



# MEMORANDUM

AGENDA ITEM # III.I

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DATE: JANUARY 6, 2014  
TO: COUNCIL MEMBERS  
FROM: STAFF  
SUBJECT: SFRPC EMPLOYEE PERFORMANCE INCENTIVE PROGRAM

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As discussed with the Executive Committee in November, please see attached memo and policy drafted by legal counsel.

Recommendation

Approval of attached policy for incorporation into the SFRPC Personnel Policy.

**MEMORANDUM**

**TO:** Paul Wallace, Chair  
Members of the South Florida Regional Planning Council

**CC:** James F. Murley, Executive Director  
Rhonda Noah, Chief Administrative Manager

**FROM:** Samuel S. Goren, General Counsel *SSG*  
David N. Tolces, Assistant General Counsel *DNT*

**RE:** South Florida Regional Planning Council ("SFRPC") / Employee Performance Incentive Program

**DATE:** November 19, 2013

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As a public agency, the SFRPC's ability to provide incentive payments to its employees is governed by Section 215.425, Florida Statutes. Specifically, Section 215.425(3), Florida Statutes, provides as follows:

- (3) Any policy, ordinance, **rule**, or **resolution** designed to implement a bonus scheme must:
- (a) Base the award of a bonus on work performance;
  - (b) Describe the performance standards and evaluation process by which a bonus will be awarded;
  - (c) Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
  - (d) Consider all employees for the bonus.

As provided for in the statute, the SFRPC **may adopt** a policy, rule, or resolution to implement the employee performance incentive program. So long as the SFRPC's policy, rule, or resolution meets the requirements contained in Section 215.425(3), Fla.Stat., the Council can implement such a policy.

Subject to the Council's direction, the General Counsel's Office can assist in drafting a policy to meet the statutory requirements.

SSG:DNT:dnt

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## PERFORMANCE INCENTIVE PROGRAM

### **STATEMENT OF POLICY**

Successful SFRPC employees demonstrate the core SFRPC values of service excellence, teamwork, self-management, professional integrity, and professional/technical excellence. The SFRPC Council recognizes the need to encourage, incentivize and reward SFRPC employees for superior work performance that advances or makes significant, notable contributions to the SFRPC's mission objectives. In order for the SFRPC to have the ability to give incentive payments to employees, section 215.425(3), Florida Statutes, has specified requirements that must be satisfied, which this Policy is intended to satisfy.

### **POLICY GUIDELINES**

The following guidelines apply to any bonus payment that the SFRPC elects to provide:

#### Performance Evaluation

1. The major factor in determining an employee's eligibility for payment under the Performance Incentive Program shall be that the employee clearly and/or significantly surpassing performance expectations and goals and is characterized by high achievement.
2. Payments to SFRPC employees under the Performance Incentive Program shall be determined by a thorough and complete review and analysis of the performance records of all SFRPC employees as documented in a written annual employee evaluation.

#### Eligibility

1. All SFRPC employees are eligible to be considered for a performance incentive payment under the Performance Incentive Program.
2. To be eligible for consideration for a performance incentive payment for a specific evaluation period, an employee must:
  - a. Be employed by the SFRPC in a full-time regular position;
  - b. Have been employed continuously for a period of one (1) year up through the date of the performance evaluation;
  - c. Must not have been on leave without pay consecutively for more than six months during the evaluation period;
  - d. Must have received no disciplinary action during the evaluation period through the date the performance incentive payments are distributed. Disciplinary actions include written reprimands, suspensions, dismissals, and involuntary or voluntary demotions that were associated with a disciplinary action; and
  - e. Have received a written evaluation of performance during the evaluation period.

#### Implementation

1. The SFRPC Board of Commissioners hereby authorizes the Executive Director to implement the provisions of this Policy and the executive Director is hereby delegated

- authority to take any and all actions otherwise necessary to administer the Performance Incentive Program; provided, however, that all provisions of the Performance Incentive Program, as implements, must be consistent with the provisions of controlling Florida law and this Policy.
2. The SFRPC Council shall take all actions necessary to administer the Performance Incentive Program in a manner consistent with the provisions of Florida law and this Policy.
  3. Any annual Performance Incentive Program implemented under the authority of this Policy must have budgetary approval by the SFRPC Council. Approval will be deemed granted if dollars used to fund the payments have been previously budgeted and approved by the SFRPC Council for salaries.

### Statutory Compliance

1. Any and all activities under the Performance Incentive Program implemented under the authority of this Policy must comply with the provisions of Section 215.425(3), Florida Statutes, in every respect and, thus, must:
  - a. Base the award of a payment to a SFRPC employee on work performance;
  - b. Ensure that the performance standards and evaluation process by which a payment may be awarded be only as set forth in this Policy;
  - c. Ensure that all employees are notified of the provisions of this Policy prior to the beginning of each evaluation period relating to which a payment will be based; and,
  - d. Ensure that all SFRPC employees are considered for payment on an equal basis.
2. The Executive Director shall ensure that the compliance of the Performance Incentive Program with controlling state law is an element of each year's audit report as presented to the SFRPC Council.