

COUNTY ADMINISTRATOR MATTERS

INDIAN RIVER COUNTY MEMORANDUM

TO: Honorable Board of County Commissioners

THROUGH: John A. Titkanich, Jr., County Administrator

FROM: Suzanne Boyll, Human Resources Director

DATE: June 3, 2024

SUBJECT: Approval of AM-202.4 At-Will Employment Policy, Amendment to AM-212.1 Termination, Amendment to AM-801.1 Behavior of Employees; Amendment to AM-804.1 Customer Service; Amendment to AM-807.1 Disciplinary Process

BACKGROUND:

Indian River County has established administrative policies outlining various policies, practices and procedures applicable to County employees. The current administrative policies extend due process and property rights to employees of Indian River County Board of County Commissioners. After completing the initial probationary period, employees may be dismissed only for "cause" as identified in County policy. The attachment of property rights to a public servant's job has been noted to lead to marginal or poor performers remaining employed and less likely to be motivated to be responsive to the goals and priorities of the County.

Florida is an at-will state, which means that either the employer or the employee can end the employment relationship without cause or without notice, for any non-discriminatory reason. County staff consulted with the County's labor attorney (of approximately 25 years) in the drafting of this proposed at-will employment policy. The County Administration seeks to align with the State of Florida and other Florida local government at-will employment provisions and designate the following positions as at-will:

- Deputy/Assistant County Administrators;
- Department Directors;
- Assistant Directors;
- Division Heads;
- Managers, or positions with managerial responsibilities directing employee(s) or managing a program;
- Commissioner Assistants

The County Administrator, Deputy County Administrator, Assistant County Administrator, and Human Resources Director initially identified the positions in a very measured manner and limited application of the policy to those positions that manage people and or programs, and those that provide critical support to the Board of County Commission. Department directors

provided input and several positions were reevaluated/evaluated, of which some were recommended to be excluded and some included. In the end, after reviewing job descriptions detailing duties and responsibilities, one position was excluded, and others recommended were not included.

Roughly ninety (90) staff members have been provided written notice of the proposed change to designate them as at-will employees and each employee has been notified they have the opportunity to address the Board regarding the proposed change prior to the Board voting on the proposed change.

The attached policy is a revised policy based on feedback from members of staff that presented concerns or suggested the application of the policy could be clarified. To address the process concern, the following revisions were made:

1. The policy noted (Comment 1), prior to the County initiating a separation under the at-will employment policy, for positions below the level of department director, the initiating manager must receive approval from the Human Resources Director and the County Administrator.
2. Comment 2 provides that if an employee, below the level of department director, is recommended for separation under the policy they would be able to request a meeting with the County Administrator prior to the separation date.
3. The Notice of Separation would provide the separation date and an employee would be placed on administrative leave with pay for a period of three (3) working days. If the employee requests a meeting, a meeting will be scheduled within five (5) working days and the employee will remain on administrative leave until the meeting is held and the final decision of the County Administrator is made.
4. Comment 4 provides that the County may provide severance payment of up to 20 weeks as approved by the County Administrator and at the discretion of the County Administrator.

All affected employees received a letter informing them of the proposed At-Will Employment policy along with a copy of the policy. The letter also advised affected employees that the policy would be presented to the Board of County Commissioners at its Tuesday, June 18, 2024, meeting.

In addition to a discussion among the senior leadership team on Monday, June 10th, County Administration held two meetings with affected employees, via Microsoft Teams, on Wednesday, June 12th (10 a.m. and 2 p.m.) to present this policy, specifically the revised policy which was provided to all affected employees at least 24 hours in advance of the meetings. More than 60 employees participated in the meetings.

Again, this policy only affects those employees (positions) who hold executive, managerial, or critical positions supporting the Board of County Commissioners. All other employees of the County will retain due process and property rights related to their current positions.

It should also be noted that absent from the County designating at-will employees, the County is limited by Florida Statute in its ability to provide severance pay up to 20 weeks.

In conjunction with this proposed policy, several other policies are proposed to be amended, two of which reflect and are consistent with this proposed at-will employment policy, one related to behavior of employees, and one related to customer service.

Briefly, the below policies are being amended:

- AM-212.1 Termination (to reflect and be consistent with the proposed At-Will Employment policy)
- AM-801.1 Behavior of Employees (to clarify and emphasize that employees serve the public; add that employee conduct includes complying with applicable departmental/division safety procedures; clarifying treatment of fellow employees and the public in a respectful and courteous manner; deleting the prohibition of possessing firearms or other weapons on County property; and clarifying insubordination)
- AM-804.1 Customer Service (clarifies the expectation that County is customer and service oriented and amends to declare expectations and responsibilities of employees representing the County, such as, providing “the highest level of customer service,” employees are encouraged to identify and report customer services concerns and work to improve or resolve customer service concerns, and provides guidance related to employees conduct in response to customers...listening, seeking to understand the customer’s perspective, and provide assistance, guidance, and direction, among others)
- AM-807.1 Disciplinary Process (to reflect and be consistent with the proposed At-Will Employment policy)

FUNDING:

There is no cost associated with these policy revisions.

RECOMMENDATION:

The Board of County Commissioners approve AM-202.4 At-Will Employment policy; amendment to AM-212.1 Termination policy; amendment to AM-801.1 Behavior of Employees policy; amendment to AM-804.1 Customer Service policy; and amendment to AM-807.1 Disciplinary Process policy.

ATTACHMENTS:

AM-202.4 At-Will Employment
AM-212.1 Termination
AM-801.1 Behavior of Employees
AM-804.1 Customer Service
AM-807.1 Disciplinary Process