

**CITY OF BONITA SPRINGS, FLORIDA  
ORDINANCE NO. 22-11**

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA,  
REVISING SECTION 7.02, COMPENSATION PLAN OF THE  
ADMINISTRATIVE REGULATIONS GUIDE, PROVIDING FOR  
SEVERABILITY, CONFLICTS OF LAW, SCRIVENER'S ERRORS, AND  
AN EFFECTIVE DATE.

**WHEREAS**, Section 36 of the Bonita Springs Charter authorizes the City Manager to "direct and supervise the administration of all departments, officers, and agencies of the City, except as otherwise provided by this Charter or by law;" and

**WHEREAS**, Section 39 of the Bonita Springs Charter provides that "the City Council shall provide by ordinance for the establishment, regulation, and maintenance of a merit system governing personnel policies necessary for effective administration of the employees of the City's departments, offices, and agencies, including, but not limited to, classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, and relationships with employee organizations;" and

**WHEREAS**, it has become necessary to amend Section 7.02j of the Administrative Regulations Guide to address pay for work performed during emergencies or disasters in accordance with those standards and guidelines promulgated by the Federal Emergency Management Agency (FEMA).

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Bonita Springs, Lee County, Florida:

**SECTION ONE: ADOPTION OF PORTIONS OF THE ADMINISTRATIVE  
REGULATIONS GUIDE**

Section 7.02 of the Administrative Regulations Guide, attached as Exhibit "A" is hereby revised.

**SECTION TWO: SEVERABILITY**

The provisions of this Ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any Court of competent jurisdiction shall hold any of the provisions of this Ordinance unconstitutional, the decision of such Court shall not affect or impair any remaining provisions of this Ordinance. It is hereby declared to be the legislative intent that this Ordinance would be adopted had such unconstitutional provision not been included therein.

**SECTION THREE: CONFLICTS OF LAW**

Whenever the requirements or provisions of this Ordinance are in conflict with the requirements or provisions of any other lawfully adopted City of Bonita Springs Ordinance or Florida Statutes, the more restrictive shall apply.

**SECTION FOUR: SCRIVENER’S ERRORS**


Sections of this ordinance may be renumbered or re-lettered and that the word “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or re-lettered and typographical errors which do not affect the intent may be authorized by the City Manager, or the City Manager’s designee, without need of public hearing, by filing a corrected or re-codified copy of same with the City Clerk.

**SECTION FIVE: EFFECTIVE DATE**


This ordinance shall take effect immediately upon adoption with the compensation plan being retroactive to June 1, 2022.

**DULY PASSED AND ENACTED** by the City Council of the City of Bonita Springs, Lee County, Florida, this 2<sup>nd</sup> day of November, 2022.

**AUTHENTICATION:**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:   
\_\_\_\_\_  
City Attorney

**Vote:**

- |        |     |            |     |
|--------|-----|------------|-----|
| Carr   | Aye | Purdon     | Aye |
| Corrie | Aye | Steinmeyer | Aye |
| Forbes | Aye | Quaremba   | Aye |
| Gibson | Aye |            |     |

Date filed with City Clerk: 11/2/2022

EXHIBIT A  
ADMINISTRATIVE REGULATIONS GUIDE

**Section: Classification and Compensation Plan**

**Policy: Compensation Plan**

**No. 7.02**

**Issued: September 1, 2014**

**Revised: *Ord. No. 22-XX (November 22, 2022)***

The compensation plan is intended to reflect the following:

- fair compensation for all classes in the classification plan with regard to range of pay for other classes
- general rates of pay for similar employment in private establishments and other municipalities or civil jurisdictions in the area or in other comparable areas
- availability of applicants to fill positions

To accomplish this, the City Manager may periodically seek approval from the City Council to conduct a comparative study of all the factors affecting the level of salary ranges and will recommend to the City Council such changes in salary ranges as are pertinent. Such adjustments will be made by increasing or decreasing the salary ranges as provided in the basic salary schedule. The rate of pay for each employee may be adjusted as approved by the City Council.

**7.02a: Use of Salary Ranges**

Salary ranges are intended to furnish administrative flexibility in recognizing differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service.

**7.02b: Appointment and Starting Rates**

The minimum salary established for a position is considered the normal appointment rate for new employees.

Appointments above the minimum salary, but within the salary range, may be authorized by the City Manager if the applicant's training, experience, market conditions or other qualifications are substantially above those minimally required for the position.

**7.02c: Pay Adjustments**

Minimum and maximum pay rates are determined for each position based upon periodic salary studies. City Council may, at any time, adopt, amend or alter pay ranges. A pay adjustment may not increase the rate of employee base pay above the maximum pay range of the employee's classification. When an employee's base rate of pay is at the maximum of the pay range of the employee's classification, the employee will only be eligible for a lump sum payment, if qualified.

#### **7.02d: Merit Pay Adjustments**

For the purposes of merit pay adjustments, the City Council may adopt an increase percentage annually as a portion of the personnel services budget. The type, amount, and distribution of employee merit pay adjustments will be approved annually by the City Manager based on the Performance Management System.

Pay adjustments may be given as a salary increase or a lump sum payment, to be administered by the City Manager based on the performance standards and evaluation process considering all employees.

In the event that there is a change in position during the year, the merit pay out will be pro-rated based on the salary, performance score, and time in each position.

If City Council provides the appropriate funding during the budget process, pay adjustments for merit will be effective at the beginning of the first full pay period after April 1<sup>st</sup> of each year.

#### **7.02e: Cost of Living Adjustments**

City Council has the option of considering a cost of living adjustment (COLA) when necessary to adjust salaries across the board for all employees. City Council provides the appropriate funding, if any, during the budget process.

#### **7.02f: Promotion Pay Adjustments**

When an employee is promoted to a position with a higher minimum salary, the employee's new pay shall be increased to the minimum for the new position or the employee shall receive a pay increase within the new range that reflects at least a five (5) percent increase, whichever is greater.

The Department Head may recommend a larger increase depending upon the circumstances of the promotion. Approval must be received from the City Manager.

Promoted employees shall serve a promotional introductory period in accordance with these policies and procedures (see section 6.03: Introductory Period). Promotions will not change the employee's anniversary date.

#### **7.02g: Demotions**

##### ***Involuntary Demotion***

When an employee is involuntarily demoted to a position in a classification with a lower minimum level salary, the employee's pay is likely to be reduced with the City Manager establishing a rate of pay within the range of the lower classification with consideration given to the Department Head's recommendations and factors such as the employee's length of service, work experience/history, knowledge, skills, abilities and previous performance evaluations.

Involuntary demotions may occur when an employee is not able to properly fulfill the normal duties and responsibilities assigned to a specific position.

***Voluntary Demotion***

When an employee requests a voluntary demotion, the pay may be reduced by the City Manager following the guidelines stated above. Voluntary demotions will only be granted if the position exists and it is in the best interests of the City to fill the position.

**7.02h: Lateral Transfers**

An employee on regular or introductory period status may, with the approval of the Department Heads concerned and City Manager, be transferred. Prior to accepting the transfer, employees should carefully consider the rules by which a transfer is accomplished.

An employee may be transferred within a department, to another department with the same classification or to another classification with a comparable salary range, and such transfer shall not change the employee's pay grade, pay rate or anniversary date:

1. If the employee has been employed less than six (6) months, he or she must serve an additional six (6) month introductory period.
2. If the employee has been employed six (6) months or more, but less than one year, he or she must serve a three (3) month introductory period.
3. If the employee has been employed for one (1) year or more, he or she must serve a one (1) month introductory period.
4. If during the introductory period the employee is found to be unqualified for the position or incompetent in performing the duties of the new position, he or she may be returned to the position from which he or she was transferred with the approval of the Department Heads and City Manager only if a vacancy exists.
5. If the former position is filled, an effort will be made to place the employee in a comparable position. If a vacancy does not exist and if it is impractical to create a new position, the employee may be transferred or demoted to another position for which he or she is qualified, or terminated and eligible for re-hire.

**7.02i: Acting Appointments Pay**

If an employee is temporarily appointed by a Department Head or the City Manager to an acting position for reasons other than vacation, for more than two (2) consecutive work weeks, the employee's pay may be increased to an appropriate amount as determined by the City Manager, for the duration of the appointment.

## 7.02j: Pay for Work during Emergencies or Disaster

The continued operation of critical functions in the event of an emergency or natural disaster situation is vital to the overall operation of the City and its many entities. Pay for employees who are required to work during an emergency or disaster will be as follows: Compensation for all work performed outside of normal City operations and due to an emergency or natural disaster shall be determined by the period of time in which the work was performed, as outlined below. The City Manager has the authority to define these time periods as applied to each natural disaster or other emergency circumstance, as appropriate.

- Emergency Prep period shall be defined as the period immediately prior to an anticipated emergency, such as the period of time in which the City is preparing for an on-coming hurricane or other forecasted potential natural disaster, beginning when non-essential personnel have been relieved of their duties while essential personnel continue working to prepare for the anticipated emergency or natural disaster prior to complete lockdown.

During the Emergency Prep period, all employees, including the City Manager, shall receive their base compensation for a normal workday, and reporting employees shall receive one and a half times their regular wages for work performed.

- Severe Weather/Incident Response period shall be defined as the period of time commencing upon the suspension of City operations and essential personnel are called upon to report for duty for the duration of the emergency. This period continues until the emergency ends or the dangerous conditions have abated.

During the Severe Weather/Incident Response period, all employees, including the City Manager, shall receive their base compensation for a normal workday, and reporting employees shall receive two and a half times their regular wages for work performed.

- Aftermath Response period shall be defined as the period of time commencing when employees are expected to return to work and continues until such time that City facilities resume normal operations.

During the Aftermath Response period, all employees, including the City Manager, shall receive their base compensation for up to 40 hours per week, plus one and a half times their regular wages for additional work performed.

The City Manager maintains the authority to modify this policy when the severity of the circumstances warrants such modifications.

### **Reporting Personnel**

1. ~~City employees, exempt or non-exempt, who are designated as essential personnel by the City Manager and are assigned to work during emergencies, will~~

~~be compensated for time worked. Paid time begins when the employee receives the call to report to work.~~

- ~~2. Emergency pay is calculated based on the employee's straight hourly rate; if more than 40 hours are worked during a normal work week, time and one-half the regular straight time rate will be paid.~~

### ***Non-Reporting Personnel***

- ~~1. When City operations are closed down before the start of a scheduled workday, all employees (non-essential and essential) will receive full pay for the scheduled workday.~~
- ~~2. When City operations are closed down during a scheduled workday, employees who report to work and are subsequently released by the City Manager will receive full pay for the workday.~~
- ~~3. Employees already on official leave will not receive any additional paid time off and will be paid according to their original leave request.~~

### ***Required Timecards***

All personnel are required to complete and sign individual timecards for all hours associated with emergency response. The timecard must document the dates and hours worked, along with a detailed description of the work performed on each date.