CITY OF BILOXI
AGENDA ITEM
FACT SHEET

Item No.: 4E

Council Meeting Date: January 21, 2020

ITEM TITLE: ORDINANCE (2nd Reading)

INTRODUCED BY: Mayor Andrew "FoFo" Gilich

CONTACT PERSON: E. Michael Leonard, CAO

SUMMARY EXPLANATION:

Ordinance to amend the Code of Ordinances Sections 15-1-10, 15-2-10, 15-2-16, 15-2-23, and 15-2-25 to address performance increase eligibility, merit council, accrual of sick leave by part-time employees, unused leave crediting, medical leave without pay, and tuition assistance

Resolution_____ Ordinance ✓ Public Hearing_____ Routine Agenda_____

Exhibits for Review

Contract_____ Minutes_____ Plans/Maps_____ Deed_____ Lease _____

Other (Specify):

Submittal Authorization: Council President _____ Mayor ✓

STAFF RECOMMENDATION: Staff recommends approval

COUNCIL ACTION: Motion By: Tisdale Second By: Barrett

Vote:

Councilmember	Yes	No	Other	Councilmember	Yes	No	Other
Lawrence				Tisdale			
Gines				Glavan			
Newman				Barrett			
Deming							

ACTION TAKEN:

jp/km010720ahr

Ordinance No.

ORDINANCE TO AMEND THE CODE OF ORDINANCE SECTIONS 15-1-10, 15-2-10, 15-2-16, 15-2-23, AND 15-2-25 TO ADDRESS PERFORMANCE INCREASE ELIGIBILITY, MERIT COUNCIL, ACCRUAL OF SICK LEAVE BY PART-TIME EMPLOYEES, UNUSED LEAVE CREDITING, MEDICAL LEAVE WITHOUT PAY, AND TUITION ASSISTANCE

WHEREAS, the City of Biloxi Code of Ordinances, Section 15 (Personnel) is outdated and requires revision; and

WHEREAS, Section 15-1-10(a)refers to performance increases to be conducted on employees anniversary dates, and this practice is no longer used and should be eliminated from the ordinance; and

WHEREAS, reference to a "merit council" in Section 15-1-10(b)(c) is no longer valid and needs to be removed; and

WHEREAS, Section 15-2-10 clarifies hours of leave, changing language to reflect specific hours per month for part time employees; and

WHEREAS, Section 15-2-16(c) provides the process of crediting unused leave to the Public Employee Retirement System and changes requirement from quarterly to monthly; and

WHEREAS, Section 15-2-23 references the city's policy on medical leave without pay and must be revised to reflect the federal statute entitled Family Medical Leave Act; and

WHEREAS, Section 15-2-25 currently provides limit on tuition assistance in the form of "hours of college credits and should be changed to a hard limit of $5,250 per calendar year for employee tuition assistance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BILOXI, MISSISSIPPI, AS FOLLOWS:

SECTION ONE: WHEREAS, Sections 15-1-10,, 15-2-10, 15-2-16, 15-2-23, AND 15-2-25 of the Code of Ordinances of the City of Biloxi, Mississippi, of 1992, are hereby amended to read as follows:

Sec. 15-1-10. - Award criteria for performance increases; ~~delays; merit councils; appeals.~~

~~(a)~~ Subject to the appropriation of municipal funds, performance increases in the compensation of regular employees in each class shall be based upon an annual ~~anniversary date~~ determination of acceptable or outstanding performance. Performance increases, subject to the appropriation of municipal funds, ~~of 2½ percent~~ of an employee's base salary may be awarded to an employee who has been determined by his department director to have performed satisfactorily or better on all major duties and responsibilities of his position in accordance with established performance criteria. Inadequate or unacceptable performance on any major duty or responsibility shall delay any performance increase until the inadequacy is remedied. ~~The first delay of a performance increase shall be for 90 days. At the end of the 90-day period, the employee shall be reevaluated and, if his performance is determined to have met established performance criteria, an increase previously delayed will be granted. If the employee's performance is determined to be unacceptable upon reevaluation, a further 180 days' delay shall be established. Each delay shall establish a new anniversary date. A five percent increase may be granted to employees whose performance, as determined by the department director, is expected to continue to be outstanding. A determination of outstanding performance must be substantiated by full narrative documentation of actual incidents and aspects of the outstanding performance.~~

~~(b)~~ ~~All department directors shall establish a merit council within each department, which shall consist of a representative cross section of supervisory and nonsupervisory personnel within the department. The department of public safety may establish separate merit councils for police and fire personnel. Each department merit council shall recommend to the department director and the mayor a set of criteria for determining employee eligibility for performance increases within the department. The criteria shall be reviewed by the mayor, and upon his approval~~

~~shall be the criteria upon which department directors award performance increases within the departments.~~

~~(c) Employees who receive a delay of a performance increase may appeal the delay to their departmental merit council. Merit councils shall review and make recommendations to the department director on all such appeals. A procedure shall be established within each department to handle such appeals.~~

Sec. 15-2-10. - Accrual of sick leave by part-time employees.

Each regular city employee working less than 40 hours per week shall earn sick leave credits based on the following schedule:

(1) Ten to 20 hours worked per week: One-fourth day *(2 hours)* per month.

(2) Twenty-one to 39 hours worked per week: One-half day *(4 hours)* per month.

Sec. 15-2-16. - Crediting of unused leave on retirement.

(a) The city has four retirement plans. One is for firefighters and police officers, and is administered through the policemen's and firemen's disability and relief fund under the laws of the state. One is for all city employees eligible for the city employee's disability and relief fund. One is for city employees hired after July 1, 1987, and is administered under the public employees' retirement system. The other is for firefighters and police officers hired after July 1, 1976. All of these systems are now administered by the board of trustees of the public employees' retirement system.

(b) No maximum limits exist for annual or sick leave. Unused sick or annual leave for which an employee is not compensated upon termination or retirement shall be counted as creditable service for the purpose of the applicable retirement system in amounts equal to the amounts authorized for members of the public employees retirement system under similar circumstances, and under the terms and conditions otherwise provided by law. In computing unused leave or creditable service, 21 days of unused leave shall constitute one month of creditable service, and in no case shall credit be allowed for any period of unused leave of less than 15 days. In order to receive creditable service for the months of unused leave, the public employees' retirement system must receive a notarized certification of such leave balances from the governing authority of the employee's agency. For retirement purposes, all accumulation unused leave cannot exceed the provision of the state law relating to leave.

(c) The number of months of unused leave shall determine the number of quarters or years of creditable service in accordance with MCA 1972, § 25-11-109, as amended.

~~Number of Months of Service~~	~~Public Employees' Retirement System~~

~~10 to 13~~	~~1~~
~~7 to 9~~	~~¾~~
~~4 to 6~~	~~½~~
~~1 to 3~~	~~¼~~

Unused Leave Conversion Illustration

Leave conversion prior to July 1, 2017

Total Hours*	Equivalent No. of 8-Hour Work Days**	Applicable Service Credit Based on No. of 8 Hour Work Days
120	15	0.25
288	36	0.25
456	57	0.25
624	78	0.5
792	99	0.5
960	120	0.5
1128	141	0.75
1296	162	0.75
1464	183	0.75
1632	204	1.00
1800	225	1.00
1968	246	1.00

Illustration Leave conversion prior to July 1, 2017

Total Hours*	Equivalent No. of 8-Hour Work Days**	Applicable Service Credit Based on No. of 8 Hour Work Days
120	15	0.2500 (3 months)
288	36	0.2500 (3 months)
456	57	0.2500 (3 months)
624	78	0.5000 (6 months)
792	99	0.5833 (7 months)
960	120	0.6667 (8 months)
1128	141	0.7500 (9 months)
1296	162	0.8333 (10 months)
1464	183	0.9167 (11 months)
1632	204	1.000 (12 months)
1800	225	1.0833 (13 Months)
1968	246	1.1667 (14 months)

* 120 hours for first month and 168 hours for each subsequent month
** 15 days for first month and 21 days for each subsequent month

Service Credit Conversion Illustration

Month	*Prior to July 1, 2017*		*After July 1, 2017*	
	Quarterly Accrual	*Cumulative Accrual*	*Monthly Accrual*	*Cumulative Accrual*
July	*0.2500*	*0.2500*	*0.0833*	*0.0833 (1 month)*
August	*0.0000*	*0.2500*	*0.0833*	*0.1667 (2 months)*
September	*0.0000*	*0.2500*	*0.0833*	*0.2500 (3 months)*
October	*0.2500*	*0.5000*	*0.0833*	*0.3333 (4 months)*
November	*0.0000*	*0.5000*	*0.0833*	*0.4167 (5 months)*

December	*0.0000*	*0.5000*	*0.0833*	*0.5000 (6 months)*
January	*0.2500*	*0.7500*	*0.0833*	*0.5833 (7 months)*
February	*0.0000*	*0.7500*	*0.0833*	*0.6667 (8 months)*
March	*0.0000*	*0.7500*	*0.0833*	*0.7500 (9 months)*
April	*0.2500*	*1.0000*	*0.0833*	*0.8333 (10 months)*
May	*0.0000*	*1.0000*	*0.0833*	*0.9167 (11 months)*
June	*0.0000*	*1.0000*	*0.0833*	*1.0000 (12 months)*

The agency or personnel officer and the public employees' retirement system should be contacted for answers to specific questions regarding the crediting of unused leave.

(d) In cases involving city employees who are bound by law to a state or federal policy of sick and annual leave, the state or federal policy shall apply in place of the city policy. In all other cases, all employees of the city shall be governed by this article.

(e) If not otherwise prohibited by law or the rules, regulations or conditions of an applicable retirement system, an employee may aggregate the creditable service to be received for uncompensated sick and annual leave with that employee's other creditable service under any applicable retirement system to reach the eligibility requirement for retirement under the applicable system.

Sec. 15-2-23. ~~Medical leave without pay.~~

~~(a) If an employee is absent from work due to childbirth, illness, illness of a member of the immediate family, accident, or other medical condition or infirmity for a period in excess of that employee's accrued sick leave, advance credited sick leave if applicable, annual leave, and the employee may elect in writing to be placed on medical leave without pay for a period not to exceed 90 additional days. During this period the employee may continue to be covered by the city's health insurance program, provided that the total cost of the premium for such coverage, including what would otherwise be the employer's share, shall be paid by the employee.~~

~~(b) This 90-day period may be extended by resolution of the city council for employees on a case by case basis depending upon the employee's or the employee's immediate family member's anticipated recovery time, the extent of the employee's anticipated recovery, the anticipated availability of an open position at the end of the recovery period, and other relevant factors. During any such extension period the employee will have the same option to continue coverage by the city's health insurance program at the sole expense of the employee.~~

The City recognizes the Family Leave Medical Act of 1993 under to the United States Federal Statute.

Sec. 15-2-25. - Tuition assistance.

In addition to any other compensation to which a full-time, nonelected employee with at least one year of full-time employment with the city may be entitled, the city will pay or

reimburse, the actual and reasonable tuition charges ("tuition assistance") not eligible for scholarship or payment from other sources, for up to ~~21 hours of college level credits completed~~ *$5,250.00* during the calendar year with a grade of at least a C, or graduate level credits completed during the calendar year with a grade of at least a B, from an accredited institution of higher learning. The reimbursement shall be applied to courses completed during each calendar year regardless of when the tuition is paid by the employee. The college or graduate courses must lead to a degree or be certified by the employee's department director or mayor as relating to the employee's job with the city. The employee is also obligated to work for the city for at least two years following receiving any such tuition assistance. If any employee leaves employment with the city for any reason within two years of receiving any tuition assistance, the employee must repay the city for all tuition assistance received. Repayment will be deducted from the employee final payroll check.

SECTION TWO: This Ordinance shall become effective as soon thereafter as is

signed, certified and as is otherwise provided by the law.