reviewing such requests, consideration shall be given to the qualified recipient's previous leave history, as well as the nature of the prolonged serious illness or injury.
- f) Benefits for a qualified recipient's authorized usage of donated sick leave hours shall continue for the duration of the available paid leave. However, there shall be no accrual of sick or annual leave to the recipient during this period. In the event a designated holiday occurs during the period of authorized leave, the employee shall receive 8.0 hours of holiday pay and shall not be charged with sick leave. Under no circumstances shall payment to the employee exceed the normal payment to the employee for their normal work schedule.
- g) Donated sick leave to a qualified recipient may be terminated under any of the following conditions/circumstances:
  - 1) An employee shall be subject to discipline including possible termination if the employee claims or receives unemployment compensation or accepts other employment during the approved leave.
  - 2) If the Executive Director determines that an employee has abused, falsified information, or was otherwise not eligible for leave, the employee shall be required to repay any leave previously approved and shall be subject to disciplinary action including possible termination.
  - 3) An employee who is on approved donated sick leave and whose medical condition improves sufficiently to return to work, shall immediately notify his/her immediate supervisor.

7.9 Armed Forces Leave – All regular employees who are members of a reserve component of the armed forces of the State of Florida or the United States shall be granted leave of absence without pay not to exceed 30 calendar days in one year when ordered to active duty for such training as is necessary to their participation in a reserve program. During such leave, employees shall accrue sick and vacation leave.

7.10 Military Leave of Absence Without Pay – All employees are entitled to military leave of absence without pay for service in the armed forces of the State of Florida or the United States and reinstatement at the expiration of such leave. Such leave shall be authorized only in cases where the employee has been officially called to active duty and shall be authorized only for as long as the employee is required by the government to be in the service.



## 7.11 Other Leaves of Absence with Pay

- a) Court Duty – Employees subpoenaed as witnesses or called and selected for jury duty shall receive their regular compensation and other benefits during that period.
- b) Administrative Leave – The Executive Director, subject to the budget, may provide administrative leave with pay for the purposes of attendance at professional meetings or comparable activities. Such meetings must be directly related to the work of the Council and are expected to contribute to the background and understanding of the Council staff. Travel expenses incurred during such leave may be borne by the Council, subject to compliance with its travel regulations.

The Executive Director may provide administrative leave in the event of a natural disaster or for a state or national period of mourning.

- c) Leave Other Than The Foregoing – Leave of absence with pay for other than the above purposes requires the approval of the Chair.

7.12 Sick Leave Without Pay – A probationary or regular employee may apply for and the Executive Director may grant a leave of absence without pay for a period of disability due to sickness or injury.

7.13 Parental Leave – Upon application, regular employees can take up to 120 calendar days parental leave due to the birth of a child or to an adoption governed by Chapter 63, Florida Statutes. During this period, an employee is eligible to use a combination of available sick leave and vacation leave as agreed to by the Executive Director in advance. When available leave is used, the employee must take the remainder of time requested without pay.

7.14 Family Leave – Employees may use a total of up to 104 hours (13 workdays) of sick leave each year to:

- provide primary care for a family member who is incapacitated as a result of physical or mental illness, injury, pregnancy, or childbirth;
- provide care for a family member as a result of medical, dental, or optical examination or treatment; or
- make arrangements necessitated by the death of a family member or attend the funeral of a family member.

A covered full-time employee may use 40 hours (5 workdays) of sick leave each leave year for these purposes. An additional 64 hours (8 workdays) of sick leave may be used each year if the employee maintains a balance of at least 80 hours of sick leave in his/her or her account. Part-time employees and employees with uncommon tours of duty are also covered, and the amount of sick leave permitted for family care and bereavement purposes is pro-rated in proportion to the average number of hours of work in the employee's scheduled tour of duty each week. Only the first 40 hours of sick leave (or a proportional amount) may be advanced for an employee on a part-time schedule or uncommon tour of duty.

“Family member” is defined as:

- spouse, and parents thereof;
- children, including adopted children, and spouses thereof;
- parents;
- grandparents;
- brothers and sisters, and spouses thereof;
- and any individual related by blood or affinity whose close relationship with the employee is the equivalent of a family relationship.

7.15 Other Leave Without Pay – Regular employees may be allowed to be absent without pay based on an application, specifying the reason for the request, approved by the Executive Director, and when such leave is for more than 45 calendar days, under the following conditions:

- a) Such leave shall be granted only when it will not result in undue prejudice to the interests of the Council beyond any benefits to be realized. A leave of absence for travel or study intended to prepare an employee to render more effective service may be considered to involve compensating benefits.
- b) Such a leave primarily in the interest of the employee will be considered in the case of an employee who has proven to be of exceptional value to the Council, and whose service it is desirable to retain even at some sacrifice.

7.16 Cancellation of Leaves of Absence – Any leave without pay that is granted is subject to the condition that it may be cancelled in the light of changed conditions. Such cancellation will be by written notice from the Executive Director specifying a reasonable date of leave termination.

7.17 Unauthorized Absence – Any unapproved absence from duty of two or more days is deemed to be serious misconduct and grounds for immediate dismissal.

## **Section 8: Service Ratings and Employee Training**

8.1 Service Ratings – Standards of performance established as a basis for implementation of the Classification and Pay Plan shall have reference to the quality and quantity of work done, the manner in which the service is performed, and such other characteristics as will measure the value of the employee to the Council.

8.2 Employee Training and Development – The Executive Director is authorized to undertake in-service training programs to meet employee needs and goals as discovered through the service ratings process and through employee-supervisor discussions. Selected employees may be assisted in taking courses in vocational or higher education institutions.

Application must be made to the Executive Director who may authorize partial payment of course expenses or released time if the value of the employee, the likelihood of benefit to the Council, and budgetary conditions indicate such action is in the best interest of the Council.

- 8.3 Intern Programs – The Executive Director may establish intern training programs. Salaries of such interns shall be established by the Executive Director in accordance with the provisions of the Classification and Pay Plan.

## **Section 9: Grievances**

- 9.1 Right of Employees – Employees have the right to present grievances including complaints of discrimination on the basis of race, color, religion, sex, national origin, political affiliation, age, marital status, or physical handicap; as individuals, as a group, or through their designated representatives. The right to present grievances shall be free from restraint, interference, discrimination, or reprisal. However, no matter appealed under Section 6.4 shall be subsequently eligible for consideration under this Section as a grievance. Any matter involving demotion, suspension, or dismissal shall not be subject for action under this Section.
- 9.2 Supervisory Responsibility – Supervisors at all levels shall receive and act promptly and fairly upon employee grievances.
- 9.3 Grievance Procedure – Any grievances shall first be referred to the employee’s supervisor, and if not resolved with mutual satisfaction by the supervisor within ten days, the matter shall be referred to the Executive Director. The Executive Director shall interview all concerned parties to determine the facts and make a determination and final settlement of the grievance. This final settlement is subject to the right of appeal using the process provided under Section 6.4.

## **Section 10: Employee Insurance**

- 10.1 Coverage – The Council shall provide an insurance program for all full-time employees 30 calendar days from the date of their employment. The extent of the program is determined by the Council and includes medical, surgical, hospitalization, major medical, loss of income, disability coverage, and group life.
- 10.2 Cost of Insurance – The Council shall pay only the cost of individual participation in any insurance program. Extra cost for dependent or family coverage shall be paid by the employee.
- 10.3 Worker’s Compensation – The Council shall pay for coverage of eligible employees by Worker’s Compensation Insurance.
- 10.4 Unemployment Compensation – The Council shall pay unemployment compensation as required by

## **Section 11: Retirement**

The Council shall pay all employer costs for the South Florida Regional Planning Council Pension Trust for employees hired prior to April 1986 and to the Florida Retirement System for all employees hired after April 1986. Employees who are part of the Florida Retirement System will also contribute 3% percent of their salary toward the FRS. This is a requirement of the Florida Retirement System.

## **Section 12: Professional Dues**

The Council shall not pay dues for individual memberships in professional or other organizations for employees in the Classified Service.

## **Section 13: Unclassified Service**

- 13.1 The Unclassified Service of the Council shall consist of the Executive Director and such other positions as the Council may designate upon the recommendation of the Chair.
- 13.2 The salaries, benefits, and terms of employment for persons in the Unclassified Service shall be established by contract between the Council and each person in the Unclassified Service. Salaries will be reviewed annually and adjusted effective October 1.

## **Section 14: Staff Political Activity**

- 14.1 Since the Council may be funded in part by Federal funds, all Council employees are subject to Section 12(a) of the Hatch Act, which prohibits:
- a) Use of official authority or influence for the purpose of interfering with an election or nomination for office, or affecting the result thereof.
  - b) Directly or indirectly coercing, attempting to coerce, commanding or advising any other official or employee to pay, lend, or contribute any part of his/her salary or compensation or anything else of value to any party, committee, organization, agency, or person for political purpose.
- 14.2 All Council employees shall also be governed by the provisions of Section 110.233, Florida Statutes, regarding political activity, political pressure, discrimination, and influence or coercion.

## Section 15: Employment Outside of Council Service

- 15.1 Outside Employment – No regular or probationary employee shall engage in any other employment, or in any private business, or in the conduct of a profession within the geographic area of the Council without the written approval of the Executive Director. Employment outside the geographic area of the Council must be conducted during other than working hours and must be approved by the Executive Director. Outside employment must not be conducted in a manner or to an extent that affects or is deemed likely by the Executive Director to affect the employee's service or usefulness to the Council. Generally, activity as a guest or occasional lecturer at a recognized college or university will be deemed in the interest of the Council.
- 15.2 Use of Office Facilities – No employee shall use Council office space, supplies, or equipment in connection with outside employment.
- 15.3 Receipt of Honoraria – Council staff who, in the fulfillment of their professional duties for the Council, become eligible for the payment of an honorarium for their services, may receive the honorarium on behalf of the Council as long as the payment is made directly to the Council and deposited into the general fund.

## Section 16: Affirmative Action Program

- 16.1 Affirmative Action Policy – It is the policy of the South Florida Regional Planning Council that any person who may seek to become employed by the Council shall be granted an equal opportunity toward employment by the Council without regard to race, color, political or religious affiliation, sex, national origin, age, marital status or physical ability that would allow performance of normal duties. In recruiting, hiring, placement, training, and promotion, all persons shall be judged solely by their qualifications when hired and by their merit when employed.
- 16.2 Responsibility – The overall responsibility for the implementation of the Affirmative Action Program rests with the Executive Director. The authority for the orderly development of the Program rests with the Personnel Officer, acting as the Equal Employment Opportunity (EEO) Officer.
- 16.3 Program Communication – In order to ensure the effective implementation of the Affirmative Action Program, it is important that attention is given to the communication of the Program, to both current and prospective employees of the Council. The following are the on-going, specific steps that will be taken by the EEO officer.
- a) A copy of the Personnel Policies of the Council, including the Affirmative Action Program, Classification and Compensation Plans will be given to, and discussed with, each employee or future employee of the Council.
  - b) A copy of the Program will be kept in the Council Library for immediate reference by all interested parties.

- c) Orientation and training sessions for all supervisors will be scheduled to discuss the implementation of the Program.
- d) The Program and any problems surfacing there from, will be discussed in depth at meetings of the staff.
- e) As a grantor of federal funds, the Council will ensure that such grants contain equal employment opportunity clauses, and will evaluate potential grantees to determine compliance.
- f) The policy of the Council with regard to Equal Employment Opportunity will be reiterated to all sources of applicants and referrals, and shall be made aware to all job applicants.
- g) An affirmation of equal employment opportunity shall appear on the Council's employment application forms and in all recruiting literature or advertisement of vacancies.

16.4 Career Development – The Council provides on-the-job training through supervised work activities and counseling to new employees and to employees assuming new duties. Despite the fact that the Council is not large enough to have formal staff training courses, continued training to both upgrade skills and maintain state-of-the-art knowledge is encouraged and assisted as much as possible.

OBJECTIVE: Working within the constraints imposed by the Council budget and work program, every effort will be made to enhance the career development of the employees.

SPECIFIC ACTIONS:

1. To make available learning opportunities leading to more responsible positions by:
  - a) Providing briefing and training sessions for supervisors to improve professional development.
  - b) Making management development opportunities available.
  - c) Training employees for any special equipment operation that may be required.
  - d) Making available educational leave to attend courses for the purpose of enhancing on-the-job skills and to pay one-half of the tuition fees.
  - e) Maintaining an inventory of promotable employees to assure that female and minority group personnel are not discriminated against in promotion.

Responsibility: Executive Director or designee

Target Date: On-going

2. To analyze the Council's organization and staff at regular intervals to determine job classifications and categories where minorities and women are under-utilized and where corrective action is needed. The following factors will be evaluated:
  - a) Effectiveness of current recruitment efforts.
  - b) Job-relatedness of minimum qualifications for all staff positions.
  - c) Applicant flow data by classification to determine at which step in the selection process women and minority groups are being screened out.
  - d) Promotional system to identify obstacles to upward mobility of qualified individuals.
  - e) Wage and salary structure as it relates to equitable compensation for minorities and women.
  - f) Assessment of whether or not minority classes are disproportionately affected by terminations, layoffs, and disciplinary actions.

Responsibility: Executive Director or designee

Target Date: Semi-Annually

16.5 Recruitment – Active recruitment efforts are initiated on the basis of position availability. The primary sources of applicants are the affirmative action file, which contains resumes and applications which normally flow into the office and responses to job-specific advertising published in the local newspapers, announcements circulated to the state universities and the Florida State Employment Service, as well as various local civic groups. The size of the Council and its funding constraints prohibit elaborate recruitment campaigns. However, there is often a need for national advertisement in trade journals to ensure adequate application flow for the professional positions.

OBJECTIVE: To provide equal employment opportunity to all potential applicants, especially women and minority group members, through proportional representation, which approximates the Council area's labor market at all prescribed levels of employment.

SPECIFIC ACTIONS:

1. To conduct an analysis of present minority and female staff at all prescribed levels within the Council. This analysis will be used to identify areas of under-utilization and concentration. Vacancies and new positions will be projected and recruitment will be geared toward filling these positions with women and members of minority groups.

Responsibility: Executive Director or designee

Target Date: Quarterly

2. To maintain a file to be known as the Affirmative Action File. This file will consist of applications of all female and minority group applicants who were qualified, but not selected. The Executive Director shall give priority consideration to the hiring of applicants from this file in subsequent hiring.

Responsibility: Executive Director or designee

Target Date: On-going

3. To prepare a list of organizations having effective contact with minority groups, aging, and female personnel, and establish working relationships with these organizations in the recruitment of personnel.

Responsibility: Executive Director or designee

Target Date: On-going

4. To contact schools and universities to ensure exposure to minority groups and females when recruitment is necessitated. Special efforts shall be made to reach minority group students on campuses by working with campus placement offices and minority and women's student organizations.

Responsibility: Executive Director or designee

Target Date: On-going

5. To ensure that all placement advertising is clear, concise and includes only job-related information.

Responsibility: Executive Director or designee

Target Date: On-going

## **Section 17: Sexual Harassment Policy**

It is the policy of the South Florida Regional Planning Council that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Sexual harassment is a form of misconduct, which undermines the integrity of the employment relationship. No employee - either male or female - should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual harassment does not refer to occasional compliments of a socially acceptable nature. It refers to behavior, which is not welcome, which is personally offensive, which debilitates morale, and which, therefore, interferes with our work effectiveness. Such conduct, whether committed by supervisors or non-supervisory personnel, is specifically prohibited. This includes: repeated offensive sexual flirtations; advances or propositions; continued or repeated verbal abuse of a sexual nature; graphic or degrading verbal comments



about an individual or his/her appearance; the display of sexually suggestive objects or pictures; or any offensive or abusive physical contact.

In addition, no one should imply or threaten that an applicant or employee's "cooperation" of a sexual nature (or refusal thereof) will have any effect on the individual's employment, assignment, compensation, advancement, career development or any other condition of employment.

Any grievance relating to this policy should be addressed through Sections 9.3, Grievance, or 6.4, Appeal, of the Council's Personnel Policy. Any questions regarding either this policy or a specific situation should be addressed to the Executive Director.

## **Section 18: Drug Free Workplace Policy**

The Council certifies that it will provide the following drug-free workplace program:

- 18.1 The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the workplace, and actions will be taken against employees for violations of such prohibition.
  
- 18.2 Drug-free awareness program will be offered to employees to inform them about:
  - a) The dangers of drug abuse in the workplace;
  - b) The Council's policy of maintaining a drug-free workplace;
  - c) Available drug counseling, rehabilitation, and employee assistance programs; and
  - d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
  
- 18.3 It is a condition of employment that employees shall:
  - a) Abide by the terms of this statement; and
  - b) Notify the employer in writing of the employee's conviction under a criminal drug statute for a violation occurring in the workplace no later than 5 calendar days after such conviction. 18.4 Within 30 calendar days after receiving notice under subparagraph (18.3) of a conviction, one of the following actions will be taken with respect to an employee who is convicted of a drug abuse violation occurring in the workplace.

- 18.4 Within 30 calendar days after receiving notice under subparagraph (18.3) of a conviction, one of the following actions will be taken with respect to an employee who is convicted of a drug abuse violation occurring in the workplace:
- a) Appropriate personnel action against such employee, up to and including termination; or
  - b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

## Section 19: Performance Incentive Program

### STATEMENT OF POLICY

Successful SFRPC employees demonstrate the core SFRPC values of service excellence, teamwork, self-management, professional integrity, and professional/technical excellence. The SFRPC recognizes the need to encourage, incentivize and reward SFRPC employees for superior work performance that advances or makes significant, notable contributions to the SFRPC's mission objectives. In order for the SFRPC to have the ability to give incentive payments to employees, section 215.425(3), Florida Statutes, has specified requirements that must be satisfied, which this Policy is intended to satisfy.

### POLICY GUIDELINES

The following guidelines apply to any bonus payment that the SFRPC elects to provide:

#### Performance Evaluation

1. The major factor in determining an employee's eligibility for payment under the Performance Incentive Program shall be that the employee clearly is significantly surpassing performance expectations and goals and is characterized by high achievement.
2. Payments to SFRPC employees under the Performance Incentive Program shall be determined by a thorough and complete review and analysis of the performance records of all SFRPC employees as documented in a positive written annual employee evaluation.

#### Eligibility

1. All SFRPC employees are eligible to be considered for a performance incentive payment under the Performance Incentive Program.
2. To be eligible for consideration for a performance incentive payment for a specific evaluation period, an employee must:

- a. Be employed by the SFRPC in a full-time regular position;
- b. Have been employed continuously for a period of one (1) year up through the date of the performance evaluation;
- c. Must not have been on leave without pay consecutively for more than six months during the evaluation period;
- d. Must have received no disciplinary action during the evaluation period through the date the performance incentive payments are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action; and
- e. Have received a positive written evaluation of performance during the evaluation period.

### Implementation

1. The SFRPC hereby authorizes the Executive Director to implement the provisions of this Policy and the Executive Director is hereby the delegated authority to take any and all actions otherwise necessary to administer the Performance Incentive Program, provided however, that all provisions of the Performance Incentive Program, as implemented, must be consistent with the provisions of controlling Florida Law and this Policy.
2. The SFRPC shall take all actions necessary to administer the Performance Incentive Program in a manner consistent with the provisions of Florida Law and this Policy.
3. Any annual Performance Incentive Program implemented under the authority of this Policy must have budgetary approval by the SFRPC. Approval will be deemed granted if dollars used to fund the payments have been previously budgeted and approved by the SFRPC for salaries.

### Statutory Compliance

1. Any and all activities under the Performance Incentive Program implemented under the authority of this Policy must comply with the provisions of Section 215.425(3), Florida Statutes, in every respect and, thus, must:
  - a. Base the award of a payment to a SFRPC employee on work performance;
  - b. Ensure that the performance standards and evaluation process by which a payment may be awarded be only as set forth in this Policy;
  - c. Ensure that all employees are notified of the provisions of this Policy prior to the beginning of each evaluation period relating to which a payment will be based; and,

- d. Ensure that all SFRPC employees are considered for payment on an equal basis.
2. The Executive Director shall ensure that the compliance of the Performance Incentive Program with controlling state law is an element of each year's audit report as presented to the SFRPC.