

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20070713

1. ACTION REQUESTED/PURPOSE:

Approve an addition to the Pay Procedures Policy 503 of the Policy and Procedures Manual to provide a mechanism for the Clerk to pay employees in the event of a disaster which would prevent the use of the usual processing procedures. Adopt a resolution to amend Administrative Code AC-6-1 to reflect these changes.

2. FUNDING SOURCE: None needed.

3. WHAT ACTION ACCOMPLISHES: In case of a declared disaster by the Board and a state of Local Emergency, adoption of these procedures will allow the Clerk to process payroll so that employees may continue to receive their wages during the state of local emergency until the Clerk's financial and timekeeping software has been restored and is available to fiscal personnel. Section 503 of the Policy and Procedures Manual would receive a new sub-section 503:4 (attached exhibit A).

4. MANAGEMENT RECOMMENDATION: Approve

5. Departmental Category:

CIA

6. Meeting Date: 5/22/07

7. Agenda:

- Consent
Administrative
- Appeals
- Public
- Walk-On

8. Requirement/Purpose: (specify)

- Statute
- Ordinance
- Admin. Code AC-6-1
- Other

9. Request Initiated:

Commissioner _____
Department Administrative Services
Division _____
By: Dinah Lewis

Dinah Lewis by C. Veart

10. Background: During a state of local emergency, such as a hurricane, there is no reasonable mechanism to timely report actual hours worked for all employees. Base hours would be used for regular and part time employees, and no on-call workers would be paid. Budget would suspend its review of payroll costs prior to the release of payments until after disaster recovery has been accomplished.

Normal payroll operations would resume when the financial and timekeeping software has been restored and is available to fiscal personnel.

Refer to the attached exhibit B "Finance and Records Department Payroll Office Procedures for Disaster Recovery and Disaster Processing" Section 10.01

11. Review for Scheduling:

| Department Director | Purchasing or Contracts | Human Resources | Other | County Attorney | Budget Services | | | | County Manager/P. W. Director |
|---------------------|-------------------------|-----------------|-------|--------------------|--------------------|--------------------|--------------------|--------------------|-------------------------------|
| | | | | | Analyst | Risk | Grants | Mgr. | |
| <i>[Signature]</i> | | | | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> | <i>[Signature]</i> |

12. Commission Action:

- Approved
- Deferred
- Denied
- Other

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|--|
| RECEIVED BY COUNTY ADMIN: <u>3/8/07 3:45 PM</u> |
| COUNTY ADMIN FORWARDED TO: <u>5/9/07</u> <u>330</u> |

LEE COUNTY RESOLUTION NO. _____

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80 and ff., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board of County Commissioners has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to Section 2.2.E. of Ordinance No. 96-01, the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III allows and provides for amendments to the Lee County Administrative Code to be made by Resolution of the Board of County Commissioners at a regularly scheduled Board of County Commissioners= meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now being proposed, and the Board of County Commissioners finds that such proposed amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of Lee County Ordinance No. 96-01, the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY

COMMISSIONERS THAT:

1. The above preamble is hereby accepted and approved as being true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment(s) to the Lee County Administrative Code AC-6-1 (attached hereto as Exhibit A), is (are) approved, and are hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment(s).
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any of the provisions of this Resolution shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other remaining provisions of this Resolution. It is hereby declared to be the Board=s legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. This Resolution shall become effective immediately upon its adoption by the Board of County Commissioners.

Commissioner _____, made a motion to adopt the foregoing resolution, seconded by Commissioner _____. The vote was as follows:

| | |
|---------------|-------|
| ROBERT JANES | _____ |
| BRIAN BIGELOW | _____ |
| RAY JUDAH | _____ |
| TAMMARA HALL | _____ |
| FRANK MANN | _____ |

DULY PASSED AND ADOPTED THIS _____ day of _____, 2007.

**ATTEST: CHARLIE GREEN
CLERK OF COURTS**

**BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA**

**BY: _____
Deputy Clerk**

**BY: _____
Robert P. Janes, Chairman**

APPROVED AS TO FORM:

**BY: _____
Office of the County Attorney**

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

| | |
|--|--|
| CATEGORY: Human Resources/Employees | CODE NUMBER: AC-6-1 |
| TITLE: Personnel Policies and Procedures Manual (Appendix "A") | ADOPTED: 8/3/88 |
| | AMENDED: 5/11/94; 6/6/00; 6/27/00; 12/12/00; 12/19/00 5/08/01; 7/24/01; 2/12/02; 6/4/02; 7/9/02; 10/1/02; 10/8/02; 8/12/03; 8/10/04; 3/1/05; 5/23/06; 5/22/07 |
| | ORIGINATING DEPARTMENT: Human Resources |
| <p><u>PURPOSE/SCOPE:</u></p> <p>This manual contains and describes all existing personnel policies, and was developed as a perpetual guideline for consistent interpretation of personnel policies.</p> <p>This manual is part of this Administrative Code and is under separate cover as Appendix "A", Personnel Policies and Procedures Manual.</p> <p><u>POLICY/PROCEDURE:</u></p> <p>503 PAY PROCEDURES to include section 4 "Processing a Payroll During a State of Local Emergency and Declared Disaster."</p> | |

Policy:

It is the policy of the County to pay employees on a regular basis and in a manner so that the amount, method and timing of such payments comply with any applicable laws or regulations.

Comments/Procedures:**503:1 GENERAL PROVISIONS**

1. Employees normally will be paid biweekly. If the regular payday occurs on a holiday, employees will be paid on the last working day prior to the holiday.
2. Employees on each payday will receive, in addition to their check, a statement showing gross pay, deductions and net pay. Federal and Social Security taxes will be deducted automatically. No other deductions will be made unless required or allowed by law, contract or employee obligation. Employees may elect to have additional voluntary deductions taken from their pay only if they authorize the deductions in writing, and if the additional deductions are approved by the County.
3. Employees who discover a mistake in their paycheck, lose their paycheck or have it stolen should notify Payroll immediately. In the case of a mistake, the error will be remedied promptly. In the case of loss or theft, payroll will attempt to stop payment on the check and reissue a new one to the employee. However, the employee is solely responsible for the monetary loss and the County is not responsible for the loss or theft of a check.
4. Employees who are eligible for vacation may receive an advance on their vacation pay so long as an approved request for it is submitted to Payroll at least three weeks prior to the commencement of the vacation. (See Vacation Policy 402.)

503:2 STAND-BY PAY

1. Time and one-half will be paid for a minimum of two hours if employees are called to duty during their stand-by status, regardless of hours worked. Paid time begins when the employee receives the call to report to work, and ends when the employee leaves the worksite. In addition, they will receive eight or ten extra hours of stand-by pay for their stand-by hours per week, to coincide with one regular shift. Such pay will be paid at their regular hourly rate and included in their regular rate for purposes of calculating any overtime payments due.

503:3 OVERTIME COMPENSATION

1. Non-exempt employees (as defined by the provisions of the Fair Labor Standards Act (FLSA)) will be compensated at the rate one and one-half times their regular hourly rate for work in excess of forty hours during their normal work week. (See Hours of Work Policy 307.)
2. Overtime for non-exempt employees shall be paid, at the discretion of the division director by either: (1) paying the employee time and one-half his or her regular rate of pay for all overtime hours, or: (2) offering the employee the ability to take compensatory time for all overtime hours worked at a rate of one and one-half hours off for each hour of overtime worked. In accordance with the FLSA, an employee is not required to accept the offer of compensatory time off, in which case overtime compensation must be paid. Only hours

PAY PROCEDURES

Policy Number 503

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actually worked in excess of forty during one week will be counted in the calculation of overtime and compensatory time. Sick leave, vacation leave, paid holidays, or any other paid time off will not be counted.

No County employee may accrue more than 160 hours of actual overtime hours worked (accrued at time and one-half equal 240 total compensable hours). Any County employee who accrues 240 hours of compensatory time off for overtime hours worked shall thereafter be paid time and one-half his or her regular rate for all overtime hours worked until such time as his or her accrued compensatory time off falls below 240 hours. Employees must use all accrued compensatory time by the last day of the last full pay period of the calendar year. Any unused time at the end of the last full pay period of the calendar year will be paid to the employee in cash overtime payments.

Any non-exempt employee who has accrued compensatory time off at the time of his or her separation of employment with the County, or who has accrued time at the end of each calendar year, will be paid for the unused compensatory time at a rate of compensation not less than: (a) the average regular rate received by such employee during the last three years of employment; or (b) the final regular rate received by the employee, whichever is higher.

Employees who have requested the use of their compensatory time off shall be permitted to use such time within a reasonable period after making the request, at the discretion of the supervisor.

503:4 Processing a Payroll During a State of Local Emergency and Declared Disaster

In case of a declared disaster and local state of emergency by the Board, where there is a concern that the daily operations will be impacted for more than a week, and in order to ensure our employees continue to receive their wages during the local state of emergency, the Board authorizes the Clerks Office to:

1. Prepare and issue payroll for the Board using base hours only for regular full and part time employees. On-call personnel would not be paid unless there is a reasonable mechanism to timely report actual hours worked to the Payroll Office.
2. Budget review of payroll costs prior to the release of payments for this payroll will be suspended and resolved, if necessary, when the County returns to normal operations.
3. The payments to individual employees generated by this payroll processing will be released upon authorization by fax, e-mail or verbal authorization which will be followed up with written authorization once the County returns to normal operations.
4. Normal operations are defined as being when the Board and Clerk's financial and timekeeping software has been restored and is available to fiscal personnel.

Finance and Records Department
Payroll Office

Section 10.01 Procedures for Disaster Recovery and Disaster Processing

- Steps for the Payroll Manager and/or designee to follow in the event of a known pending/possible disaster:
 - Print a current active employees report containing salary information. One copy is saved to a disk and one copy is printed out. Secure these with the other disaster supplies in the safe in the Revenue area.
 - Send a Payroll Clerk to the Clerk's Administrative office to retrieve the keys for the lock box containing the signature stamps.
 - Retrieve the lock box from the safe in the Revenue area and verify the contents.
 - Locate the Payroll Disaster Preparation box in the safe in the Revenue area and verify that check stock and other emergency supplies are present.
 - Designate a Payroll Clerk to print at least one set of timesheets for Port Authority and Court Administration to be secured with the other disaster supplies.
 - Burn a CD with the last set of payroll processing files for each of the four pay companies. These files are located in \\Ntserv04\Vista\REPORTS\pay and listed by check date.
 - Depending on the time of the month, burn onto CDs any files that could be unavailable for monthly filing; i.e. Retirement, Unemployment Comp.
- Steps for the Payroll Clerks to follow in the event of a known pending/possible disaster:
 - Make sure the work areas are free from loose paper by securing everything in drawers and/or filing cabinets.
 - Move all the CPU's to the Payroll work area by unplugging all the cords and rolling the stands containing the unit into the area.
 - Secure all personal items by either taking them home or placing them in desk drawers.
 - Print a contact list for each Payroll Clerk and verify its accuracy. This list is located on the \\NTSERVCN\data\Finance Department\Payroll\Payroll Contacts.
- If a hurricane *watch* is declared the Payroll Office will assess the need for early payroll processing using Kronos (Clerk and BoCC) or time sheets (Port or Court) depending on the payroll cycle involved. Pay stubs, vendor checks, files and discs will be disbursed to the appropriate companies removing as many documents from the Payroll Office as possible.
- If a disaster, such as a hurricane, is perceived to be a highly-probable, direct threat to Lee County, the Finance Director and Payroll Manager will make the determination to create a "Disaster Default Payroll". This payroll would pay all full-time, part-time and temporary employees their normal wages for the default hours listed in the PDS system. If this payroll is later determined to be unneeded, ISD will restore from a backup tape created before the default, disaster payroll was created. (*Default, disaster payrolls must be coordinated with ISD before they are created.*)

Finance and Records Department
Payroll Office

- If a hurricane **warning** is declared during working hours, the Payroll Office will make sure all disaster materials are secured in the Revenue safe. The staff will then be released to go home to await further instructions from the Payroll Manager or the Finance Director.
- If a hurricane **warning** is declared during non-working hours the Payroll Office is to remain home to await further instructions from the Payroll Manager or the Finance Director.
- The Clerk's ISD Office will make every effort to ensure that the PDS Vista system is the first application made available via WFH, at an off-site location, or in the "disaster trailer".
- If a disaster has taken place and regular operations cannot be restored at either of the Fort Myers Campuses, the Payroll Manager or designee will contact the Payroll Clerks and determine the best "location" to process payroll. This can include working from any home still able to access the Sarasota redundant site, a secondary location provided by the EOC, the Sarasota site, or a disaster trailer provided by ISD.
- In the **unlikely** event that the PDS Vista system cannot be recovered at ANY location and PDS Vista will remain unavailable for more than the pay period covered by the default, disaster payroll, the Payroll Office staff would have to generate hand written checks.
- The Payroll Manager and the Finance Director would determine the best way to distribute paychecks and relay information to the employees. Public Safety has offered their assistance in communicating with staff and by providing various sites around the county for recovery efforts or check distribution.