

TOWN OF GOLDEN BEACH, FLORIDA

RESOLUTION NO. 2802.22

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, ESTABLISHING A PERSONNEL BOARD, PURSUANT TO SECTION 3.04 OF THE TOWN OF GOLDEN BEACH CHARTER; PROVIDING FOR INTENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.04 of the Charter of the Town of Golden Beach provides for the Town Council to establish a Personnel Board at the first regular Council meeting after each general election; and

WHEREAS, the Council wishes to immediately take the action necessary to establish the Personnel Board; and

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals is hereby adopted and confirmed.

Section 2. Establishment of Board. Pursuant to Section 3.04(f) of the Town Charter, the Council hereby establishes the Personnel Board the membership of which shall consist of the Vice Mayor, Councilmember Kenneth Bernstein and Councilmember Bernard Einstein.

Section 3. Intent. It is the intent of this Resolution to establish the Personnel Board as of March 16, 2021.

Section 4. Effective Date. This Resolution shall be effective as of February 15th, 2022.

Sponsored by Town Clerk.

The Motion to adopt the foregoing Resolution was offered by Councilmember Bernstein, seconded by Councilmember Einstein, and on roll call the following vote ensued:

Mayor Glenn Singer	<u>Aye</u>
Vice Mayor Judy Lusskin	<u>Aye</u>
Councilmember Bernard Einstein	<u>Aye</u>
Councilmember Jaime Mendal	<u>Aye</u>
Councilmember Kenneth Bernstein	<u>Aye</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach, Florida, this 15th day of February, 2022.



MAYOR GLENN SINGER

ATTEST:



LISSETTE PEREZ
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



STEPHEN J. HELFMAN
TOWN ATTORNEY



TOWN OF GOLDEN BEACH

One Golden Beach Drive
Golden Beach, FL 33160

MEMORANDUM

Date: February 15, 2022

Item Number:

To: Honorable Mayor Glenn Singer &
Town Council Members

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From: Alexander Diaz,
Town Manager

Subject: Resolution No. 2802.22 – Establishing Procedures for
Conducting Employee Appeal Hearings Before the Town's
Personnel Board

Recommendation:

It is recommended that the Town Council adopt the attached Resolution No. 2802.22 as presented.

Background:

The Town's Charter calls for the Town Council to establish a personnel appeals board to hear the appeal of any employee or department head subject to appointment and removal by the Mayor for any disciplinary order, suspension or removal.

The attached Resolution establishes both the Personnel Appeals Board and the rules that govern the proceedings.

Fiscal Impact:

None.

EXHIBIT A

**PROCEDURES FOR CONDUCTING EMPLOYEE APPEAL HEARINGS
BEFORE THE BOARD PURSUANT TO SECTION 3.04 OF THE TOWN
CHARTER**

- A. Any Town employee who is subject to the appointment and removal of the Mayor (other than the Town Manager) who is terminated, demoted or suspended by the Mayor may appeal such disciplinary action to the Board.
- B. Such appeal must be in writing and submitted to the Town's Human Resources Director within five (5) working days after the issuance of the challenged termination, demotion or suspension.
- C. Upon receiving a request for appeal of the disciplinary action referenced above, the Human Resources Director shall review the request and set a hearing date.
- D. An employee shall receive at least thirty (30) calendar days notice of the hearing on his/her appeal. The notice of hearing should include the time, date, and place of the hearing. Hearings may be continued by the Board for good cause shown.
- E. The Board shall conduct an evidentiary hearing and may sustain, reverse, or modify the disciplinary action taken by the Mayor.
- F. At the hearing, the Vice Mayor shall act as Chairman. The Chairman shall rule on any objections raised by either party.
- G. The Town Attorney shall act as advisor to the Board and shall provide advice as to all legal and procedural matters.
- H. An employee is entitled (but not required) to obtain legal representation for the hearing.
- I. The Town may retain counsel to act as prosecutor on its behalf at the hearing.
- J. The hearing shall be tape recorded. If either party desires the presence of a court reporter or a transcription of the hearing, such party is responsible for bearing the costs related to such services.
- K. At the outset of the hearing, any unresolved matters including motions or procedural questions shall be addressed and resolved or ruled upon by the Board.

- L. After any preliminary matters are raised and addressed, the parties may make opening statements, with the Town proceeding first.
- M. The Town shall then present its case-in-chief providing evidence to substantiate the disciplinary action taken against the employee.
- N. After the Town presents its case-in-chief, the employee shall present his or her case-in-chief to refute the Town's allegations.
- O. Both parties may cross-examine each other's witnesses. Re-cross and re-direct examination are allowed.
- P. Both parties are permitted to present rebuttal witnesses.
- Q. Testimony shall be taken at the hearing under oath or affirmation.
- R. The rules of evidence will not be strictly adhered to during the hearing. Hearsay evidence may be offered and accepted—at the discretion of the Board—to supplement or explain other evidence. Irrelevant evidence shall be excluded.
- S. At the close of all the evidence, both parties may provide a closing argument.
- T. After the presentation of closing arguments, the Board shall deliberate in public.
- U. In its deliberations, the Board will be charged with determining whether, based on the evidence presented by the parties; the Mayor had a good faith basis for the disciplinary action taken.
- V. The decision of the Board shall be final except as otherwise stated in the Collective Bargaining Agreement between the Town and the Florida State Lodge, Fraternal Order of Police as relates to bargaining unit members.
- W. If the employee fails to appear at the hearing, the Board shall enter an order dismissing the appeal.
- X. If the terms of a collective bargaining agreement or contract provide a Town employee with different procedural rules for a disciplinary appeal than those contained herein, any conflicting rules contained herein shall be superseded by the conflicting terms of such agreement or contract.