



Town of Davie

Department of Human Resources Management

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Date: August 13, 2003
To: Mayor and Councilmembers
Via: Thomas J. Willi, Town Administrator
From: Mark Alan, Director of Human Resources Management
Subject: Agenda Item 6.15 - Agenda Date: August 20, 2003

Title of Agenda Item:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 BY AMENDING RULE X, SECTION 3(c) OF THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS REGARDING VACATION LEAVE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

During the August 06, 2003, Town Council Meeting, upon first reading, the subject item was automatically tabled until the August 20, 2003, Town Council Meeting due to a lack of the three votes required to approve the ordinance. Two Councilmembers voted to adopt the ordinance and one Councilmember voted to deny the ordinance.

At this time, staff is requesting that the subject agenda item be withdrawn from the August 20, 2003, Town Council meeting agenda. Instead, the following agenda item, which encompasses the Personnel Rules and Regulation amendments that were the subject of the Agenda Item 6.4 - Agenda Date: August 06, 2003, (the item to be withdrawn) will be agendaized for the August 20, 2003, and September 03, 2003, Town Council meetings.

Title of Agenda Item agendaized for the August 20, 2003, and September 03, 2003:

AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE 74-33 ESTABLISHING THE TOWN OF DAVIE'S PERSONNEL RULES AND REGULATIONS AND AMENDING ALL SUBSEQUENT ORDINANCES AMENDING SAID ORDINANCE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Agenda Item 6.5 - Agenda Date: August 20, 2003, concerns a comprehensive revision of the Town of Davie's Personnel Rules and Regulations. Additional information regarding this item will be contained in the Town Council Agenda Report associated with the item.

Rule ~~X~~ IX, Section 3(c) of the Town of Davie's Personnel Rules and Regulations which was the subject of the Agenda Item 6.4 - Agenda Date: August 06, 2003, (the item to be withdrawn) has been amended in order to address Council concerns expressed during the August 06, 2003, Town Council Meeting. The most recent iteration of this particular item has been amended as indicated on the attachment to this memorandum and as the highlighted text that is double struck through and double underlined. This amended item will be included in the full text of the revised Personnel Rules and Regulations attached as an exhibit to Agenda Item 6.5 - Agenda Date: August 20, 2003.

These amendments to the vacation leave provision of the Town's Personnel Rules and Regulations increase the maximum amount of accrued vacation leave time employees are permitted to carry from year-to-year from eighty (80) hours to an amount equal to the amount of vacation leave hours accrued during that fiscal year [employees with less than five (5) years of service accrue eighty (80) hours, employees who have completed five (5) but less than ten (10) years of service accrue one hundred and twenty (120) hours, and employees who have completed ten (10) years of service accrue one hundred and sixty (160) hours]. These amendments also provide for the additional provision of the ability of employees to sell back hours in excess eighty (80) hours as long as the employee has utilized at least eighty (80) hour of leave time during the fiscal year.

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Employees covered by the Davie Professional Firefighters, International Association of Fire Fighters (IAFF), Local 2315 collective bargaining agreement (CBA) and the Fraternal Order of Police (FOP), Davie Lodge #100 CBA are already permitted to carry from year-to-year vacation time accruals in an amount equal to the amount of vacation leave hours they accrued during the year. Forty-eight (48) hour employees covered by the IAFF CBA may sell back to the Town two hundred and eighty-eight (288) hours of accrued vacation time per year, and forty (40) hour employees covered by the IAFF CBA may sell back to the Town ninety-six (96) hours of accrued vacation time per year. Non-represented forty-eight (48) hour Fire/Rescue Department employees are also already permitted to carry from year-to-year vacation time accruals in an amount equal to the amount of vacation leave hours they accrued during the year pursuant to current provisions of the Personnel Rules.

An increase in the amount of accrued leave time employees are permitted to carry from year-to-year and the addition of the provision of the ability of employees to sell back a certain amount of accrued leave time will benefit the Town of Davie through increased productivity associated with the potential increase in the number of days employees actually work per year; and through potential increases in the recruitment of highly qualified applicants for employment and the retention of valued employee members of the Town.

In addition, these amendments will reduce the amount of accrued hours the Town would be required to carry on the books into the next fiscal year. Disbursement of accrued vacation leave is based upon the prevailing salary rate at the time of distribution. These amendments will limit the Town's liability with regard to disbursement of accrued vacation leave. Without the disbursement of accrued vacation leave which may have been carried over into the next fiscal year in amounts indicated above (as would be the case without these proposed amendments) a potential additional cost to the Town would be realized, e.g., an employee may realized a 5% annual merit increase and a 3% to 4% cost of living adjustment (COLA) increase for a total of an 8% to 9% salary increase which would also be the percentage increase in the value of any accrued vacation time carried over from a period of time prior to the employee attaining said increases. Any disbursement of these benefits in amounts indicated above which will not need to be carried over into the next fiscal year (for which these proposed amendments provide) represents a potential cost saving to the Town since the salary rate at the time of disbursement may be less at that time.

Please contact me should you require any further information regarding this issue.

cc: Ken Cohen, Assistant Town Administrator
Russell Muniz, Town Clerk
El pagnier Hudson, Assistant Human Resources Director

Attachment – Amended Rule ~~X~~ IX, Section 3(c) of the Town of Davie's Personnel Rules and Regulations

MA:ma
council03.007 (ord03.003c cm08/20/03)

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Attachment – Amended Rule ~~X~~ IX , Section 3(c) of the Town of Davie's Personnel Rules and Regulations:

Section 3. Vacation leave.

- (a) *Eligibility.* All regular full-time employees are eligible for and begin earning vacation leave with pay as outlined below; however, an employee may not take vacation leave until he has completed six (6) months of service. Part-time employees working at least twenty (20) hours per week shall be eligible for leave credit earned by full-time employees on a pro rata basis.
- (b) *Accrual of vacation leave.* For purposes of accrual, the vacation year shall be October 1st through September 30th. Vacation is expressed in terms of working days. Except for certain employees in departments that regularly have employees work on holidays, holidays observed by the town are not considered working days for vacation purposes. Employees other than non-represented fire department employees regularly scheduled to work an average of ninety-six (96) hours biweekly whose leave is outlined in section 5 of this rule shall earn and may take vacation leave based on the following:
- (1) Employees with less than five (5) years of service accrue three and eight one-hundredths (3.08) hours biweekly, or ten (10) working days (eight-hour days) per year.
 - (2) Employees who have completed five (5) but less than ten (10) years of service accrue four and sixty-two one-hundredths (4.62) hours biweekly, or fifteen (15) working days (eight-hour days) per year.
 - (3) Employees who have completed ten (10) years of service accrue six and fifteen one-hundredths (6.15) hours biweekly, or twenty (20) working days(eight-hour days) per year.
- c) Accumulation of vacation leave. Vacation leave shall be cumulative; however, at the end of the fiscal year, an employee's vacation leave credits in excess of eighty (80) up to ~~one hundred and sixty (160) hours~~ an amount equal to the amount of vacation leave hours accrued during that fiscal year, as indicated in Rule ~~X~~ IX, Section 3(a) and (b) above, shall be ~~forfeited~~ transferred to the following fiscal year. ~~The amount transferable for a part-time employee who is regularly scheduled to work at least twenty (20) hours per week shall be forty (40).~~ Employees with hours accrued vacation leave in excess of the transferable amounts, as delineated in this section eighty (80) hours and who have utilized at least eighty (80) hour of leave time during the fiscal year, may be allowed to make an election during one month of the year (to be determined by the Town Administrator or designee) to sell the excess vacation leave time back to the Town, subject to available funds, at the discretion of the Town Administrator or designee. An employee may request the Town Administrator or designee provide an extension of those hours above the amount set forth herein for a period not to exceed twelve months. All time sold will be deducted from the vacation time accumulation.