

ORDINANCE NO. 999

AN ORDINANCE OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA, AMENDING THE SATELLITE BEACH PERSONNEL POLICY SECTION 11.06 (LEAVE WITHOUT PAY); PROVIDING AN EFFECTIVE DATE

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SATELLITE BEACH, BREVARD COUNTY, FLORIDA as follows:

SECTION 1. Said Policy was adopted by Ordinance No. 435 and amended by Ordinance Nos. 464, 477, 479, 488, 495, 505, 526, 546, 575, 612, 633, 640, 644, 653, 665, 697, 710, 711, 737, 770, 798, 821, 846, 893, 902, 914, 931, 940, 952, and 978;

SECTION 2. Section 11.06 B 8 of the Satellite Beach Personnel Policy is hereby amended to read as follows:

**SECTION 11
LEAVES OF ABSENCE**

11.06 Leave Without Pay

- B. Family and Medical Leave - All eligible employees are entitled to a total of twelve weeks of unpaid leave during any twelve-month period for one or more of the following reasons: (1) the birth of a child; (2) the placement of a child for adoption or foster care; (3) the caring of a spouse, child or parent with a serious health condition; or (4) a serious health condition that renders the employee unable to perform the functions of his or her position. The term "serious health condition" shall include only those illnesses, injuries, impairments or conditions that involve inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

The following conditions shall apply to any leave of absence requested under this section:

8. At the conclusion of any leave taken under this section, the employee shall be restored to his or her previous position, or an equivalent

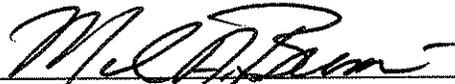
position with equivalent employment benefits, pay and other terms and conditions of employment. The employee shall be entitled to the accrual of seniority or other benefits during the term of the portion of the Family and Medical Leave covered by paid accrued vacation and/or sick leave. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay. The City reserves the right to deny restoration of employment of key employees as that term is defined in the Family and Medical Leave Act.

SECTION 3. SEVERABILITY CLAUSE. In the event a court of competent jurisdiction shall hold or determine that any part of this Ordinance is invalid or unconstitutional, the remainder of the Ordinance shall not be affected thereby, and it will be presumed that the City Council for the City of Satellite Beach did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the City Council would have enacted the remainder of this Ordinance without said invalid and unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. REPEAL OF INCONSISTENT PROVISIONS. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its adoption.

SECTION 6. This Ordinance was duly passed on first reading at a regular meeting of the City Council on the 6th day of August 2008, and adopted on the second and final reading at a regular meeting of the City Council on the 17th day September 2008.



Mark A. Brimer, Mayor

ATTEST:



Barbara Montanaro, CMC, City Clerk