

RESOLUTION 17-113

A RESOLUTION OF THE CITY OF PANAMA CITY BEACH, FLORIDA, AMENDING THE CITY'S SICK LEAVE POOL GUIDELINES TO PROVIDE FOR CONTRIBUTION BY A MEMBER TO THE SICK LEAVE POOL UPON SEPARATION OF EMPLOYMENT; REPEALING ALL GUIDELINES OR RESOLUTIONS IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE.

BE IT RESOLVED by the City Council of the City of Panama City Beach, from and after the effective date of this Resolution, that the Sick Leave Pool Guidelines attached and incorporated herein as Exhibit A to this Resolution, are hereby amended to provide for contribution by a member to the sick leave pool upon separation of employment.

AND BE IT FURTHER RESOLVED that all guidelines or resolutions or parts of guidelines or resolutions in conflict herewith are repealed to the extent of such conflict.

THIS RESOLUTION shall take effect on July 27, 2017.

PASSED, APPROVED, AND ADOPTED in regular session this 27th day of July, 2017.

CITY OF PANAMA CITY BEACH



MIKE THOMAS, MAYOR

ATTEST:



JO SMITH, DEPUTY CITY CLERK



CITY OF PANAMA CITY BEACH AGENDA ITEM SUMMARY

1. DEPARTMENT MAKING REQUEST/NAME:

Administration/Holly White

2. MEETING DATE:

July 27, 2017

3. REQUESTED MOTION/ACTION:

Approval of Resolution 17-113 amending the City's Sick Leave Pool Guidelines

4. AGENDA

PRESENTATION
PUBLIC HEARING
CONSENT
REGULAR

5. IS THIS ITEM BUDGETED (IF APPLICABLE)? YES NO N/A
BUDGET AMENDMENT OR N/A

DETAILED BUDGET AMENDMENT ATTACHED YES NO N/A

6. BACKGROUND: (WHY IS THE ACTION NECESSARY, WHAT GOAL WILL BE ACHIEVED)

The City's Sick Leave Pool committee meets at least once a year and more frequently on an as needed basis to consider requests from participants for the use of hours from the sick leave pool. The committee is comprised of employees representing all City departments who are appointed by the City Manager. Ms. White is the administrator of the sick leave pool but is not a voting member of the committee.

At its most recent meeting, the committee inquired as to whether all unused hours remaining after pay-out to a pool participant who terminated employment with the City (for any reason i.e. retirement, resignation, etc.) could be donated to the sick leave pool. Ms. White indicated that she saw no reason this couldn't be done and would make a recommendation to that affect to the City Manager. After discussion with the City Manager, both he and Ms. White support the request of the sick leave pool committee and recommend that the Sick Leave Pool Guidelines be amended to allow for unused hours of a pool participant to be donated to the pool upon separation from service with the City.

This change will have a positive impact upon all City employees participating in the pool. The Sick Leave Pool Guidelines require all participants to contribute 8 hours of their sick leave to the pool when they ask to join the pool. Further, the Sick Leave Pool Guidelines require that ALL participants contribute an additional 8 hours of sick leave to the pool if the pool hours fall below a specified minimum level. By allowing employees who participate in the pool to contribute unused hours (after pay-out) to the Pool it is unlikely that pool participants will ever be required to contribute any of their own sick leave hours to the pool other than the initial 8 hours required when electing to participate.

STAFF RECOMMENDS APPROVAL of the change to the Sick Leave Pool Guidelines proposed by the committee.

SICK LEAVE POOL GUIDELINES

CITY OF PANAMA CITY BEACH

SICK LEAVE POOL

GUIDELINES

Established January, 2007

SICK LEAVE POOL

A. SCOPE

This policy establishes a plan allowing participating full-time employees to pool sick leave for use on the depletion of their personally accrued sick leave, promulgated by the City.

B. ADMINISTRATION OF THE POOL

1. There shall be one sick leave pool established within the City.
2. There shall be an administrator and a committee who shall be jointly responsible for the oversight of the operation of the sick leave pool.
3. The City shall assign a responsible employee to:
 - a. Meet on a regular basis with the sick leave committee and review the sick leave accounts of all participating employees:
 - b. Maintain in a concise and orderly fashion accurate and reliable written records regarding all functions of the sick leave pool;
 - c. Investigate alleged abuse of the sick leave pool:
 - d. Receive applications from City employees who elect to participate in the pool.
4. The City Manager shall appoint one employee from each Department to serve on the sick leave pool committee. To be eligible for appointment each employee must be eligible to participate in the sick leave pool and must have elected to do so. Employees appointed to the committee shall serve a one-year term at the pleasure of the City Manager. If a committee member resigns from the committee for any reason during the term, the City Manager shall appoint a replacement to serve the remainder of the one-year term. The City Manager may re-appoint former and current members of the committee to additional one-year terms. All such terms shall begin on the date of appointment to the committee and end one year from that date.

5. The sick leave committee shall:
 - a. Meet on a regular basis with the administrator;
 - b. Establish internal operating procedures which shall include, but not be limited to:
 - (1) A form and method for the enrollment of employees who elect to participate in the sick leave pool;
 - (2) A form and method for the cancellation of membership of employees who elect to withdraw from participating in the sick leave pool;
 - (3) A method for the deduction of sick leave hours from participating employee's sick leave accounts;
 - (4) A method for the expulsion of those members who have abused the use of the sick leave pool or who have repeatedly failed to maintain sufficient balance in their individual sick leave accounts to cover requests for contribution of additional hours.
 - (5) A form and review process for the requests of participating employees to utilize sick leave hours from the pool. This review process shall consider these criteria:
 - (a) Whether the employee making the request is an eligible member of the pool;
 - (b) Whether the occurrence leading to the request is considered a personal illness, accident, or injury for which leave can be withdrawn;
 - (c) Whether a valid medical certification accompanied the request to withdraw leave;
 - (d) Whether the employee has used all of their accrued annual leave;
 - (e) Whether the pool contains enough hours to grant leave to all employees whose requests

have been approved. If it does not, then requests will be processed and granted in the order received.

6. The administrator and committee shall annually audit the operations of the sick leave pool and provide a summary of their findings to each employee participating in the pool at the time the audit report becomes available. The summary shall include at least the following information about the 12-month period audited:
 - a. Number of hours on deposit in the pool at the close of the period audited;
 - b. Total number of hours withdrawn from the pool during the period audited;
 - c. Number of employees who withdrew leave from the pool during the period audited.
7. All records of the sick leave pool are personnel records and are open for inspection in accordance with City policy.

C. MEMBERSHIP AND PARTICIPATION

1. In order to be eligible for membership in the sick leave pool, an employee must:
 - a. Be a full-time employee of the City of Panama City Beach;
 - b. Have completed one year of employment with the City prior to participation in the sick leave pool;
 - c. Have a minimum of 120 hours of sick leave accumulated at the time of application to participate in the sick leave pool.
 - d. Be actively at work (not currently on sick leave) and verify that they do not have any knowledge of an existing health condition that would result in their being unable to work in the future.
2. In addition to satisfying the requirements of paragraph (1), an employee desiring to participate in the sick leave pool must

complete and submit an application form to the administrator of the sick leave pool. The application shall include the following:

- a. The employee's name and social security number.
 - b. A statement that the employee's participation is voluntary.
 - c. An authorization for an initial contribution of eight (8) hours of sick leave to the pool.
 - d. An authorization for additional contribution of sick leave upon depletion of the pool, capped up to maximum sixteen hours per year.
 - e. A statement of the terms and conditions of membership in the pool.
 - f. The signature of the participating employee.
3. Participation in the sick leave pool is at all times voluntary and a participating employee may withdraw from the pool at any time by giving written notice to the administrator of the sick leave pool. Upon withdrawal from the pool, an employee shall cease to be entitled to use sick leave credits from the pool and shall forfeit any contributions. The administrator shall immediately amend the roster of participating employees to reflect the employee's withdrawal. Any sick leave contributed to the sick leave pool by a participating employee shall be forfeited upon the employee's cancellation of membership in the pool, upon retirement, or upon leaving City employment.
4. A member of the sick leave pool may be expelled from the sick leave pool by a majority vote of the sick leave committee after a determination by the administrator that such member has abused the use of the sick leave pool. The administrator shall immediately amend the roster of participating employees to reflect the employee's expulsion from membership.
5. If warranted by the circumstance, abuses, and upon a majority vote of the committee, an employee who abused the use of the sick leave pool may be required to repay all or part of the sick

leave credits withdrawn from the pool by the employee. Credits shall be repaid to the pool immediately if there is enough sick leave in the employee's personal account to cover the total owed to the pool. If the employee's personal sick leave account does not have sufficient hours to repay the pool, all hours in the account will be immediately paid to the pool, and the remainder of the hours owed will be paid each month as they are accrued by the employee until all hours owed have been repaid.

6. Upon separation of employment, a member of the sick leave pool may contribute to the sick leave pool any hours in excess of those hours to which the member is entitled to be compensated under the City's benefits policy.

D. MAINTENANCE OF THE SICK LEAVE POOL

1. When 400 hours have been deposited into the sick leave pool, the pool will be activated for use by eligible participating employees.
2. No member of the sick leave pool shall use more than 480 hours of leave from the pool in a rolling calendar year. The basis for determining the start of the rolling calendar year will be the date of first approval for withdrawal of hours from the pool.
3. When any participating employee uses 240 hours of leave from the pool in any calendar year due to a continuing illness or injury, the withdrawal of any further hours shall require renewed medical certification and review. For other than a continuing illness or injury, medical certification and review shall be required for each request of withdrawal of leave from the pool.
4. The pool will be considered depleted when less than 240 hours remain on deposit.
5. Whenever the pool is depleted, each participating employee, with prior notification, shall contribute an additional eight (8) hours of sick leave to the pool, up to the maximum of sixteen hours per year.
6. If the participating employee's individual sick leave balance is less than eight (8) hours at the time the pool is depleted, she/he

shall contribute all hours accumulated, and shall contribute the remainder as soon as she/he has accrued additional sick leave credits. The employee shall not be allowed to use sick leave credits until the amount owed to the pool has been contributed.

7. If a participating employee repeatedly fails to have a sufficient balance in her/his individual sick leave account when requested to contribute eight hours to the pool, the reasons for the use of sick leave credits by the employee shall be investigated by the administrator for a determination as to whether the employee's membership in the pool should be cancelled. The decision to cancel an employee's membership shall be by majority vote of the committee.
8. Hours contributed to the pool shall be placed in a single account for use by all members. No contributions for the benefit of a specific individual, illness or position will be accepted.

E. USE OF SICK LEAVE FROM THE POOL

1. An employee who is on leave without pay for reasons other than a personal or family illness, accident, or injury shall not be eligible to receive sick leave from the pool.
2. Sick leave accumulated in the pool shall not be used by a participating employee until all personally accrued sick and annual leave have been used.
3. Any sick leave in the pool shall only be used by a participating employee for the employee's personal illness, accident, or injury or the illness, accident or injury of the employee's child, parent or spouse. The following occurrences or situations shall not be considered personal illness, accident or injury for the purpose of this rule, and shall not entitle participating employees to draw from the sick leave pool;
 - a. Participating in or voluntary commitment to a psychiatric facility, detoxification center, or similar rehabilitation program;
 - b. Cosmetic surgery, unless such cosmetic surgery results in serious complications or was necessitated by an illness, accident, or injury not excluded under this subsection;

- c. Intentionally self-inflicted injuries, such as resulting from a suicide attempt;
 - d. Illness, accident, or injury to a member of the employee's family who is not the employee's child, parent or spouse;
 - e. Personal illness, accident, or injury covered by Workers' Compensation.
4. The sick leave pool committee may authorize the use of sick leave from the pool. Medical certification of the accident, illness, or injury for which the use of sick leave is requested must accompany the request.
5. Abuse of sick leave from the pool shall include, but not be limited to the following:
- a. Misrepresentation of an illness, accident, or injury, or the circumstances surrounding it, in order to receive leave to which the employee is not entitled under the provisions of this rule;
 - b. Submission by an employee of medical certification which is from other than a qualified medical practitioner or which misrepresents the nature of the employee's illness.
6. A participating employee who withdraws sick leave hours from the pool shall not be required to replace those hours, except as a regular contributing member of the pool, unless required to do so because it has been determined that the employee abused the use of sick leave from the pool.

F. DISCONTINUATION OF THE SICK LEAVE POOL

- 1. The City Council may at any time repeal this rule for the purpose of discontinuing the sick leave pool.
- 2. All hours remaining in the sick leave pool, at the time of the repeal of this rule, will be apportioned among or returned to the remaining members of the pool.