

ORDINANCE NO. 36-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AMENDING THE CODE OF ORDINANCES, BY AMENDING TITLE 3, "ADMINISTRATION," CHAPTER 35, "EMPLOYEE POLICIES AND BENEFITS," SECTION 35.0001, "DEFINITIONS", SECTION 35.002, "APPLICATION; EXCLUSIONS," AND SECTION 35.003, "ADOPTION OF CODE OF RULES AND REGULATIONS" TO RENAME EACH SECTION AND UPDATE THE CITY'S PERSONNEL SYSTEM; PROVIDING A SEVERABILITY CLAUSE; AUTHORITY TO CODIFY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 15, 2018, the City Commission of the City of Delray Beach amended its Code of Ordinances in order to adopt the City's Personnel Policies and Procedures Manual; and

WHEREAS, it is necessary to further amend the Code of Ordinances to update the City's personnel system already established by the City Commission; and

WHEREAS, the City Commission has determined that this Ordinance is in the best interest and promotes the health, safety, and welfare of the citizens, residents, and businesses of the City of Delray Beach.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, AS FOLLOWS:

Section 1. The above recitations set forth above are incorporated herein.

Section 2. Title 3, "Administration," Chapter 35, "Employee Policies and Benefits," Section 35.001, "Definitions," of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended as follows:

Sec. 35.001. - ~~DEFINITIONS~~ PERSONNEL SYSTEM ESTABLISHED.

~~For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~*Governing authority.* The municipal officers of the City who are authorized to enact the ordinances of the municipality, and shall include only those officers who are authorized to vote on those ordinances.~~

~~*Seniority.* The length of service in any department in the municipality.~~

The City Commission hereby establishes a personnel system to govern the appointment of employees, classification and pay plans, promotions, force reductions, removals, working conditions, grievances, relationships with employee organizations, and other policies and procedures necessary to the administration of the city personnel system.

Section 3. Title 3, "Administration," Chapter 35, "Employee Policies and Benefits," Section 35.002, "Application; Exclusions," of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended as follows:

Sec. 35.002. - ~~APPLICATION; EXCLUSIONS~~ IMPLEMENTATION OF THE PERSONNEL SYSTEM.

(A) — ~~All persons regularly employed by the municipality in any department shall be construed to come within the provisions of this subchapter, except Assistant City Managers, Assistants to the City Manager, Department Heads and Police Majors. This subchapter shall not include any officer or person employed part time or for temporary duty only; nor shall it include employees covered under the terms of a collective bargaining agreement, or expired collective bargaining agreement which is subject to renegotiation unless otherwise expressly provided in this subchapter or in the code of rules and regulations or in the collective bargaining agreement.~~

(B) — ~~The provisions of this subchapter shall not apply to those persons appointed by the City Commission.~~

(C) — ~~An employee appointed to the position of Major in the Police Department after October 1, 1996, with previous permanent status under the Civil Service Act, shall have the right to return to the employee's previously held civil service position.~~

The City Manager is empowered to implement the personnel system established by the City Commission. The City Manager shall prepare rules and regulations to implement the system in the form of a Personnel Policies and Procedures Manual ("PPPM"), or such other format as the City Manager may determine is appropriate. The PPPM shall be effective upon issuance by the City Manager.

Section 4. Title 3, "Administration," Chapter 35, "Employee Policies and Benefits," Section 35.003, "Adoption of Code of Rules and Regulations," of the Code of Ordinances of the City of Delray Beach, Florida, shall be amended as follows:

Sec. 35.003. - ~~ADOPTION OF CODE OF RULES AND REGULATIONS~~ EXCLUSIONS.

(A) — ~~Subject to the qualifications contained in Section 35.002(A), the City Manager shall prepare rules and regulations in the form of a Personnel Policies and Procedures Manual ("PPM"), which shall be effective upon issuance by the City Manager. This PPM shall cover the regulations for the conduct and direction of the employees and shall prescribe their duties, hours of work, discipline, and control. The PPM shall contain rules and regulations for the appointment, employment, and discharge of persons in all positions in the municipality, based on merit, efficiency, character and industry. This PPM shall have the force and effect of law on employees of the municipality.~~

(B) — ~~The PPM shall be subject to modification, amendment, or expansion as deemed necessary by the City Manager.~~

The provisions of the PPPM shall not apply to employees covered under the terms of a collective bargaining agreement unless expressly stated therein.

Section 5. All ordinances or parts thereof in conflict or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 6. Should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part thereof other than the part declared to be invalid.

Section 7. Specific authority and direction is hereby given to the City Clerk to codify this Ordinance.

Section 8. This Ordinance shall become effective immediately upon its passage on second and final reading and shall apply to all existing and future applications for permits.

PASSED AND ADOPTED in regular session on second and final reading on this the _____ day of _____, 2025.

ATTEST:

Alexis Givings, City Clerk

Thomas F. Carney, Jr., Mayor

First Reading _____

Second Reading _____

Approved as to form and legal sufficiency:

Lynn Gelin, City Attorney