

**CITY COUNCIL WORK SESSION**  
**MINUTES – February 8, 2011**  
**(Continued from February 1, 2011 Work Session)**

The City Council of the City of Edgewood, Florida met in a work session on Tuesday, February 8, 2011 at Edgewood City Hall, 405 Larue Avenue, Edgewood, Florida. The work session began at 2:00 p.m.

Present: Council President Judy Beardslee  
Council Member Neil Powell  
Council Member Malcolm Henley

Absent: Mayor Michael Teague  
Council Member Jim Bozeman  
Council Member David Willis

Also Present: City Clerk Bea Meeks  
Chief of Police Pete Marcus  
Code Enforcement Officer Debbie Wallace  
City Attorney Drew Smith  
Administrative Assistant Shannon Patterson  
Mayor Elect Ray Bagshaw  
Council Member Elect John Dowless

Council President Judy Beardslee called the work session to order at 2:00 p.m. to continue the review of the Personnel Policy Manual originally adopted April 2007. Council Beardslee said that Council will go through each section and note any issues. City Attorney Smith called attention to Article II, Section 4, as he believed Council will be referring back to it during the review. The following review and discussion was held:

- In response to Mayor Elect Bagshaw, City Attorney Smith said he had no concerns with Council's proposed changes. He noted that some things would not need to be changed.
- P 2-2, Section 6 "Variance From Policy" – A Department Director shall have the right to request, in writing, a variance from these policies when ~~individual~~ exigent circumstances so justify. The request shall be submitted to the Mayor. All variances require the written approval of the Mayor **prior** to implementation.

City Attorney Smith said if you have an actual circumstance that needed a variance two hours ago, it is not practical to call a meeting therefore, one concern he has if something falls through the cracks. This is why he noted Article II – Section 4, as he sees it as a "catch all". Discussion was held adding Mayor and/or Council City Attorney Smith recommended limiting the circumstances, because the language is broad. He provided "hypothetical" circumstances that

could lead to a lawsuit based on the broad language. Council President Beardslee stated that it should “be all or nothing” as it relates to the variance. She said the concerns that caused the proposed change may not occur in the future however, wants to prevent occurring again. City Attorney Smith noted that the policy can be changed by Council however, the Mayor executes it. Council President Beardslee suggested the Mayor could approve with confirmation by Council. *City Attorney Smith asked that he review further based on the discussion, take out broadness of the variance and in response to Council President Beardslee, City Attorney Smith said the language can be deleted from this section and placed in other sections on a case-by-case basis.*

In the same discussion, Council President Beardslee referred to Section 4.01, Mayor, of the Charter wherein it states “He/she shall be responsible to the council for the day to day administration of the city.” She pointed out that this section, before change, stated “...responsible to the citizens”, and either way is okay but the concern is that if the Mayor goes outside of this policy, there is no remedy. She said Council has no power because of their own policy. City Attorney Smith asked what Council thought about removing the elected officials how of the “variance” equation and give authority to make variances to department directors because they are “at will” employees and can be fired. Mayor Elect Bagshaw questioned if the variance was relevant to the Department Director, which is why he feels the paragraph should be deleted.

Council Member Henley asked why not have a temporary variance until such time Council can review. *It was the consensus of Council to have “temporary approval by Department Director until such time it can be reviewed by Council.”* Mayor Elect Bagshaw pointed out that you haven’t solved the problem if it relates to the City Clerk or Police Chief; City Attorney Smith says the current policy has the Mayor as administrative. *(Police Chief Marcus joined the meeting).*

- Council President Beardslee reminded everyone that they left off in the last session in Section 3 Definitions. City Clerk Meeks noted that the session left off at 4-1. City Attorney Smith explained the differences between exempt and non-exempt employees. City Clerk and Police Chief are salaried employees and are the only exempt employees for the City.
- 4-1 Compensation

City Attorney Smith said that ultimately Council has control of employee compensation. He said the only change he would recommend he would add and/or for Mayor and/or Council approval. He reminded Council about the “catch-all) in Section 4, as it relates to “reasonable time”. City Attorney Smith reminded Council only deals with “reasonableness”.

## Administration of Employee Compensation

In response to Council Member Powell's suggestion of "Council advice and consent," City Attorney Smith said to leave it out and put "Council approval." City Attorney Smith questioned why the Mayor has any role in the assumption of pay raises of the current department directors who answer solely to the Council. Council Member Powell said that the Mayor has been the one interviewing department directors, and would have to talk about raises. City Attorney Smith suggested setting a pay range. Department Head will be replaced with Department Director.

## Pay Rate After Leave of Absence And Recall

"If an employee is reinstated..., the pay rate upon reinstatement will be the same rate."

Council Member Powell related this to the municipalities who have changed staff positions and given reduced salary, or employees who return after previous employment with the City. Chief Marcus suggested comparable salary instead of "same rate."

## ***Consensus of Council "pay rate may be decreased"***

### Pay Rate Upon Demotion

"...not necessarily be decreased"

Council Member Powell related this to a demotion for cause, not necessarily voluntary. City Attorney Smith said the proposed language gives the City latitude as it relates to pay however, he questioned whether or not this language is needed. He said that language has already been built in as it relates to pay. ***Consensus of Council to not add this language.***

### **4-3 Employee Paychecks**

"City employees receive their paychecks...report promptly any discrepancies to the Department Head or Mayor."

Council Member Powell asked for the difference in Department Head and Department Director. City Attorney Smith that the two terms are used interchangeably. Police Chief Marcus questioned if the paragraph was needed. City Attorney Smith explained that this language covers the situation of when an employee is over-paid; the employees have the responsibility to report overpayment in paycheck. Chief Marcus asked if you can add language that says employees are discouraged from comparing their paychecks. City Attorney Smith said that you can't discourage and there is nothing that you can do about it.

### **Issuance of Paychecks**

“Paychecks are issued by direct deposit...”

In response to Council Member Powell, Council President Beardslee explained the process of direct deposit however, if employees want a paper check, they will receive one. City Attorney Smith recommended changing *paychecks are issued by direct deposit to may be made by direct deposit*. *Consensus of Council to make the change.*

### **Longevity Payment**

Mayor Elect Bagshaw noted that if you have an employee who has received reprimands, they should not be rewarded with a longevity payment that he sees this pay as a bonus. City Attorney Smith confirmed that you can document a verbal reprimand however, it does not go into the employee's file; the Director would keep it in their own file. In response to Council President Beardslee, City Attorney Smith said you can remove longevity pay and it can become a bonus pay. He said that when you reduce the longevity pay without due process argument, that is where you run into problems; you can change the language. Chief Marcus asked if there would be a tie-in to annual evaluation. *Consensus of Council that bonus pay would not be tied into evaluations but tied to reprimands.* Council President Beardslee confirmed the percentages should be 10, 25 and 50 reductions.

### **Employment Application**

Mayor Elect Bagshaw noted that hours should be changed to 8:00 am to 4:00 pm. on the application

### **Recruitment, Applications and Employment**

Discussion held regarding problems associated with last recruitment process for City Clerk position. City Attorney Smith said the new Section 2-4 provides for Council overriding the Mayor, so the proposed language is not needed.

Chief Marcus noted that EEO language needs to be added to City Hall applications and recruitment notices; the applications for the Police Department already have this language, as it is one of the requirements for accreditation.

In continued discussion regarding the recruitment process, City Attorney Smith said it is appropriate to include Mayor and Council as part of the approval process. In response to Council President Beardslee, City Attorney Smith said he has no problems leaving “temporary employment agencies”.

Council President Beardslee proposed that Mayor and City Council appoint department directors. City Attorney Smith recommended deleting.

Council Member Powell gave some history of consideration of the City having a City Manager in 2005.

City Attorney Smith suggested add definitions to include department directors shall be Police Chief, City Clerk, etc; or, other positions as determined by City Council.

In response to Council Member Powell, City Attorney Smith confirmed anyone can file an application, it does not mean it has to be considered; this is to avoid discrimination.

### **Employment Process**

In response to Chief Marcus, City Attorney Smith confirmed this does not apply to police as their process is under the CBA.

Council Member Powell recommended changing specific time of accepting applications to "regular business hours."

Council Member Powell explained his recommendation for City Council Supervisor (Hiring Process). City Attorney Smith the cleaner way to do this is to break it out to Department Directors, or person designated by City Council.

***"Break it out so that every position other than City Clerk or Chief of Police the Department Director will go through all the steps for pre-hire. If it is the City Clerk or Chief of Police, then the Mayor or person designated by City Council."***

Council Member Powell pointed out page 5-4 (D) regarding benefit program and note that the City has not does this, do we need to have it.

***The City will periodically conduct meetings regarding City benefit programs and will issue policy updates as necessary.***

Further discussion, it was noted that insurance is updated, and this can include open enrollment. Council President Beardslee noted that there have not been meetings to discuss the parameters of our benefits. City Attorney Smith noted that this paragraph also serves as notice to employees. ***Council consensus to put this on the calendar for the annual review.*** City Clerk Meeks said that open enrollment is a good time to review the benefits. Council President Beardslee suggested a workshop in June to review current benefits, and a follow up

workshop when staff has been provided with the updated benefits information for the next fiscal year.

Chief Marcus asked if the process is a strict process, as he would like to have a union representative be part of the process. Council President Beardslee stated she feels the benefits workshop should be held when convenient for employees to attend.

### **Code of Conduct**

City Attorney Smith said he was good with the language Mayor Elect Bagshaw provided. He said it ties into Conflicting Employment or Contractual Relationship, as it relates to use of equipment, supplies, etc.

*Add to first paragraph make last sentence "Employees may not conduct or receive any business documents as it relates to employment or business ventures not related to the City of Edgewood employment".*

### **Conflicting Employment or Contractual Relationship**

Council Member Powell stated language provided in current Personnel Policy isn't true because of the Police who direct traffic at the Church. Chief Marcus noted that his department has a separate policy related to off-duty work. Continued discussion as it related to the police officers not being covered under the Personnel Policies as they are covered under their Collective Bargaining Agreement, although the Police Chief is covered under the Personnel Policy. *It was agreed to add reference to Article II, Section 1, relevant to employees covered under the collective bargaining agreement.*

### **Communications Equipment**

*Consensus to add fax to the list of communications equipment.* Chief Marcus noted that his department's fax go through the computer.

### **Complaints Received from the Public and Investigations of Complaints**

Council President Beardslee noted that Council should be aware of complaints. Chief Marcus said this can't apply to contractual employees. City Attorney Smith pointed out that this paragraph is not based on who the complaint is about but who received the complaint, which has a duty to report it to their supervisor. Council President Beardslee said she only wanted to hear complaints that could escalate. She said that she is not concerned about the process, she doesn't want council to be blindsided. *Consensus that any written complaints subject to public records to be included in next agenda packet.*

### **Dress, Grooming and Personal Appearance**

Discussion regarding whether or not employees be allowed to wear jeans/denim on casual Friday. *Consensus to delete casual Friday.* City Clerk Meeks noted that on days she works in the records room, she finds jeans/denim more appropriate for that type of work. Code Enforcement Officer Debbie Wallace said jeans/denim more appropriate when she is out in the field. City Attorney Smith said he will draft some language.

### **Policy on Drugs and Alcohol**

City Attorney Smith said the policy falls in line with a “drug free workplace”. He explained other circumstances that this policy covers. Council President Beardslee questioned if a positive drug test is a dismissal offense. City Attorney Smith noted that the personal policy provides for that. Chief Marcus said that the policy doesn’t reflect that the City is a federal drug free workplace. Council President Beardslee ask for the policy to include all laws and standards allowed, including Chief Marcus request to show City is a federal drug free workplace, and ensure the policy is not lacking.

### **Whistle-Blower Act**

Council Member Powell suggested adding “report to member of City Council or Mayor. City Attorney suggested elected member. During the discussion regarding who do you report to, City Attorney Smith reminded Council that he represents the City, and not individual council members, staff or Mayor. If you say something to City Attorney Smith in confidence, it remains in his confidence unless Council ask what was said (waiving privilege), he has to reveal what was said.

*Consensus to change to reflect Council will be advised if act is founded and coverage includes Council too.*

### **Employee Personnel files, Verifications, Reference Checks**

No council discussion

Chief Marcus asked about personnel files and the official records custodian, and custody control. City Attorney Smith deferred to City Clerk Meeks, who is the custodian of all records, even though she may not have custody, she is still the custodian. City Clerk Meeks said she would like files of former officers, the application and payroll support documents. Shannon Patterson said that all their records are online.

## **Rules Regarding Smoking City Facilities and Vehicles**

Council Member Powell said this was discussed in council three years ago, and this was “shot” down.

*The City strives to improve working conditions and protect the health of employees. ~~Additionally, the City does not allow employees to smoke or use any tobacco products during work hours, including meal and break periods.~~*

City Attorney Smith confirmed he will take out the language. Council Member Powell said City Hall is not a smoke free campus.

## **Reinstatement**

Chief Marcus noted this was discussed earlier. Mayor Elect Bagshaw asked if it should be reinstatement or re-employed, and need to define the length of time. ***Consensus to define length of time as six months.***

## **Duration**

Discussion regarding adding “...written evaluation by his/her immediate supervisor or Mayor”. City Attorney Smith said “Mayor” was taken out of last revision. It was noted that Police Chief and City Clerk serve at pleasure of Council so a probationary period really doesn’t apply; the probationary period is not tied into benefits.

## **Purpose**

Mayor elect Bagshaw recommended adding in paragraph to Section 1:

***Department heads will submit employee performance reviews to the Mayor for review.***

Mayor elect Bagshaw said he would like to address any problems, or say “thank you” for doing a good job.

Chief Marcus pointed out that there are no evaluation forms for Department Heads. Council President Beardslee said she has not seen an evaluation since she has been on Council (7-years). Discussion also held regarding the benefits of why it is good to provide copy of evaluation to Council because they may not be as happy with an employee as the Mayor is. ***9-1 Consensus to add to last paragraph that Department Directors will submit employee reviews to the Mayor acknowledgement. 9-2 After successful completion of his/her new hire probationary period an employee shall receive an evaluation on their hire anniversary date.***



Council President Beardslee expressed concerns about pay increase with a good evaluation if it falls after the approval of budget. City Clerk Meeks suggested building into the budget; Mayor Elect Bagshaw agreed that it needed to be built into budget.

Under Section 3, Mayor Elect Bagshaw discussed concerns associated with an employee who may not be happy with their evaluation and have no process to address. City Attorney Smith said there should be a place on the evaluation for the employee to respond. He said he will clean the language up regarding this.

### **Hours of Work and Overtime/Stand-By/Call-Back Compensation and Administrative Leave**

Council Member Henley said he thinks this is going to be resolved because there is a competent person on staff. City Attorney Smith said that authorization of overtime is a policy in the existing Policy. Council President Beardslee would like for staff reports to be provided to Council as it relates to vacation, sick and leave time. Confirmed that currently the accrual for vacation is 3.69 per pay period, and accrual for sick leave is 4.0 per pay period. Council President Beardslee stated that she thought this was “a lot of sick time”. She would like to see a “bucket” for sick leave and vacation time. Council Member Powell said that he thinks the sick accrual should be one day per month. It was noted that the City does provide short-term disability. Council President Beardslee asked that everyone continue to think about this and so when it is looked at again, they can re-factor the things they discussed.

### **Overtime Work and Pay for Non-Exempt Employees; Administrative Leave for Exempt Employees; and Compensation During Emergency Situations-Recommend Inclusion**

Council Member Powell expressed concerns regarding administrative leave, and City Attorney Smith stated that administrative leave applies to exempt employees, i.e. City Clerk and Police Chief, who may work more hours than anticipated. und)

### **Breaks and Lunch**

Council President Beardslee noted her conversation with City Attorney Smith, who, along with City Clerk said that employers are not required to give breaks. Council Member Powell noted that he never understood why prior staff did not open City Hall until 9 a.m. when they were in City Hall at 8 a.m., then leave at 4 p.m., and appeared they took one hour for lunch, so they were not working eight hours. He feels that City Hall should be open until 5 p.m. and staff should take an hour for lunch; perhaps stagger hours. Council Member Elect Dowless did not know that City Hall closed at 4 p.m. City Attorney Smith suggested giving the Department Directors the flexibility, without establishing a variance. Council President Beardslee stated that they may want to do a trial run with the hours.

City Attorney Smith deferred to City Clerk Meeks, who just left employment with a City that worked four, ten hour days. City Clerk Meeks said her thought was if it's not broke why fix it. She said she has not heard that a lot of complaints have been received, so she is not sure why they want to change the hours. Council Member Powell suggested polling the residence in the newsletter. Council President Beardslee said there is still time to resolve the concerns regarding the operation of hours. City Clerk Meeks noted for the Council that if hours are established from 8 am. to 5 p.m., with one hour lunch, and established breaks, they need to be aware that Debbie is bound to the lunch and break times and cannot receive calls or assist at the counter. The question was raised "what happens if Bea is out sick", and City Attorney Smith said Debbie would be paid overtime. Council Member Powell again requested that residence be polled in the newsletter regarding hours of operations. Council President Beardslee suggested change language in Section 7-A to allow the Department Directors, with approval of Mayor and Council, to determine the hours. City Attorney ask why have the Mayor and Council involved, establish the hours and leave it up to the Department Directors.

#### **Employees Absence From Work and Tardiness**

Council Member Powell questioned (A), (B) and (C) of the Section, and also questioned having a time clock. City Attorney Smith explained for Council Member Powell that planned sick leave relates to a doctor appointment, surgery, or appointments of this nature. Council Member Powell suggested defining illness. City Attorney Smith said you can define illnesses but doctors will not note the illness on a doctor's excuse. Further discussion regarding abuse of sick leave. Council President Beardslee noted this is a good reason for "one bucket" for sick and vacation leave. Council Member Elect Dowless stated he liked the idea. Consensus in favor of Paid Time Off (PTO).

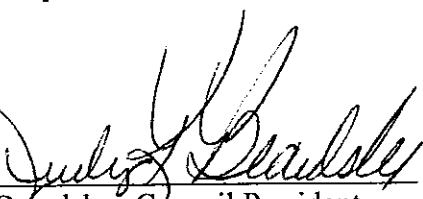
It was agreed to wait until next Council meeting and schedule the final workshop to finish Personnel Policy.

City Attorney Smith asked Council Member Henley about his concerns regarding educational assistance program. Council Member Henley stated that he feels with the new staff, a lot of his concerns will be corrected.

Council Member Powell questioned the floating holiday, and City Attorney Smith said that it can be used by employees who observe religious holidays that are not a paid holiday.

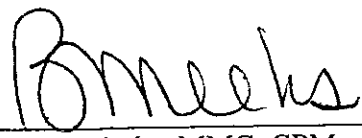
City Attorney Smith asked Council to let him know if there was anything left out so he can make sure it is in the final draft.

Workshop session ended at 5:45 p.m.



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Judy Beardslee, Council President



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Bea L. Meeks, MMC, CPM  
City Clerk

CITY COUNCIL APPROVED 19<sup>th</sup> DAY OF APRIL, 2011.