CITY OF BROOKSVILLE
CITY COUNCIL
PERSONNEL MANUAL WORKSHOP
JOSEPH E. JOHNSTON III COUNCIL CHAMBERS
201 HOWELL AVENUE

May 17, 2016 **2:00 P.M.**

AGENDA

A. CALL TO ORDER

B. INVOCATION AND PLEDGE OF ALLEGIANCE

C. DISCUSSION BY CITY COUNCIL

Discussion by City Council regarding the City Personnel Policy Manual

D. ADJOURNMENT

Meeting agendas and supporting documentation are available from the City Clerk's office, and online at www.citybrooksville.us. Persons with disabilities needing assistance to participate in any proceedings should contact the City Clerk's office 48 hours in advance of the meeting at 352/540-3810.

Any person desiring to appeal any decision with respect to any matter considered at this meeting, may need a record of the proceedings including the testimony and evidence upon which the appeal is to be based, and therefore must make arrangements for a court reporter to ensure that a verbatim record of the proceedings is made.

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

FROM: T. JENNENE NORMAN-VACHA, CITY MANAGER

SUBJECT: PERSONNEL MANUAL WORKSHOP

DATE: APRIL 12, 2016

To assist you in preparing for our upcoming Council Workshop to discuss the City of Brooksville's Personnel Policy Manual, I am providing an advanced copy of the Manual. I hope that this will allow you time to review the Policy well in advance of your discussions.

During our next Regular Session, April 18, 2016, I will be asking for Council to establish the specific date and time of your Workshop.

Please let me know if you need anything further.

Personnel Manual

TABLE OF CONTENTS

			Pages
Section 1	**General Provisions**		
	Policy 1.00	Purpose and Scope	1
	Policy 1.02	Grievance Procedure	2 - 3
Section 2	**Recruitment & Employment**		
	Policy 2.00	Equal Employment Opportunity	4
	Policy 2.01	Recruitment	5
	Policy 2.02	Employment of Family Members	6
	Policy 2.03	Personnel Records	7 - 9
Section 3	**Salary Administration & Compensation**		
	Policy 3.00	Hours and Pay	10 - 13
	Policy 3.01	Salary Administration	14 - 16
	Policy 3.02	On-call Pay	17 - 18
Section 4	**Employee Development & Training**		
	Policy 4.00	Employee Orientation and Training	19 - 20
	Policy 4.01	Employee Performance Evaluation	21
	Policy 4.02	Travel Allowances	22 - 24
	Policy 4.03	Tuition Reimbursement Program	25 - 27
	Policy 4.04	Identification and Licensure	28
Section 5	**Communications, Technology & City Property**		
	Policy 5.00	City Property, Equipment and Information	29 - 30
	Policy 5.01	Communications and Cell Phone Use	31
	Policy 5.02	Email and Computer Use	32 - 37
Section 6	**Code of Conduct**		
	Policy 6.00	Conduct Standards	38 - 42
	Policy 6.01	Conflict of Interest	43 - 45
	Policy 6.02	Dress and Appearance	46 - 48
	Policy 6.03	Prohibition of Harassment	49 - 53
	Policy 6.04	Disciplinary and Corrective Action	54 - 55
Section 7	**Employee Benefits & Services**		
	Policy 7.00	Holidays	56 - 58
	Policy 7.01	Vacation Leave	59 - 63
	Policy 7.02	Sick Leave/Extended Leave/Short Term Disability Bank	64 - 69
	Policy 7.03	Civil Leave and Jury Duty	70 - 71
	Policy 7.04	Bereavement Leave	72
	Policy 7.05	Family and Medical Leave	73 - 81
	Policy 7.06	Military Leave	82 - 86

	Policy 7.07	Domestic Violence Leave	87 - 88
	Policy 7.08	Leave of Absence Without Pay	89 - 90
	Policy 7.09	Administrative or Investigatory Leave	91
Section 8	**Safety**		
	Policy 8.00	Drug Free Workplace	92 - 104
	Policy 8.01	Safety and Accident Reporting	105 - 107
	Policy 8.02	Workplace Violence Prevention	108
	Policy 8.03	Exposure Control	109 - 110
Section 9	**Employee Separation**		
	Policy 9.00	Separation of Employment	111 - 112

Section 1
General Provisions

SECTION 1.00 PURPOSE AND SCOPE

I. POLICY

In accordance with the City Charter and Code, these policies and procedures (Policies and Procedures) are hereby implemented to act as a guide to administration of personnel actions which may arise. The final interpretation and application of these Policies and Procedures shall be made by the City Manager, or designee. The City Council reserves the right to amend, alter, modify, delete and add to these Policies and Procedures at any time and from time to time.

II. PROCEDURE

Amendments to these Policies and Procedures may be proposed to the City Manager. The City Manager shall promulgate amendments to these Policies and Procedures from time to time as determined to be in the best interest of the City to be approved by the City Council.

Department rules, regulations, policies or procedures (collectively, "Departmental Procedures") shall serve to supplement the Policies and Procedures within this Manual. Departmental Procedures will be in writing and submitted to and reviewed by the City Manager, or designee, for approval. Employees may be advised of the approved changes using standard communication channels. In the event of conflict between any Departmental Procedure, the Policies and Procedures stated herein will control.

Unless a specific section provides otherwise, the Policies and Procedures stated herein shall be applicable to all individuals in City service.

The City Manager or designee shall be responsible for the City's personnel administration.

SECTION 1.02 GRIEVANCE PROCEDURE

I. POLICY

Every Employee is encouraged to discuss work-related complaints or problems with their Department Director, or designee, or with management and to appeal discipline which the Employee thinks is unfair or not in accordance with established practices, policies and procedures.

II. DEFINITION

A. Grievance is defined as the application of a policy and/or a term and condition of employment that affects the Employee to an extent where the Employee believes such application is unjust or inequitable.

III. PROCEDURE

A. Initial Action. If an Employee has a Grievance, the Employee is encouraged to first discuss the Grievance with his or her Immediate Supervisor, who should attempt to resolve the Grievance.

B. Prohibited Acts. Employees shall refrain from voicing grievances to fellow Employees or Directors outside the chain of command who are not in a position to take corrective action, except that Grievances may be addressed through established reporting procedures.

C. Alternative. Occasionally, an Employee's Grievance involves his or her Immediate Supervisor. In such circumstances, the Employee may discuss the Grievance with the next higher level of management, the City Manager or a designee assigned by the City Manager to hear Grievances.

D. Appeal. If the Employee's Grievance is not settled satisfactorily during the Initial Action (or Alternative), the Employee may appeal the Grievance.

1. All appeals must be submitted in writing and received by the City Manager, or designee, within fourteen (14) calendar days after the adverse decision.

2. The City Manager will render a final decision on the matter after appropriate investigation. The decision of the City Manager shall be deemed final and binding on all persons.

E. Statutory Appeal Procedure. If an Employee is statutorily entitled to a due process appeal of a Grievance, the Employee's appeal must be submitted in writing and received by the City Manager, or its designee, within fourteen (14) calendar days after notice of an adverse action.

1. Failure of an Employee to file an appeal in a timely fashion, unless an extension has been granted in advance and in writing, will be deemed an automatic abandonment of his or her appeal.

2. Upon receipt of a timely appeal, the City Manager shall arrange a hearing in accordance with the statute governing same. Proceedings may be recorded by tape, video or other recorder or by a court reporter, if permitted by law.

3. The Hearing Officer shall consider the evidence before him or her and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned. At his or her option, the City Manager may delegate to another Department Director, an attorney or other person to hold the hearing whereupon such appointed Hearing Officer shall conduct the hearing, make recommended Findings of Fact and suggested Conclusions of Law. The City shall be bound by the recommended findings of fact as long as they are supported by probative evidence in the record (as determined by the City Manager). However, the City shall not be bound by the Conclusions of Law; and the City Manager shall make the final decision for the City with respect to all Grievances. The City shall bear the fee of any substitute for the City Manager which he or she delegates.

4. The time limits set forth above may be extended upon written request for reasons considered appropriate by the City Manager, or its designee.

5. In the event a grievance is filed which involves two (2) or more Employees in the same or similar event, happening or condition, the City Manager may rule that the Grievance will be consolidated for hearing and decision.

F. City Employees who are subject to the provisions of Florida Statutes §112.532 Law Enforcement Officers and Correctional Officers Rights and §112.82 Rights of Firefighters shall be afforded those rights as required by statute.

G. Collective Bargaining Units. For those Employees subject to a Collective Bargaining Agreement, these Grievance Procedures shall apply, unless otherwise superseded by the terms of the Collective Bargaining Agreement.

Section 2
Recruitment & Employment

SECTION 2.00 EQUAL EMPLOYMENT OPPORTUNITY

I. POLICY

The City prohibits discrimination against any individual, applicant, employee or citizen because of race, ethnicity, color, religion, sex, age, national origin, veteran status, religious creed, legally-recognized disability, marital status, or any other basis prohibited by statute. No aspect of employment or terms or conditions of employment within the City will be influenced in any manner by race, ethnicity, color, religion, sex, age, national origin, veteran status, religious creed, legally-recognized disability, marital status, or any other basis prohibited by statute.

II. DEFINITIONS

A. Terms and Conditions of Employment as referenced in this policy means hiring, termination, compensation, seniority, privileges, benefits, schedules, hours, and assignments.

III. PROCEDURE

A. The City shall communicate its policy on Equal Employment Opportunity in its recruitment and selection efforts which may include the notation Equal Opportunity Employer (EOE) or similar reference in recruitment materials and announcements.

B. To the extent required, the City may have an Equal Employment Opportunity Plan for purposes of addressing equal employment opportunity requirements.

C. Reasonable Accommodation. Otherwise qualified individuals with a known legally-recognized disability will be given full consideration for employment and will be offered reasonable accommodation as may be required by law.

D. Complaints by Employee's regarding violations of this policy should be addressed in accordance with the Grievance/Complaint procedure set forth in this manual.

SECTION 2.01 RECRUITMENT

I. POLICY

It is the policy of the City to utilize standard procedures for recruitment, selection and screening to fill job vacancies.

II. DEFINITIONS

A. Vacancy shall mean a job or position with the City that has an established job description outlining the responsibilities and requirements for the job, which has been appropriately budgeted, and is not currently being performed by an Employee.

III. PROCEDURE

A. All requests for hiring to fill a Vacancy will be made by the Department Director to Human Resources.

B. Prior to initiating recruitment efforts, Human Resources will verify that the requested position is properly budgeted and that appropriate authorization has been obtained from the City Manager, or his or her designee, to recruit for the position.

C. Once the Vacant position is authorized, Human Resources will provide a job opening notice/announcement to each Department.

D. Vacant position announcements will be posted in various Departments and on the City's website.

E. Internal Applicant Preference. An Employee may apply for a position any time applications are being accepted.

1. The Employee will complete and submit an internal applicant request to Human Resources on or before the specified date shown on the job announcement.

2. City encourages promotion from within in instances where a City Employee is qualified and is the best fit for the job.

F. Job Postings for internal and external applicant candidates will occur simultaneously or concurrently.

G. Veteran's Preference. Hiring preference will be afforded to eligible veterans in accordance with Florida Statute 295 and as otherwise required by law.

SECTION 2.02 EMPLOYMENT OF FAMILY MEMBERS

I. POLICY

In accordance with Florida Statutes §112.3135, a Public Official, Department Directors and Supervisors of the City may not appoint, employ, promote, advance or advocate for appointment, employment, promotion or advancement in or to a position within the City to a Department in which the official, director or supervisor is serving or over which he or she exercises jurisdiction or control, any individual who is a Family Member as defined herein.

II. DEFINITION

A. Family Member. Family Member includes parents, spouse, children, grandparents, grandchildren, brothers, sisters, half-brothers, half-sisters, uncle, aunt, first cousins, nephew, niece, father-in-law, mother-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepsister, stepbrother, or any legally recognized ward.

III. PROCEDURE

A. No Family Member will be hired into any Department within the City without the prior, written approval of the City Manager or his or her designee.

B. A Family Member will not be hired into a Department in which a Public Official, Department Director or Supervisor is serving or over which he or she exercises jurisdiction or control.

C. Family Members may not be placed in positions where they work with or have access to sensitive or confidential information regarding other Family Members.

D. If, during the term of employment, Employees become a Family Member as defined herein where a conflict of interest or management problems of supervision, safety, security or morale results, or, if reorganization creates such a conflict, reasonable time may be provided to resolve the matter. If resolution is not possible, the City, through the City Manager or his or her designee, may require one or both Employees to transfer to another Department or resign from employment with the City.

Section 2.03 PERSONNEL RECORDS

I. POLICY

The City maintains a personnel record for employees of the City. The City will comply with all federal and state regulations regarding recordkeeping and public access to the City's personnel records.

II. PROCEDURE

A. Personnel File. Employee Personnel Files will be maintained by Human Resources. The following information may be maintained in the Employee's personnel file:

1. Contact Information. Home address, telephone number and emergency contact information.

2. Background Documentation. Employment application, a resume, other material provided at time of application, background reference checks (personal and prior employment), certificates, diplomas, transcripts, other educational records, arrests and/or convictions, driver's license information, and employment by City of other relatives.

3. Employment Related Documentation. Commendations, written disciplinary documents, job description, payroll documents (wage increases, W-4, wage garnishments, etc.), Personnel Manual receipt, drug-free workplace statement.

B. Employee Responsibilities. All Employees are responsible for:

1. Becoming aware of and familiar with all Policies and Procedures which govern their employment with the City including those contained in this Personnel Manual, any Department Operating Procedures, and all updates and/or revisions to same.

2. Maintaining updated and accurate information contained in his or her personnel file, such as: name, address (actual place of residence and mailing address), home phone number, emergency contact, beneficiary designations, dependents eligible for family coverage of insurance, copies of certificates, diplomas, transcription, other educational records, arrests and/or convictions, driver's license status, employment by City of relatives, and any/all other information previously provided to City (e.g., information in job application). This includes providing required documents for the position that the Employee must maintain and hold to assure continued employment.

C. Liability for Accurate Personnel Records/Files Information. Employees are encouraged to review their Personnel File periodically to verify current information is on file. Reviews shall be coordinated through Human Resources. The City will not be liable for incorrect withholding, erroneous beneficiary designations, loss of Employee benefits or loss of promotional opportunity resulting from an Employee's failure to keep personnel records/files current.

D. Access to and Examination of an Employee's Personnel File.

1. Access Generally. Access to and inspection of an Employee's Personnel File is permitted at any time by the City Manager, Human Resources, Department Director, or the designee of any of these.

2. Access by the Employee. Access shall be granted to the Employee by coordinating such access and examination through Human Resources.

3. Public Records Requests. Persons making a public records request under Florida Statutes Chapter 119 shall be granted access to review personnel records at specific times during regular City administration office hours.

4. Subpoenas and Other Government Requests. The City will cooperate with federal, state and local government agencies or any agency with the legal right investigating an Employee if the investigators furnish proper identification and proof of legal authority to investigate.

5. Employment References. Requests for information from Employee Personnel Files received from outside persons or companies, including requests for references on Employees, shall be directed to the City Manager or his or her designee and shall be handled in accordance with Florida Statutes Chapter 119. Other Employees are prohibited from providing personal or employment references on Employees or former Employees.

E. Confidential Records/Medical Files. Pursuant to Florida Statutes §112.08(7), medical records and medical claims in the custody of the City relating to Employees are exempt from public records as required under documents/copies of certifications, drivers' licenses, and all other Florida Statutes Chapter 119. Therefore, in addition to the Employee's personnel file a separate confidential/medical file will be maintained.

1. Contents. Contents of the confidential/medical file will include drug testing results, medical insurance forms, disability information, accommodation information, family and medical leave documentation, physicals, post-job offer/pre-employment medical questionnaire, active grievance process documentation and other related information.

2. Access. Access to the confidential/medical files is restricted to the Employee, City Manager, or his or her designee, and Human Resources.

3. Release of Information. Medical information will be released only upon written authorization of the Employee or upon proper request from persons or agencies that have legal rights to the information. The City will comply with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) with regard to access to Protected Personal Health Information.

F. Employee Notice. The City has no obligation to notify the Employee when his or her Personnel File is reviewed or accessed; however, the City may advise the Employee when the Employee's Personnel File has been requested to be reviewed by any person other than those person's identified in D.1 and E.2.

Section 3
Salary Administration & Compensation

SECTION 3.00 HOURS AND PAY

I. POLICY

The City will compensate its Employees for services provided in accordance with the established compensation plan, pay agreements and applicable law. The established Compensation Plan provides a systemic and structured method for payment of City Employees and outlines a uniform system of administration for compensation decisions.

II. DEFINITIONS

A. Exempt Employee means an Employee within a position where the job duties and functions qualify for either an executive, administrative, or professional exemption under the tests and standards established within the Fair Labor Standards Act (FLSA). Exempt Employees are compensated on a salary basis and are exempt from overtime pay provisions.

B. Non-exempt Employee means an Employee within a position where the job duties and functions are such that an exemption under the tests and standards of the FLSA does not qualify for an exemption. Non-exempt Employees are compensated for all Hours Worked at a regular rate of pay for hours up to and including 40 hours per workweek. Any Hours Worked more than 40 hours per week will be compensated at an Overtime rate of pay; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA.

C. Full-time Employee means an Employee that is regularly scheduled to work 30 hours or more per week.

D. Part-time Employee means an Employee that is regularly scheduled to work less than 30 hours per week.

E. New Employee means an Employee that has not completed a period of sixty (60) days of continuous service with City.

F. Regular Employee means an Employee that has worked for the City for a continuous period of employment of sixty days or more. The status of Regular Employee is utilized for the determination of benefits with the City.

G. Hours Worked means all hours that an Employee is necessarily required to be on the City's premises, on duty or at a prescribed work place. Hours compensated as Regular Hours and Overtime Hours are considered Hours Worked. Hours inclusive of time-off periods inclusive of paid time off for holidays, jury duty, vacation, sick leave or any leave of absence are not Hours Worked.

H. Regular Hours means Hours Worked up to and including 40 hours per workweek; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA. Regular Hours will be compensated at an Employee's regular rate of pay.

I. Overtime Hours means Hours Worked by a Non-exempt Employee in excess of 40 hours per workweek; except for those Non-exempt Employees employed in certain firefighter and law enforcement occupations which may have different requirements under the FLSA. Overtime Hours will be compensated at a rate of time-and-one-half the Employee's regular rate of pay.

J. Section 7(K) is Section 7(K) of the Fair Labor Standards Act allowing certain Non-exempt Employees in Fire and Law Enforcement Occupations to be paid Overtime Hours based on a schedule other than after forty (40) hours in a seven (7) day period.

K. Flexible Scheduling means a method of scheduling typically used for adjusting a Non-exempt Employee's work hours (start and stop times) within an Employee's regularly scheduled workday or work week within so as not to incur Overtime Hours whenever possible.

L. Merit Pay Increase means an increase in compensation which may be established in conjunction with the budget process which may be granted to an Employee based on merit or performance evaluation.

M. Pay Period means a two workweek period for which Employee's are paid for Hours Worked and paid-time off.

N. Workweek means that period of time that begins at 12:00 A.M. on Wednesday and continues through Tuesday at 11:59 P.M.

III. PROCEDURE

A. Employment Classification. The City maintains standard definitions of employment status and classifies Employees for purposes of personnel administration and related payroll transactions according to the definitions herein.

1. Each job is classified as either Exempt or Non-exempt.

2. Positions may be periodically re-evaluated to properly classify positions.

3. Classifications are determined by the City Manager, or designee, and decisions of the City Manager, or designee, as to classification status shall be final.

B. Breaks. Breaks are not legally required to be provided; however, Employees may be allowed to take a break as work permits and in conjunction with Departmental procedures and approvals.

1. Breaks less than ten (10) minutes will be considered Hours Worked and are compensated accordingly.

2. Employee break privileges may be revoked by the City if in the sole and absolute discretion of the City it is determined that an Employee abuses and/or misuses the Break privilege.

C. Meal Periods. Employees are typically provided with a regular Meal Period of at least 30 minutes within an eight (8) hour workday. Meal Periods are scheduled by the Department Director, or designee.

1. Meal Periods should be observed away from the Employee's normal work area.

2. Employees must utilize his or her Meal Period; it may not be saved for purposes of leaving work early and will not be accumulated.

3. Meal Periods are generally not considered Hours Worked and Employees are not compensated for Meal Period time; however, if the Employee's work schedule requires that the Employee be "on-duty" during the Meal Period, the time will be considered as Hours Worked and the Employee will be compensated for the Meal Period.

D. Authorizing and Calculating Overtime. Overtime compensation is paid for Overtime Hours and provided to Non-Exempt Employees only.

1. No Overtime Hours are to be worked without prior authorization from the Employee's Department Director, or designee.

2. Compensating time-off in lieu of Overtime payments will not be granted after the close of a work week.

E. Payroll Recordkeeping. General information and records are kept for Employees for payroll recordkeeping and compensation requirements.

1. Information will be provided and/or reported by the Employee and include the following:

a. The Employee's full name, as used for Social Security recordkeeping;
b. The Employee's home address, including zip code;
c. Date of birth;
d. Gender;
e. Hours Worked each workday; and
f. Total Hours worked each workweek.

2. Compensation records are maintained by the City on Employees in accordance with the Fair Labor Standards Act. Records include a regular hourly rate of pay or salary, total wages, regular wages, overtime compensation, etc.

3. Non-exempt Employees are required to track and report all Hours Worked utilizing the established time recording method. These records may include paper or electronic timesheets, timecards or other methods.

4. Employees are required to track and report all Leave Time including Holidays, Vacation, Sick, and other paid time off, etc.

5. Employees are solely responsible for the accuracy of the time reported as Hours Worked. An Employee must sign, either electronically or otherwise, his or her time record attesting to the accuracy of the Hours Worked as recorded on the time record. A Department Director's, or designee's, review or signature does not attest to or confirm the accuracy of the time reported by the Employee.

6. Failure of the employee to submit a timesheet when required or submitting a fraudulent timesheet may result in disciplinary action.

F. Pay Increases. An Employee may become eligible for pay increases at such time as the City determines a pay increase is warranted and when funding is available.

SECTION 3.01 SALARY ADMINISTRATION

I. POLICY

The City maintains a salary administration plan to be used in compensation decisions that provides for standard pay grades, pay ranges, and position classification. The plan provides a systemic procedure for setting, adjusting or changing salaries for new hires, promotions, transfers, and any other pay practice related to position classification. The salary administration plan shall comply with the provisions of this policy, and it is the City's intent to maintain and update the plan periodically.

II. DEFINITIONS

A. Salary Administration Plan means a written plan providing for a systemic approach to administrating and implementing pay and salary practices.

B. Pay Grade means a grade or number assigned to a particular pay range that is used in categorizing or classify positions.

C. Pay Range means a range of salaries assigned a pay grade for a particular group of jobs with equivalent market or job value.

D. Position Classification means the process of evaluating a job based on identified factors to determine an appropriate pay grade and pay or salary level.

E. Job Description is a written description listing the essential and secondary functions, duties, and responsibilities of a job.

F. Reclassification is movement of a job or job classification from one pay grade to another based on significant changes in the job duties, responsibilities, job market and/or other work-related factors.

III. PROCEDURE

A. The Salary Administration Plan. The salary administration plan will establish systemic practices for setting salaries for:
   1. New Hires
   2. Transfers
   3. Promotions
   4. Temporary Position Assignments
   5. Educational, Certification or License Achievements
   6. Changes or Updates in Position Classification, Pay Grades or Pay Ranges; and
   7. Other pay practices as needed or required.

B. Pay Grades and Ranges. The Salary Administration Plan may include pay grades and salary ranges and a set of parameters for compensation decisions.

1. A schedule of pay grades for each title in the classification plan consisting of minimum and maximum rates of pay is maintained.

2. Each Employee is paid within the rates set forth in the pay plan for the class of position in which he or she is employed.

3. Pay grades are linked directly to the position classification plan and are determined with due regard to the following conditions.

   a. Relative difficulty and responsibility of position in the class.

   b. Payment for the same or similar work in the community.

   c. Availability of employees and applicants in particular occupational categories.

   d. Cost of Living factors, the financial policies of the City, and other economic conditions.

4. Rating Positions and Evaluating Classification. New and/or existing positions may be rated or re-rated, periodically, utilizing the systemic methodology established in the Salary Administration Plan in order to place positions within the established pay grades and ranges to achieve internal and external equity or parity.

5. Adjustments of Pay Grades and Ranges. Periodically the City evaluates the need and feasibility of making market to the Salary Administration Plan based on a review of the Consumer Price Index (CPI) for All Urban Consumers, wage indices, comparative wage studies and other compensation trend indicators and the City's financial and budget conditions.

C. Maintenance of the Plan. The methodology established for the Salary Administration Plan, once approved by City Council, will be used to administratively maintain the Salary Administration Plan to include rating positions, classification of positions and adjustment of pay grades and ranges.

D. Position Titles. Position titles are assigned for the convenience of the City and its organizational structure.

1. Position titles do not in any manner imply duties and responsibilities of a position. Employees should refer to the job description for his/her position for duties, functions and responsibilities.

2. All position titles will be assigned by and approved by Human Resources. Position titles may be revised and changed, as needed within the overall organization.

SECTION 3.02 ON-CALL PAY

I. POLICY

The City pays certain Employees under certain conditions for being on-call and being available to be called in to work during an emergency or as needed.

II. DEFINITIONS

None.

III. PROCEDURE

A. On Call Duty. Upon the approval of the City Manager, or designee, certain Employees may be utilized by the Department Director, or designee, to perform "on-call" duties.

1. "On Call" duties may require the Employee to remain accessible for call in purposes.

2. The "On-Call" Employee shall not be inhibited in freedom of travel or presence in any particular location other than the requirement that such Employee shall at all times during periods of "on-call" be able to respond within the City within a time period which shall be established by the Department Director, or designee.

3. On-call time occurs during other than normal hours of operation. Since the Employee may travel freely during periods of "on-call" time, subject to the restrictions noted above, the Employee's time for a assignment of "on-call" status is not compensable as Hours Worked, unless the Employee is actually Called-In to work.

B. On Call Pay. Employees receive pay for being placed in an "On-call" status.

1. An "On Call" Employee will be paid $12.00 for each 24-hour period, or portion thereof, during which the Employee was "On-Call" ("On Call Pay").

2. On Call Pay is not associated with nor considered regular pay for accrual or calculation of any benefits.

3. An Employee who is On Call may be Called In to perform work. If an On Call Employee is called in and performs work, the Employee is not in an "On Call" status while working; and for any Hours Worked, the Employee will be compensated at his or her regular rate of pay.

C. Disciplinary Action. Failure of the Employee, designated as "On Call," to respond timely when called and failure to comply with the Drug Free Workplace policy may result in a forfeiture of payment for the "on-call" period, may result in ineligibility for future "on-call" assignments; and may subject the Employee to disciplinary action up to and including termination.

Section 4
Employee Development & Training

SECTION 4.00 EMPLOYEE ORIENTATION AND TRAINING

I. POLICY

Employees are offered training opportunities periodically during their employment with the City.

II. DEFINITIONS

A. New Employee means an Employee who has not yet completed ninety (90) days of continuous services with the City.

III. PROCEDURE

A. New Employee Orientation.

1. New Employees are provided orientation training at the organizational, departmental or team level.

a. Human Resources provides New Employees with an organizational orientation training which may include the following: an overview of City administration, organization, policies, personnel rules, benefit plans, rates of pay, terms and conditions of employment and all other matters related to general conditions of employment.

b. Departments provide New Employees with departmental/team orientation which may include the following: an overview of the Department administration, organization, and policies, duties to be performed, scheduled hours of work, standards of performance, safety rules, and other matters related to the job and to departmental operations.

2. New Employees are required to be familiar with the various City and Department rules and procedures.

B. Other Periodic Training.

1. Employees are encouraged to participate in training opportunities as offered and approved in order to improve their level of service rendered to the public.

2. The City may establish standards for training programs and employee training attendance requirements.

3. Employees are required to meet any minimum training requirements for the position in which they are currently employed. A failure to meet required training standards may be cause for disciplinary action up to and including termination of employment.

4. Employees interested in participating in internal/in-house or external training opportunities shall request approval to attend the training from their Department Director, or designee.

5. For any training opportunities requiring travel, please refer to the Travel Policy contained in this manual.

C. Funding Limitations. Training opportunities may be offered and approved for payment by the City subject to the sole discretion of the City Manager, or designee and contingent upon budgeting limitations as set forth in the budget adopted by the City Council.

SECTION 4.01 EMPLOYEE PERFORMANCE EVALUATION

I. POLICY

Employee work performance is evaluated on a regular basis, against various performance standards and measurements, to assess and monitor overall work performance and to assist Employees in improving performance.

II. DEFINITION

A. Performance Evaluation is a written report of an Employee's job performance.

III. PROCEDURE

A. A performance evaluation is prepared by the Department Director, or designee, (rater) to establish a record of performance and to provide the Employee with feedback. The rater is responsible for preparing the performance evaluation.

B. Self-Evaluation. Employees are afforded an opportunity to complete a performance self-evaluation. The Employee's self evaluation is provided to the Department Director, or designee, prior to completion of the performance evaluation by the Department Director, or designee. An Employee's failure to timely submit a completed self-evaluation will constitute a waiver by the Employee and the Department Director may proceed with the evaluation process without the self-evaluation.

C. Regular Evaluation. Eligible Employees may receive a regular Performance Evaluation from time to time during employment. The Employee may receive a Performance Evaluation in the City's regular annual cycle; however, no merit pay increase is guaranteed.

D. Significant Appraisal. A Significant Evaluation may be conducted at any time and at the discretion of the Department Director, or designee, to evaluate New Employee performance, to document any significant increases or decreases in job performance, to follow-up on a previous Performance Evaluation indicating improvement was needed; or as otherwise determined to be appropriate by the Department Director, or designee.

E. Employee Comment/Rebuttal. Employees are afforded an opportunity to provide written comments/feedback in response to a completed Performance Evaluation. Any written comments provided by the Employee are attached to the completed evaluation and become part of the Employee's personnel file.

SECTION 4.02 TRAVEL ALLOWANCES

I. POLICY

The City may pay or reimburse Employees for official business travel which has been authorized by the City, subject to the requirements or restrictions of Fla. Sta. 112.061. Travel may be authorized for official business purposes only. All travel subject to reimbursement must be approved in advance in writing by the City Manager or designee.

II. DEFINITIONS

A. Class A Travel means continuous travel of twenty-four hours or more away from official headquarters. The travel day for Class A Travel shall be a calendar day. Class A Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.

B. Class B Travel means continuous travel of less than twenty-four hours which involves overnight absences from headquarters. The travel day for Class B Travel shall begin at the same time as the travel period. Class B Travel shall include any assignments on official business outside of the regular office hours and away from regular places of employment when it is considered reasonable and necessary to stay overnight and for which travel expenses are approved as provided within this policy.

C. Class C Travel means travel for short or day trips where the Employee traveling is not away from the official headquarters overnight. Class C Travel is eligible for reimbursement of certain travel expenses.

D. Official Headquarters shall mean within the corporate limits of the City.

III. PROCEDURE

A. Travel Authorization.

1. Travel may be authorized for official City business purposes only. All travel subject to reimbursement must be approved by the Department Director, or designee, of the Department to which the travel will be charged. Class A and Class B Travel must also be approved by the City Manager.

2. Class A and B Travel will generally not be authorized for destinations less than 60 miles from the City and, to the extent possible, overnight travel expenses will be paid directly to the vendor.

B. Reimbursement of Travel Expenses.

1. Reimbursement of eligible expenses will be made in accordance with the City's accounts payable procedures.

2. Travel expenses of Employees traveling under this policy will be limited to those expenses necessarily incurred by them, while traveling, in the performance of a public purpose.

3. Seminars and Conferences. Travel for seminars/conferences will only be authorized if the Seminar/Conference is directly related to the training/development of an Employee's current position. Attendance at seminars and conferences is subject to the recommendation and approval of the Department Director, or designee, of the Employee requesting to attend. Seminar and conference registration fees and expenses may be paid in advance directly to the vendor where possible, but only after authorization from the Department Director, or designee has been obtained. Where advanced payment is not possible, Employees who have obtained prior approval to incur the expense may request reimbursement of expenses incurred.

4. Air/Car/Accommodations will be authorized for actual expenses substantiated by paid receipts. However, when a variety of hotels, motels, air/cars can be used, Employees will be reimbursed for the most economical accommodations. Any deviation will require prior approval by the City Manager, or designee, with reasonable explanation. The difference in the rate for more elaborate accommodations/ lodging/air/car can be paid by the Employee.

5. Meals. The City provides a per diem payment for meals taken during periods of City travel. No one will be reimbursed for any meal that is included/provided in the per diem payment or included in a conference or seminar registration fee. No allowance for meals is provided where travel is confined to the city of the official headquarters or within Hernando County.

6. Mileage. When travel is authorized for a privately owned vehicle, the Employee (driver of the private vehicle) will be entitled to a mileage allowance at a fixed rate established by the City. Other expenses of a privately owned vehicle, e.g., operations, maintenance, ownership, will not be reimbursed. Mileage will be reimbursable from the point of origin to the point of destination based on a highway mileage map using a usually travelled route. Certain Employees may be granted use of a City vehicle or a monthly allowance in a fixed amount for the use of privately owned vehicles on official business in lieu of the mileage rate. Such allowances shall be in the sole discretion of the City and subject to the provisions of the City Vehicle and Take Home Policy. When two or more

Employees are traveling to the same destination, when feasible, car pooling should be utilized to minimize the total cost of travel.

7. Incidental Travel Expenses.

   a. Incidental travel expenses may be reimbursed, with proper receipts and documentation, including:

      i. Taxi fare.
      ii. Ferry fares; bridge, road, and tunnel tolls.
      iii. Storage or parking fees.
      iv. Official City business communication, e.g., telephone or fax expenses.

   b. Expenses that are not reimbursable include, but are not limited to:

      i. Tips, Bell Boy assistance.
      ii. Movie rentals in hotel/motel rooms.
      iii. Hotel/motel safes.
      iv. Parking tickets or traffic fines.
      v. Communication/telephone charges that are not official business

8. Rights to Refuse Reimbursement. The City reserves the right to refuse to pay for reimbursement of travel expenses until all required receipts and proof of payment are provided by the Employee.

SECTION 4.03 TUITION REIMBURSEMENT PROGRAM

I. POLICY

The City may, within available and budgeted funds. approve reimbursement of the cost of tuition, books and certain fees incurred by an Employee taking course(s) of instruction at an approved educational institution which directly enhances the Employee's efficiency and effectiveness in his or her current job.

II. DEFINITION

A. Full-time, Regular Employee means an employee who is regularly scheduled to work 30 or more hours per workweek.

III. PROCEDURE

A. Eligibility.

1. Full-time, Regular Employees who have completed at least one (1) year of continuous service prior to the commencement of courses.

2. Employee must have a satisfactory or better performance evaluation for the most recent evaluation issued.

3. Employee may not be on any disciplinary, corrective action or improvement plan.

4. Employees must be current with any certification, license or other training requirements for their current position.

B. Eligible Coursework and Expenses.

1. The coursework must be designed to enhance the knowledge, skills, and abilities relating to essential functions of the Employee's current job.

2. Courses Offered by Regionally Accredited Institutions Only. The courses must be offered by a college or university, business or vocational school certified as being in compliance with the standards required by the Regional Accrediting Association of Colleges and Schools.

3. Eligible Expenses. Eligible expenses covered under this policy include tuition and costs for books only. Laboratory fees, if required for a course which is otherwise approved, may be included, subject to separate approval by Human Resources. No

reimbursement shall be made for other fees, costs or expenses of other materials.

4. Grade Requirements. To be eligible for reimbursement the Employee must complete the course with a grade of C or better in an alpha grading system or Pass in a pass/fail grading system.

C. Reimbursement Amount.

1. No Employee will receive tuition reimbursement greater than actual expenditures paid by the Employee.

2. Employees entitled to educational benefits under other programs or legislation (i.e., G.I. Benefits, scholarships, etc.) may not be eligible for an amount of reimbursement that when combined with other available benefits exceeds 100% of the total costs incurred for the course.

3. The reimbursable amount is based on the grade attained in the course in accordance with following schedule subject to a maximum annual benefit per Employee of $1500 per fiscal year:

Grade	Amount of Reimbursement
Pass (in a Pass/Fail)	100%
A	100%
B	75%
C	50%

D. Requesting Reimbursement.

1. Employee submits a Tuition Reimbursement Request to his or her Department Director, or designee, for review and recommendation.

a. The Tuition Reimbursement Request shall be submitted not later than one month prior to actual registration for the course.

b. When completing the Tuition Reimbursement Request, the Employee is to:

i. Provide details as to the course, including but not limited to, a course description or syllabus, identification of course materials, time and dates, and costs;

ii. Identify what knowledge, skills or abilities would

be enhanced; and

iii. Describe how the Employee's performance of essential functions would be improved.

2. Upon recommendation from the Department Director, or designee, the Tuition Reimbursement Request is submitted to Human Resources for final review and approval.

   a. Human Resources will return either approved or denied requests to the Department Director, or designee. The Department Director will then notify Employees if their request has been approved or denied.

3. For approved courses, the Employee must pay tuition costs directly to the college/school sponsoring the course(s).

4. Within thirty (30) calendar days following course completion, the Employee submits the approved Tuition Reimbursement Request along with documentation of course completion, official grades and payment of tuition or books to Human Resources for processing of payment of the reimbursable amount.

E. Other Requirements.

1. Time Off Not Granted. The eligibility for tuition reimbursement under this policy in no way obligates the City to grant time off or leave for the Employee to take the course. All course work must be accomplished outside the Employee's normal schedule unless approved in advance by Department Director, or designee, and the City Manager, or designee.

2. Use of City Property Prohibited. An Employee shall not be permitted to utilize any space, personnel, equipment, or supplies of the office by which he or she is employed in the process of fulfilling any of the requirements imposed by the coursework for which he or she is being reimbursed.

3. Continued Service Requirement. Employees who retire, resign or whose employment is terminated within two (2) years of receiving tuition reimbursement shall reimburse the City for tuition benefits paid, less a credit of four percent (4%) for each month of continuous service following the month reimbursement is received. Reimbursement to the City shall be by cash payment or deduction from any monies due at the time of separation.

SECTION 4.04 IDENTIFICATION AND LICENSURE

I. POLICY

Employees are issued official identification to be carried with the Employee or worn by the Employee while on duty. As a requirement of employment, an Employee must obtain, hold, and keep valid all licenses, certifications or other credentials that are required to be qualified for the position in which the Employee is currently employed.

II. PROCEDURE

A. City Identification Card/Badge. Employees are issued a City Identification Card/Badge. These cards are issued at the time of hire and must be worn while on duty. Should an Employee's City Identification Card/Badge become lost or damaged, he or she is to immediately contact his or her Department Director, or designee, to make arrangements for a replacement. Employee may be responsible for replacement costs of the Identification Card/Badge.

B. Credential Requirements. Employees are solely responsible for obtaining the minimum required licenses, certifications and other credentials for the Employee's current job and for keeping the license, certification and other credential current and valid.

1. Employees shall notify his or her Department Director of any change in the status of his or her license, certification or credential.

2. Employees are required to provide copies of their updated and renewed licenses, certifications or credentials to Human Resources for inclusion in the Personnel File.

3. Employees shall not operate equipment or a motor vehicle or engage in job functions without an appropriate license or certification, if one is required.

4. Failure to maintain and carry a current and valid license, certification or other required credential may result in disciplinary action up to and including termination of employment for failing to qualify for the job the Employee is employed.

Section 5
Communications Technology & City Property

SECTION 5.00 CITY PROPERTY, EQUIPMENT AND INFORMATION

I. POLICY

City property, both tangible and intangible, shall remain the sole property of the City. The City designates certain Employees to serve as official spokespersons for the City.

II. DEFINITIONS.

A. Property shall mean tangible property including, but not limited to, uniforms, equipment, safety equipment, cell phones, vehicles, computers, laptops, printers, manuals, and office supplies.

B. Information shall mean data stored on computer discs/other electronic media, audio recordings, video recordings, systems, software and hardware, documents containing techniques, trademark matters, together with any copies, reproductions or adaptations thereof, in whatever form or medium.

III. PROCEDURE

A. Employees have or will come into possession or knowledge from the City of Brooksville of certain tangible property ("Property") and information ("Information") during the course of their employment.

B. Employees shall not use Property, except in the performance of their official duties, nor shall they permit use by any unauthorized person, unless approved by the City Manager, or designee, subject to a separate policy within this manual.

C. Employees assigned equipment, tools and vehicles are expected to exercise reasonable care in its use and to observe safety precautions, including seat belt and traffic laws, as well as to take reasonable steps to preserve the equipment.

D. Unauthorized personal use of equipment, tools and vehicles is not permitted.

E. Unless release of City Information is a normal part of his or her duties, or unless under subpoena, Employees will not release City Information. All inquiries for City Information shall be directed to the Department Director, or designee, or other appropriate recordkeeper.

F. City Property and Equipment used by Employees are subject to inspection by the City at any time.

1. By signing the Policy Manual Receipt the Employee consents to these inspections.

2. If circumstance permit, the City may provide advance notice to the Employee of the inspection; however, in the event the Employee is unavailable or if circumstances require inspection without the Employee's presence, then Inspections may be conducted without the Employee's presence at the direction of the City Manager, or designee.

G. Unless otherwise provided for under a separate policy, the City shall not be responsible for any personal property an Employee brings into the workplace which is either lost, damaged or destroyed in performance of one's duties;

SECTION 5.01 COMMUNICATIONS AND CELL PHONE USE

I. POLICY

The City will communicate information to Employees through written and verbal communication mediums including bulletin boards, telephone communication and electronic media. The City may deem it necessary for efficient operations to authorize the use of or provide communication devices for Employees for their use for City business.

II. DEFINITIONS

A. Communication Device shall mean desk telephones, cells phones, personal digital assistants (PDA), two-way radios, TDD machines, and other portable communication devices.

III. PROCEDURE

A. Employees are responsible for regularly checking and reading the bulletin board, City emails, and for following the rules, regulations and instructions posted thereon.

B. Communications to Employees must be approved in advance by the City Manager, or designee. Employees will not post anything on Bulletin Boards without prior written approval by the Department Director, or designee.

C. Authorized Use of City Issued Communication Devices

1. Employees shall not use City Issued Communication Devices for personal business, unless otherwise authorized or approved in advance by the Department Director, designee.

2. Employees are responsible for the safekeeping and storage of any City Issued Communication Device and may be responsible for the replacement cost or repair of the device in the event it is damaged or lost as a result of the Employee's own negligence or abuse.

D. Return of City Issued Communication Devices Upon Separation. Employees are required to return any and all Communication Devices upon separation of employment. See the City's policy on Separation of Employment.

SECTION 5.02 EMAIL AND COMPUTER USE

I. POLICY

This policy applies to all Internet access, electronic communications software, social media, and computer equipment attached to or used on the City's network system and applies to all City owned software and hardware regardless of location or connectivity. Use of city computers and communication devices must comply with federal law, Florida law, and the City's policies. City computers and communication devices may not be used for commercial, profit-making, or political purposes, or to disseminate unsolicited information regarding religious or political beliefs. Site access, e-mail, social media and other communications may be considered public records and distribution, use, and retention are subject to statutory and City requirements. Employees are advised of this policy and will be asked to acknowledge the policy prior to being allowed access to the City's electronic communications equipment.

II. DEFINITIONS

A. Federal Copyright Law. Federal law granting the owner of intellectual work such as computer programs and manuals, the exclusive right, known as a copyright, to reproduce and distribute the work.

B. State and Federal Trade Secret Laws. State and federal laws protecting the unauthorized disclosure of intellectual works such as computer programs and manuals considered by their owner to be "trade secrets".

C. Software License Agreement. A license agreement granting a specific user or group of users the right to operate a computer program and make additional copies of the program.

III. PROCEDURE

A. Computer Software.

1. The City of Brooksville provides computers to its employees with software pre-installed and encourages them to use this technology to enhance their efficiency and effectiveness in performing their job functions. The City uses a fully integrated network system, and any change to a single computer can affect the rest of the City's network system, therefore the following procedures are mandatory:

    a. All software on any computer attached to the City network or any other computer owned by the City must be installed or uninstalled by the City's designated Network Administrator.

b. All software must be configured and/or updated by the Network Administrator.

c. No Employee is authorized to download any software, application or program unless expressly authorized by the Network Administrator.

2. The City will not permit the use of unauthorized copies of software on City computers. Any person illegally reproducing software can be subject to civil and criminal penalties including fines and imprisonment.

3. The City does not condone illegal copying of software under any circumstances and anyone who knowingly makes, uses, or otherwise acquires unauthorized software shall be appropriately disciplined up to and including termination of employment.

4. No Employee shall give City software to anyone.

5. Any Employee who suspects that there may be a misuse of software within the City shall immediately notify their Department Director, or City Manager.

6. All software used the City Employees on City computers will be purchased by the City using approved purchasing procedures.

B. Employee Responsibilities.

1. Internet service and e-mail are provided to Employees for conducting City business. Elected officials and Employees have the responsibility of maintaining and enhancing the City's public image in a positive and productive manner and to use the City e-mail and the Internet solely for City purposes and to accomplish job functions.

2. Employees on the City's Internet service and e-mail may not transmit copyrighted materials. All users obtaining access to another company or individual's materials must respect all copyrights and may not copy, retrieve, modify, or forward copyrighted materials, except with express, written permission, or as a single copy for reference purposes only.

3. Access to the City Internet service and e-mail is a privilege, not a right, which may be revoked for inappropriate conduct.

4. It is the responsibility of every user to report any known misuse of the City Internet service or e-mail to the Department Director or City Manager.

C. Ownership.

1. All messages or files created, sent, retrieved or downloaded over the City's e-mail/Internet system are the property of the City.

2. With the exception of information made confidential by Florida Statute, the City reserves the right to access and monitor all messages and files on the City's email/Internet system.

3. Do not assume electronic communications are private. Do not transmit highly confidential data using this medium, without appropriate security measures. Deleted e-mails and a history of accessed web sites can be retrieved.

4. All electronic communications systems and all information transmitted by, received from, or stored in these systems are the property of the City of Brooksville.

5. City Employees and other users of the City's electronic communications systems should have no expectation of privacy or any personal privacy right in connection with the use of these systems, or with the transmission, receipt, or storage of information in these systems.

D. Monitoring. Department Directors have the authority to request the Network Administrator to inspect the contents of any equipment, files, calendars, or electronic mail of their subordinates in the normal course of their managerial responsibilities. Such inspection may occur without notice to the Employee.

E. Public Records. Release of electronic records pursuant to a request for public information is governed by Chapter 119, Florida Statutes and should be referred to the City Clerk's office.

F. Acceptable Uses.

1. All communications sent electronically by Employees via the City's Internet service and e-mail must comply with this and other City policies and may not disclose any confidential or proprietary City information.

2. The following is a non-exhaustive list of acceptable uses of the City Internet and e-mail services:

   a. Communication and information exchange directly related to the duties or responsibilities of the Employee's department.

b. Communication for professional development, to obtain continuing education or training, or to discuss issues related to the Employee's public duties or responsibilities.

c. Announcement of new departmental regulations, procedures, policies, rules, services, programs, or activities.

G. Unacceptable Uses.

1. The following is a non-exhaustive list of uses of the Internet and e-mail that shall be deemed unacceptable unless the use was made by or at the specific request of a Department Director for a legitimate work City purpose:

a. City Internet service and e-mail must not be used for knowingly transmitting, retrieving or storing any communications that contain the following:

i. Discriminatory or harassing language

ii. Obscene, pornographic or x-rated material

iii. Defamatory, abusive, threatening, profane, or offensive language

iv. Chain letters and other non-business oriented mass e-mails

v. Derogatory or inflammatory remarks about an individual's race, age, disability, religion, national origin, or physical attributes

vi. Racial and/or sexual slurs or jokes

vii. Material related to gambling

viii. Any material which is illegal or against City policy

b. Attempting to read or hack into other systems or other person's log-ins, to crack passwords, or breach computer or network security measures.

c. Developing programs designed to harass other users or infiltrate a computer or computer network or to damage or alter hardware or software.

d. Using City computer or network services in a manner that is likely to cause network congestion or significantly hamper the ability of others to access and use the service or equipment.

e. Intentionally seeking access to or copies of information, files or data that is confidential under federal, state, or local law, unless specifically authorized to do so as part of your job functions or once the legal conditions for release are satisfied.

f. Attaching private equipment and/or using private services for the express purpose of circumventing this policy.

g. Participating in the development, propagation, or forwarding of computer viruses.

h. Allowing or providing access for unauthorized personnel to use the City's network system including Internet service and e-mail.

H. Identity Masking. No e-mail or other electronic communication may be sent which:

1. Attempts to hide the identity of the sender or represents the sender as someone else

2. Adopts the identity of another person

3. Uses another person's password

4. Misrepresents the Employee's affiliation with the City

I. Business Use. All use of City Internet service and e-mail must be for the benefit of the City and must not be used for the following:

1. Any personal profit or gain

2. For purposes not directly or indirectly related to the job duties or responsibilities of the Employee before, after, or during normal business hours

3. For any non-city commercial or promotional purpose, including personal messages offering to buy or sell goods or services.

4. To sell or distribute City information, software, or services for personal gain or profit.

5. In such a way that causes the City to be charged a fee by another person or entity.

J. Restricted Information. The City's Internet service and e-mail must not be used for the following:

1. To copy, retrieve or forward copyrighted material (such as software, database files, documentation, articles, graphics files, and downloaded information) unless the Employee has the right to copy or distribute such material.

2. To communicate confidential information, unless expressly authorized to do so.

K. Violations.

1. Violation of this policy can lead to internal disciplinary action, up to and including termination of employment. In addition, criminal or civil administrative penalties may be imposed.

2. In the event that the City incurs a cost due to an Employee's negligence or misuse of City computers and/or communication devices, the Employee will be responsible for reimbursement of that cost.

3. There are a number of state and federal laws regarding computer crimes. Certain violations may result in a person being charged with a criminal offense.

Section 6
Code of Coduct

SECTION 6.00 CONDUCT STANDARDS

I. POLICY

It is the policy of the City that Employees maintain a working environment that encourages mutual respect, promotes civil and congenial relationships among employees and is free from forms of harassment and violence. Employees are expected to conduct themselves in appropriate manner reflective of their obligations to the public.

II. PROCEDURE

A. It shall be the duty of all Employees to maintain a high standard of public service, and Employees shall maintain the highest level of cooperation, morale, efficiency, achievement and harmony between themselves, other departments, and the public.

B. The City encourages a congenial work environment of respect and professionalism; therefore, the City prohibits conduct which may adversely affect other Employees or distract other Employees from effective performance of their job duties, including intentionally harming or threatening other Employees, the public, vendors, visitors, or property belonging to any of these parties.

C. Employees shall not act in a manner that may discredit the City, management, fellow Employees, or themselves

D. Where this, or any other City policy, requires that the Employee notify the City of conduct or activities which may affect the Employee's Employment, said notice is provided to the Department Director, or designee, unless otherwise specifically stated or required.

E. Unacceptable Conduct. The following is not an exhaustive list but a guide to unacceptable conduct.

1. Employees will not engage in acts of dishonesty, fraud, theft or sabotage.

2. Employees will not engage in falsifying any document used by the City including employment applications, time sheets, personnel records, or other writing.

3. Employees will not misappropriate City funds.

4. Employees will not make any false statement or, in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies with regard to employment, promotion or any other terms or conditions of employment.

5. Employees will not accept a fee, gift or other valuable item which might be construed as a means of receiving a favor to influence the employee in the performance of his/her duties for the City. In particular, no employee shall receive a fee, gift, meal or other valuable item in excess of $25.00 regardless of its purpose or influence.

6. Employees will not conduct themselves in a manner that creates a Conflict of Interest with their employment with City. (See the policy section of Conflict of Interest.)

7. Employees will not, either directly or indirectly, use their official position with the City or information obtained in connection with their employment for private gain or personal benefit.

8. Employees will not promote or conduct personal or private business for gain or personal benefit within any facility or on property of City or on City time.

9. Employees will not engage in the unauthorized possession of City or another Employee's personal property.

10. Employees will not engage in unauthorized use of City materials, time, equipment, technology (hardware and software), telephones, or property.

11. Employees will not engage in damaging, destroying or illegally disposing of City property through careless or willful acts.

12. Employees will not use any City vehicle or personal vehicle on City business without appropriate licenses issued by the State of Florida. Employees must notify their Department Director, or designee, immediately when driving privileges are revoked.

13. Employees will provide City with current information relating to required licenses or certifications.

14. Employees will not engage in gambling, carrying unauthorized weapons or explosives, or violating criminal laws, on City premises.

15. Employees will not engage in fighting, throwing things, horseplay, practical jokes, or other disorderly conduct, which may endanger the well-being of any Employee or the public.

16. Employees will not violate the requirements of the Drug Free Workplace Policy, in particular, Employees will not use any Illegal Drugs or alcohol while on City premises or conducting City business and Employees will not be under the influence of any Illegal or Legal Drugs which affect the

performance of his/her duties or affect the safety of the Employee or others.

17. Employees will not refuse to submit to or will not alter a drug or an alcohol test required by City pursuant to the Drug-free Workplace Policy and as otherwise required or permitted by law.

18. Employees will not engage in violent, harassing, antagonistic, disruptive, offensive, threatening, intimidating, or coercive behavior, or using abusive or vulgar language, which interferes with the performance of other Employees.

19. Employees will not perform any act which is illegal, whether felony or misdemeanor, or any act involving moral turpitude or which negatively impacts the City.

20. Employees will notify the City when the Employee has been arrested for criminal offense.

21. Employees will not engage in conduct which the City determines reflects adversely on the City.

22. Employees will not make or participate in verbal, physical or visual conduct of a racial or ethnic nature. (See the policy section on Harassment.)

23. Employees will not make or participate in unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. (See the policy section on Harassment.)

24. Employees will not use tobacco products anywhere on City premises except in specifically designated areas.

25. Employees will not negligently or intentionally fail to observe all fire prevention and safety rules.

26. Employees will adhere to time and attendance standards established for their position or Department.

27. Employees will not misuse or abuse paid leave inclusive of holidays, vacation or sick leave, jury duty, bereavement, etc.

28. Employees will report a workplace injury or accident or unsafe working condition.

29. Employees will not engage in insubordination or refusal to comply with instructions or failure to perform reasonable duties which are assigned.

30. Employees will not engage in conduct and speech which may undermine the efficiency and/or reputation of fellow Employees, program areas, offices/facilities, policies, and actions of the City; or that interferes with the reasonable supervision or proper discipline of the City and its operations.

31. Employees will not release any Confidential Information, information in violation of HIPPA, Social Security Numbers or any other information that is obtained in the course of the official duties of an Employee unless the Employee is charged with the responsibility as a part of his or her official duties.

32. Employees will not exhibit a disregard for their personal appearance. Employees must maintain a personal appearance that is clean and appropriate for their position which is determined by Department Director, or designee. Whatever the attire required for the position, the Employee will conduct themselves accordingly while performing duties as assigned by City.

33. Employees will not wear the City uniform in the performance of non-City activities.

34. Employees will devote his or her working hours to the pursuit of his or her assigned duties in a competent and efficient manner.

35. Employees will not participate in any political campaign for an elective office while on duty, including wearing political attire.

36. Employees will not sleep or give the appearance of sleeping while on City time, unless employed in the Fire Department where departmental operating procedure shall apply.

37. Employees will not have unauthorized personal visitors while on City time.

38. Employees will not perform in a manner which, in the City's opinion, does not meet the requirements of the position.

39. Employees will not engage in practices as the City determines may be inconsistent with the ordinary and reasonable rules of conduct necessary to the welfare of the City, its Employees or residents.

40. Employees will not perform any other act in a manner that may warrant corrective action.

41. Employees will not perform any other act in a manner that violates the policies contained in this Manual, promulgated City policies, and Department/Division procedures.

42. Employees will adhere to safety rules and regulations for the position in which they are employed and will not fail to wear safety equipment or protection as prescribed.

43. Employees shall not misuse or abuse the City's information technology including equipment, hardware or software.

F. Employees engaging in conduct in violation of this, or any other policy of the City, may be subject to disciplinary action up to and including termination of employment.

SECTION 6.01 CONFLICT OF INTEREST

I. POLICY

No Employee shall solicit or accept or have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.

II. DEFINITIONS

A. Conflict of Interest means a situation in which regard for a private interest tends to lead to disregard of a public duty or the City's interest or responsibilities. This policy is inclusive of all outside personal or business relationships that afford present or future financial benefit to an Employee, an Employee's Family Member, or to individuals to which the Employee has financial/business ties which may be determined by the City Manager, or designee, as a Conflict of Interest.

B. Gift means that which is accepted by an Employee or by another person on the Employee's behalf, or that which is paid or given to another for or on behalf of an Employee, directly or indirectly, or in trust for the Employee's benefit, for which something of equal or greater value or consideration.

C. Honorarium means a payment of money or anything of value, directly or indirectly, to an Employee, or to any other person on behalf of the Employee, as consideration for a speech, address, oration or other oral presentation or a writing intended to be published (other than a book).

D. Family Member means an individual who is related to an Employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Employee or who otherwise holds himself or herself out as or is generally known as the person whom the Employee intends to marry or with whom the Employee intends to form a household, or any other natural person having the same legal residence as the Employee.

III. PROCEDURE

A. No Employee of the City shall solicit or accept anything of value to the Employee, including a Gift, Honorarium, loan, reward, promise of future employment, favor, or service, based upon any understanding that the official

action or judgment of the employee would be influenced thereby.

B. No Employee will have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with proper discharge of his or her duties for City.

C. Employees must refrain from engaging in personal or business relationships that may create Conflicts of Interests or the perception of a Conflict of Interest inclusive of relationships that affords present or future financial benefits to an Employee, an Employee's Family Member or to individuals that the Employee has financial/business ties which may be determined to be a Conflict of Interest. Employees who may be in a position to influence City decisions must refrain from relationships that may adversely affect their judgment in dealing with the City's vendors, suppliers and other business relationships.

D. Conflict of Interest Disclosure and Declaration.

1. Upon employment, Employees are required to complete and sign a Conflict of Interest Declaration Form to identify situations that are or could be perceived as a Conflict of Interest.

2. Each time an Employee changes jobs with the City, either through promotion, transfer or demotion, Employees shall submit a new Conflict of Interest Declaration Form.

3. At any time during employment when Employees become aware of a Conflict of Interest or a situation that may be perceived as a Conflict of Interest, Employees must disclose and inform his or her Department Director, or designee, of any possible Conflict of Interest.

4. Employees must complete a Conflict of Interest Form as soon as they have knowledge that a Conflict of Interest exists.

E. Outside Employment.

1. Employees must refrain from performing services for another person or entity that is doing or seeking to do business with the City, except with the approval and written consent of the City Manager, or designee.

2. The City expects all Employees to devote their efforts to fulfilling the duties of their assigned positions. Employees are expected not to engage in activities outside of work which will prevent them from doing their best when they are working for the City.

3. Employees, whether full-time or part-time, who are employed for wages outside of the City, are required to submit a written information to the City Manager, or designee, for approval. The outside employment agency name, address, telephone number, type of employment and hours of employment must be provided on the written request in case of an emergency situation. The approved request will then be placed in the personnel file of the employee.

SECTION 6.02 DRESS AND APPEARANCE

I. POLICY

It is the policy of the City that Employees are well groomed, neat and dress appropriately for their job functions. Job functions and performance requirements vary depending on area of responsibility and contact with the public; therefore, specific dress and personal appearance standards may be established for various jobs/departments. The City Manager, in his or her sole discretion, is authorized to establish dress and appearance standards as necessary to maintain an effective and appropriate public image.

II. DEFINITIONS

A. Uniformed Employee shall mean an Employee required to wear a specific colored or styled uniform which may or may not be furnished by the City.

III. PROCEDURE

A. Employees are expected to maintain appropriate dress and appearance for the job/position in which the Employee is employed such that they project a positive, effective and responsible image to the public.

B. The following dress/appearance standards shall apply to Employees while on duty:

1. Clothing should be worn and fit in such a manner that it does not expose the abdomen, chest or buttocks areas.

2. Clothing, to include jewelry and hair, should not be loose or dangle in such a way that it creates a safety hazard. Hair must be worn in a manner appropriate to the job function.

3. Clothing shall not be distracting, offensive or revealing.

4. Clothing should be free of sexually related references, foul language/profanity, nude or semi-nude pictures, sexually suggestive slogans, cartoons or drawings, or political campaign messages.

5. Clothing should not suggest or promote the use of drugs or other intoxicants.

6. Tattoos or other body art must be appropriate in content and in keeping with a professional image; tattoos or other body art which are in conflict with this policy shall be covered by the Employee while on duty.

7. Body piercing jewelry will only be worn on the ear. No other areas of the body should be visible with body piercing jewelry.

8. Employees shall observe strict personal hygiene practices to include the use of deodorants, clean hair, skin, clothing.

9. All cuts or wounds must be covered.

10. The following are unacceptable attire: halter tops, beachwear, spandex or other form fitting pants, work-out attire, flip-flops or slippers, bare feet; pants, shorts, or skirts worn below the waistline such that the abdomen or back is exposed; sexually provocative clothing; clothing of any kind promoting unlawful or obscene products; hats in the office environment; the observable lack of undergarments and exposed undergarments; or sundresses, dresses or tops with low-cut front or back.

11. The above is not an exhaustive list but a guide to good dress and appearance.

C. Employees shall wear all safety equipment or protective devices issued by the City at all times as required.

D. Uniformed Employees must wear their uniform as required while on duty.

1. Uniforms shall be neat, cleaned and pressed.

2. Uniforms shall be worn in accordance with appropriate policies and procedures as established by the Department and/or City.

3. Alcoholic beverages shall not be purchased or consumed while in City uniform, even off-duty. Uniforms shall not be worn in the performance of non-City related work activities where a citizen could perceive that the Employee is working on behalf of the City.

E. Department Directors, or designee, are responsible for interpreting and enforcing dress, appearance and grooming standards in their areas of responsibility. Any Employee whose appearance does not meet these standards may be counseled by his/her Department Director, or designee.

F. If the Employee's appearance is deemed in violation of this policy, is unduly distracting, or the clothing is unsafe, the Employee may be relieved of duty or sent home to bring their appearance into compliance. Employees relieved of duty or sent home under this provision shall not be compensated for the time necessary to remedy the dress and appearance violation.

G. Reasonable accommodation will be made for Employees' religious beliefs and disabilities whenever possible consistent with the business necessity to present a professional appearance to the public and maintain a safe work environment.

H. Violations of this policy may result in disciplinary action up to and including termination of employment.

SECTION 6.03 PROHIBITION OF HARASSMENT

I. POLICY

The City strives to maintain a work environment in which people are treated with dignity, decency and respect and the City is committed to maintaining a work environment that is free of discrimination. In keeping with these commitments, the City will not tolerate unlawful harassment of its Employees by anyone, including any supervisor, co-worker or third party. The City will not tolerate verbal or physical conduct by any Employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment. Retaliation for making a complaint under this policy is prohibited.

II. DEFINITIONS

A. Harassment shall mean any unwelcome conduct, verbal, physical, or visual, that is based on a person's race, color, national origin, religion, age, gender (sex), or disability. Harassment may include, but is not limited to:

1. Verbal. Comments which are derogatory in nature regarding a person's nationality, origin, race, color, religion, sex, age, body disability, or appearance including epithets, slurs, negative stereotyping, jokes, threats, intimidation, hostile acts, denigrating or hostile written or graphic material posted or circulated in the workplace.

2. Non-verbal. Distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, sex, pregnancy, appearance, disability, marital or other protected status.

B. Sexual Harassment shall mean unsolicited or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment that unreasonably interferes with an Employee's work performance. Sexual Harassment may include, but is not limited to:

1. Verbal. Sexual innuendoes, sexual propositions, suggestive comments, jokes of a sexual nature, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" which is

oriented towards a prohibitive form of harassment, including that which is sex-oriented and considered unwelcome.

2. Non-verbal. The distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, that is sexual in nature.

3. Physical. Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

C. Quid Pro Quo Harassment is a form of Sexual Harassment where submission to harassment is used as the basis for employment decisions including employee benefits such as raises, promotions, better working hours, etc., are directly linked to compliance with sexual advances. Only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment.

D. Hostile Work Environment is a form of Harassment where the harassment creates an offensive and unpleasant working environment that unreasonably interferes with reasonable work performance. A Hostile Work Environment can be created by anyone in the work environment, whether it be supervisors, other employees, or third parties.

III. PROCEDURE

A. Employee Responsibilities.

1. Employees share the responsibility of understanding and preventing discrimination and harassment.

2. Employees are required to report conduct or behavior that appears to be in violation of this policy. If any Employee receives a complaint that a non-employee or applicant has been harassed by an Employee, he or she shall immediately report the complaint to his or her Immediate Supervisor or Department Director, whichever is available at the time.

3. Employees are required to participate in an investigative or formal inquiry process conducted in follow up to complaints made under this policy.

B. Consensual Sexual Relationships.

1. The City discourages romantic or sexual relationships between a management or supervisory Employee and other Employees, because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts.

2. If such a relationship occurs, the parties need to be aware that one or both may be moved to a different department. If it is determined that one or both parties must be moved, but no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

3. Due to the possibility of "Quid Pro Quo" harassment, no management or supervisory Employee is to engage in a consensual sexual relationship with an Employee that is a direct report or subordinate. Should such a relationship be discovered, the parties will be subject to disciplinary action up to and including termination of employment.

C. Confidentiality.

1. The City wishes to create a safe environment in which Employees are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation.

2. The City recognizes that Employees may be concerned about the confidentiality of information they share, and will strive to preserve confidentiality to the fullest extent possible.

3. While the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the City cannot be guaranteed in every instance, they will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the City's legal obligation to act upon the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the City and those involved in the investigation.

4. During the investigative process, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent not violative of any existing state or federal law.

D. Complaint Process.

1. An Employee who feels harassed should make it clear to the harasser that such conduct is offensive and unwelcome.

   a. State clearly that the offensive conduct is to stop at once.

   b. If the conduct does not stop after confronting the harasser, then notify your Immediate Supervisor or Department Director.

2. Where an Employee is uncomfortable confronting the individual engaging in the offensive conduct, the Employee may directly notify his or her Immediate Supervisor or Department Director as identified in the department's established chain of command.

3. If the Immediate Supervisor or Department Director is involved in the harassment or is the alleged harasser, the Employee may directly notify Human Resources or the City Manager. If the City Manager is the alleged harasser or involved in the alleged harassment, an Employee may submit his or her complaint in writing to the Mayor. If the Mayor or a City Council Member is the alleged harasser or involved in the alleged harassment, an Employee may submit his or her complaint in writing directly to the City Manager.

4. All Reports of harassment or formal complaints of harassment must be submitted in writing to the appropriate person as outlined above. These complaints are to be signed by the reporting Employee.

5. When any Supervisor or Department Director receives a harassment complaint, the complaint shall be immediately reported to Human Resources and/or the City Manager.

6. A formal inquiry or investigation into the complaint will be conducted in accordance with the City's then-current Grievance Procedure. The Immediate Supervisor, Department Director, City Manager, or Mayor as applicable, shall manage the process for conducting a formal inquiry or investigation into the matter in accordance with the City's then-current Grievance Procedure, which utilizes independent investigators and hearing officers when the complaint is against persons who would otherwise be part of the investigation/hearing process.

7. If harassment by an Employee is found to have occurred, the Employee shall be disciplined in accordance with the City's discipline policy, up to and including termination of employment.

8. If harassment of an Employee is found to have occurred by an applicant or non-employee, appropriate action will be taken.

E. Retaliation. Any Employee, applicant or non-employee who reports conduct prohibited by this policy or who participates or assists in the investigation of a complaint of harassment will not be penalized nor will it have an adverse impact on an Employee or applicant's employment status.

1. No hardship, no loss or benefit, and no penalty may be imposed on an Employee as punishment for:

   a. Filing or responding to a bona fide complaint of discrimination or harassment;

   b. Appearing as a witness in the investigation of a complaint; or

   c. Serving as an investigator.

2. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to disciplinary action up to and including termination.

3. Any Employee who, in good faith, reports an alleged incident of Sexual Harassment will not be subject to reprisal or retaliation.

4. Any Employee who feels he or she has been subjected to such adverse actions should make a report to through the Employee's chain of command to the Immediate Supervisor or Department Director. If the Immediate Supervisor or Department Director is involved in the retaliation then the Employee may make a report directly to Human Resources.

5. Any Employee, however, who is found to have knowingly made a false accusation of Sexual Harassment or retaliation, may be subject to appropriate disciplinary action up to and including termination.

F. Training/Education. The City will provide information and education to Employees on recognizing, understanding, and combating unlawful discrimination and harassment on a periodic basis.

SECTION 6.04 DISCIPLINARY AND CORRECTIVE ACTION

I. POLICY

It is the policy of the City to handle disciplinary/corrective action based upon the details of the individual act committed by the Employee and the totality of the circumstances regarding the policy infraction; however, the City commits to applying discipline in a nondiscriminatory manner.

II. DEFINITIONS

A. Demotion means the reassignment of an Employee to another position with a reduction in pay for disciplinary reasons. Non-disciplinary demotions are made at-will by the City Manager for operational reasons.

B. Termination is the involuntary separation of an Employee from City employment.

C. Suspension means the temporary relief of an Employee from duty in which the Employee is directed not to report to work. An Employee that is suspended may or may not be paid for the time away from work.

III. PROCEDURE

A. Conduct or acts which violate any City policy or procedure, including the policies outlined in this Manual, will subject the Employee to corrective action.

B. Appropriate action will be determined by the City on a case by case basis, taking into account the totality of the circumstances. The City Manager or designee, or a Department Director with the approval of the City Manager, may take the disciplinary measures as set forth herein or as otherwise provided in this Manual.

C. Disciplinary Measures. Among the available disciplinary measures that may be taken as a result of an Employee's improper act, conduct, or policy/procedure violation, etc. are as follows: verbal warning, written reprimand, suspension, demotion, or termination. Any of these measures may be applied at any time where circumstances warrant such measures.

D. Disciplinary Appeals. An Employee whose employment with the City has been suspended, demoted, dismissed or terminated may appeal the decision through the Grievance/Complaint Procedure.

E. Law Enforcement or Firefighter Bill of Rights. Discipline of City Employees who are subject to the provisions of Florida Statutes §112.532 Law Enforcement Officers and Correctional Officers Rights and §112.82 Rights of Firefighters shall be afforded those rights as required by statute.

F. Collective Bargaining Units. For those Employees subject to a Collective Bargaining Agreement, disciplinary measures and corrective action will be taken in accordance with the City's policies and procedures, unless otherwise superseded by the terms of the Collective Bargaining Agreement.

Section 7
Employee Benefits & Services

SECTION 7.00 HOLIDAYS

I. POLICY

The City provides a competitive paid time off benefit to Employees in recognition of certain Holidays. The City reserves the right to add or delete any days from the list of Holidays if it is determined to be in the best interest of the City.

II. DEFINITIONS

A. Full-time, Regular Employee is defined as an employee who is regularly scheduled to work thirty (30) or more hours per workweek.

B. Holiday Pay is defined as a paid time off benefit that is equal to the time/hours that the Employee would typically be scheduled to work/earn during his/her normal workday.

III. PROCEDURE

A. Eligibility.

1. Only Full-time, Regular Employees are eligible for Holiday Pay. Part-time Employees are not eligible for Holiday Pay.

2. To be eligible for Holiday Pay, an Employee must work the last regularly scheduled workday preceding the Holiday and the first regularly scheduled workday following the Holiday, unless the absence is approved in advance, or otherwise authorized, by the Department Director or designee.

3. An Employee who separates or commences an unpaid leave of absence (a) on the last regularly scheduled workday preceding a Holiday, (b) on a Holiday, or (c) on the first regularly scheduled workday following the Holiday will not receive Holiday Pay.

4. An Employee that is in a "no-pay" or unpaid leave status will not be eligible for Holiday Pay.

B. Recognized Holidays. The following days will be observed as Holidays and offices will be closed, except for those Departments who are normally required for continuous or emergency duty:

New Year's Day
Dr. Martin Luther King Day
President's Day
Good Friday
Memorial Day

Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Day after Thanksgiving
Christmas Eve
Christmas Day

1. Annual approval of dates observed as Holidays shall be approved by the City no later than the first meeting in December of the preceding calendar year.

2. City paid Holidays which fall on Saturday may be observed on the preceding Friday, paid Holidays which fall on a Sunday may be observed on the following Monday.

3. Holidays shall be observed from 12:00 a.m. to 11:59 p.m.

C. Employees Required to Work on Holidays.

1. Exempt Employees. Holiday Pay for Exempt Employees is compensated as part of base pay. In the event that an Exempt Employee is either scheduled or called-in to work on a Holiday in which they would otherwise not be working, the Exempt Employee is granted an additional day of Vacation Leave in lieu of Holiday Pay. The additional day of Vacation Leave shall be added to the Exempt Employee's Vacation Leave balance in the same pay period in which the Holiday occurs.

2. Non-Exempt Employees on Regular Work Schedule. When a Non-Exempt Employee's regular work schedule requires the Employee to work on a Holiday, such Employee shall be compensated for all Hours Worked on the Holiday, at the Employee's Regular Rate of Pay; and the Employee shall be compensated an equivalent amount of Holiday Pay. For Example: If an employee whose regular work schedule on the holiday is 4 hours, the employee receives pay for a total of 8 hours at the employee's regular rate of pay.

3. Non-Exempt Employees Called In to Work on Holiday. A Non-exempt Employee called-in to work on a Holiday in which the Employee was not otherwise scheduled to work shall be compensated for all Hours Worked on the Holiday within a 24 hour period, or a minimum of four (4) hours, whichever is greatest, at time and one-half the Employee's Regular Rate of Pay, and shall be compensated Holiday Pay at the Employee's Regular Rate of Pay, for the hours that the Employee would have been regularly scheduled to work if the Holiday were not scheduled for observation. For Example: For an employee regularly scheduled to work an 8 hour day

who is called-in to work for 5 hours on a City Holiday will be paid for the 5 hours actually worked x (1.5 x pay-rate/hour) *plus* 8 hours holiday pay x pay-rate/hour.

D. Extenuating Circumstances. When extenuating circumstances (i.e. car accident, death of immediate family member, etc.) have rendered the Employee unable to comply with all the conditions of this policy and procedure, the Employee may appeal his or her eligibility for Holiday Pay to the City Manager. The City Manager's decision is final.

Section 7.01 VACATION LEAVE

I. POLICY

The City encourages its Employees to take vacation as paid time off away from work at scheduled times coordinated through management.

II. DEFINITIONS

A. Accrue means to accumulate or increase.

B. Pro-Rate means to calculate based on a unit of time or portions of units of time.

C. Employment Anniversary Date means the annual date coinciding with the Employee's date of hire without a break in service or employment.

D. Full-time Employee is defined as an Employee who is regularly scheduled to work thirty (30) or more hours per workweek.

E. Regular Employee shall mean an Employee who is regularly scheduled to work each workweek or pay period and has been employed continuously for at least sixty (60) calendar days; this does not include temporary or seasonal employees.

F. Pay Period shall mean the period of time, typically two workweeks, in which an Employee is compensated.

III. PROCEDURE

A. Eligibility.

1. Full-Time, Regular Employees shall earn and accrue Vacation Leave.

2. New Employees shall earn and accrue Vacation Leave, but are not eligible to use accumulated Vacation Leave until the first of the month following sixty (60) days of employment from date of hire.

3. Part-time Employees are not eligible to earn or accrue Vacation Leave.

4. Temporary, Reserve and Seasonal Employees are not eligible to earn or accrue Vacation Leave.

B. Use of Leave.

1. An Employee may use his/her Vacation Leave for the following purposes:
   a. Vacation;

b. Absence for transaction of personal business which can not be conducted during off-duty hours;
c. Religious holidays other than those designated by City Council;
d. Family activities;
e. Upon exhaustion of Sick Leave, for an absence:
   i. Due to illness of Employee;
   ii. Due to illness of an Employee's Immediate Family Member or for a family member not otherwise covered by the policy;
   iii. for medical appointments.
f. In conjunction with the use of Bereavement Leave, for an absence due to death of an Immediate Family Member; or the death of an extended family member not otherwise covered by the Bereavement Leave policy;
g. To supplement income for time lost due to work-related injury, illness or disability where statutory worker's compensation payments are being received, provided that the combination shall not exceed 100% of the Employee's regular base rate of pay;
h. To supplement income for time lost due to non-work related injury, illness or disability where the Employee is receiving disability insurance benefits, provided that the combination shall not exceed 100% of the Employee's regular base rate of pay; or
i. Any other approved leave of absence.

2. Vacation Leave is available for use by eligible Employees as it is earned, scheduled, and approved by the Department Director or designee.

3. Vacation Leave may be taken in no less than hourly increments, but use of Vacation Leave in increments of days and weeks is encouraged.

4. Vacation Leave must be used:
   a. before unpaid leave will be considered or approved.
   b. To supplement an Employee's income when the Employee is receiving worker's compensation or other disability benefits.

5. Holidays occurring while an Employee is on an approved Vacation Leave shall not be charged against his or her accrued Vacation Leave balance.

C. <u>Scheduling Leave</u>.

1. Vacation Leave must be approved and scheduled with the Employee's Department Director, or designee, as set forth in the Departmental procedures regarding chain of command.

2. Employees should use Vacation Leave each year.

3. When requesting Vacation Leave, Employees should provide as much advanced notice as possible, but not less than five (5) days prior written request using the established Leave Request procedure. Additional documentation in support of certain Vacation Leave requests may be required from the Employee prior to approval.

4. Approval for all Vacation Leave is subject to departmental policies/practices, and operational issues. Due to scheduling issues related to City operations, Department Directors, or designees, may require more advanced notice for requests for several consecutive days or weeks.

5. Approval of Leave Requests is in the sole discretion of the Department Director or designee; notice of decision will be provided to the employee in a reasonable time.

D. Payment of Vacation Leave.

1. Vacation Leave hours are paid at the Employee's Regular Rate of Pay.

2. Payment When Vacation Leave Is Used. In order to be appropriately compensated for Vacation Leave, Employees must have received approval through the Leave Request procedure.

3. Vacation Leave Buy-Back. Employees are not paid for accrued Vacation Leave in lieu of taking such leave during any calendar year, unless deemed in the best interest of the City and approved by the City Manager.

4. Payment of Vacation Leave Upon Termination.

   a. Employees terminated while in an Introductory Status shall not receive pay for any Vacation Leave accrued during their Introductory Status.

   b. For those Employees who have completed sixty (60) days of continuous employment, 100% of the remaining leave balance of earned, but unused, Vacation Leave will be paid at termination.

   c. In the rare event that an Employee would have a negative Vacation Leave balance upon termination his/her final paycheck shall be deducted to reimburse the City for the negative balance.

E. Accrual. Eligible Employees accrue Vacation Leave based on the following provisions.

1. Vacation Leave is Accrued based on years of service in accordance with the following:

a. The Employee's Employment Anniversary Date is used for calculating years of service to determine the appropriate accrual rate.

b. For purposes of calculating years of service, only those monthly-periods in which an Employee was consecutively employed for the entire monthly-period will be considered in computing years of service.

c. New Accrual Rates commence at the start of the first pay period following the Employee's Employment Anniversary Date.

2. Non-Exempt/Hourly Employees earn Vacation Leave Pro-Rated, on a Pay Period basis, based on Regular Hours and other approved paid time off or paid leave of absence as provided within the City's personnel policy, not to include worker's compensation or disability benefits.

3. Exempt Employees earn Vacation Leave each Pay Period based on a Pro Rated amount of Vacation Leave hours earned per year as set forth in the table below.

4. Vacation Leave shall not be accrued by an Employee during a Leave of Absence Without Pay, a suspension, or when the Employee is otherwise in a non-pay status.

5. Accrual Rate Schedule. The following table is for demonstration purposes only and does not guarantee that each Employee will earn the number of hours identified. The table is merely an approximation of hours that may be earned.

	Years of Service							
	1 - 4 Years		5 – 8 Years		9 – 14 Years		Fifteen or More	
Average Regular Hours Worked	Hourly Accrual Rate	Hours Per Year	Hourly Accrual Rate	Hours Per Year	Hourly Accrual Rate	Hours Per Year	Hourly Accrual Rate	Hours Per Year
40	.03846	80	.05769	120	.07692	160	.09615	200
42	.03846	84	.05769	126	.07692	168	.09615	210
56	.03846	112	.05769	168	.07692	224	.09615	280

F. Balance Cap and Carry Forward of Vacation Leave.

1. Employees are encouraged to take Vacation Leave within the year in which it is earned. However, a maximum of Vacation Leave hours accrued may be carried forward from one calendar year to the next as noted in the table below. The Carry Forward Cap will be applied with the first pay date in January.

Average Regular Hours Worked	Maximum Hours Cap
40	160
42	168
56	224

G. Return to Work Following Approved Vacation Leave. Failure to return to work as scheduled following approved Vacation Leave may be deemed a voluntary resignation, unless the Employee obtains approval of the City Manager, or designee, for other leave benefits prior to the expiration of the approved Vacation Leave.

SECTION 7.02 SICK LEAVE/EXTENDED LEAVE/SHORT TERM DISABILITY BANK

I. POLICY

The City offers paid leave to Employees to use during times of illness or medical treatment and will administer this leave benefit based on established guidelines.

II. DEFINITIONS.

A. Accrue means to accumulate or increase.

B. Pro-Rate means to calculate based on a unit of time or portions of units of time.

C. Employment Anniversary Date means the annual date coinciding with the Employee's date of hire without a break in service or employment.

D. Full-time Employee is defined as an Employee who is regularly scheduled to work thirty (30) or more hours per workweek.

E. Regular Employee shall mean an Employee who is regularly scheduled to work each workweek or pay period and has been employed continuously for at least sixty (60) calendar days; this does not include temporary or seasonal employees.

F. Pay Period shall mean the period of time, typically two workweeks, in which an Employee is compensated.

G. Immediate Family Member shall mean, for the purposes of this Sick Leave procedure, the Employee's spouse, child/children, parent, a legally recognized ward, r any other relative currently residing in the same household.

III. PROCEDURE

A. Eligibility.

1. Full-Time, Regular Employees shall earn and accrue Sick Leave.

2. New Employees earn and accrue Sick Leave, but are not eligible to use accumulated Sick Leave until the first of the month following sixty (60) calendar days of employment from date of hire.

3. Part-time Employees are not eligible to earn and accrue Sick Leave.

4. Temporary, Reserve and Seasonal Employees are not eligible to earn or accrue Sick Leave.

B. Use of Sick Leave.

1. An Employee may use his or her Sick Leave in hourly increments for the following purposes:

   a. Personal illness or injury of the Employee not connected with work.

   b. Medical or dental consultation or treatment of the Employee or Immediate Family Member.

   c. Qualifying FMLA illnesses, injuries or serious health conditions.

   d. To supplement income for time lost due to work-related injury, illness or disability where statutory worker's compensation payments are being received, provided that the combination shall not exceed 100% of the Employee's regular base rate of pay.

   e. To supplement income for time lost due to non-work related injury, illness or disability where the employee is receiving disability insurance benefits, provided that the combination shall not exceed 100% of the Employee's regular base rate of pay.

2. Sick Leave may not be used or taken until earned.

3. Sick Leave is available for use by eligible Employees as it is earned and authorized by the Department Director or designee.

4. Prohibited Uses. An Employee may not secure part or full-time employment elsewhere while on Sick Leave. Such employment may lead to disciplinary action up to and including termination.

C. Requesting Sick Leave.

1. Sick Leave must be approved and scheduled with the Employee's Department Director, or designee, as set forth in the Departmental procedures regarding chain of command.

2. Employees shall notify their Department Director or designee promptly of the Leave Request and, in the event of unplanned leave, shall provide as much advanced notice as possible, but no less than one (1) hour prior to the normal starting time of the work day in which the Sick Leave is to be taken.

3. In the event that an Employee should become ill at work, or should she or he come to work ill, then the Department Director or designee shall have

the authority to require the Employee to take Sick Leave for the balance of that day.

4. Employees failing to appropriately notify and report his or her absence to his or her Department Director or designee may be considered to have voluntarily resigned from employment with the City.

5. Proof of Illness.

   a. When Sick Leave appears to be abused, or when an Employee consistently uses Sick Leave as it is earned, the Employee requesting Sick Leave may be required to furnish competent proof of necessity of such absence, i.e. medical certification or doctor's note.

   b. The City reserves the right in all cases of illness or reported illness to require the Employee to furnish a certification, in a form acceptable to the City, from the Employee's medical provider.

   c. Abuse of Sick Leave privileges shall constitute grounds for disciplinary action up to and including termination.

   d. Employees submitting a false claim to obtain Sick Leave will be subject to disciplinary action up to and including termination.

D. Payment of Leave.

1. Sick Leave hours are paid at the Employee's Regular Rate of Pay.

2. Payment for Sick Leave When Used. In order to be appropriately compensated for Sick Leave, Employees must have received approval through the Leave Request Procedure.

3. Sick Leave Buy-Back.

   a. Effective with the first pay period ending each October, Employees shall have the option of converting up to fifty percent (50%) of the unused sick leave earned during the previous twelve (12) months, to cash payment based on the Employee's then current Regular Rate of Pay. Payments under this Buy-Back provision will be paid with the first pay period ending in December.

   b. Except as provided in 3(a) above, Employees are not paid for accrued Sick Leave in lieu of taking such leave during any calendar year, unless deemed in the best interest of the City and approved by the City Manager.

4. Payment of Sick Leave Upon Separation.

   a. Employees resigning or terminated while in an Introductory Status shall not receive pay for any Sick Leave accrued during their Introductory Status.

   b. In accordance with the following table, a portion of the balance of earned, but unused Sick Leave will be paid upon an Employee's voluntary resignation or retirement.

Years of Service	Percentage of Balance Eligible
Up to But Not Including Three	0%
Three Up to But Not Including Seven	25%
Seven Up to But Not Including 15	35%
15 or More	50%

   c. In the rare event that an Employee would have a negative Sick Leave balance upon voluntary resignation, retirement or termination, his or her final paycheck shall be deducted to reimburse the City for the negative balance.

E. Accrual. Eligible Employees accrue Sick Leave based on the following provisions:

1. Sick Leave is Accrued based on years of service in accordance with the following:

   a. The Employee's Employment Anniversary Date is used for calculating years of service to determine the appropriate accrual rate.

   b. For purposes of calculating years of service, only those monthly-periods in which an Employee was consecutively employed for the entire monthly-period will be considered in computing years of service.

   c. New Accrual Rates commence at the start of the first pay period following the Employee's Employment Anniversary Date.

2. Non-Exempt/Hourly Employees earn Sick Leave Pro-Rated based on a Pay Period basis, based on Regular Hours and other approved paid time off or paid leave of absence as provided within the City's personnel policy, not to include worker's compensation or disability benefits.

3. Exempt Employees earn Sick Leave each Pay Period based on a Pro-Rated amount of Sick Leave hours earned per year as set forth in table below.

4. Sick Leave shall not be earned by an Employee during a Leave of Absence Without Pay, a suspension, or when the Employee is otherwise in a non-pay status.

5. Accrual Rate Schedule. The following table is for demonstration purposes only and does not guarantee that each Employee will earn the number of hours identified. The table is merely an approximation of hours that may be earned.

Approximate Hours Worked	Hourly Accrual Rate	Leave Hours Per Year
40	.03846	80
42	.03846	84
56	.03846	112

F. Balance Cap and Carry Forward of Sick Leave.

1. A maximum of accrued Sick Leave may be carried forward from one calendar year to the next in accordance with the following table. The Carry Forward Cap will be applied with the first pay date in January.

Average Regular Hours Worked	Maximum Hours Cap
40	160
42	168
56	224

2. Any Sick Leave hours in excess of the Carry Forward Cap will be credited to the Employee's Extended Illness/Short-term Disability Bank.

G. Extended Illness/Short-term Disability Bank (EIB).

1. Eligibility. Employees eligible for Sick Leave under this policy are eligible for an Extended Illness/Short-term Disability Bank which is funded by an Employee's Sick Leave balance in excess of the Carry Forward Cap.

2. Use of EIB.

   a. EIB may be taken in hourly increments for the same purposes as set forth in the Use of Sick Leave provision of this procedure.

b. The Extended Illness/Short-term Disability Bank may be accessed only after a full pay-period of absence without any Hours Worked.

c. Proof of Illness.

i. The City reserves the right in all cases of illness or reported illness to require the Employee to furnish a medical certification, in a form acceptable to the City, from the Employee's medical provider.

ii. Abuse of EIB privileges shall constitute grounds for disciplinary action up to and including termination.

iii. Employees submitting a false claim to obtain EIB will be subject to disciplinary action up to and including termination.

3. Payment of Leave.

a. EIB Hours are paid at the Employee's Regular Rate of Pay.

b. Payment for EIB When Used. EIB hours must be approved by the Department Director or designee before payment for leave may be authorized.

c. EIB Buy-Back. Employees are not paid for EIB in lieu of taking such leave.

d. Payment of EIB Upon Termination. Any earned but unused hours in the EIB Bank are not eligible for cash-out.

4. Balance Cap. A maximum of 480 hours may be accrued and retained in the Extended Illness/Short-term Disability Bank at any one time.

H. Return to Work Following Sick Leave or Extended Illness.

1. Failure to return from an approved leave under this policy may be deemed a voluntary resignation, unless the Employee obtains approval of the City Manager for use of other leave benefits prior to the expiration of the approved leave.

2. Employees returning from an approved leave under this policy may be required to provide a fitness-for-duty certification from the Employee's medical provider, in a form acceptable to the City, authorizing the Employee to return-to-work.

SECTION 7.03 CIVIL LEAVE AND JURY DUTY

I. POLICY

Civil Leave is given as time off with pay for actual time spent for court or deposition appearances and requirements in relation to the Employee's position with the City or upon request of the City; and time off with pay for service on Jury Duty in accordance with established procedures.

II. DEFINITIONS

A. Full-time, Regular Employee is defined as an Employee who is regularly scheduled to work thirty (30) or more hours per workweek.

III. PROCEDURE

A. Eligibility.

1. Employees summoned or who are subpoenaed to appear in court or to attend a deposition as a witness in relation to their position or employment with the City will be granted Civil Leave.

2. Employees subpoenaed to court as a witness for reasons not connected to their official position with the City are not eligible for Civil Leave. Time used will be charged to Employees' Vacation Leave or granted without pay if no Vacation Leave is available.

3. Full-time, Regular or New Employees summoned to jury duty will be granted Civil Leave in accordance with these procedures.

B. Amount of Leave.

1. Civil Leave for City-Related Matters. Civil Leave for City, work-related matters will be compensated as Hours Worked and in accordance with the policy on Hours and Pay.

2. Civil Leave for Jury Duty. Up to two (2) weeks or eighty (80) hours of paid time off may be granted, without loss of pay or without deduction from other paid leave banks, i.e. Vacation Leave and Sick Leave, for service on Jury Duty within a 12-month period. Time will be paid based on the Employee's regularly scheduled work day.

C. Requesting and Recording Civil Leave.

1. Employees must notify their Department Director, or designee, immediately upon receiving a summons or subpoena.

2. Civil Leave requests should be submitted in writing on the Leave Request Form. A copy of the summons or subpoena must be attached to the Leave Request Form.

3. Employees will submit any payment received from Jury Duty or witness fees, etc., to the City when they have been compensated by the City under this procedure.

4. If an Employee is released or excused from court or Jury Duty, he or she is required to report immediately to his or her Department Director, or designee, for the remainder of the Employee's regularly scheduled work day.

SECTION 7.04 BEREAVEMENT LEAVE

I. POLICY

The City authorizes paid Bereavement Leave to employees for the purposes of attending the funeral or to deal with a death of an Immediate Family Member.

II. DEFINITIONS

A. Full-time, Regular Employee is defined as an Employee who is regularly scheduled to work thirty (30) or more hours per workweek.

B. Immediate Family Member means spouse, children, father, mother, brother, sister, in-laws (father, mother, brother, sister, son or daughter only), any relative living in the same household, step-parent, step-child, step-brother, step-sister, grandmother, grandfather, grandchild, legal guardian or any other relative currently residing in the same household.

C. Part-time, Regular Employee is defined as an Employee who is regularly scheduled to work less than thirty (30) hours per workweek.

III. PROCEDURE

A. Eligibility. Full-time and Part-time Employees are eligible for Bereavement Leave.

B. Amount of Leave.

1. Full-time Employees. Bereavement Leave may be granted for up to a maximum of three (3) days per occurrence for Full-time Employees. Bereavement Leave benefits are granted in addition to any other paid leave bank benefit.

2. Part-time Employees. Bereavement Leave may be granted for up to one (1) day for Part-time Employees prorated based on their regularly scheduled hours of work. Bereavement Leave benefits are granted in addition to any other paid leave bank benefit.

C. Use of Leave. Bereavement Leave may be granted to an Employee to grieve the loss of and/or to attend a funeral or memorial service on the occasion of the death of an Immediate Family Member.

D. Requesting and Recording Use of Leave. Bereavement Leave may be requested using the Leave Request Form and submitting appropriate documentation, as requested or required, verifying the purpose of the leave.

SECTION 7.05 FAMILY AND MEDICAL LEAVE

I. POLICY

The City grants up to 12-weeks of family and medical leave during any 12-month period to eligible Employees, and up to 26-weeks of family and medical leave during any 12-month period to eligible employees of Covered Service Members, in accordance with the Family and Medical Leave Act of 1993 (FMLA), as amended. The leave may be paid, unpaid or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this policy and procedure.

II. DEFINITIONS

A. Active Duty or Call to Active Duty Status means, for Regular Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and, for Reserve Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a federal call or order to active duty (not a State call to active duty unless by order of the President of the United States) in support of a contingency operation.

B. Child means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.

C. Covered Service Member means a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; and a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces, including National Guard or Reserves) at anytime during the five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

D. Health Care Provider means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or any other person determined by the State to be capable of providing health care services.

E. Parent means the biological or step-parent of an employee or an individual who stood in the role/relationship as parent to an Employee when the employee was a son, daughter or adopted son or daughter.

F. Qualifying Exigency means a non-medical activity that is directly related to the Covered Service Member's Active Duty or Call to Active Duty status. For an activity to qualify as an exigency, it must fall within one of seven categories of activities: (1) short notice deployment (leave permitted up to seven days if the

military member receives seven or less days' notice of a call to active duty); (2) military events and related activities; (3) certain temporary child care arrangements and school activities (but not ongoing childcare); (4) financial and legal arrangements; (5) counseling by a non-medical counselor (such as a member of the clergy); (6) rest and recuperation (leave permitted up to five days when the military member is on temporary rest and recuperation leave); and (7) post-deployment military activities. An Employee who is a member of the Regular Armed Forces may not take exigency leave under this policy.

G. Serious Health Condition means an injury, illness, impairment, or physical/mental condition that involves:

1. Inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care; or
2. Continuing treatment by a Health Care Provider that includes:
   i. a period of incapacity of more than three (3) consecutive calendar days and any subsequent treatment period of incapacity relating to the same condition;
   ii. a period of incapacity due to pregnancy, or for prenatal care;
   iii. a period of incapacity or treatment for a chronic Serious Health Condition which is a condition that (a) requires visits for treatment by a Health Care Provider at least twice a year; (b) continues over an extended period of time; and (c) may cause episodic incapacity rather than a continuing period of incapacity;
   iv. a period of incapacity which is permanent and long-term due to a condition for which ongoing treatment may or may not be effective;
   v. a period of absence to receive multiple treatments for an injury or condition which would result in incapacitation of more than three (3) days if not treated; and
   vi. any other provision of the FMLA or its regulations.

H. Serious Injury or Illness means, in the case of a Covered Service Member, an injury or illness incurred by the Covered Service Member in the line of duty on Active Duty that may render the Covered Service Member medically unfit to perform the duties of the Covered Service Member's office, grade, rank or rating.

I. Spouse means a legally recognized husband or wife.

III. PROCEDURE

A. Eligibility. To qualify for family or medical leave under this policy, the Employee must meet all of the following conditions:

1. The Employee must have worked for the City for 12 months or 52 weeks within the seven years prior to the date leave is to begin; the 12 months or 52 weeks need not be consecutive. For eligibility purposes, an Employee will be considered to have been employed for an entire week even if the

Employee was on the payroll for only part of a week or if the Employee is on approved or authorized leave during the week; and

2. The Employee must have worked at least 1250 hours during the twelve-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an Employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1250 hours worked.

B. Type of Leave Covered.

1. To qualify as FMLA leave under this policy, the Employee must be taking leave for one of the reasons listed below:

   i. The birth of a child and in order to care for that child;

   ii. The placement of a child for adoption or foster care and to care for the newly placed child;

   iii. To care for a spouse, child or parent, with a Serious Health Condition;

   iv. The Serious Health Condition of the Employee that makes the Employee unable to perform the functions of the Employee's position; or

   v. For any Qualifying Exigency arising out of the fact that the spouse, child or parent of the employee is on Active Duty (or has been notified of impending call or order to Active Duty) in the Armed Forces in support of a contingency operation.

2. Employees with questions about what illnesses are covered under this FMLA policy or under the City's other leave policies are encouraged to consult with the Human Resources.

3. Retroactively Effective. If an Employee takes paid leave, i.e. Vacation Leave, Sick Leave, Extended Illness Leave, for a condition that progresses into a Serious Health Condition that meets the criteria for FMLA leave and the Employee requests unpaid leave under this FMLA policy, the City may in its sole discretion designate all or some portion of the paid leave as FMLA leave under this policy.

C. Amount of Leave Available.

1. An eligible Employee may take up to 12 weeks of leave under this policy during any 12-month period.

2. An eligible Employee who is the spouse, child, parent or next of kin of a Covered Service Member may take up to 26 weeks of leave during a 12-month period to care for the Covered Service Member.

3. Calculating Leave Amount. The City will calculate the 12 month period as a rolling 12-month period measured backward from the date an Employee uses any leave under this policy. Each time an Employee takes leave, the City will compute the amount of leave the Employee has taken under this policy and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the Employee is entitled to take at that time.

4. Entitlement to leave for the birth, adoption, or placement of a child in foster care expires twelve months after the date of the birth, adoption, or placement, and must, therefore, be completed prior to that day.

5. When Spouses are Both Employed By City. If a husband and wife both work for the City there are some restrictions on use and amount of leave.

   i. If the husband and wife each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a Serious Health Condition, the husband and wife may only take a combined total of 12 weeks of leave.

   ii. If both Spouses are Employees of the City, their combined leaves of absence will not exceed 12 weeks if leave is for reasons other than their own serious health condition, a serious health condition of their spouse or a serious health condition of their child.

   iii. If the husband and wife both use a portion of the total 12-week FMLA leave for one of the above FMLA purposes, they would each be entitled to leave for other FMLA purposes. For example, if each spouse took six weeks of leave for the birth of a child, each could later use an additional six weeks due to a personal illness or to care for a sick child or spouse.

   iv. If both Spouses are Employees of the City, and if leave is granted for a Covered Service Member, their combined leaves of absence will not exceed 26 weeks, inclusive of any other FMLA leave granted during the previous 12-month period.

D. <u>Intermittent Leave or a Reduced Work Schedule</u>.

1. The Employee may take FMLA leave in consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year to be used for such purposes as periodic medical treatments, chemotherapy, dialysis, etc.) or under certain circumstances may use the leave to reduce

the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 or 26 workweeks over a 12-month period, whichever applies.

2. For Intermittent Leave that is foreseeable based on a planned medical treatment, including recovery from a Serious Health Condition or to care for a child after birth, or placement for adoption or foster care, the City may temporarily transfer an Employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule.

3. For the birth, adoption or foster care of a child, the City and the Employee must mutually agree to the schedule before the Employee may take the leave intermittently or work a reduced hour schedule. If the Employee is taking leave for a Serious Health Condition or because of the Serious Health Condition of a family member, the Employee should try to reach agreement with the City before taking intermittent leave or working a reduced hour schedule. If this is not possible, then the Employee must prove that the use of the leave is medically necessary. The City may require certification of the medical necessity as discussed in Section G of this policy.

4. For Exempt Employees taking FMLA leave on an intermittent or reduced schedule basis, salary adjustments may be made in accordance with the law.

E. Concurrent Use of Paid and Unpaid Leave Banks and Other Leave Benefits May Be Required.

1. Leave authorized under this policy is unpaid; however, if the Employee has accrued or earned paid leave banks available, (i.e. Vacation Leave, Sick Leave, Extended Illness Leave), Employee will be required to use those banks concurrent with leave taken under this policy.

   i. Paid leave banks will be used in the following order: First any available accrued sick leave, then any available accrued vacation leave balances. The combination of the paid leave and unpaid leave is not to exceed 12 or 26 weeks, whichever applies.

   ii. Disability leave for the birth of the child and for an Employee's Serious Health Condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA leave.

2. Example. If an employer provides six weeks of pregnancy disability leave, the six weeks can be designated as FMLA leave and counted toward the Employee's 12 week entitlement. The Employee may then be required to

substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12 week entitlement.

F. Procedure for Requesting Leave and Approval of Leave.

1. All Employees requesting leave under this policy must request leave using the Leave Request Form. At a minimum, verbal notice with an explanation of the reason(s) for the need for leave is to be provided to the Employee's immediate supervisor, who will advise the City designee.

2. If the leave is planned or foreseeable, thirty (30) days advanced notice is to be provided in writing by the Employee on the Leave Request Form.

   i. Employees must give the City 30 days' notice, when the need for leave is planned or foreseeable. If an Employee fails to provide 30 days' notice for foreseeable leave with no reasonable excuse for the delay, the leave request may be denied until at least 30 days from the date the City receives notice.

   ii. If it is not possible to give 30 days' notice, the Employee must give as much notice as is practicable.

   iii. An Employee who is to undergo planned medical treatment is required to make a reasonable effort to schedule the treatment in order to minimize disruptions to the City's operations.

3. If the leave is taken under the Qualifying Exigency provision, whether because the spouse, child, or parent of the Employee is on Active Duty or because of notification of impending call or order to Active Duty in support of a contingency operation, the Employee shall provide such notice as soon as possible upon receiving notice or call or order to Active Duty.

4. In instances, when Family and Medical Leave is needed due to unforeseen Serious Health Conditions, as much advanced notice as is possible is required when requesting such leave. For leave extending beyond 30 calendar days, the Employee must notify the City every 30 days as to the Employee's status and intent to return to work or to continue with available leave time.

5. While on approved leave, Employees are required to report periodically, but no less than every 30 days, to the City regarding the status of the Serious Health Condition and their intent to return to work.

6. The City will provide individual notice of rights and obligations to each Employee requesting leave within the time prescribed by statute or as soon as practicable.

G. Certification of the Serious Health Condition.

1. The City requires certification of the Serious Health Condition, Active Duty or Covered Service Member status upon requesting leave under this policy.

2. The Employee is to respond to such a request within fifteen (15) calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of authorization or continuation of leave. Medical certification is provided by using the U.S. Department of Labor Form WH 380 - Certification of Health Care Provider which is available from Human Resources.

   i. Certification of the Serious Health Condition shall include:
      a. the date when the condition began,
      b. its expected duration; and
      c. a brief statement of treatment.
      d. For medical leave for the Employee's own medical condition, the certification must also include:
         1.) a statement that the Employee is unable to perform work of any kind; or
         2.) a statement that the Employee is unable to perform the essential functions of the Employee's position.
      e. For a family member who is seriously ill, the certification must include:
         1.) a statement that the patient, the family member, requires assistance; and
         2.) that the Employee's presence would be beneficial or desirable.
      f. If the Employee plans to take intermittent leave or work a reduced schedule, the certification must also include:
         1.) dates and the duration of treatment; and
         2.) a statement of medical necessity for taking intermittent leave or working a reduced schedule.

3. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the Employee to get a certification from a second Health Care Provider, which the City will select. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third Health Care Provider. The City and the Employee will mutually select the third Health Care Provider and the City will pay for the opinion. This third opinion will be considered final. The Employee will be provisionally entitled to leave and benefits under the FMLA pending the second and/or third opinion.

H. Employee Status and Benefits During Leave.

1. Continuation of Group Health Insurance Benefits. While an Employee is on leave, the City will continue the Employee's health benefits during the leave period at the same level and under the same conditions as if the Employee had continued to work.

   i. During the approved leave, the City will continue to pay its contribution of the health insurance premiums up to a maximum of 12 weeks.

   ii. The Employee must continue to pay his/her contribution to the premiums, regardless of whether the leave is paid or unpaid; failure to do so may result in loss of coverage and under certain circumstances, the City may recover from the Employee any insurance premiums paid on the Employee's behalf.

      a. While on paid leave, the City will continue to make payroll deductions to collect the Employee's share of the premium.

      b. While on unpaid leave, the Employee must continue to make this payment, either in person or by mail. The payment must be received in the appropriate office by the 1st day of each month. If the payment is more than 30 days late, the Employee's health care coverage may be dropped for the duration of the leave. The City will provide the statutory required notification prior to the Employee's loss of coverage.

      c. The Employee may volunteer to prepay premiums through increased payroll deduction when the need for FMLA is planned or foreseeable.

   iii. If the Employee chooses not to return to work for reasons other than a continued Serious Health Condition of the Employee or the Employee's family member or a circumstance beyond the Employee's control, the City will require the Employee to reimburse the City the amount it paid for the Employee's health insurance premium during the leave period.

2. Continuation of Other Group Insurance Benefits

   i. If the Employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the Employee is on paid leave.

   ii. While the Employee is on unpaid leave, the Employee may request continuation of such benefits, and pay their portion of the premiums; or the City may elect to maintain such benefits during the leave and

pay the Employee's share of the premium payments. If the Employee does not continue these payments, the City may discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the Employee's share of any premiums whether or not the Employee returns to work.

3. Continuation of Other Employee Benefits. Benefits accrued up to the day on which the family or medical leave of absence begins will not be lost except to the extent used by the Employee to pay for such leave. During any portion of an unpaid family or medical leave, Employees shall not accrue employment benefits such as annual leave or sick leave.

I. Employee Status after Leave.

1. An Employee who takes leave under this policy will be returned/reinstated to the same position or a position with equivalent status, pay, benefits and other employment terms, upon conclusion of the leave and upon provision of a Fitness for Duty Certification from the Health Care Provider identifying whether or not the Employee is able to perform the essential functions of the job he or she held at the time leave began.

   i. The City may choose to exempt certain highly compensated or "key" Employees from this requirement and not return them to the same or similar position. Under the FMLA, "key" Employees, or Employees who are salaried and whose earnings place the Employee in the top 10 percent of those Employees employed by a City, must be provided the same 12 weeks of leave as other Employees; however, these "key" Employees may be denied the right to return to the same or equivalent job if the City demonstrates that returning the Employee to the same or similar position if doing so causes a "substantial and grievous economic injury" to the City.

2. An Employee must give prior written notice to the City of his or her intent to return to work and the date the Employee is available to return to active status. The City will determine actual return date to Active Status.

3. Failure to return from Family and Medical Leave may be deemed a voluntary resignation, unless the Employee obtains prior approval of other leave benefits.

SECTION 7.06 MILITARY LEAVE

I. POLICY

The City is committed to protecting the job rights of Employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to any form of discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Employees or prospective employees will not be denied employment, reemployment, promotion, or other benefit of employment on the basis of such membership. Employees will not be subjected to retaliation or adverse employment action because such Employee has exercised his or her rights under this policy. If any Employee believes that he or she has been subjected to discrimination in violation of this policy, the Employee should immediately contact Human Resources.

II. DEFINITIONS

A. Active Duty/Service means active duty in the Florida defense force or federal service in training or on active duty with any branch of the Armed Forces or Reservists of the Armed Forces, the Florida National Guard, the Coast Guard of the United States, and service of all officers of the United States Public Health Service detailed by proper authority for duty with the Armed Forces.

B. Uniformed or Armed Services include Army, Navy, Marine Corps, Air Force, Coast Guard, Army Reserve, Naval Reserve, Marine Corps Reserve, Air Force Reserve, Coast Guard Reserve, Army National Guard, Air National Guard, Commissioned Corps of the Public Health Service, and any other category of persons designated by the President in time of war or emergency.

C. Service in the Uniformed Services means the performance of duty on a voluntary or involuntary basis in a uniformed service, including: active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty, attendance at or for fitness-for-duty exams, funeral honors duty, or duty performed by intermittent employees of the National Disaster Medical System.

III. PROCEDURE

A. <u>Requesting Leave</u>.

1. The Employee will provide his or her Department Director, or designee, with notice that the Employee will be engaging in military service, including, where feasible, a copy of the orders directing the military duty, unless the Employee is prevented from doing so by military necessity. Employees are requested to provide such notice as far in advance as is reasonable under the circumstances, preferably at least thirty (30) days.

Failure to provide adequate notice may affect the Employee's rights and benefits under this policy.

2. To request a temporary or extended military leave of absence, the Employee should, unless prevented from doing so by military necessity, obtain a request for Leave Request Form from Human Resources.

3. Human Resources will review and sign the Leave Request Form, collect any applicable insurance premiums from the Employee, generate other applicable documents, and process accordingly.

4. When the Employee intends to return to work, he or she must make application for reemployment to Human Resources within the application period set forth in this policy.

5. If the Employee does not return to work the Department Director, or designee, must notify Human Resources so that appropriate action may be taken.

B. Types of Military Leave.

1. *Temporary Military Leave.* In addition to the rights and benefits provided to Employees taking Extended Military Leave (as described in this policy), Employees directed to participate in temporary military duties in the Uniformed Services shall be eligible for paid military leave not to exceed 240 hours in any one twelve-month period.

2. *Extended Military Leave.* Employees directed to participate in extended military duties in the Uniformed Services that exceeds 240 hours in any twelve-month period will be placed on an unpaid military leave of absence status for a period of as long as five (5) years and will be entitled to the rights and benefits described in this policy, subject to the procedures described herein. Employee on Extended Military Leave beyond 240 hours in any twelve-month period may use available paid leave banks, if eligible, until such banks are exhausted.

C. Benefits While on Military Leave.

1. Benefits will continue during an Employee's Temporary Military Leave as if the Employee had remained in an Active Status.

2. If an Employee is absent from work due to Extended Military Leave military service, benefits will continue as follows:

   a. An Employee on extended military leave may elect to continue group health insurance coverage for the Employee and covered

dependents under the same terms and conditions for a period not to exceed 31 days from the date the military leave of absence begins. The Employee must pay, per pay period, the premium normally paid by the employee. After the initial 31 day period, the Employee and covered dependents can continue group health insurance up to 24 months at 102% of the overall (both employer and employee) premium rate. Beginning after the first 31 days of military leave, group health insurance coverage for an Employee and/or an Employee's covered dependents will run concurrently with applicable health insurance coverage under COBRA.

b. Any group term life/AD&D insurance provided by the City will terminate the day the Employee becomes Active Duty military.

c. Any group long term disability insurance provided by the City will terminate the day the Employee becomes Active Duty military.

d. Employees do not accrue Vacation or Sick Leave while on Extended Military Leave of absence status.

3. Pension and retirement plan benefits will be provided to Employees who have taken Military Leave in accordance with federal and state statutory requirements and in accordance with specific plan requirements.

4. Any voluntary supplemental life/AD&D insurance will terminate the day the Employee becomes Active Duty military. If provided for in the supplemental life/AD&D insurance policy, converting to an individual policy may continue voluntary life/AD&D insurance coverage.

D. Reemployment. Upon an Employee's prompt application for reemployment (as defined below), an Employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

1. Less than 91 days of military service - (i) in a position that the Employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City, in the position in which the Employee had been employed prior to military service.

2. More than 90 days and less than 5 years of military service - (i) in a position that the Employee would have attained if employment had not been interrupted by military service or a position of like seniority, status and pay, the duties of which the Employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City, in the position the Employee left, or a position of like seniority, status and pay, the duties of which the Employee is qualified to perform.

3. Employee with a service-connected disability - if after reasonable accommodation efforts by the employer, an Employee with a service-connected disability is not qualified for employment in the position he or she would have attained or in the position that he or she left, the Employee will be employed in (i) any other position of similar seniority, status and pay for which the Employee is qualified or could become qualified with reasonable efforts by the City; or (ii) if no such position exists, in the nearest approximation of such position consistent with the circumstances of the Employee's situation.

E. Application for Reemployment. An Employee who has engaged in military service must, in order to exercise reemployment rights set forth above, submit an application for reemployment according to the following schedule unless other statutory requirements apply:

1. If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service) - the Employee must return to work at the beginning of the next regularly scheduled work period on the first full day after release from Active Duty, taking into account safe travel home plus an eight-hour rest period

2. If service is for 31 days or more but less than 180 days - the Employee must submit an application for reemployment to Human Resources no later than 14 days following the completion of Active Duty.

3. If service is over 180 days - the Employee must submit an application for reemployment to Human Resources no later than 90 days following the completion of Active Duty.

4. The Employee, upon application for reemployment, will provide military discharge documentation to Human Resources that demonstrate the timeliness of the application for reemployment and length and character of the Employee's military service.

F. Exceptions to Reemployment.

1. An Employee's failure to provide timely application for reemployment, as defined within this policy, will forfeit any eligibility for reemployment.

2. In addition to the Employee's failure to apply for reemployment in a timely manner, an Employee is not entitled to reinstatement as described above if any of the following conditions exist:

   a. The City's circumstances have so changed as to make reemployment impossible or unreasonable.

b. The Employee's employment prior to the military service was in a temporary position merely for a brief, non-recurrent period and there was no reasonable expectation that the employment would have continued indefinitely or for a significant period.

c. The Employee did not receive an honorable discharge from military service.

G. General Benefits Upon Reemployment. Employees reemployed following Military Leave will receive seniority and other benefits determined by seniority that the Employee had at the beginning of the military leave, plus any additional seniority and benefits the Employee would have attained, with reasonable certainty, had the individual remained continuously employed. In addition, an Employee's time spent on active military duty will be counted toward his or her eligibility for FMLA leave once they return to his or her job at the City.

SECTION 7.07 DOMESTIC VIOLENCE LEAVE

I. POLICY

It is the policy of the City to provide employees up to three (3) days of leave from work in any 12-month period if the Employee or a Family or Household Member of an Employee is the victim of domestic violence.

II. DEFINITIONS

A. Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member; or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

B. Family or Household Member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

C. Sexual Violence means sexual violence, as defined in Fla. Statutes. §784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

D. Victim means an individual who has been subjected to domestic violence or sexual violence.

III. PROCEDURE

A. Eligibility. All Employees who have worked at least three (3) consecutive months.

B. Use. Domestic Violence Leave may be requested for one of the following reasons:

1. To seek an injunction for protection against domestic violence or injunction for protection in cases of repeat violence, dating violence or sexual violence;

2. To obtain medical care or mental health counseling or both for the Employee or a Family or Household Member to address physical or psychological injuries resulting from the act of domestic violence;

3. To obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;

4. To make the Employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or

5. To seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.

C. Requesting Leave. Except in cases of imminent danger to the health or safety of the Employee, or to the health or safety of a Family or Household Member, an Employee seeking leave under this policy must provide at least seven days advance written notice using the Leave Request Form along with supporting documentation evidencing eligibility for use of leave.

D. Use of Paid Leave Benefits Required. If an Employee has any paid leave available, the Employee must use any paid leave benefits concurrent with his or her request for Domestic Violence Leave under this policy.

E. Confidentiality. All information relating to the Employee's leave under this policy is confidential to the extent required or allowed by applicable law.

SECTION 7.08 LEAVE OF ABSENCE WITHOUT PAY

I. POLICY

In the event an Employee is not eligible for any other leave benefit set forth in City policy, the City may, in its sole and absolute discretion, grant other leave without pay to eligible Employees.

II. DEFINITIONS

None.

III. PROCEDURE

A. Eligibility.

1. Regular, Full-time employees who have completed five (5) or more years of continuous employment may be eligible for leave under this policy.

2. Regular, Full-time Employees who have not completed five (5) or more years of continuous employment are not eligible for this leave.

3. Part-time Employees, Temporary Employees, and Seasonal Employees are not eligible for this leave.

B. Requesting Leave.

1. Leaves of Absence must be requested using the established Leave Request procedure as far in advance as possible prior to the start of the requested leave, but not less than thirty (30) calendar days in advance, unless otherwise approved by the City Manager, or designee.

2. Employees requesting leave under this policy will be required to use all accrued leave benefits, including sick leave (if applicable) while on a Leave of Absence.

C. Authorization for Leave.

1. Approval for Leave Without Pay is subject to departmental policies/practices, and operational issues. Due to scheduling requirements and service delivery standards of City operations, Department Directors may require more advance notice.

2. Approval of Leave Without Pay is in the sole discretion of the Department Director, subject to the approval of the City Manager or designee.

D. Other Provisions.

1. A Leave of Absence Without Pay shall not exceed thirty (30) calendar days.

2. Employees shall not accrue any paid leave benefits while on Leave Without Pay.

3. All other Employee benefits will be administered in accordance with the policies governing eligibility for those benefits while in a non-pay status.

SECTION 7.09 ADMINISTRATIVE OR INVESTIGATORY LEAVE

I. POLICY

An Employee may be placed on paid Administrative or Investigatory Leave, with or without notice, to permit the City to review or investigate actions in violation of City policies, procedures, rules or regulations which warrants removing the Employee from the work site.

II. DEFINITIONS

None.

III. PROCEDURES

A. A Department Director may place an Employee on paid Administrative or Investigatory Leave without prior notice for periods not to exceed 15 calendar days in order to review or investigate circumstances surrounding violations of City policies, procedures, rules or regulations. Exceptions to the 15-calendar-day limit must be approved by the City Manager or designee.

B. The Department Director is to:

1. Inform the Employee that he or she is being placed on Administrative or Investigatory Leave and that an investigation will occur;
2. Inform the Employee of the reasons for the leave;
3. Request the return of company property (keys, electronic equipment, files, records, etc.); and
4. Escort the employee from the work site.

C. The Administrative or Investigatory Leave is confirmed in writing to the Employee no later than five (5) working days after the leave commences.

D. The Department Director, in consultation with City Manager or designee, will conduct or will appoint a person to conduct a thorough investigation of the allegations or charges in accordance with all other policies established for investigations, grievances, and disciplinary actions.

E. Upon completion of the investigation or inquiry, the Department Director, with approval of the City Manager, may return the Employee to regular duty or take disciplinary action as required.

Section 8
Safety

SECTION 8.00 DRUG FREE WORKPLACE

I. POLICY

The City is committed to providing a safe work environment; fostering the well being and health of its Employees and maintaining a Drug Free Workplace program to promote a drug free workplace. This policy and program is intended to comply with the Drug Free Workplace Program requirements set forth in the Drug Free Workplace Act of 1988, and Florida Administrative Code. Other federal and state laws and regulations may subject certain Employees to additional drug testing requirements.

It is prohibited for an applicant or an Employee(s) to unlawfully use, possess, manufacture, cultivate, distribute, dispense, purchase, transfer or be under the influence of illegal controlled substances or other intoxicants at any time whether on or off duty, whether on or off City property. Any Employee convicted of or acknowledging their involvement in an unlawful drug activity either on or off duty, or on or off City premises, is in violation of this policy

It is prohibited for an applicant or an Employee(s) to abuse or misuse Legal Drugs to the point where such use adversely affects the Employee's job performance.

II. DEFINITIONS

A. Illegal Controlled Substances. An Illegal Controlled Substance will be defined as a controlled substance included in Schedule I or II, as defined by section 802 (6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title and/or a controlled substance named or described in Schedules I through V of the Florida Statutes Section 893.03 or any other applicable section of the law. The term Illegal Controlled Substances does not mean the use of a controlled substance pursuant to a valid prescription issued in the Employee's name or other uses authorized by law.

B. Legal Drug. Legal drugs will include controlled substances obtained through a valid prescription or uses that are otherwise authorized by law; Legal Drugs are also inclusive of alcoholic beverages.

C. Special Risk and Safety Sensitive Employees. Employees in all classifications requiring a Commercial Driver's Licenses (CDL), and firefighter/emergency medical technicians (EMTs), firefighter paramedics, and police officers regardless of their rank. Other Employees may be included in this classification if the position they are employed in is deemed Special Risk or Safety Sensitive. Employees affected are notified prior to the provisions of the policy becoming applicable to them.

D. Reasonable Suspicion. Reasonable suspicion is a belief by two (2) or more Employees, supervisors or managers that an Employee is using or has used Illegal Controlled Substances or is abusing or misusing Legal Drugs in violation of this

policy drawn from specific objective and particular facts and reasonable inferences drawn from those facts in light of experience.

E. Leave of Absence. For the purpose of this policy, Leave of Absence shall mean any paid or unpaid leave of absence greater than thirty (30) calendar days.

III. PROCEDURE

A. Illegal Controlled Substances. The City prohibits the use, possession, manufacture, cultivation, distribution, dispensation, purchase, transfer, sale or attempt to sell or to be under the influence of Illegal Controlled Substances at any time whether on or off duty, whether on or off City property.

B. Legal Drugs. The City prohibits abuse or misuse of Legal Drugs to the point where such use adversely affects the Employee's job performance.

1. Alcohol Abuse. Employees of the City are prohibited from using or possessing alcohol while on duty or on City premises; while driving a City vehicle, operating a piece of City equipment, or being transported in City vehicles at any time; or from reporting to work under the influence of alcohol; and from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.

2. Prescription Drugs and Substances. It is against City policy to report to work, or to work, under the influence of prescription drugs that result in an Employee being unable to perform the essential functions of his/her job or which result in a direct threat to the health or safety of the Employee or others in the workplace.

a. Any Employee who is taking a prescription drug that may affect his or her ability to work, must advise his or her Immediate Supervisor before reporting to work under such medication.

b. If the City determines that such prescription use does not pose a direct threat to the Employee, or others in the workplace, and does not result in the Employee being unable to perform the essential functions of his or her job, the Employee may be permitted to work. If a City selected physician indicates in writing that such use creates a direct threat to the health or safety of the Employee or others in the workplace or impairs the Employee's ability to perform the essential functions of his/her job which cannot be reasonably accommodated, the City may temporarily reassign the Employee or direct the Employee to take leave during the period of treatment.

c. Improper use of prescription drugs is prohibited and may result in disciplinary action. Prescription drugs must be kept in the original container or employee must produce documentation of legal

prescription if such medication is taken during the work hours or on City property within a reasonable period of time.

C. The City will not permit any Employee to work, or to perform his or her duties, under the influence of Illegal Controlled Substances, Legal Drugs or while under the influence of alcohol.

D. On rare occasions, Employees may attend or participate at off-site social events that are work related or sponsored by the City where alcoholic beverages may be served. The provisions of this policy related to use of alcohol beverages may not apply depending on the circumstances.

E. It is a condition of employment to abide by the terms of the City's Drug Free Workplace Program. Any Employee who violates the program is subject to disciplinary action up to and including termination.

F. Drug Free Workplace Education/Awareness.

1. The City displays and distributes a copy of the City's Drug Free Workplace Program and provides notice of drug testing on vacancy announcements.

2. A notice of the City's drug testing policy is posted on the official bulletin boards at the Employee's worksite, and copies of the policy are made available, during the regular business hours of the City, for inspection by the general public.

3. Prior to testing, the following are made available to Employees and applicants for employment :

   a. A copy of the Drug Free Workplace Policy;
   b. A list of drugs that may alter or affect a drug test;
   c. A list of local Employee Assistance Programs; and
   d. A list of alcohol and drug rehabilitations programs.

4. Drug Free Workplace Acknowledgment of Receipt and Understanding; Drug Screening Consent Form. All applicants and Employees, as a condition of employment, are required to sign the City's Drug Free Workplace Acknowledgment of Receipt, Understanding and Drug Screening Consent.

   a. By signing this form an Employee acknowledges that he or she has read, understands and has received a copy of the City's Drug Free Workplace Program.
   b. Signed copies of these forms are maintained in the Employee's personnel file.

   c. Refusal to execute this consent will result in disqualification for further employment consideration or will result in disciplinary

action up to and including termination of employment with the City.

G. Drug and Alcohol Testing. The City conducts drug testing on applicants and Employees.

1. Substances Tested For. Employees will subject to drug testing for the detection of the following Illegal Controlled Substances/drug groups, as well as others that may from time to time be declared illegal by state or federal law:

   a. Amphetamines
   b. Barbiturates
   c. Benzodiazepines
   d. Cannabinoids (marijuana)
   e. Cocaine
   f. Methadone
   g. Methaqualone
   h. Opiates (heroin, morphine, codeine)
   i. Phencyclidene (PCP)
   j. Propoxyphene

2. Types of Testing.

   a. Post-job Offer/Pre-employment Testing. All job applicants and Employees shall be subject to post-job offer/pre-employment drug testing as a prerequisite to employment or continuation of employment with the City. All applicants with the City must pass a drug screening to be considered eligible for employment.

      i. It is the obligation of the job applicant to notify the approved testing facility of any Legal Drugs prescribed for the job applicant by a physician or dentist.

      ii. Applicants who refuse to be drug tested will not be considered for employment.

      iii. Those who take a post-job offer/pre-employment test and fail or refuse to take such a test will be terminated.

   b. Reasonable Suspicion Testing. All Employees are subject to Reasonable Suspicion Testing. A drug or alcohol test is administered when a Reasonable Suspicion exists to believe the Employee is using drugs or alcohol in violation of this policy. Reasonable Suspicion Testing may be based upon:

      i. Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or

manifestation of being under the influence of a drug or alcohol;

ii. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

iii. A report of drug use;

iv. Evidence that an Employee or applicant tampered with a drug test during his or her employment with the City;

v. Evidence that an Employee has caused, contributed to, or been involved in an accident while at work;

vi. Evidence that an Employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs; or

vii. Frequent absences from work without a satisfactory explanation.

c. Post-accident Testing. All Employees will be subject to Post-accident Testing. A drug and/or alcohol test is administered when an Employee is directly involved at any time in an equipment or vehicular work-related accident, any accident on-the-job, or in any unsafe or negligent maintenance or operation of the City's equipment or vehicles at any time where in the opinion of the City Manager the Employee was at fault or the Employee's conduct contributed to the accident and there is reasonable suspicion to believe the Employee was in violation of this policy.

d. Random Testing. Only those Employees in Special Risk or Safety Sensitive Positions are subject to Random Testing. A drug test will be administered on a random basis. All names of Employees in Special Risk or Safety Sensitive positions comprise the pool of names from which a random sample is drawn on a periodic basis such that a minimum of twenty-five percent (25%) of all Special Risk and Safety Sensitive positions are tested annually. No advance notice is provided.

e. Follow Up Testing. If, in the course of employment, an Employee enters an Employee Assistance Program for drug-related problems, or an alcohol or drug rehabilitation program, and returns to work after successfully completing the program, the Employee must submit to drug and/or alcohol testing as a follow-up to such a program on a semi-annual basis for at least two (2) years.

i. An executed Agreement for Continued Employment with the City must be in place.

ii. Human Resources will schedule the testing and will not provide advance notice as to when the testing is to occur.

iii. In the event of a confirmed positive follow-up test, the Employee will be terminated.

f. Fitness for Duty. All Employees will be subject to Fitness for Duty testing. A drug test will be administered at all annual physicals that are job related and consistent with operational consideration for Safety Sensitive and Special Risk Employees. In addition, Employees returning to work from a Leave of Absence, including absences due to qualified injuries under worker's compensation and absences due to the serious health condition of the employee under FMLA Leave, may be subject to testing as part of their return-to-work requirements.

3. Refusal to Submit to Testing. Any Employee who refuses to submit to a drug test may forfeit his/her eligibility for medical or indemnity benefits under the Florida Worker's Compensation law and the Division of Drug Testing Rules. Such an Employee will be subject to disciplinary action up to and including termination of employment with the City. A Refusal to test includes, but is not limited to, the following:

a. Refusing to submit to testing;
b. Not reporting for testing as directed;
c. Attempting to adulterate or substitute a specimen;
d. Admitting that the specimen was adulterated or substituted;
e. Interfering with collection process or procedure, including possessing or wearing a prosthetic or other device that could be used to interfere with the collection process; or
f. Failing to adhere to the instructions of the collector or MRO.

4. Confidentiality. All information, interviews, reports, statements, memoranda, and drug test results received by the City in conjunction with its Drug Testing Program are considered confidential communications and will not be disclosed or released, except as authorized pursuant to state and federal law or regulations or written consent by the person tested.

5. Cost of Testing. The City will pay the costs of initial and confirmation drug testing that it requires of both job applicants and Employees. Applicant and Employees will pay the cost of any additional drug testing not required by the City.

H. Testing Procedures.

1. Transportation. Transportation of an Employee determined to be visibly or otherwise impaired will be arranged by the Department Director or Human Resources or other designee.

   a. If, in the opinion of the Immediate Supervisor or Department Director, corroborated by another Department Director or Human Resources, an Employee is determined to be impaired, arrangements will be made to transport the Employee for testing and then to his or her home.

   b. If the Employee insists on driving, the Employee will be told that the police will be notified or called in to assist in the escort of the Employee from the premises.

   c. After normal laboratory hours, the Employee will be taken to another designated collection site after contact is made with the Human Resources or City Manager or other designee.

2. Reporting Medication Which May Alter or Affect a Drug Test Result. An applicant or Employee will be given the opportunity by the testing facility and the Medical Review Officer (MRO) to report the use of any Legal Drugs, including prescription drugs or over the counter medications, that may affect the results of the test both before and after the test.

3. Licensed Laboratory, Collection Site(s). All drug testing will be conducted by a City designated facility that is licensed by the State.

   a. The testing will be conducted with appropriate chain of custody procedures in place to ensure accuracy and continuity in specimen collection, handling, transfer, and storage.

   b. The initial and confirmation tests will include testing for all drugs at the specified cut-off levels according to Florida Administrative Code. The City retains the right to change or add collection sites and laboratories.

   c. Locations and contact information for collection sites and laboratories are provided as needed and posted as required.

4. Collection Site and Laboratory Procedures.

   a. Collection Site Personnel. A specimen for a drug test will be taken or collected by:

      i. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse

practitioner, or a certified paramedic who is present at the scene of the accident for the purpose of rendering emergency service or treatment; or

ii. A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

b. Testing Laboratory. The laboratory used to analyze initial or confirmation specimens will be licensed and approved by the State of Florida.

i. All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, re-testing, storage of specimens, instrument calibration and reporting of results will be in accordance with state laws and rules.

ii. The laboratory will provide assistance to the Employee or job applicant for the purpose of interpreting any positive confirmed test results.

I. Review and Challenge of Test Results.

1. A Medical Review Officer (MRO). The City has engaged at least one licensed physician as a Medical Review Officer. The MRO is responsible for receiving and reviewing all confirmed test results from the testing laboratory. The MRO is also responsible for contacting all positively tested donors to inquire about possible prescriptive or other over-the-counter medicines that could have caused a positive test result. Names, addresses and telephone numbers of the MRO(s) are available from Human Resources.

2. Reporting Results and Notice to Donor.

a. Negative Results. The testing laboratory will report all negative drug test results to the MRO immediately, and must provide the MRO quantification of the test results upon request. The MRO will advise Human Resources of the results. After receipt of a negative test result from the MRO, the Human Resources will inform the donor and the donor's Department Director or designee.

b. Positive Results. The testing laboratory will report all positive drug test results to the MRO immediately, and must provide the MRO quantification of the test results upon request. The MRO will advise Human Resources of the results. After receipt of a positive test result from the MRO, the Human Resources will inform the donor and the donor's Department Director or designee, and City Manager.

i. Human Resources, Department Director, or designee will notify the applicant/Employee of a confirmed positive test result from the laboratory.

ii. All initial test results of Employees will be confirmed as provided by the Florida Worker's Compensation Law and the Division Drug Testing Rules of the Florida Administrative Code. A confirmation test is a second analytical test to identify the presence of a drug.

iii. The donor may, within five (5) working days from the date of notification, explain or contest the positive test result with the MRO and submit information to the MRO explaining or contesting the test result.

c. Challenges to Test Results. The donor may, within five (5) working days, after receiving notice of a confirmed positive test result, submit information to Human Resources explaining or contesting the result(s).

i. If the Employee's explanation or challenge of a confirmed positive test result is deemed unsatisfactory by the City, the Human Resources will notify the Employee.

ii. When an Employee is disciplined as a result of a positive drug test, the Employee may contest the validity of the test in addition to the disciplinary action pursuant to the grievance process contained in the City's Personnel Manual.

iii. The donor may contest the drug test results pursuant to applicable law or to the rules adopted by the Agency for Health Care Administration. It is the donor's responsibility to notify the lab of any administrative or civil action brought.

J. Employee Rights. In addition to other rights provided elsewhere in this Policy, Employees shall have the following rights when tested to determine the presence of Illegal Controlled Substances or the abuse or misuse of Legal Drugs:

1. Employees and job applicants have the right to consult with the testing laboratory and/or MRO for technical information regarding prescription and non-prescription medications.

2. All test results will be confidential and will only be provided to City Manager, Human Resources, Department Director or designee on a need-to-know basis unless otherwise required or allowed by applicable law.

K. Reporting Violations. It is the obligation of every Employee of the City to report violations of this policy. Failure to report may subject Employees to disciplinary action up to and including termination of employment.

1. Good Faith Reports. Any Employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies and truthfully participates in an investigation, or any Immediate Supervisor or Department Director who investigates or takes action on good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner.

2. Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the reporting Employee to disciplinary action up to and including termination.

3. Reporting and Conviction of Alleged Crimes Including Drugs or Alcohol. All Employees must report to their Immediate Supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law immediately, but not later than the next work day after Employee becomes aware of it. Failure to notify the appropriate people will result in disciplinary action up to and including termination.

   a. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's policies. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the Employee.

   b. Upon conviction of a crime involving Illegal Controlled Substances or other drug related violation, the Employee will be terminated.

L. Voluntary Admission/Treatment Options. It is the City's desire that individuals be allowed to address and resolve any drug or alcohol problem on a confidential basis, provided they voluntarily submit themselves to the City's Employee Assistance Program provider as set forth herein and the Employee's drug or alcohol problem does not adversely affect their performance or the operations of the City.

1. Voluntary/Confidential Employee Submission to Employee Assistance Program. Should an Employee realize that he or she has developed a dependence on drugs, alcohol, or any controlled substance, he or she is advised to seek trained, professional assistance immediately. Employees are encouraged to seek rehabilitation voluntarily to address and resolve

any drug and alcohol-related problems on a confidential basis without City involvement.

a. In order to afford an effective means of helping Employees cope with substance abuse, the City has contracted with an Employee Assistance Program provider which offers Employees and their families substance abuse treatment and rehabilitative services.

b. Pertinent information regarding these services is available by contacting the current Employee Assistance Provider or by contacting the Human Resources.

2. Employees Who Report Substance Abuse to City. Unless the City determines that the Employee's condition or rehabilitation activities are such that he or she may continue to work in his or her or another position either full-time or part-time during the rehabilitation process, an Employee who voluntarily reports a substance abuse or alcohol problem to management may be permitted to take leave (as provided for within the Leave policies of the City), in order to obtain substance abuse rehabilitation and may use accrued leaves normally available to Employees. Such leave is conditioned upon the Employee:

a. Signing an Agreement for Continued Employment;

b. Actually enrolling in a rehabilitation program; and providing the City with written verification from the program's counselors on a weekly basis that the Employee has, in fact, enrolled and is, in fact, successfully participating in the program.

3. No Employee will be retaliated against for voluntarily seeking assistance for problems related to drug/alcohol use or abuse; however seeking such assistance does not excuse unsatisfactory attendance and job performance as directed by the City.

4. City Referral. In the event the City becomes aware of a drug or alcohol problem, the City may immediately terminate the Employee or, at is option, direct the Employee to participate in the EAP and set the conditions under which Employee will be allowed to return to work.

a. Participation in any evaluation, treatment or counseling program will be at the Employee's expense, unless Employee is entitled to such benefits under the terms of the City's group health plan or by other available benefits.

b. If the Employee presents written proof, as described above in this section, that he or she has successfully completed the program within the time prescribed, he or she may be eligible to return to work with the City provided there is a vacancy in a position the

City considers the Employee is qualified to perform. The Employee will undergo follow up testing in accordance with other provisions of this policy.

c. Other than as required by law, this policy does not require the City to hold any position open nor create a position for Employees who successfully complete drug rehabilitation counseling.

d. Nothing in this policy is to be construed as an obligation upon the City to provide or to pay for, substance abuse counseling except to the extent it may, from time to time, be available to participating Employees as part of the City's fringe benefit package or otherwise required by law.

e. Employees are subject to immediate termination of employment if they fail to meet the conditions of continued employment under this policy.

M. Disciplinary Provisions/Consequences of a Failed Drug Screen.

1. Job Applicants. If the results of a Post-offer/Pre-employment drug test are confirmed positive, the job applicant will be disqualified from further employment consideration and shall not be allowed to reapply for a period of six months.

2. Employees. Employees who violate this policy; or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and who refuse or fail to do so when and as directed; or who after having taken such examination or test are determined to have utilized Illegal Controlled Substances at any time or have violated the provisions on Legal Drug use, shall be subject to disciplinary action as provided below:

a. The City reserves the right to suspend an Employee with or without pay pending the results of a drug test or the outcome of an investigation related to a violation of this policy.

b. Any Non Safety Sensitive or Non-Special Risk Employee, whose test results are confirmed positive, will be subject to disciplinary action up to and including termination.

c. Any Employee who is terminated on the basis of a confirmed positive test may forfeit his or her eligibility for all worker's compensation, medical and indemnity benefits, as well as unemployment compensation benefits. If an Employee is injured in the course and scope of his or her employment at the City and his or her results are confirmed positive, but he or she is not terminated, the Employee may forfeit his or her eligibility for

medical and indemnity benefits under the Florida Worker's Compensation Law and the Division Drug Testing Rules. Any City group health insurance in effect may not cover injuries sustained in the course and scope of employment.

d. An Employee in a Special Risk or Safety Sensitive Position who violates this policy will be discharged for the first positive result if the drug confirmed is an illegal drug under Florida Statutes Chapter 893 or any other applicable law.

e. If an Employee violates this policy with respect to the provisions on Legal Drug use, misuse or abuse the Employee may be subject to disciplinary action up to and including termination. If an Employee is permitted to enter an Employee Assistance Program in lieu of termination, the City may place the Employee on leave without pay while the Employee is participating in the program. However, the Employee will be required to utilize accumulated paid leave benefits during the leave.

f. In the event that the City permits an Employee to enter an Employee Assistance Program or drug rehabilitation program, the Employee may be suspended without pay after signing an Agreement for Continued Employment with the City. During this suspension period the Employee will report to the Employee Assistance Program provider or other rehabilitation program and follow whatever advice is prescribed. After furnishing proof that the Employee has successfully followed the advice for treatment, the Employee will be re-tested as provided in this policy. If the Employee's tests are clear, the Employee will be permitted to return to work, provided work is available that the Employee is qualified to perform. If the Employee should test positive or fail to follow the advice for treatment of the EAP, or fail to sign the Agreement, he or she will be subject to disciplinary action up to and including termination. In the event of a second confirmed positive test result the Employee will be terminated.

N. Investigation. The City may prosecute in matters involving Illegal Controlled Substances depending on the impact to the efficient operation of the City Government. The City will turn all confiscated drugs over to the proper law enforcement authorities. Further, the City reserves the right to cooperate with or enlist the service of proper law enforcement authorities in the course of any investigation. Applicable investigations into the activities of a police officer will be conducted in accordance with the provisions of Florida Statutes §112.532. Applicable investigations into the activities of a certified firefighter will be conducted in accordance with the provisions of Florida Statute §112.82.

SECTION 8.01 SAFETY AND ACCIDENT REPORTING

I. POLICY

The City expects all Employees to continuously monitor working conditions and equipment, and to observe all safety requirements including all department policies and operating procedures, as from time to time amended.

II. PROCEDURE

A. Employees will observe all state and local building, fire and safety rules and regulations and other policies established by the City.

B. Employees are accountable for properly using safety equipment, exercising reasonable judgment to avoid accidents, and using equipment safely.

C. Employees shall immediately report any unsafe condition or circumstances to their Department Director, or designee.

D. The City may provide certain required safety equipment. These items issued to Employees must be worn by at all times during working hours, or as otherwise directed by the Department Director, or designee.

E. Accident/Injury Reporting

1. Job related accidents, injuries and illnesses, regardless of severity, must be reported immediately or as soon as practicable thereafter.

   a. If emergency medical attention is required:

      i. Any available Employee should call 911 and provide assistance and take emergency measures prior to the arrival of emergency personnel.

      ii. Any available Employee should notify the Department Director, or designee, about the incident.

      iii. The Department Director, or designee, will arrange for the Employee's emergency contact to be notified.

      iv. Following emergency medical attention, the provisions of I.b are followed.

b. If medical attention is not needed:

i. The Employee must report the work-related accident/injury/illness to his or her Department Director, or designee, immediately for evaluation and appropriate documentation.

ii. The Department Director, or designee, in conjunction with the Employee completes the required workers' compensation forms.

2. Following a reportable work-related accident or injury, an Employee shall submit to a post-accident/injury drug test in accordance with the City's Drug Free Workplace policy.

F. Post-Treatment. An Employee who has sought medical treatment for a work- related injury is required to immediately report to his or her Department Director, or designee, the Employee's return-to-work status. The Employee shall notify Human Resources of any follow-up appointments with the treating physician.

G. Return-to-Duty.

1. The Employee shall provide a release from the treating physician authorizing the Employee to return-to-work that outlines/provides either "no limitations" or specifically outlines any/all limitations for the Employee as required in their current City position.

a. the Employee is released to return to full-duty, the Employee shall immediately report to the Department Director to schedule the Employee's return-to-duty which may include reporting for the remainder of the current work shift or the next regularly scheduled work shift.

b. If the Employee is prescribed no duty for a period of time, the Employee is required to provide written notice to Human Resources from the treating physician identifying the time frame that no duty is prescribed.

c. If the Employee is prescribed restricted or light duty, the Employee is required to provide written notice to Human Resources from the treating physician identifying the specific nature of the restriction or light duty status including any hour restrictions, lifting restrictions or other limitations.

i. Employees authorized to return-to-work on a restricted or light duty basis may be assigned light duty in any Department in which work is available regardless of which Department the Employee customarily works.

ii. The City reserves the right to determine the appropriateness of light-duty assignments offered to Employees who are returned-to-work with light duty or other restrictions.

SECTION 8.02 WORKPLACE VIOLENCE PREVENTION

I. POLICY

The City desires to maintain a safe work environment free from violence and, therefore, maintains guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

II. PROCEDURES

A. Employees are to be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others.

B. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City without proper authorization by the City.

C. Conduct that threatens, intimidates, or coerces another Employee, a customer, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's gender, race, age, or any characteristic protected by federal, state, or local law.

D. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to the Department Director, or designee. This includes threats by Employees, as well as threats by vendors, solicitors, or other members of the public. When reporting a threat of violence, the Employee should be as specific and detailed as possible.

E. All suspicious individuals or activities should be reported as soon as possible to the Department Director, or designee.

F. The City will investigate reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the Employee making a report will be protected to the extent possible. In order to maintain workplace safety and the integrity of its investigation, the City may place Employees on Administrative Leave.

G. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to disciplinary action up to and including termination of employment.

H. The City encourages Employees to bring their disputes or differences with other Employees to the attention of their Department Director, or designee, before the situation escalates into potential for violence.

SECTION 8.03 EXPOSURE CONTROL

I. POLICY

Employees should take all reasonable precautions to protect against exposure to or to prevent the spread of Blood, Blood-borne Pathogens and Airborne Pathogens especially during emergencies or Catastrophic Events.

II. DEFINITIONS

A. Blood means human blood and its components, including products that are made from human blood.

B. Blood borne Pathogens are the pathogenic microorganisms that may be present in the human blood and/or product that can cause disease in humans. These pathogens include, but not limited to, Hepatitis B Virus (HBV) and Human Immunodeficiency Virus (HIV).

C. Bodily Fluids are fluids excreted from the human body that may carry pathogens, including but not limited to Pleural Fluid, Amniotic Fluid, Saliva, and any body fluid visibly contaminated with blood.

D. Exposure Incident means a specific eye, mouth, other mucus membrane, non-intact skin or parental contact with blood or other potentially infectious materials that result from Employees duties.

E. Other Potentially Infectious Materials include any unfixed tissue or organ (other than intact skin) from a human (living or dead); cell or tissue cultures, organ cultures and culture medium containing HIV or HBV; and blood, organs or other tissues from experimental animals infected with HIV/HBV.

III. PROCEDURE

A. This policy is in place to comply with the Occupational Safety and Health Administration (OSHA) Airborne and Bloodborne Pathogens Regulation (29 CFR 1910,1080) as published in the Federal Register.

B. The City maintains an Exposure Control Plan which is made available to Employees within their respective departments.

C. Exposure Control Job Classification. Each job within the City is categorized based on the potential for risk of occupational exposure to infectious diseases. Those jobs where the potential for risk of occupational exposure is either occasional or frequent are eligible to participate in a Hepatitis B vaccination program offered by the City.

D. Employee Responsibilities. Employees are responsible to:

1. Know what tasks they perform that have occupational exposure to blood or blood borne pathogens and take precautions to protect themselves from exposure including the Personal Protective Equipment.

2. Know and follow establish safety protocols and procedures.

3. Develop good personal hygiene habits.

4. Report any suspected occupational exposure to infectious blood, blood borne pathogens or any disease to their Department Director, or designee.

5. Employees must implement measures to prevent and control exposure to the following:

   a. HIV/AIDS
   b. Hepatitis
   c. Tuberculosis
   d. Other contagious diseases.

E. Training. Employees are provided periodic training on standard and universal precautions and OSHA's Airborne and Blood-borne Pathogens rules and regulations.

F. Universal Precautions. Employees will practice Universal Precautions and use Personal Protective Equipment (PPE) when there is the potential for risk of occupational exposure. Employees are to comply with all departmental rules, procedures and practices with regard to minimizing potential for occupational exposure, use of Universal Precautions and Personal Protective Equipment.

G. Post-Exposure Evaluation and Follow-up.

1. Employees who incur an Exposure Incident are provided with appropriate treatment to reduce the chance of acquiring an infectious disease, including the HIV virus or the Hepatitis B virus, as a result of the Exposure Incident.

2. Following an Exposure Incident, the Employee must report to Department Director, or designee.

3. The Employee must complete an incident report documenting the route of exposure and the circumstances related to the incident.

4. The Employee will be asked to consent to baseline and follow-up testing for HIV and HBV.
5. Appropriate counseling and medical care referrals will be offered post-exposure.

H. Recordkeeping. All records of Exposure Incidents are kept confidential and will only be disclosed in accordance with the City's policy on Personnel Records or as otherwise required or authorized by law. Exposure Incident records are maintained for the duration of employment plus thirty (30) years.

Section 9
Employee Separation

SECTION 9.00 SEPARATION OF EMPLOYMENT

I. POLICY

In accordance with Florida Law, City of Brooksville is an "at will" employer and may terminate an Employee at-will, without cause and without advanced notice. The City desires a smooth transition in the event of an employee's separation of employment.

II. DEFINITIONS

A. Layoff is a involuntary separation in which the Employee's job has been eliminated.

B. Resignation. The following voluntary acts of the Employee are defined as a Resignation:

1. A voluntary separation when the Employee gives the City at least two weeks written notice prior to the departure date.

2. Any absence from work without notice to the City.

3. Failure to return from an authorized Leave of Absence (including Family and Medical Leave) as arranged with the City.

4. Acts defined in this Manual including refusal to take a drug test or refusing to work during a catastrophic event.

C. Retirement is a voluntary separation in which the Employee ceases employment with City due to the Employee's eligibility to receive retirement compensation benefits.

D. Separation is any means of ending employment with the City to include resignation, termination, dismissal, or retirement

E. Termination is an involuntary separation of employment in which the Employee is removed from the payroll by the City for any reason other than voluntary resignation.

III. PROCEDURE

A. At-Will Status. The City is an "at-will" employer and may terminate an Employee at-will, without cause and without advance notice to the Employee.

B. Resignation. Employees who wish to voluntarily resign are to provide a minimum of two weeks written notice to the City. When an Employee resigns with notice and a future date is established for separation, immediate removal from duties

may occasionally be desirable to minimize the adverse effect on other Employees or to allow the Employee to seek new employment. In such cases, up to two weeks pay may be provided in lieu of work during the notice period, with the prior approval of the City Manager. When an Employee resigns with less than two weeks notice or as a result of one of the other acts of resignation defined above, the City is not required to provide payment for any period other than for actual Hours Worked.

C. Layoffs. Should it become necessary to abolish or eliminate a position or reduce the number of City Employees because of reorganization or shortage of funds, the City may lay off any Employee.

D. Return of Equipment and Keys. Prior to the last day of work, the Employee must return all equipment, uniforms, keys and other City property in his or her possession. The City reserves the right to deduct for any amounts owed to the Employee, the cost of all City property including uniforms, keys and safety equipment that is not returned. If the Employee fails to return the property, the City may pay the Employee only the statutory wage rates regardless of other payment agreements prior to the act of resignation.

E. Employment References for Separated Employees. Please refer to the section of this manual entitled Personnel Records and Privacy.