

City of Port St. Lucie Personnel Rules and Regulations (2021 Revision) – Summary of Substantive Revisions

Item #	Section	Topic	Current Policy	Proposed Change	Rationale
1	Preface	The City Organization and Policy Statement	Silent on the Mission, Vision and Values.	Inclusion of Mission, Vision and Values Poster.	Dictates the beliefs, ideologies, principles, and values of the organization and form its culture. The culture of the workplace controls the way the employees behave amongst themselves as well as with the people outside of the organization.
2	Preface	The City Organization and Policy Statement: Introduction	Directs employees to inform the City Manager if the legislative body attempts to give them directives.	Requires employees to inform the City Manager if the legislative body attempts to give them directives.	This is governed by the City Charter at Section 3.07.
3	Preface	The City Organization and Policy Statement: Administration of the Handbook	Silent on the subject of clarification and interpretation of policies and procedures.	Inclusion of language that provides the Manager the ability to clarify and interpret any policy or procedure contained in the Rules. Permits the Manager to waive a non-monetary policy or procedure.	Affords the City Manager the ability to make exceptions to certain policies and procedures based on ambiguous language, compliance with laws, or for equitable reasons. Imperative because it provides the Manager with the ability to interpret provisions.
4	Section 1	General Provisions Subsections 1.3 and 1.4	Refers to "Personnel Director."	Revises all references to "Personnel Director" to read "Human Resources Director."	General housekeeping.
5	Section 1	General Provisions Subsection 1.5	Silent on the subject of Appendices.	Inclusion of Subsection 1.5 – Appendices.	Advises all employees that they are governed by not only the Rules and Regulations but also any City Council Directed, Management Directed, or Department Directed policies and procedures. Lists policies presently in existence but is not limited to said policies.
6	Section 2	Definitions of Terms		Revision of definitions to provide clarification and greater detail.	General housekeeping.
7	Section 2	Definition of Terms	Callback definition provides only scant information on the subject.	Callback definition now provides greater detail with respect to when a non-exempt employee would be required to return to work after completion of shift. Defines a minimum number of hours (2) an employee will receive for the first callback.	Clearly defines the action and the pay association with such action. Language is now consistent with FOPE agreement.

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8	Section 2	Definition of Terms	Silent on the subject of Call-In.	Introduces employee call-in procedures, which requires an employee to report to work on a scheduled day off.	Clearly defines the action and pay associated with such action.
9	Section 2	Definition of Terms	Compensatory time: Maximum cap is 40 hours	Provides the City Manager with the ability to increase or decrease compensatory time accrual limits.	Affords the City Manager the ability to exercise discretion in the best interest of the City.
10	Section 2	Definition of Terms	Contract Employee definition is ambiguous as to the interplay between an Employment Agreement and the Personnel Rules.	Definition explicitly provides that the Personnel Rules applies to contractual employees.	Eliminates ambiguity.
11	Section 2	Definition of Terms	Definition of Days is working days.	Definition revised to define Days as calendar days.	Easier to administer with respect to pay provisions, leave provisions, accrual provisions, etc. and comports with industry best practices.
12	Section 2	Definition of Terms	Silent on the subject of “Good Standing” Separation.	Introduces “Good Standing” separation to mean laid off, having resigned with the applicable notice, retirement, or separation without cause.	Provides clarification and outlines when employees would be entitled to payout for sick leave, in accordance with the years of service provisions outlined in the Personnel Rules.
13	Section 2	Definition of Terms	Full time and Part time definitions unclear.	Full time is defined as averaging 30 hours or more per week. Part time is defined as averaging fewer than 30 hours per week.	Revision ensures that definitions now comply with the Affordable Care Act definitions of Full time and Part time.
14	Section 3	Standards of Conduct Subsection 3.1 G. Whistleblower Obligations	Silent on the subject of Whistleblower Obligations.	Introduces Whistleblower Obligations wherein employees are expected to report circumstances of improper use of office, waste of funds, or other abuses.	Florida Auditor General recommends adding a Whistleblower Policy to employment policies even though it is an adoption of Sec. 112.3187, Florida Statutes.
15	Section 3	Standards of Conduct Subsection 3.1 J. Management Rights	Management Rights section is not as expansive as outlined in the Collective Bargaining Agreements or Florida Statutes.	Management Rights section has been amended to include CBA language and statutory language.	This is not a substantive change but, rather, incorporates language for a strong Management Rights section. These rights, however, are constrained by certain terms in the various CBAs.

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16	Section 3	Standards of Conduct Subsection 3.2 – Equal Employment Opportunity Policy (EEO)	Equal Employment Opportunity (EEO) Policy generically describes the City’s anti-discrimination goals and requirements.	EEO Policy is amended as follows: 1. Protected classes are expanded in accordance with local, state, and federal laws; 2. HR Director is designated as the EEO Officer and is responsible for anti- discrimination training, supervising discrimination charges, and noticing employees; 3. Establishes a complaint process; 4. Establishes an ADA accommodation process and permit an appeal to be filed pursuant to the Grievance procedures; and 5. Establishes a religious accommodation process.	The EEO Policy now complies with federal requirements. Additionally, the EEO Policy now develops and outlines a complaint and appeal process.
17	Section 3	Standards of Conduct Subsection 3.3 – Religious Accommodation	Silent on the subject of Religious Accommodations.	Includes section on the subject of Religious Accommodations.	Comports with Federal law providing reasonable accommodations for religious reasons and outlines the process for requesting same.
18	Section 3	Standards of Conduct Subsection 3.4 – Code of Ethics	Code of Ethics provision refers to Chapter 112, Florida Statutes, but does not detail the terms therein.	Code of Ethics provision is delineated with specificity and provides for adherence to Florida Statutes. The Policy includes the following: 1. Prohibits the use or disclosure of confidential City information; 2. Prohibits solicitation or receipt of items based on quid pro quo; 3. Prohibits the use of City property for non-City reasons; and 4. Permits certain political activities while off-duty.	Articulates the requirements pursuant to Florida Statutes and provides employees with detailed information regarding prohibited and permissible conduct.

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19	Section 3	Standards of Conduct Subsection 3.4 – Code of Ethics	Requires employees to take a leave of absence once declaring candidacy for <i>any</i> office.	Requires employees to take a leave of absence once declaring candidacy for <i>City</i> office.	Provides clarification to those who may seek to run for elected positions, whether for the City or outside of the City.
20	Section 3	Standards of Conduct Subsection 3.5 – Anti-Nepotism	Anti-nepotism policy is limited to Section 112.3135, Florida Statutes and relates to “public officials” only and not “public employees.”	Anti-Nepotism Policy revised to adhere to Chapter 112, Part III, Florida Statutes - Code of Ethics for Public Offices and Employees.	Comports with Florida Statutes on the subject.
21	Section 3	Standards of Conduct Subsection 3.6 - Fraternization	Silent on the subject of fraternization (romantic relationships).	Prohibits employees who have a romantic relationship from supervising (directly or indirectly) the other. Requires disclosure of the relationship to Human Resources. Requires that one employee transfer positions or departments to eliminate the conflict between the reporting and romantic relationship.	Provides detailed information regarding prohibited and permissible conduct. Assists in avoiding actual or perceived conflicts of interest, adverse effects on work performance and employee morale, avoids/eliminates concerns of favoritism, and decreases the potential for claims of harassment.
22	Section 3	Standards of Conduct Subsection 3.7 – Outside Employment	Outside Employment: Employees are discouraged from secondary employment and employees are not permitted to accept a job that interferes with their City position.	Develops an approval procedure for outside employment. Employees must provide notice of secondary employment within 2 weeks of commencement; the authorization for outside employment must be renewed annually; and approval of the secondary employment may be withdrawn by the City at any time if the secondary employment is deemed to interfere with City employment.	Provides greater detail and implements requirements for employees seeking secondary employment. The City reserves the right to withdraw approval at any time if secondary employment interferes with City employment.
23	Section 3	Standards of Conduct Subsection 3.9 – Release of Information/Public Records Requests	Contains general prohibitions against disclosing City business and referring public records queries to management.	Public Records Request section has been added which provides instructions on how to address public records requests.	The revised language is a codification of the City’s Public Records training, processes, and procedures.

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24	Section 3	Standards of Conduct Subsection 3.10 – Solicitation and Distribution	Charitable contributions by employees are voluntary and cannot be coerced.	Inclusion of formal Solicitation and Distribution section prohibiting on-duty solicitation and distribution of written materials.	Assists in avoiding distractions during work hours. Eliminates the potential for neglect of work and interference with the work of others.
25	Section 3	Standards of Conduct Subsection 3.12 – Use of City Property	Silent on the subject of the use of City property.	Inclusion of formal Use of City Property section detailing employee responsibility for reporting damaged or stolen property.	Provides notice to all employees that City equipment shall not be used for personal business. Provides for reporting procedures with respect to damaged, lost, or stolen equipment. Provides procedures for investigation into damaged, lost, or stolen equipment. Provides notice to all employees of the potential for discipline and/or the requirement for reimbursement to the City for lost or damaged property in the case of employee negligence.
26	Section 3	Standards of Conduct Subsection 3.13 – Dress and Appearance	Provides general language about dress and appearance standards.	Introduces formal Dress and Appearance Standards.	Dictates business casual dress code but leaves appropriate dress appearance to the discretion of the Department Head. Provides a list of acceptable and inappropriate items. Provides notice to all employees that employees will not be compensated for time missed due to their failure to comply with the dress and appearance standards.
27	Section 3	Standards of Conduct Subsection 3.14 – Smoke Free Workplace	Silent on the subject of Smoke Free Workplace.	Establishes a formal Smoke Free Workplace Policy.	Provides notice to all employees that smoking is prohibited in all City facilities, vehicles, and within 25 feet of building entrances, work sites, vehicles, and storage areas of flammable substances. Provides City employees and visitors with a safe, healthy, and productive work environment and complies with the Florida Clean Air Act.
28	Section 3	Standards of Conduct Subsection 3.18 – Post Employment Restrictions	Silent on the subject of post-employment restrictions.	Introduces a formal Post-Employment Restriction section which prohibits employees from representing a person or entity for compensation before Council for a 2 year period unless it involves collective bargaining.	Mirrors provision contained in employment contracts. Carves out an exception for collective bargaining and non-profit organizations.
29	Section 4	Applications and Recruitment Subsection 4.2 - Notification	Job announcements are posted for at least five (5) days with copies disseminated internally.	Job openings will be posted on the City's job board and website.	This was an inconsistency between the two rule books. Updated to reflect current practice.

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30	Section 4	Applications and Recruitment Subsection 4.8 – Veterans’ Preference	Veterans’ Preference: Requires that preference be provided in accordance with law.	Requires that eligible Veterans receive an augmented score if selection is points based or receive “special consideration” if not points based.	Veterans’ Preference section now comports with statutory law.
31	Section 5	Filling Vacancies Subsection 5.1 – Employee Classifications	Silent on the subject of Full time and Part time employment.	Specifically defines Full time employment as averaging 30 hours per week. Specifically defines Part time employment as working fewer than 30 hours per week.	Provision now complies with the Affordable Care Act.
32	Section 5	Filling Vacancies Subsection 5.1 – Employee Classifications	Provides for one (1) definition of Contractual Employee	Introduces two (2) types of Contractual Employees: 1. Regular, full time, employees governed by an employment agreement; and 2. Part time employees governed by a services contract and paid unconventionally.	Differentiates the two types of contract employees and provides notice to contractual employees that the Personnel Rules apply to them unless there is a contrary provision in their existing contract.
33	Section 5	Filling Vacancies Subsection 5.2 - Transfers	Voluntary transfers are permissible but is silent regarding probationary status.	Voluntary transfers are permissible but only by non-probationary employees.	Provides that voluntary transfers are permitted only if the employee has successfully completed their probationary period. However, if there is conflicting language in the CBA, the CBA will control.
34	Section 5	Filling Vacancies Subsection 5.3 - Promotions	Provides that an employee’s salary upon promotion will be at least the minimum salary for the new position. A five percent (5%) minimum increase shall be provided, with a higher increase possible upon recommendation.	Provides that, upon promotion to a higher pay grade, an employee’s salary will be increased ten percent (10%) or to the minimum salary for the new position, whichever is higher. Classification and evaluation date will change. Employee will be subject to a ninety (90) day probationary period.	Ensures that language comports with CBA.
35	Section 5	Filling Vacancies Subsection 5.3 – Promotions	Ambiguous on whether a vacancy can be filled without an external competitive process.	Provides that vacancies may be filled by promotion (external job posting is optional).	Provides greater detail and clarification.

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36	Section 5	Filling Vacancies Subsection 5.3 - Promotions	Silent on ability of probationary employees to seek promotion.	Introduces language that newly hired employees are prohibited from seeking a promotion during their probationary period.	Provides clear guidance that employees on probation shall not be permitted to apply for open positions until having satisfactorily completed their probationary period. The City Manager's right to waive this provision has been reserved.
37	Section 5	Filling Vacancies Subsection 5.3 - Promotions	Silent as to whether termination is an option for employees who have been promoted or whether they are required to be returned to their former position.	Delineates that failure to satisfactorily complete the ninety (90) day probationary period for promotion will result in return to prior position, if available, transfer to another position, or termination.	Does not <i>require</i> return to prior position. However, it is an available option should the prior position remain vacant. Allows for transfer to another position or termination.
38	Section 5	Filling Vacancies Subsection 5.5 – Effect of Demotion on Pay	Demotion pay discretionary (e.g. pay could not exceed the maximum rate of the position).	Specifies that a demotion will result in a pay decrease. Pay will not exceed the maximum rate of the designated pay grade. New classification date shall be established. Ninety (90) day probationary period will be applicable.	Provides greater latitude in determining the pay rate for a demoted employee. Provides departments with the ability to evaluate performance in the new position and subjects the employee to a probationary period.
39	Section 5	Filling Vacancies Subsection 5.7 - Reclassifications	Reclassification of employees not reflected.	Specifies that reclassification of an employee will result in a minimum five percent (5%) increase but cannot exceed the maximum of the pay grade.	Recommendation for an increase greater than five percent (5%) may be made but is contingent upon the approval of the City Manager, which may be based upon the circumstances. Discretionary authority resides with the Manager.
40	Section 6	Probationary Periods – Employment, Reclassification, Transfer Subsection 6.2 - Duration	Permits probationary employees to vie for other positions.	Revises and specifies that newly hired employees cannot be promoted during probationary periods.	City cannot effectively evaluate probationary employees who change positions. The City Manager has the ability to waive this provision at his discretion.
41	Section 6	Probationary Periods – Employment, Reclassification, Transfer	Provides that written evaluations shall be performed during probationary period at 30 day, 60 day, 90 day and 180 day intervals.	Provides for evaluations of newly hired employees at 30, 60, 90, 180 and 270 day intervals.	Probations period is 270 days (9 months) and a review is required to remove employees from probation. Thus, the 270 day review requirement has been included.

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		Subsection 6.3 – Evaluation of Performance			
42	Section 7	Attendance Subsection 7.1 – Hours of Work and Schedules	Silent on the subject of work week, workday, breaks, and flex time.	Inclusion of language regarding standard work week, workday, breaks, and flex time.	Clearly delineates the standard work week, workday/shifts, and break periods.
43	Section 7	Attendance Subsection 7.1 – Hours of Work and Schedules	Silent on the subject of nursing breaks.	Nursing breaks shall be in accordance with Federal law.	Comports with Federal law on the subject.
44	Section 7	Attendance Subsection 7.1 – Hours of Work and Schedules	Silent on the subject of flextime.	Flextime may be requested.	Provides the Supervisor with flexibility to accommodate the personal needs of the staff. Approval is discretionary based upon the staffing needs and, under no circumstances, shall flextime result in an overtime expense to the City.
45	Section 7	Attendance Subsection 7.1 – Hours of Work and Schedules	Silent on the subject of number of hours or days to be worked per week.	Specifies that employees are not guaranteed a number of hours or days to be worked per week.	Outlines a “standard” workweek but provides that employees will be assigned a work schedule.
46	Section 8	Annual Leave Subsection 8.2 – Charging Leave	Silent on the subject of maximum accrued leave.	Delineates the maximum accrual for annual leave and when annual leave may be utilized. Provides that annual leave shall be charged in increments of no less than one (1) hour.	Provides clarification and greater detail.
47	Section 8	Annual Leave Subsection 8.4 – Accrual and Usage	Silent on the subject of taking time off from work as “no pay.”	Inclusion of language regarding the ability of employees to take leave from work without pay when they have available accruals.	Provides clear direction and decreases the potential for conflict.
48	Section 8	Annual Leave Subsection 8.6 – Personal Days	Silent on the subject of Personal Days.	Provides for the grant of Personal Days and outlines whether they are compensable upon separation from service, whether the Personal Days carry over, and whether “no pay” may be utilized in lieu of personal leave.	Provides clear direction on the use of time.

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49	Section 9	Sick Time Subsection 9.6 – Sick Time Payment	Involuntary termination will result in forfeiture of accrued sick leave.	Outlines that forfeiture of accrued sick leave will occur upon separation <i>not</i> in good standing.	Specifies what constitutes separation <i>not</i> in good standing and provides notice that an employee forfeits payout of accrued sick time if they do not separate in good standing.
	Section 9	Sick Time Subsection 9.8 – Short-Term Illness/Disability Benefits	Silent on the subject of Short-Term Illness/Disability	Outlines eligibility for Short-Term Illness/Disability	Provides employees with notice as to Short-Term Illness/Disability benefits and the process for same.
50	Section 9	Sick Time Subsection 9.10 – Fitness for Duty	Lack of Fitness for Duty does not specifically include termination; only includes job modification, transfer, or leave of absence.	Dictates that lack of Fitness for Duty may result in termination.	Provides that employees not deemed fit for duty, and those refusing a fit for duty exam, may be terminated and shall be ineligible for rehire. All employees should be fit for duty and able to perform their job functions in a safe, appropriate, and effective manner.
51	Section 10	Holidays Subsection 10.2 – Eligibility for Holiday Pay	Eligibility for Holiday Pay indicates that employees are eligible to receive up to eight (8) hours of holiday pay at straight time rates.	Revised to reflect that employees are eligible to receive the hours of their scheduled shift (e.g. 8, 10, or 12 hours) as holiday pay at straight time rates.	Providing the shift rate is easier to administer with respect to pay provisions, leave provisions, etc. and comports with industry best practices.
52	Section 11	Leave of Absence Subsection 11.1 A. Family Medical Leave (FMLA)	FMLA policy includes obsolete language.	FMLA policy revised to conform to current law.	Consistent with current law. Provides greater clarification and detail.
53	Section 11	Leave of Absence Subsection 11.1 B. Military Leave	Military leave policy includes obsolete language.	Military leave policy revised to conform to current law.	Consistent with current law. Provides greater clarification and detail.
54	Section 11	Leave of Absence Subsection 11.1 E. Bereavement Leave	Bereavement Leave use by Part time employees not explicitly addressed.	Delineates that bereavement leave will be provided to Part time employees on a prorated basis.	Provides clarification and eliminates the potential for confusion.
55	Section 11	Leave of Absence Subsection 11.1 F. Administrative Leave	Permits the use of administrative leave but is bereft of detail.	Details the use of administrative leave, both paid and unpaid. Outlines instances of when administrative leave will be paid. Outlines instances of when administrative leave will be unpaid.	Provides a standard for implementation with respect to paid and unpaid leave scenarios.

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56	Section 11	Leave of Absence Subsection 11.1 G. Domestic Violence and Sexual Violence Leave of Absence	Silent on the subject of Domestic Violence and Sexual Violence Leave of Absence.	Incorporates leave from work for employees who require time off to deal with the issue or effects of domestic or repeat violence or sexual violence.	Comports with Florida Statutes Section 741.313.
57	Section 12	Position Classification Plan (Pay Plan)	Provides both a Position Classification Plan and a Salary Plan.	Provide additional clarity with respect to the Position Classification Plan and combine with provisions of the Salary Plan.	Provides greater detail and clarifies the pay plan for employees. The City does not have both a Position Classification Plan and a Salary Plan, so the sections were combined and obsolete language was removed.
58	Section 14	Exempt Status Subsection 14.2 – Compensation	Salary is dictated by Pay Plan.	Salary is dictated by Pay Plan or as agreed upon by Council.	Allows for the Council to provide a salary that deviates from the Pay Plan for those positions that are not on the pay plan (i.e. Charter Officers).
59	Section 14	Exempt Status Subsection 14.7 – Severance Pay	Permits 30 days severance for exempt employees or 90 days severance for City Manager.	Severance only permitted in accordance with an employment agreement or CBA.	Comports with State law, which restricts severance pay. Severance pay shall comply with provisions of the employment contract, if any.
60	Section 15	Separations Subsection 15.2 – Resignation	Silent on rescission of resignation.	Resignations may be withdrawn, in writing, and accepted at the discretion of the Department Head.	Provides Department Head with the discretion to accept the withdrawal of a resignation and retain an employee.
61	Section 15	Separations Subsection 15.12 – Reinstatement	Allowed for the rehire of those who separated in good standing, if a vacancy exists, to the same or similar position.	Provides that those who left City service in good standing shall be eligible for rehire to an open position for which they are qualified.	Encourages employees to provide adequate notice and to separate in good standing.
62	Section 16	Safety Subsection 16.3 – Workers' Compensation	Silent on the subject of employee requirements while undergoing treatment for a compensable Worker's Compensation injury.	Provides requirements for employees to respond to inquiries from Workers' Compensation carrier, case manager, medical provider, and City within a specified period of time, while the employee is undergoing treatment for a compensable Worker's Compensation injury or is on restricted duty status.	Provides for consistency for those employees placed on a paid administrative leave of absence and those on a Workers' Compensation leave of absence. Serves to decrease difficulties in contacting employees out on a compensable Workers' Compensation injury or restricted duty status.

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63	Section 18	Disciplinary Action Subsection 18.1 B. Progressive Discipline	Silent on the subject of progressive discipline.	Encourages philosophy of progressive discipline whereby employees receive increasingly greater levels of discipline for each successive instance of related misconduct.	Provides the employee with the opportunity to modify and correct their behavior.
64	Section 18	Disciplinary Action Subsection 18.1 D. Informal Instruction & Cautioning	Silent on the subject of informal instruction and cautioning.	Encourages the use of informal instruction and cautioning rather than formal discipline to advise an employee of work deficiencies and/or misconduct.	Provides the Department Head with discretion in providing informal instruction rather than formal disciplinary action. Provides the employee with the opportunity to modify and correct their behavior.
65	Section 18	Disciplinary Action Subsection 18.2 Types of Offenses	Provides for three (3) groups of offenses and guide for standard recommended penalties.	Expands upon the group offenses	Provides additional examples of unacceptable behavior.
66	Section 21	Appendices – City Policies	Silent	Provides notice of City Council Directed, City Manager Directed, Department Directed and other policies that are required to be adhered to by all employees.	Incorporates all City policies and requires adherence to all, in addition to the rules and procedures outlined in the Personnel Rules. Advises employees where to locate such policies and provides that all policies are subject to addition, amendment, or removal.