

# CITY OF MULBERRY



## PERSONNEL RULES AND REGULATIONS

Revised and Approved by City Commission September 8, 2014 per Resolution 2014.5-A

## TABLE OF CONTENTS

	<u>Page</u>
<b>Section 1 General Provisions</b> .....	<b>1</b>
1.01 Purpose.....	1
1.02 Positions Covered.....	1
1.03 Administration .....	2
1.04 Equal Employment Opportunity / Affirmative Action* .....	2
1.05 Amendments.....	3
1.06 Department Policies.....	3
1.07 Prior Memos, Policies And Regulations .....	3
<b>Section 2 Definition Of Terms*</b> .....	<b>4</b>
<b>Section 3 Standards Of Conduct*</b> .....	<b>8</b>
3.01 Policy .....	8
3.02 Conflict Of Interest .....	8
3.03 Political Activity .....	9
3.04 Employment Of Relatives.....	10
3.05 Outside Employment.....	10
3.06 Release Of Information .....	11
3.07 Solicitation And Distribution .....	11
3.08 Employees' Personal Life And Debts.....	12
3.09 Use Of City Property .....	12
3.10 Uniforms, Dress And Appearance.....	12
3.11 General Prohibitions.....	13
3.12 Bulletin Boards.....	13
<b>Section 4 Types And Terms Of Employment</b> .....	<b>14</b>
4.01 Basis Of Employment* .....	14
4.02 Participation In Benefits .....	14
4.03 Term Of Employment* .....	14
4.04 Probationary Employees .....	14
4.05 Promotional Probation.....	15
<b>Section 5 Hiring Procedures*</b> .....	<b>16</b>
5.01 Vacancies.....	16
5.02 Basis For Selection .....	16
5.03 Testing .....	16
5.04 Drug Free Workplace .....	16
5.05 Disability And Medical Examinations.....	17
5.06 Job Opportunities For Non-Employees .....	17
5.08 Veterans Preference .....	18
<b>Section 6 Types Of Separations*</b> .....	<b>19</b>
6.01 Types Of Separations .....	19

	<u>Page</u>
6.02	Resignation ..... 19
6.03	Retirement..... 20
6.04	Death ..... 20
6.05	Reduction In Force (Layoff)..... 20
6.06	Disability..... 20
6.07	Dismissal Or Discharge..... 20
6.08	Return Of Property And Financial Obligations..... 20
<b>Section 7</b>	<b>Transfers And Work Out Of Classification..... 22</b>
7.01	Temporary Transfers/Work Out Of Classification..... 22
7.02	Permanent Transfers ..... 22
7.03	Reclassification ..... 23
<b>Section 8</b>	<b>Promotions/Demotions ..... 24</b>
8.01	Notice Of Job Vacancy (Or Posting) ..... 24
8.02	Application..... 24
8.03	Pool Of Qualified Applicants..... 24
8.04	Interview..... 24
8.05	No Sufficiently Qualified Applicants..... 24
8.06	Basis Of Selection..... 25
8.07	Wage Rate ..... 25
8.08	Demotion..... 25
8.09	Promotional Probation..... 25
<b>Section 9</b>	<b>Seniority Layoff And Recall..... 26</b>
9.01	Accrual ..... 26
9.02	Loss Of Seniority ..... 26
9.03	Layoff Selection..... 26
9.04	Permanent Layoffs ..... 27
9.05	Recall ..... 27
9.06	Decisions Final..... 27
<b>Section 10</b>	<b>Attendance/Tardiness ..... 28</b>
10.01	Present And On Time..... 28
10.02	Call-In..... 28
10.03	Verification ..... 28
10.04	Continuing Absence ..... 28
10.05	Person To Call ..... 28
<b>Section 11</b>	<b>Disciplinary Action ..... 29</b>
11.01	General Statement ..... 29
11.02	Forms Of Discipline..... 29
11.03	Basis For Disciplinary Action..... 30
11.04	Notice Of Disciplinary Action And Pre-Disciplinary Hearing Opportunities..... 30
11.05	Types Of Offenses ..... 30

11.06	Suspension Pending Resolution Of Criminal Charges .....	34
<b>Section 12 Grievance Procedure For Disciplinary Actions .....</b>		<b>35</b>
12.01	Written Reprimands .....	35
12.02	Suspensions Without Pay, Demotion And Termination .....	35
12.03	General Provisions .....	35
12.04	Delegation Of Authority .....	35
<b>Section 13 Employee Grievance Procedure – Written Reprimands And Non-Disciplinary Matters .....</b>		<b>36</b>
13.01	Purpose .....	36
13.02	Definition Of A Grievance .....	36
<b>Section 14 Hours Of Work And Overtime .....</b>		<b>38</b>
14.01	Hours Of Work* .....	38
14.02	Regular Work Week Or Period* .....	38
14.03	Overtime* .....	39
14.04	Assignment And Working Overtime* .....	39
14.05	Hours Counted* .....	39
14.06	Call Backs .....	39
14.07	On Call .....	40
<b>Section 15 Holidays .....</b>		<b>41</b>
15.01	Days Observed .....	41
15.02	Work On A Holiday .....	41
15.03	Eligibility For Holiday Pay .....	41
15.04	Holiday Pay .....	42
15.05	Absence Due To Sickness .....	42
15.06	Holiday On A Leave Day .....	42
<b>Section 16 Vacation .....</b>		<b>43</b>
16.01	Eligibility .....	43
16.02	Request For Vacation .....	44
16.03	Use Of Vacation .....	44
16.04	Accumulation Of Vacation .....	45
16.05	Eligibility Accumulation/Buy Back .....	45
16.06	Payoff Of Unused Vacation Hours .....	45
16.07	Extended Unpaid Leaves .....	45
<b>Section 17 Medical Leave .....</b>		<b>46</b>
17.01	Eligibility .....	46
17.02	Rate Of Accrual .....	46
17.03	Charging Leave .....	46
17.04	Request For Medical Leave .....	46
17.05	Extended Unpaid Medical Leave .....	47
17.06	Return From Medical Leave .....	47
17.07	Use .....	48

	<u>Page</u>
17.08	Accumulation/Payoff ..... 48
17.09	Light Duty* ..... 49
<b>Section 18</b>	<b>Emergency Leave ..... 50</b>
18.01	Leave ..... 50
18.02	Serious Illness Or Injury ..... 50
18.03	Bereavement Leave ..... 50
18.04	Limitations ..... 50
18.05	Exceptions..... 51
18.06	Military Leave ..... 51
18.07	Personal Leave Of Absence Without Pay ..... 51
<b>Section 19</b>	<b>Family Medical Leave Policy ..... 53</b>
19.01	Eligibility And Reasons..... 53
19.02	Definitions ..... 53
19.03	Measuring The Twelve Month Period And Counting Fmla Leave ..... 54
19.04	Intermittent Leave Or Leave On A Reduced Schedule Basis..... 56
19.05	Employee Notice And Certification Requirements..... 56
19.06	Health Insurance Premiums ..... 57
19.07	Accrual ..... 58
19.08	Substitution Of Accrued Paid Leave..... 58
19.09	Job Restoration Upon Return From Fmla Leave ..... 58
19.10	Failure To Cooperate ..... 58
<b>Section 20</b>	<b>Court/Witness Leave ..... 60</b>
20.01	Witness Leave For The City* ..... 60
20.02	Other Court-Related Leave ..... 60
20.03	Jury Leave..... 60
20.04	Return To Work* ..... 60
<b>Section 21</b>	<b>General Leave Without Pay ..... 61</b>
21.01	General Leave Without Pay ..... 61
21.02	Extension ..... 61
21.03	Return To Work..... 61
21.04	Anniversary Date, City And Classification Seniority ..... 61
21.05	Other Employment ..... 61
21.06	Accrual Of Medical And Vacation Leave ..... 61
21.07	Conference Leave..... 62
21.08	Military Leave* ..... 62
21.09	Effect Of Leaves On Insurance Coverage* ..... 62
<b>Section 22</b>	<b>Misconduct And Harassment Policy* ..... 63</b>
22.01	Purpose..... 63
22.02	Statement Of Policy ..... 63
22.03	Examples Of Prohibited Sexually Related Conduct ..... 63
22.04	Examples Of Other Illegal Or Improper Harassment..... 64

22.05 Making Complaints Of Sexual Or Other Illegal Or Improper Harassment Or Retaliation ..... 65

22.06 Bad Faith Claims Of Sexual Or Illegal Or Improper Harassment ..... 65

**Section 23 Employee Health Insurance..... 66**

23.01 Group Medical, Dental And Vision Insurance..... 66

23.02 Retirees’ Medical Insurance ..... 66

23.03 Long-Term Disability Insurance (Ltd) ..... 68

**Section 24 Pension\* ..... 69**

24.01 Section 401(A) Plan ..... 69

24.02 Section 457 Deferred Compensation Plan 401 (B) Plan ..... 69

**Section 25 Performance Evaluations ..... 70**

25.01 The Performance Evaluation System..... 70

25.02 Use..... 70

25.03 Review ..... 70

**Section 26 Compensation ..... 71**

**Section 27 Dui, Dwi And Moving Traffic Violations..... 72**

27.01 Purpose..... 72

27.02 Dui/Dwi..... 72

27.03 Moving Violations ..... 73

**Section 28 Educational Incentives And Benefits..... 75**

28.01 Tuition ..... 75

28.02 Eligibility ..... 75

28.03 Requests And Payment ..... 75

28.04 Repayment By The Employee..... 76

28.05 Schedules ..... 76

28.06 Incentive Pay..... 76

**Section 29 Drug-Free Workplace And Alcohol Policy\* ..... 77**

29.01 Policy ..... 77

29.02 Prohibitions ..... 77

29.03 Use Of Legal Drugs..... 77

29.04 Substances Tested For ..... 78

29.05 Circumstances For Testing For Illegal Controlled Substances Or Alcohol ..... 78

29.06 Employee Rights ..... 80

29.07 Reporting And Conviction Of Alleged Crimes Including Drugs Or Alcohol ..... 81

29.08 Discipline For Violation Of Policy ..... 81

29.09 Employee Injured On The Job..... 81

29.10 Employee Assistance Program ..... 82

29.11 Reporting Violation Of The Policy ..... 83

	<u>Page</u>
29.12 Coordination With Human Resources .....	83
<b>Section 30 Miscellaneous.....</b>	<b>84</b>
30.01 Smoking*.....	84
30.02 Unemployment Compensation* .....	84
30.03 Workers' Compensation* .....	85
30.04 Desks, Lockers, Other City Property/Equipment, Personal Property* .....	85
30.05 Records And Reports* .....	85
30.06 Employee Training And Development* .....	86
30.07 Deductions*.....	86
30.08 Cell Phones* .....	87
30.09 Take-Home Vehicles.....	87
30.11 Safety* .....	89
30.12 Regular Full-Time At-Will Employees – Special Conditions .....	90
Appendix A .....	92
Appendix B .....	98
Appendix C.....	101
Appendix D.....	106

## SECTION 1

### GENERAL PROVISIONS

Approved 8/27/2013\_

#### 1.01 PURPOSE

The purpose of these Personnel Rules and Regulations (hereafter referred to as "PRR" or "Rules") is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which may arise. The final interpretation and application of these Rules shall be made by the City of Mulberry or its designee. The City reserves the right to amend, alter, modify, delete and add to these Rules.

The City of Mulberry has a Commission/Manager form of government with Commissioners elected (four by district, one at large) for staggered terms to insure experienced members on the Commission at all times.

All ordinances, "Laws of the City," contracts, agreements, policy decisions, tax and revenue rates, and certain personnel appointments are the responsibility of the Commission.

#### 1.02 POSITIONS COVERED

A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees in the City except:

1. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees except:
2. Persons hired as independent contractors on a contractual, fee, or retainer basis.
3. Persons employed under the provisions of government programs or grants unless they are classified as regular full-time employees by the City.

Provided, however, the sections or subsections with an asterisk (\*) beside them apply to all employees.



### **1.03 ADMINISTRATION**

- A. General Administration: The City Manager is the administrative and executive head of the City Government. He is appointed by the Commission for an indefinite period of time, and serves at the pleasure of the Commission. He is responsible for carrying out the policies of the Commission. All City Departments fall under his jurisdiction. The hiring, supervision and discipline of all City employees are the sole responsibility of the City Manager, or his designee, except as to those appointments reserved to the City by its Charter.
  
- B. Department Heads are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Department Head, but the ultimate responsibility shall remain with the Department Head. Such responsibilities include, but are not limited:
  - 1. To administer, interpret and enforce these Rules, regulations and approved departmental standard operating procedures and to recommend modifications.
  - 2. To recruit, hire, supervise, direct, discipline up to and including discharge, the workforce of the City.
  - 3. To provide initial orientation of employees to include familiarization with departmental or area policies, rules and regulations, benefits, working conditions, etc.
  - 4. To provide and/or coordinate employee training programs.
  - 5. To foster and develop programs for the improvement of employee relations, morale and effectiveness.

### **1.04 EQUAL EMPLOYMENT OPPURTUNITY / AFFIRATIVE ACTION\***

The City of Mulberry is an Equal opportunity employer that:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.
  
- B. Persons with known legally-recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with

respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.

- C. The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

**1.05 AMENDMENTS**

Amendments to the PRR shall be promulgated by the City Manager. Copies will be distributed to all Departments and employees.

**1.06 DEPARTMENT POLICIES**

- A. Departmental policies and standard operating procedures will be in writing and submitted to and reviewed by the City Manager for approval.
- B. Departmental policies and standard operating procedures approved by the City Manager will serve as supplements to these Policies. In the event of conflict, the PRR shall prevail unless the departmental rule has been specifically approved as an exception by the City Manager.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

**1.07 PRIOR MEMOS, POLICIES AND REGULATIONS**

All prior memos, policies, procedures and regulations inconsistent with this PRR are null and void.

## SECTION 2

### DEFINITION OF TERMS\*

Approved 8/27/2013

**Active Pay Status** - When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

**Activity Date** - The day an employee entered, was permanently transferred, promoted or demoted to his current position and is the date from which classification seniority is computed.

**ADA** - Americans with Disabilities Act

**Anniversary Date** - The date an employee begins employment and the same date in following years. This is the date upon which entitlement to fringe benefits is based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

**At-Will Employee** – Employees who serve at the pleasure of the City Manager and who may be removed from their position and/or disciplined up to and including termination by the City Manager for any or no reason subject only to applicable law.

**Calendar Year** - For the purposes of recording leave, such as emergency, personal, military and all other leaves that have a calendar year limitation, the dates used for reporting W-2 wages for employees shall be considered the calendar year.

**Classification Plan** - The official schedule of pay assigning rates of pay to each position or job classification.

**Classification Seniority** (also referred to as job or position seniority) - The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

**Commission** - The City Commission of the City of Mulberry.

**Compensatory Time** (also referred to as Comp Time) - Time off from work in lieu of pay.

**Confidential Employee** - An employee exempt from coverage of the Public Employee Relations Act.

**Demotion** - Permanent reassignment of an employee to a lower level job classification for a disciplinary reason.

**Departmental Seniority** - The length of time an employee has been continuously employed in a department.

**Department Head** - An exempt managerial and confidential employee who is assigned the overall responsibility for the operation of a recognized department or area of City operation.

**Dismissal or Termination** - Involuntary separation from City employment.

**DOL** – Department of Labor.

**DOT** – Department of Transportation.

**Driving Position** - A position where the employee drives or may be required to drive a City vehicle or his own vehicle in the performance of his duties.

**Employee** -

- A. **Regular full-time employee** is any employee who is non-probationary who is assigned a regular schedule of a minimum of forty (40) hours or the regular Section 7(K) schedule, whichever applies, per week or per pay period and is classified as a regular full-time employee by the City.
- B. **Part-time employee** is any employee who is assigned a regular schedule of less than forty (40) or more hours per week.
- C. **A probationary employee** is any full-time employee who has not completed the initial probationary period.
- D. **Temporary employee** is any employee that is not classified as a regular full-time, part-time or probationary employee, such as a seasonal or a part-time employee who does not work a regular schedule.
- E. **Seasonal employee** is a temporary employee who is employed for a specific period of the year only.

**Exempt Employee** - An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week.

**FCRA** - The Florida Civil Rights Act.

**FLSA** - The Fair Labor Standards Act.

**FMLA** - Family Medical Leave Act.

**He/His/Him** - Are generic and used for reference purposes only to signal reference to both males and females.

**Immediate Family** - Includes spouse, children, parent, brother, sister, father-in-law and mother-in-law, any relative living in the same household, stepchild, grandmother, grandfather and grandchild, provided such definition shall not apply to FMLA leave under Section 19.

**Insubordination** - The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

**Job Description** - A written description of some but not all of the duties and responsibilities of a job.

**LTD** – Long term disability insurance.

**Managerial Employee** - An employee exempt from coverage of the Public Employee Relations Act.

**May** - The word “may” shall be interpreted as permissive.

**Merit Pay Increase** - An increase in compensation established in the Compensation Plan which may be granted to an employee for meritorious service.

**Pay Grade** - The salary range which is assigned to a particular classification title expressed as a pay range number.

**Performance Evaluation** (also referred to as “PE”) - A written report of an employee’s job performance.

**Personnel** - Personnel which is part of the Department of Human Resources.

**Probationary Period** - The first ninety (90) days of continuous employment with the City as a regular full-time employee. After successful completion of the probationary period, the employee will be classified as a regular full-time employee.

**Promotion** - Subject to completion of the promotional probationary period, permanent assignment of an employee to a higher level job classification.

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

**Reemployment** - The hiring of a person who formerly worked for the City. Persons rehired shall be new employees for all purposes, unless the Department Head recommends and the City Manager approves otherwise in a particular case.

**Resignation** - Act of voluntarily withdrawing from City employment.

**Shall** - The word “shall” will be interpreted as mandatory.

**City** - City Commission of the City of Mulberry or an employee authorized to act on behalf of the City with respect to a particular matter.

**City Manager** - The City Manager, or his designee.

**City Seniority** - The total time an employee has continuously worked for the City without loss of seniority under Section 9.

**Transfer** - The permanent reassignment of an employee from one position to another.

**Work Day** - The scheduled number of hours an employee is required to work per day.

**Work Week or Work Period** - The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Commission for an employee or group of employees.

**Working Time** - Working time shall be all time employee performs actual work for the City and break periods that are not interrupted by work responsibilities for at least fifteen (15) minutes.

## SECTION 3

### STANDARDS OF CONDUCT\*

Approved 8/27/2013

#### **3.01 POLICY**

- A. One of the primary objectives of the City of Mulberry, in accordance with the Charter, is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties in a public service career.
- B. To an unusual extent and in a special way, employees in the City organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.
- C. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- D. It is the policy of the City to expect from employees compliance with this PRR, state statutes, federal regulations and departmental rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, departmental rules, or the PRR shall be subject to disciplinary action.

#### **3.02 CONFLICT OF INTEREST**

- A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from internal or external relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. No City employee shall accept any gift, loan, favor or service that might reasonably appear to improperly influence them in the discharge of their official duties.
- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.

- D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the City Manager in writing as soon as that potential relationship is known. Failure to so advise the City Manager may result in immediate termination. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The City Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the City Manager shall be final.
- F. No City employee shall transact any business in their official capacity with any business entity of which he or she is an officer, Department Head, agent, or member, or in which he or she owns a controlling interest.
- G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the City excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- H. All employees shall comply with the Code of Ethics for Public officers and employees under Florida State Statutes 112, as well as all City ordinances and policies, including this PRR.
- I. An employee shall not use his employment with the City to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any cause, unless that cause has been specifically approved by the City Manager.

### **3.03 POLITICAL ACTIVITY**

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.



- B. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Mulberry so long as the position in no way interferes with their work as a City employee.
- E. Florida Law contains Chapter 99, F.S. which includes what is commonly known as the "Resign to Run Law." Subject to the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.

### **3.04 EMPLOYMENT OF RELATIVES**

The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits. As a general guideline, however, employees should know that the City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the performance evaluation of another, one relative being directly involved in job actions with regard to another, one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.

### **3.05 OUTSIDE EMPLOYMENT**

- A. Subject to paragraphs B-E below, employees are discouraged but not prohibited from engaging in other employment, including individually owned businesses, during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the City or the duties for which the employee is responsible as a City employee.
- B. Employees who have other jobs or who seek to have other jobs, must immediately notify their immediate supervisor.
- C. If in the judgment of the City Manager, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operations of the City or his responsibility as an employee of the City, including but not limited to availability for scheduled and unscheduled overtime

and/or call-ins, the employee may be required to quit the other job or leave City employment.

- D. If permission to engage in other employment is granted, it may be withdrawn at any time if in the opinion of the City Manager the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the City.
- E. Equipment, facilities, vehicles or property of the City shall not be used by employees for other jobs.
- F. Employees who are injured while working another job or jobs are required to notify their Department Head, or his designee, immediately.

### **3.06 RELEASE OF INFORMATION**

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information of City records, including those concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to release City records or to reveal information pertaining to personnel and other City business and shall direct such inquiries to their Department Head.
- C. Managerial, confidential and supervisory employees are cautioned that subjects under discussion or consideration among City staff often change in content and meaning before becoming an accomplished fact. Discussions of said subjects with anyone other than City employees or officials with a need to know before final decisions or disposition often cause misunderstandings and confusion resulting in waste of time and money. Such discussions should be avoided.

### **3.07 SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the City.

- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the City.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

### **3.08 EMPLOYEES' PERSONAL LIFE AND DEBTS**

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities.

### **3.09 USE OF CITY PROPERTY**

Employees shall not use City property, equipment or vehicles except in the performance of their official duty, nor shall they permit their use by an unauthorized person, unless approved by the City Manager.

### **3.10 UNIFORMS, DRESS AND APPEARANCE**

- A. Employees supplied uniforms by the City, are expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Head. Failure to comply may result in the employee being sent home for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- B. Employees are expected to report to work in clean clothes.
- C. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- D. Beards and mustaches will be allowed, except as otherwise prohibited by law or where in the opinion of the City Manager they interfere or tend to interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion. Nails shall be worn no longer than ½ inch.
- E. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear.

- F. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence.

### **3.11 GENERAL PROHIBITIONS**

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

### **3.12 BULLETIN BOARDS**

- A. There shall be an official City bulletin board in each building. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official City business will be posted there. No other information is to be posted on such bulletin boards.

## SECTION 4

### TYPES AND TERMS OF EMPLOYMENT

Approved 8/27/2013

#### **4.01 BASIS OF EMPLOYMENT\***

Employees are employed by the City as either regular full-time, part-time, seasonal or temporary employees.

#### **4.02 PARTICIPATION IN BENEFITS**

All regular full-time employees are eligible to participate in all City benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law.

#### **4.03 TERM OF EMPLOYMENT\***

- A. All employees serve at the will and pleasure of the City and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these Rules or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning their wages, hours, and working conditions shall be made by the City, or its designee.

#### **4.04 PROBATIONARY EMPLOYEES**

- A. Subject to Subsection B, all regular full-time employees shall serve an initial probationary period of ninety (90) days. Said probationary period may be extended by their Department Head for up to an additional ninety (90) days with the approval of the City Manager.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be as set forth in paragraph A, the period of a training program, or successful certification or licensing, whichever is longer.
- C. In the event of the rehiring of a former full-time employee of the City, the City Manager has the discretion to modify or waive the initial probation period of ninety (90) days as set forth in paragraph A.

#### **4.05 PROMOTIONAL PROBATION**

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of one hundred eighty (180) days except where a license or certification is a prerequisite to holding a job, the probationary period may continue until the license or certification is successfully obtained. During the probationary period, the employee shall serve in the position to which he was promoted upon recommendation to and approval from the City Manager.
  
- B. During the probationary period, if the Department Head decides to remove the employee from the position, but determines the employee has otherwise performed satisfactorily: (1) if the job from which he was promoted has not been filled, he will be returned to his former position; or (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the City for which the City Manager considers him to be qualified to perform all the duties.

## SECTION 5

### HIRING PROCEDURES\*

Approved 8/27/2013

#### 5.01 VACANCIES

All persons inquiring about employment should be directed to the Human Resources Department where they will be required to complete the standard application form.

#### 5.02 BASIS FOR SELECTION

- A. Employment with the City shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked by the Human Resources Manager as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.
- C. The City reserves the right to reject any applicant for any reason or no reason subject only to applicable law.

#### 5.03 TESTING

At its option and expense, the City may use valid physical, written or oral examinations and performance tests to assist it in the selection process.

#### 5.04 DRUG FREE WORKPLACE

The City of Mulberry has a strong drug free workplace and alcohol abuse policy applicable to all employee which is aimed at insuring a zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well being of employee, citizens and others, or the effective operation of City business. In accordance with applicable law. The City also reserves the right to require drug testing of applicants for employment and for employees based on reasonable suspicion and other circumstances including random testing for employees in certain safety sensitive positions.

#### **5.05 DISABILITY AND MEDICAL EXAMINATIONS**

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered employment.
- B. If with the prior approval of the City Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon taking a medical examination.
- C. Employees may be required to take a medical and/or psychological examination at any time by the City for reasons connected with their job (e.g., an accident on the job, fitness for duty).
- D. Applicants and employees who are directed to take a medical examination under paragraph A, B or C above and who refuse to do so will be automatically terminated.
- E. Applicants and employees who take a medical examination pursuant to paragraph A, B or C above shall not be employed, or, if previously employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential job functions of the job without undue hardship to the City and such action shall be subject to applicable federal, state and local laws dealing with handicap status.
- F. Subject to applicable law, all medical examinations required to be taken under paragraphs A and B above shall include testing to determine the presence or absence of illegal controlled substance in their body. Drug testing under paragraph C above will be conducted under the Drug and Alcohol Policy of the City.

#### **5.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES**

- A. All advertisements and notices shall contain the title of the position, the essential functions of the job, the minimum qualifications for the job, and the date beyond which applications will no longer be received, contain the phrase "The City of Mulberry is an Equal Opportunity Employer," and shall state that all applications or inquiries shall be directed to the Personnel Department.
- B. All applications for employment shall be on a form provided by HR Personnel.

#### **5.07 HIRING PROCEDURES**



- A. Pertaining to Florida Statutes Section 119.071 (5). The City of Mulberry collects Social Security numbers for the following purposes: identification and verification, benefit processing, tax reporting and background screening.
- B. The City of Mulberry may not collect an individual's Social Security Number unless the City has stated in writing the purpose for its collection.

**5.08 VETERANS PREFERENCE**

- C. The City of Mulberry is an Equal Opportunity / Affirmative Action Employer, who provides hiring preference to eligible veterans and their family members, and has a strong drug free workplace and alcohol abuse policy. The City of Mulberry encourages Veterans and members of their family to apply for employment with the City. The City provides preference to Veterans for vacancies for which they are qualified in accordance with applicable state and federal law. Veterans are given preference at each step of the selection process provided that if at any step the Veteran is determined not to be qualified for the position the Veteran will be advised and entitled to review of that decision by the Human Resource Manager. However, the law does not require the City to hire a Veteran over a more qualified non-veteran, but when qualification are equal, the City provides the Veteran with preference.

## SECTION 6

### TYPES OF SEPARATIONS\*

Approved 8/27/2013

#### 6.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in the City service are designated as one of the following types. Personnel forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

1. Deceased
2. Disabled
3. Dismissed
4. (Reduction in force) Laid off
5. Probationary termination
6. Resigned
7. Retired
8. End of temporary hire

#### 6.02 RESIGNATION

- A. An employee wishing to leave the City in good standing shall file with his Department Head a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two weeks prior to the date of separation. Employees who give such notice may be considered for reemployment. A Department Head, with City Manager approval, may exempt an employee who has given less than the required notice if, in the Department Head's judgment, exceptional circumstances warrant such an exemption.
- B. Unauthorized absences or absences determined to be unexcused for a period of three (3) consecutive days or more shall be treated as a resignation without notice and the employee will be automatically terminated.

**6.03 RETIREMENT**

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City Pension Plan.

**6.04 DEATH**

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee as determined by law or by executed forms in the employee's personnel folder.

**6.05 REDUCTION IN FORCE (LAYOFF)**

Reductions in force shall be in accordance with Section 9.

**6.06 DISABILITY**

When an employee is determined to have a legally recognized disability which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the City, the City Manager may take whatever action he deems in the best interests of the City, including termination of employment.

**6.07 DISMISSAL OR DISCHARGE**

A. All employees are subject to dismissal from City employment pursuant to Section 4.

**6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS**

A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.

B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck.

C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

D. All exiting employees shall be offered a voluntary exit interview with the

Human Resources designee.

## SECTION 7

### TRANSFERS AND WORK OUT OF CLASSIFICATION

Approved \_\_\_\_\_

Replaces: \_\_\_\_\_

#### **7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION**

- A. A non-exempt employee assigned for thirty (30) calendar days or more to a position in a higher pay grade shall have a rate increase retroactive to the first day of the transfer. If the employee is currently in Step (1)-(4) of his regular pay grade, a 5% increase or the pay grade of Step (1) in the temporary pay grade shall be given, whichever is greater. If the employee is currently in Step (4) or above his regular pay grade, a three step increase in that pay grade, up to the maximum pay rate of the temporary pay grade, shall be given. When the employee is reassigned to his original position, he shall be at the step he would have achieved if no transfer had occurred.
- B. When a non-exempt employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.
- C. A routine assumption of duties that occurs in the absence of another employee on vacation or with a short-term illness is not a transfer and does not affect salary.

#### **7.02 PERMANENT TRANSFERS**

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
  - 1. At the employee's request if, in the opinion of the City Manager, it is in the City's best interest;
  - 2. By the City Manager for operational or efficiency reasons;
  - 3. In all cases involving more than one (1) department, both Department Heads must agree to the transfer, unless in a particular case, the City Manager decides otherwise.
- B. When an employee is permanently transferred:
  - 1. If to a position in the same pay grade, his rate of pay will remain the same.
  - 2. If to a position in a lower pay grade or a higher pay grade, his rate of pay will be the rate in the new pay grade immediately higher than

the rate he was receiving before the transfer or the top of the grade, whichever is lower.

### **7.03 RECLASSIFICATION**

When a job is reclassified, the employee holding the reclassified position will be paid in accordance with the City Compensation Plan and Section 7.02(B) at the step assigned for the reclassified job.

- A. Purpose – The most common type is the reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.
- B. Request for Reclassification – Reclassification can be initiated through independent, outside review conducted by or at the direction of the City or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.
- C. Approval – Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization of the City Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the pay approved by the City Commission.
- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new grade at the step closest to, but not below, his current rate of pay. If the employee's current rate of pay is above the maximum of the new grade, it shall be reduced to that step.

## SECTION 8

### PROMOTIONS/DEMOTIONS

Approved 8/27/2013

#### **8.01 NOTICE OF JOB VACANCY (OR POSTING)**

Except when determined operationally necessary and efficient by the City Manager, all full-time, non-managerial vacancies within the City will be posted on bulletin boards for a minimum of five (5) working days. Posted vacancies may also be advertised outside the City when deemed necessary by the City Manager. The posting will advise whether the job will be advertised or be initially restricted to employee applicants.

#### **8.02 APPLICATION**

Employees who wish to be considered for the vacancy must apply by completing a new application and turning it into Human Resources during the posting period. While selection is being made, the Department Head may utilize any employee or other person he wishes to perform the work.

#### **8.03 POOL OF QUALIFIED APPLICANTS**

The Human Resources Manager in conjunction with the City Manager, will determine which of the employees, if any, who bid the job and outside applicants, when applicable, meet the minimum qualifications for the job. If no employee applicants are considered to meet the minimum qualifications for the job, the job will be advertised.

#### **8.04 INTERVIEW**

All employee applicants determined by the Department Head and Personnel to meet the minimum qualifications for the job will be interviewed. When applicable, the most qualified from among outside applicants, if any, whom the City determines appear to be better qualified than employee applicants will also be interviewed.

#### **8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS**

If, after completing the interview and evaluation, the Department Head determines that none of the applicants are sufficiently well qualified for the job, the City Manager may fill the position in any manner he wishes.

## **8.06 BASIS OF SELECTION**

A. When the posting is restricted to City employees, in determining whom to promote from among qualified employee applicants, if any, the Department Head shall consider:

1. Qualifications and ability to perform the job.
2. The employee's past work related experience with the City and elsewhere.
3. The employee's past performance record with the City.

When factors 1, 2 and 3 are relatively equal in the opinion of the City, time of continuous service in the Department and with the City, in that order, will be given preference.

B. When the posting is not restricted to City employees, the Department Head will consider factors 1, 2 and 3 for employees and factor 1, plus the outside applicant's references and past work-related experience and performance with other employees. When, in the opinion of the Department Head, all factors are considered relatively equal among all qualified applicants, City employees will be given preference, and as among them, time of continuous service with the Department and the City, in that order, will be given preference.

## **8.07 WAGE RATE**

A promoted employee shall receive the minimum rate for the job to which he successfully bid or his rate before the promotion, whichever is greater. When an employee successfully bids to a position and his present rate is higher than the maximum rate for the job to which he successfully bid, his rate will be his rate before the job change. The City Manager may authorize a higher pay rate to meet a specific operational need.

## **8.08 DEMOTION**

Employees who are demoted shall have their wages reduced. The amount of reduction shall be recommended by the Department Head for approval by the City Manager based on the severity of the offense that initiated the disciplinary demotion.

## **8.09 PROMOTIONAL PROBATION**

Promoted employees shall be subject to the promotional probation provisions of Section 4.05.



## SECTION 9

### SENIORITY LAYOFF AND RECALL

Approved 8/27/2013

#### **9.01 ACCRUAL**

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences of thirty (30) or more consecutive work days without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

#### **9.02 LOSS OF SENIORITY**

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A. Discharge.
- B. Retirement.
- C. Voluntary resignation.
- D. Layoff exceeding one (1) year.
- E. Failure to report to the Department Head the intention to return to work within three (3) calendar days of receipt of a recall notice.
- F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

#### **9.03 LAYOFF SELECTION**

In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A. Ability to perform all of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three years or the most recent evaluations available.
- D. Departmental classification seniority.

When, in the opinion of the Department Head, factors A, B, and C are relatively equal among employees, factor D shall be determinative.

**9.04 PERMANENT LAYOFFS**

In some cases, the City may utilize a layoff under circumstances where there is no reasonable expectancy to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

**9.05 RECALL**

Except for employees laid off pursuant to Section 9.04 above regular full-time employees who are recalled by the City within twelve (12) months shall have their City service, departmental, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

**9.06 DECISIONS FINAL**

Decisions made pursuant to this section shall be final and shall not be subject to Section 12 or 13.

## SECTION 10

### ATTENDANCE/TARDINESS

Approved 8/27/2013

#### **10.01 PRESENT AND ON TIME**

All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Department Head shall be responsible for the attendance and timeliness of all persons within his department.

#### **10.02 CALL-IN**

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Department Head for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

#### **10.03 VERIFICATION**

The Department Head may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City.

#### **10.04 CONTINUING ABSENCE**

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Department Head or supervisor.

**(See Appendix A- Dependability Policy)**

#### **10.05 PERSON TO CALL**

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor, Department Head or his designee.

## SECTION 11

### DISCIPLINARY ACTION

Approved 8/27/2013

#### **11.01 GENERAL STATEMENT**

It is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

#### **11.02 FORMS OF DISCIPLINE**

A. The City recognizes the following types of discipline:

1. Verbal reprimands.
2. Written reprimands.
3. Suspension without pay.
4. Demotion.
5. Combination of the above.
6. Termination of employment.

**(See Appendix B- Discipline Policy)**

B. A Department Head may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.

C. The Department Head, or his designee, will consult with Personnel in deciding appropriate disciplinary action greater than a written reprimand. However, the Department Head may suspend employees temporarily with pay to the next regular work day of the City (Monday through Friday) if the Department Head deems it is operationally necessary. The Department Head shall then immediately consult with Personnel, and together they will decide whether to continue to temporarily suspend the employee with or without pay pending completion of an investigation and a final decision as to the appropriate

disciplinary action, if any. If it is ultimately determined that no disciplinary action or disciplinary action less than suspension without pay for a period of the temporary suspension without pay is appropriate, the employee will be reimbursed wages lost less periods he was unable or unwilling to work and whatever he earned or could have earned through due diligence while on temporary suspension without pay.

### **11.03 BASIS FOR DISCIPLINARY ACTION**

- A. Verbal and written reprimands for regular full-time employees may be given for any reason, including those listed in Section 11.05, Group I or Group II.
- B. Subject to Section 11.02(C), regular full-time employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Subject to Sections 1.02(B) and 4.05, regular full-time employees who have completed their initial probationary period may be suspended without pay, demoted or terminated for any reason, including those listed in Section 11.05 below.
- D. All employees serve at the will and pleasure of the City Manager and may be subject to discipline, up to and including termination, as he deems appropriate subject only to applicable law. (See 12.02 and 12.03(A)).

### **11.04 NOTICE OF DISCIPLINARY ACTION AND PRE-DISCIPLINARY HEARING OPPORTUNITIES**

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated. Such removed documents shall be retained by Personnel in a separate file.

### **11.05 TYPES OF OFFENSES**

There are two (2) groups of example offenses for which employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 11.01-11.03 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any just cause as determined by the City Manager.

This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be

discretionary with management in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

### **GROUP 1 OFFENSES**

First Offense – Verbal or Written Reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to and including termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable, inefficient productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
8. Failure to report the loss of City equipment or other City property entrusted in the employee's custody.
9. Failure to keep the City and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance in any fashion that brings disrepute upon the City.
11. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.
12. Unexcused tardiness or absence.
13. Failure to report an on-the-job accident or personal injury.
14. Violation of the Standards of Conduct in Section 3.
15. Not wearing required safety clothing or equipment.

## **GROUP II OFFENSES**

### **First Offense - Up to and including termination**

1. Conviction of a non-felony criminal offense or felony.
2. Excessive tardiness and/or absenteeism which disrupts departmental operation regardless of the reason.
3. Abuse of leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
6. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use or possession or display of fire arms, explosives, or weapons on or in City property unless authorized.
10. Removal of City property or any other employee's property from City locations without proper authorization, theft of City property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
13. Absent without permission or leave (AWOL).
14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.

15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment. The legal purchase of alcohol by an employee assigned a take home vehicle when off duty shall not be a violation of this rule.
16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty.
22. Unauthorized personal use of the exempt tax number for any reason.
23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
25. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
26. Refusal to sign an acknowledgment of disciplinary action.
27. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
28. Failure to report a DUI or DWI when the employee drives a vehicle as a part of their normal job.



29. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.
30. Circumventing the chain of command and speaking with a Commissioner regarding day to day operations or for complaint purposes.
31. The City credit card is for official City business only. There is a zero tolerance policy for personal use of the City issued credit card. Unauthorized use will result in immediate termination.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

#### **11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES**

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.
- B. At any time, the City Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The City Manager may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the City Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.
- D. Under paragraphs B and C above, the City Manager will not consider anything less than a finding by a judge or jury, whichever is applicable, of not guilty as relevant to the issue of whether the employee engaged in the conduct in question.
- E. If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

## SECTION 12

### **GRIEVANCE PROCEDURE FOR DISCIPLINARY ACTIONS**

Approved 8/27/2013

#### **12.01 WRITTEN REPRIMANDS**

Appeals of written reprimands shall be under PRR Section 13.

Before an employee is temporarily suspended without pay pursuant to Section 11.03(B) and Section 12.03(A)(2) below, the Department Head, or his designee, will explain the reason for the temporary suspension and give the employee the opportunity to explain his position.

#### **12.02 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION**

##### A. Appeal Procedure.

1. A regular full-time employee who has successfully completed his initial probationary period who is suspended without pay (other than temporarily), demoted or terminated who wishes to appeal must appeal in writing to the City Manager, or his designee, within ten (10) working days after notice of his suspension without pay, demotion or termination.
2. Upon receipt of a timely appeal, the City Manager shall arrange a hearing.
3. The City Manager shall consider the facts before him and make a decision which shall be final and binding on all concerned.

#### **12.03 GENERAL PROVISIONS**

The time limits set forth above, may be extended upon written request for reasons considered appropriate by the Human Resources Department. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of his appeal.

#### **12.04 DELEGATION OF AUTHORITY**

At his option, the City Manager may delegate another Department Head, an attorney or an arbitrator to hold the hearing and make the final decision.

## SECTION 13

### **EMPLOYEE GRIEVANCE PROCEDURE – WRITTEN REPRIMANDS AND NON-DISCIPLINARY MATTERS**

Approved 9/8/2014

#### **13.01 PURPOSE**

It is the purpose of this grievance procedure to assure employees that written reprimands and non-disciplinary problems and complaints arising under the PRR will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures, which affect employees. This will serve to identify and eliminate conditions, which may cause misunderstandings and grievances.

#### **13.02 DEFINITION OF A GRIEVANCE**

There will not be a grievance procedure for terminations as they are reviewed and approved by the City Manager and therefore final.

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## SECTION 14

### HOURS OF WORK AND OVERTIME

Approved 8/27/2013

#### **14.01 HOURS OF WORK\***

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Department Heads shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Employees shall be scheduled for an unpaid lunch break of not less than one-half ( $\frac{1}{2}$ ) hour but not more than one (1) hour and a paid break before and after lunch, not to exceed fifteen (15) minutes each unless approved by the Department Head.
- D. FLSA exempt salaried employees are paid a salary without regard to hours worked. While the normal work schedule for the City is 8:00 a.m. to 5:00 p.m., Monday through Thursday and on Friday from 8:00am to 4:00 pm salary exempt employees are expected to spend whatever time is necessary to get the job done satisfactorily and efficiently.

#### **14.02 REGULAR WORK WEEK OR PERIOD\***

- A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. Lunch and break periods are scheduled at the discretion of the Department Head or his designee.

#### **14.03 OVERTIME\***

- A. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period.
- B. There shall not be any duplication of overtime.
- C. Only employees in non-exempt positions are eligible for paid overtime with the exception of time worked by exempt employees during an officially declared disaster situation. The payment of overtime to exempt employees who are required to work in excess of their regularly scheduled work week during a declared disaster is authorized when funds are available for reimbursement by FEMA and only for work performed authorized by the City Manager.

**(See Appendix C- Hours of Work and Overtime Policy)**

#### **14.04 ASSIGNMENT AND WORKING OVERTIME\***

- A. Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines. Employees are to work only overtime as authorized but must report all hours worked to insure compliance with the FLSA regardless of whether the work is authorized or not.
- B. Employees are required to work overtime when assigned unless excused by their supervisor. An employee desiring to be excused from overtime work assignments shall submit a request to the immediate supervisor who shall rule on the request.

#### **14.05 HOURS COUNTED\***

Full hours of absence due to a paid bona fide sickness/injury, paid holidays, paid conference/training time, and approved paid vacation or jury duty will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted.

**(See Appendix C- Hours of Work and Overtime Policy)**

#### **14.06 CALL BACKS**

When a non-exempt regular full-time employee who has worked his regular shift or more, is released to go home, leaves the City premises, and is called back to work from home, the employee shall be paid time and one half (1½) his normal hourly rate for three (3) hours or for the actual hours worked, whichever is greater, in addition to on call pay if the employee is on on-call assignment for the day.

#### **14.07 ON CALL**

- A. Non-exempt employees who are specifically assigned “on call” duty for a specific period of time shall be paid three (2) additional hours of pay at time and one-half for each full week they are assigned to carry the on call phone.
- B. Employees assigned to “on call” duty must respond to the call in person or by telephone as soon as possible but not later than fifteen (15) minutes after the call is made. The employee shall respond to the location at which the employee is told to report as soon as possible in accordance with Departmental Policy.

## SECTION 15

### HOLIDAYS

Approved 8/27/2013

#### **15.01 DAYS OBSERVED**

- A. The following and such other days as the City Commission may declare are designated as official holidays for the City employees: Effective June 4, 2013 all part-time employees with five (5) or more years of service are entitled to the holiday(s) listed below:

New Years Day (January 1)  
Martin Luther King, Jr. Day (third Monday in January)  
Good Friday  
Memorial Day (last Monday of May)  
Independence Day (July 4)  
Labor Day (first Monday in September)  
Thanksgiving Day (November)  
The day after Thanksgiving  
Christmas Eve Day  
Christmas Day

- B. Whenever a holiday falls on a Saturday, the preceding work day shall be considered a holiday. When a designated holiday falls on a Sunday, the following Monday will be observed as a holiday.
- C. The City Manager may determine that any department or operation will be open for business on a holiday.

#### **15.02 WORK ON A HOLIDAY**

Employees who are required to work on a holiday shall receive overtime pay for hours worked on the holiday if the employee has otherwise physically worked each other assigned day of that week, plus eight (8) hours holiday straight pay. Part-time employees are also eligible to receive holiday pay if the holiday falls on a day they would regularly be scheduled. Because some departments have employees that are regularly scheduled on the weekends, if a holiday is scheduled for a Friday or Monday, the employee will be given pay for their regularly scheduled weekend hours.

#### **15.03 ELIGIBILITY FOR HOLIDAY PAY**

- A. To be eligible for holiday pay, the employee must be a non-exempt regular full-time employee and must work his scheduled work day or shift immediately



preceding and after the holiday unless the absence is approved or excused by the Department Head and the employee is on active pay status the calendar day the holiday is observed. Employees out on disability or worker's compensation shall not be eligible for holidays falling within the leave.

- B. When the employee is scheduled to work on a holiday, and his absence is not excused, the employee will not receive holiday pay.

**15.04 HOLIDAY PAY**

- A. Non-exempt regular full-time employees who meet the eligibility requirements shall be paid holiday pay at eight (8) hours their straight time hourly rate.
- B. Non-exempt regular part-time employees who meet the eligibility requirements will be paid the number of hours they would normally be scheduled to work.

**15.05 ABSENCE DUE TO SICKNESS**

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless (1) he notifies his Department Head at least one (1) hour before he is scheduled to report for work and (2) upon request, he presents evidence satisfactory to the Department Head, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury. The employee who fails to follow this procedure will also be subject to disciplinary action up to and including termination. The Department Head may excuse the first requirement if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

**15.06 HOLIDAY ON A LEAVE DAY**

- A. Employees on a scheduled vacation who meet the eligibility requirements for holiday pay will be paid for their regularly scheduled hours for the holiday(s) that fall within their vacation leave period.
- B. Otherwise, if a holiday falls during a leave of absence without pay, the employee shall receive no holiday pay.

**SECTION 16**

**VACATION**

Approved 8/27/2013

**16.01 ELIGIBILITY**

A. Each regular full-time employee, except those on a Section 7(K) schedule who accrue at a different rate, will be allowed vacation leave with pay, as follows:

<b><u>Continuous Service</u></b>	<b><u>Vacation Accrual Each Bi-Weekly Pay Period</u></b>	<b><u>Hours Per Anniversary Year</u></b>
0 through but less than 5 years	3.23 hours	84 hours/yr
5 years but less than 7 years	4.62 hours	120 hours/yr
7 years but less than 15 years	6.46 hours	168 hours/yr
15 years but less than 20 years	8.31 hours	216 hours/yr
20 years of more	9.23 hours	240 hours/yr

B. Vacations must be taken within each calendar year based on the anniversary of date of hire, and shall not accumulate beyond one calendar year in which it is earned except as approved by the City Manager, upon request by the Department Head.

C. In no event shall any employee's accumulated vacation exceed the total vacation time earned during the last two (2) calendar years, unless an extension is approved by the City Manager. Vacation time not taken, subject to this rule, shall be lost.

D. Part time employees will accrue vacation and sick time hours as follows:

Vacation Accrual Each Bi weekly pay period	1.62 hours	42 hours/yr
Sick Time Accrual Each Bi-weekly pay period	1.85 hours	48 hours/yr.

There is no cash value upon separation for vacation or sick hours.

## **16.02 REQUEST FOR VACATION**

- A. The request for vacation leave shall be submitted to the employee's Department Head on approved forms designated by Personnel.
- B. Vacation leave may be taken only after approval by the appropriate Department Head, but every employee shall be encouraged to take at least ten (10) days leave during the year.
- C. Leave may be used only as earned.
- D. Where two (2) or more employees request the same vacation period, the employee with the most City seniority will be given preference; provided, where a junior employee's vacation time has already been approved, it will not be changed without his agreement to accommodate a more senior employee.

## **16.03 USE OF VACATION**

- A. Vacation time may be taken only in not less than one-half ( $\frac{1}{2}$ ) day increments.
- B. An employee may not take more than thirty (30) days of vacation in a calendar year unless approved by the City Manager.
- C. Subject to Section 16.03(D) below, accrued vacation may be used with prior approval of the Department Head for the following purposes:
  - 1. Approved vacation.
  - 2. Absences for transacting personal business which cannot be conducted during off-duty hours.
  - 3. Religious holidays other than those designated by the City Commission as official holidays.
  - 4. For uncompensated approved absences due to medical or dental or optical reasons once paid medical leave has been exhausted.
  - 5. Any approved uncompensated leave of absence, including leaves under the FMLA.
  - 6. For approved emergency leave beyond that paid under Section 18.
  - 7. Employees who become sick on vacation leave may use medical leave for such period of illness (full days only), but may be required to present a doctor's certificate and will be given another vacation day or pay at the option of the City.
- D. Vacation pay may be used to supplement Workers' Compensation approved leaves; providing the total compensation received from all sources by the

employee, including Workers' Compensation, shall be no more than forty (40) times the employees straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.

**16.04 ACCUMULATION OF VACATION**

- A. Employees are encouraged to take their vacation yearly.
- B. Employees may accumulate up to two hundred forty (240) hours excluding converted medical leave.

**16.05 ELIGIBILITY ACCUMULATION/BUY BACK**

- A. Sick leave with pay may be granted to full time employees by a Department Head not to exceed twelve (12) days in total for sickness for each year. Unused days may be accumulated without limit, and when ninety (90) days is accumulated, an employee may turn in three (3) days sick leave for one (1) day vacation.
- B. All medical leave converted to vacation leave must be used in the calendar year in which it was converted. Cash payout for converted medical leave is not permitted and if not used, will be converted back to medical leave.

**16.06 PAYOFF OF UNUSED VACATION HOURS**

- A. Employees shall be paid accrued but unused vacation pay upon cessation of their employment.
- B. In no event, will an employee be allowed to take vacation in conjunction with termination, i.e., to extend the termination date.
- C. In the event of an employee's death, his beneficiary or estate, in the absence of a designated beneficiary, shall be paid for accrued vacation.

**16.07 EXTENDED UNPAID LEAVES**

Employees will not accrue vacation during an unpaid leave of absence other than FMLA or workers' compensation.

**SECTION 17**  
**MEDICAL LEAVE**

Approved 8/27/2013

**17.01 ELIGIBILITY**

- A. Medical leave, whether paid or unpaid, shall apply to leaves for sickness, injury or disability that are not covered by workers' compensation. Sickness, injury or disability for pregnancy, childbirth, or related disabilities shall be treated the same as other sicknesses, injuries or disabilities.
- B. Regular and probationary full-time employees are eligible under Section 17.02 for paid medical leave for absences due to sickness or injury, provided they present evidence, including a medical doctor's excuse, if requested, satisfactory to their Department Head to establish their absence was due to a bona fide sickness or injury.
- C. Employees on medical leave, whether paid or unpaid, or leave due to a job related illness or injury shall not engage in any work, including work at second or other jobs at home or elsewhere, without permission of the City Manager, or his designee. Violation of this subsection shall be cause for immediate termination.

**17.02 RATE OF ACCRUAL**

- A. Regular full-time employees shall be eligible for 3.69 hours of paid medical leave per fourteen (14) day pay period.
- B. Paid medical leave shall not accrue during any pay period when the employee is not on active pay status except FMLA leave or a leave covered by workers compensation.

**17.03 CHARGING LEAVE**

- A. Medical leave taken shall be recorded, charged and paid in one-half (½) hour increments.
- B. Paid holidays which occur during a paid medical leave shall not be chargeable to medical leave.

**17.04 REQUEST FOR MEDICAL LEAVE**

To be eligible to receive pay for medical leave, the employee shall notify his immediate supervisor or Department Head as soon as possible but not less than one (1) hour prior to the time set for beginning the employee's shift. This

provision may be waived by the Department Head if the employee submits evidence satisfactory to the Department Head that it was impossible to give such notification.

#### **17.05 EXTENDED UNPAID MEDICAL LEAVE**

- A. When paid medical leave and accrued vacation leave are exhausted for absence due to bona fide sickness, disability or injury, the employee may be given extended medical leave without pay for up to six (6) months. However, no benefits such as holidays, vacations, emergency leave and paid medical leave accrue during such unpaid leaves unless the leave is FMLA leave in which case Section 19 applies.
- B. The City retains the right to require the employee to submit to another medical examination by a doctor of the City's choice at the City's expense to verify the employee's inability to work.
- C. The employee shall be required to return to work not later than the last day of the leave granted, unless prior to that time, the employee has obtained permission from the City Manager to extend the medical leave or has applied for and been granted additional time off as allowed by these rules.
- D. The employee may continue his Group Medical Plan Insurance during such absence provided the employee pays the full premium by the time each month and in the manner required by the City. For continuation of insurance during FMLA leave, see Section 19.06.

#### **17.06 RETURN FROM MEDICAL LEAVE**

At the option of the City, the employee may be required to supply a medical release from a doctor acceptable to the City to return to work from medical or disability leave whether the leave was with or without pay.

- A. An employee who is released from medical leave and who wishes to return to work shall notify the City. If the leave was less than thirty (30) days beyond pay status, the employee shall be placed in the job he held before the leave and there shall be no adjustment of his anniversary date or City or classification seniority date.
- B. Subject to applicable law, including the FMLA, if the leave was longer than thirty (30) days beyond pay status, the employee will be given his job or a substantially equivalent job that is vacant if he is qualified to perform all the essential requirements of the vacant job. If the absence was due to a legally-recognized disability, reasonable accommodation that will not cause undue hardship to the City will be offered. Adjustments of his anniversary date, City, departmental and classification seniority dates shall be as provided for other unpaid leaves under Section 21.

- C. The Department Head, with approval of the City Manager, may make exceptions to the above for operational reasons upon the request of the employee.

**17.07 USE**

- A. Paid medical leave may be used provided it is approved for the following purposes:
  - 1. Bona fide sickness, injury or disability off the job.
  - 2. Medical, dental, optical or chiropractic examination or treatment which cannot be scheduled during non-duty hours.
  - 3. Serious illness of a member of the employee's immediate family which requires the personal care or attention of the employee, or the death of a member of the employee's immediate family as defined in Section 2, but in the case of death, not more than ten (10) working days.
  - 4. An unpaid leave under the FMLA.
  - 5. For up to one (1) week extra vacation as provided in Section 16.05.
  - 6. To supplement Workers' Compensation, but not more than necessary to cover the employee's regular scheduled straight time hour at his normal hourly rate.
  - 7. For up to two (2) personal leave days per calendar year, provided the days are approved in advance by the employee's Department Head, or his designee.
- B. Use of medical leave for any purpose not specified above may be considered misconduct and result in disciplinary action.

**17.08 ACCUMULATION/PAYOFF**

- A. There is no limit on the number of hours of medical leave which an employee may be eligible to accumulate for use for bona fide illness or injury.
- B. Upon retirement, under the City Retirement Plan, or resignation after one year of continuous service as a City employee with written notice to the City Manager of not less than two weeks, an employee will be paid for unused sick leave by the following schedule, provided any excess over the amount will be lost.

1 to 3 years service.....	15% of unused sick leave
3 to 5 years service.....	25% of unused sick leave

5 to 10 years service.....30% of unused sick leave  
10 to 15 years service.....35% of unused sick leave  
15 to 20 years service.....40% of unused sick leave  
Over 20 years service.....50% of unused sick leave

No one will be paid for more than 800 hours sick leave.

**17.09 LIGHT DUTY\***

If an employee is released by his physician for "light duty", return to light duty shall be at the option of the City based on its operational needs. Refusal to accept a light-duty assignment by the City, which the employee is capable of performing in accordance with applicable law, will result in termination of employment.

\*\*

Light duty assignments will continue for 60 days depending on availability. All payroll deductions and miscellaneous deductions will become the responsibility of the employee. Payments will need to be made to the City of Mulberry at the beginning of each month to maintain coverages. Failure to do so may result in termination of the benefits.

\*\* revised 12/09/2013



## SECTION 18

### EMERGENCY LEAVE

Approved 8/27/2013

#### **18.01 LEAVE**

- A. Approved emergency leave in the event of the death or serious illness or injury of a member of the employee's immediate family (as defined in Section 18.03) will be granted as provided below:
1. Up to thirty-two (32) hours. The minimum leave under this section shall be four (4) hours.
- B. The employee may be required to provide the Department Head with proof satisfactory to him of death or serious illness or injury in the employee's immediate family before compensation is approved.
- C. If, in the opinion of the Department Head, additional days off are necessary, accrued vacation and medical leave may be used or the employee may be given additional time off without pay.

#### **18.02 SERIOUS ILLNESS OR INJURY**

Serious illness or injury is defined as life threatening.

#### **18.03 BEREAVEMENT LEAVE**

Each non-exempt employee is eligible for a paid leave of absence up to three days in cases where a member of the immediate family has died inside the state of Florida. An additional two days shall be added if the immediate family member resides outside the state of Florida. Immediate family shall be defined as husband, wife, children, brother, sister, parents or grandparents. Approval of such leave and its duration will be by the Department Head. Exceptions may be authorized only by the City Manager upon recommendation from the Department Head. Employees may be requested to submit proof of relationships and travel.

#### **18.04 LIMITATIONS**

- A. An employee may not take more than the time limit set forth in Section 18.01(A)(1) of emergency leave in a calendar year for the same immediate family member.

- B. Otherwise, there shall be no limit on the number of immediate family members for whom emergency leave can be taken during a calendar year, provided the conditions of Section 18.01(B) are met.

#### **18.05 EXCEPTIONS**

The City Manager may grant additional time off for Emergency Leave with or without pay under extenuating circumstances.

#### **18.06 MILITARY LEAVE**

An employee, or an appropriate officer of the uniformed services, must notify the employee's Department Head either verbally or in writing that the employee intends to leave employment with the City to perform service in the uniformed services at the earliest possible date. Subject to the employee producing written military orders, leaves will be granted in accordance with applicable law.

#### **18.07 PERSONAL LEAVE OF ABSENCE WITHOUT PAY**

A. Personal leave without pay may be granted for up to one (1) year. Employees desiring such leave should submit their request in writing to the Department Head with an explanation of need sufficiently in advance of the requested leave beginning time to allow for consideration and approval or rejection, and if approved, for necessary adjustments to schedules and/or City business and/or re-employment with the City. Such leaves may be sought for sickness, injury or any other legitimate reasons, but shall not cause undue hardship to the departmental or City operations. Such leaves require the recommendation of the Department Head and the approval of the City Manager.

B. In the case of a request for a leave of absence under this policy for sickness or injury, all accumulated sick leave and vacation leave must be used before the request may be granted.

C. All individuals on an extended leave of absence due to sickness, injury or disability shall provide their supervisor with an updated status of their medical condition at least every thirty (30) days unless excused by their Department Head from doing so.

D. In order to return from an extended leave of absence due to illness, injury or disability, you will be required to submit satisfactory medical evidence of your condition so that your ability to return to work to your former or any other position may be evaluated based upon your ability to return to work to your former or any other position may be evaluated based upon your ability to perform the essential

function of your job, or some other job that is vacant with or without reasonable accommodation and without undue hardship to the City. This evidence may include documentation. The City may, for due cause, require the employee to be reexamined by a physician chosen by the City at the City's cost.

E. All employee returning from an extended leave of absence for illness, injury or disability will be placed in their previous position if vacant provided they can perform the essential functions of the job with or without reasonable accommodation. In the event this position is not available, they will be placed in a position of like responsibility and compensation if it is available and provided they are able to perform the essential functions of the job, with or without reasonable accommodation, and without undue hardship to the City. If no such vacancy exists, they will be placed on a preferential hiring list and given the first opportunity to return to work in their former position, a comparable position or a position they can perform, with or without reasonable accommodation and without undue hardship to the City for a period of twelve (12) months. Thereafter, their ability to return to work will be evaluated by the City in accordance with applicable law.

## SECTION 19

### FAMILY MEDICAL LEAVE POLICY

#### **19.01 ELIGIBILITY AND REASONS**

Employees, who have worked for the City for at least twelve (12) months, and for at least 1,250 hours during the preceding twelve (12) months, may:

- A. Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
  - 1. The birth of the employee's child and to care for the newborn child;
  - 2. The placement of a child with the employee for adoption or foster care;
  - 3. In order to care for the employee's spouse, child or parent who has a serious health condition;
  - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position.
  - 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Leave under this subsection is not available for an employee whose family member is on active duty as a member of the Regular Armed Forces.
  
- B. Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

#### **19.02 DEFINITIONS**

The following definitions apply for purposes of this Policy:

- A. Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to

work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.

- B. Serious injury or illness – A “serious injury or illness” means an injury or illness incurred by a military service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.
- C. Child – Except as otherwise noted in this policy, “child” means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.
- D. Parent – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents “in law.”
- E. Next of Kin – The “next of kin” of a military service member means the nearest blood relative other than the service member’s spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.
- F. Qualifying exigency –A “qualifying exigency” includes leave taken for any of the following reasons : (1) to address any issue resulting from an impending call to active duty deployment on less than seven days’ notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc.), (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.), and (8) any other exigency agreed upon by the City and employee.

### **19.03 MEASURING THE TWELVE MONTH PERIOD AND COUNTING FMLA LEAVE**

- A. For leave taken for any of the reasons listed in Section 19.01(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee

would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/94, four weeks beginning 6/1/94, and four weeks beginning 12/1/94, the employee would not be entitled to any additional leave until 2/1/95. However, beginning on 2/1/95, the employee would be entitled to four weeks of leave, on 6/1/95 the employee would be entitled to an additional four weeks of leave, etc.

- B. For leave taken for the reason listed in Section 19.01(B), the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 19.01(B) may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.
- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.
- D. If both spouses work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both spouses work for the City the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in Section 19.03(B) above if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a service member with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

#### **19.04 INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE BASIS**

- A. In the case of leave based upon a serious health condition or a service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or provided, the City may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

#### **19.05 EMPLOYEE NOTICE AND CERTIFICATION REQUIREMENTS**

- A. For leave that is foreseeable, the employee must provide the City with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the City with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms which are available from the Human Resources department.
- B. The City will require that leave based upon a serious health condition, or a service member's serious injury or illness, be supported by a medical certification from a health care provider. In accordance with applicable regulations, the City may request, at the City's expense, a second opinion from a health care provider of the City's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The City will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- C. The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in conjunction with an absence, or more often to the extent permitted by applicable law.

- D. The City will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- E. Certification forms to be completed under this section are available from the Human Resources department. If an employee's certification or recertification is deemed by the City to be incomplete, the City will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- F. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.
- G. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work.

#### **19.06 HEALTH INSURANCE PREMIUMS**

- A. During leaves of absence under this policy, the City will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the employers portion of health insurance premiums during the family leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.



### **19.07 ACCRUAL**

During any period of leave under this policy, accrual of employment benefits, such as vacation pay, medical leave, seniority, etc., shall continue. Pension benefits will be determined in accordance with applicable regulations, but employees will be required to make the pension contributions required, if any, under any City sponsored pension plan covering them. Employment benefits to which an employee may be entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

### **19.08 SUBSTITUTION OF ACCRUED PAID LEAVE**

- A. For unpaid leaves under this policy, the City will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under a disability plan), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the City and the employee agree.

### **19.09 JOB RESTORATION UPON RETURN FROM FMLA LEAVE**

With the exception of certain key employees, employees who return to work from FMLA leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

### **19.10 FAILURE TO COOPERATE**

Employees who fail to provide information to, or otherwise cooperate with, the City in administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave

delayed and/or be subject to discipline up to and including discharge as permitted by law.

## SECTION 20

### COURT/WITNESS LEAVE

Approved \_8/27/2013

#### **20.01 WITNESS LEAVE FOR THE CITY\***

Employees who appear as witnesses on behalf of the City in any judicial or administrative proceeding or who are directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

#### **20.02 OTHER COURT-RELATED LEAVE**

Those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay unless they request and are approved for vacation or personal time under Section 16.03.

#### **20.03 JURY LEAVE**

The City shall make up the difference between a regular full-time employee's pay for his normal schedule provided the employee:

- A. Advises his Department Head no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs.
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled workday or shift unless he gets permission from his Department Head not to return.
- C. Endorses his check for jury pay over to the City.

#### **20.04 RETURN TO WORK\***

Employees who attend court or any other legal or administrative proceeding for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released.

## SECTION 21

### GENERAL LEAVE WITHOUT PAY

Approved 8/27/2013

#### **21.01 GENERAL LEAVE WITHOUT PAY**

Except as required by applicable law, the decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be the responsibility of each Department Head to weigh each case on its own merits. Leave without pay for more than thirty (30) calendar days must be approved by the City Manager.

#### **21.02 EXTENSION**

Employees on leave shall report for duty at the end of the leave unless they have obtained a written extension from their Department Head or have been notified not to return.

#### **21.03 RETURN TO WORK**

An employee who is on a non-medical or non-FMLA leave without pay for less than ten (10) working days shall be returned to his former position. When the leave is more than ten (10), but less than sixty (60) working days, the employee shall be returned to his former position or another position for which, in the opinion of the Department Head, he is qualified to perform all of the duties if one is vacant otherwise he shall be laid off. Return to work from medical and FMLA leave is covered in Sections 17.06 and 19.09.

#### **21.04 ANNIVERSARY DATE, CITY AND CLASSIFICATION SENIORITY**

Employees returning from a non-medical or non-FMLA unpaid leave of thirty (30) working days or less shall retain their anniversary date, City, departmental and classification seniority dates. Employees returning from longer unpaid leave will not lose seniority or time of continuous service for benefit calculation but the time they are out beyond thirty (30) days will not be counted.

#### **21.05 OTHER EMPLOYMENT**

Employees on leave without pay of any kind, including unpaid medical leave, shall not accept employment elsewhere.

#### **21.06 ACCRUAL OF MEDICAL AND VACATION LEAVE**

No medical or vacation leave will accrue while on any unpaid leave, except FMLA unpaid leave.

## **21.07 CONFERENCE LEAVE**

When deemed in the best interest of the City by his Department Head, and approval by the City Manager, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's service to the City. All such leave and travel expenses will be subject to City travel and expense policies.

**(See Appendix D- Travel and Training Policy)**

## **21.08 MILITARY LEAVE\***

Employees ordered to annual military training as a member of any of the U.S. Armed Forces Reserves may be granted up to seventeen (17) days of leave without loss of pay in a calendar year.

All other requests for military leave and return from military leave will be handled in accordance with applicable law.

## **21.09 EFFECT OF LEAVES ON INSURANCE COVERAGE\***

- A. Compensable Leave. The City shall continue the employee's group life and hospitalization insurance during compensable leave of absence provided the employee pays his share of the premium.
- B. Workers' Compensation. The City shall continue the employee's group life and hospitalization insurance during an unpaid leave of absence due to a valid workers' compensation injury or illness, provided the employee pays his share of the premium. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for all premiums paid in his behalf during the injury. Failure to repay the City such premium upon demand or under terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect the premiums by any means allowed by law.
- C. Other Non-Compensable Leave. If an employee is on an unpaid leave of any type other than FMLA leave, including medical leave covered by Section 17.05, he shall be responsible to pay the full premium for group life and hospitalization insurance beginning the month after the month in which the leave began. The employee shall be entitled to continue coverage for the period of the leave provided he pays the premiums subject to any restrictions imposed by the insurance carrier.

## SECTION 22

### MISCONDUCT AND HARASSMENT POLICY\*

Approved 8/27/2013

#### **22.01 PURPOSE**

The purpose of this policy is to make all employees of the City aware that it is the policy of the City that sexual, racial or other forms of illegal or improper harassment and misconduct will not be tolerated.

#### **22.02 STATEMENT OF POLICY**

Sexual harassment is included among the prohibitions of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the City.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of sex based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.

Other forms of harassment involving race, religion, national origin, age, marital status or disability are illegal and or improper and will not be tolerated. Such harassment includes unwelcome language as well.

Sexual as well as other illegal or improper harassment of our employees by other employees or by persons who are not employed by but do business with the City will not be tolerated.

In addition, the City will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or participates in an investigation involving improper or illegal harassment and tells the truth to the best of his knowledge and belief.

#### **22.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT**

The City considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment.

- A. Unwelcome physical assaults or touching of a sexual nature, including:
  - 1. Rape, sexual battery, molestation, or attempts to commit such acts.
  - 2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- B. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his presence is unwelcome.
- C. Job actions related to sexual matters such as:
  - 1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
  - 2. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
- D. Display of sexually related material, such as:
  - 1. Pictures, posters, computer screensavers, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
  - 2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

#### **22.04 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT**

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, religion, national origin, marital status, or disability are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the City and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of conduct which is prohibited.

**22.05 MAKING COMPLAINTS OF SEXUAL OR OTHER ILLEGAL OR IMPROPER HARASSMENT OR RETALIATION**

- A. Anyone who has suffered sexual or other illegal or improper harassment or retaliation or who has observed such conduct should report it to his immediate supervisor, his/her Department Head, or Human Resource Manager, City Manager, or any member of the City Commission.
- B. All complaints will be investigated expeditiously. Upon completion, and a determination that a complaint is valid, the City will take appropriate remedial action, including discipline up to termination of employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

**22.06 BAD FAITH CLAIMS OF SEXUAL OR ILLEGAL OR IMPROPER HARASSMENT**

Bad faith claims of sexual or other illegal or improper harassment are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.



## SECTION 23

### EMPLOYEE HEALTH INSURANCE

Approved 8/27/2013

#### **23.01 GROUP MEDICAL, DENTAL AND VISION INSURANCE**

- A. The City makes available to all regular full-time employees group medical, vision and life insurance after a certain number of days of employment as follows:
1. Participation is voluntary.
  2. Currently, for those employees who elect to participate, the City pays one hundred percent (100%) for the employee's coverage for the HMO, or when on approved unpaid non-FMLA leave other arrangements for payment satisfactory to the Personnel Department are made. Family coverage is available at the employee's option. The current employee contribution rates are available from Personnel as are the various options as to coverage and types of insurance available. A booklet explaining the plans, contributions, and how and where to file claims is also available through Personnel.
  3. All employees who are eligible for Medicare upon turning 65 must notify Human Resources and submit their Medicare card.
- B. The City offers supplemental dental insurance, vision, cancer, short-term disability and accident plans for employees who wish such coverage. The premiums are paid by the employee through an authorized payroll deduction. A booklet explaining the plan is available in Personnel.

#### **23.02 RETIREES' MEDICAL INSURANCE**

- A. For employees who were hired prior to May 16, 2006, if you retired under the City Pension Plan, the City will pay for the group medical insurance for you and your spouse and dental and life insurance for you until:
1. You obtain full time employment, or part-time employment with an employer who offers group medical insurance, or
  2. You fail to pay the cost of dependent coverage for all forms of insurance for which you have elected coverage which require you to pay the premium, or part thereof, or
  3. You become eligible for Medicare, whichever first occurs.

4. Effective December 2010, Ordinance 14-2010 had the following requirements passed for eligibility for Post Employment Health Insurance benefits
  - a. Retiree must have been continuously employed for a twenty (20) year period with the City, or be allowed a shorter period of not less than ten (10) years by contract approved by the City Commission.
  - b. Retiree must have retired from City employment rather than having been terminated.
  - c. Retiree must not have accepted employment in excess of twenty (20) hours a week with another employer at any time after retiring from the City, including self-employment.
  - d. The Retiree must be sixty (60) years of age before obtaining the benefit, or retired as a result of employment-related injuries suffered during employment with the City.
  - e. The Retiree must not have filed a lawsuit against the City, unless the Retiree prevailed in such lawsuit or this benefit is included in a written settlement agreement. **(See Appendix E for a complete copy of Ordinance 14-2010)**

B. In the event you become eligible for Medicare and have not obtained employment elsewhere, the City will pay the Medicare supplement provided in its group insurance policy, if any, for you and your spouse so long as you do not meet one of the conditions set forth in paragraph (A) (1) and /or (2) above..

C. In the event of the death of a retiree, the City will pay the premiums for group medical or Medicare supplement for your spouse on the same basis as it would have provided same for you: provided:

1. At the time of your death, you were covered and all premiums due were paid, and
2. Your spouse does not re-marry.

D. In the event of your death, your spouse may elect coverage on the same basis that the City would have provided coverage to you under the City Dental Plan, if any; provided:

1. At your death you are covered by the City Dental Insurance Plan, and

2. Your spouse pays 100% of the premium, and
3. Your spouse does not remarry.

### **23.03 LONG-TERM DISABILITY INSURANCE (LTD)**

The City currently provides long-term disability insurance for regular full-time employees who are participants in the General Employees Pension Plan at no cost to the employee. The City will advise of any change in the practice. A booklet describing the benefits and procedures for making a claim is available in Personnel.

## **SECTION 24**

### **PENSION\***

Approved 8/27/2013

#### **24.01 SECTION 401(A) PLAN**

The City currently contributes five (5) percent of full time and other eligible employees' yearly earning into a Florida Municipal Pension Trust Fund. An employee must work for the City for one year and meet other initial eligibility requirements. To obtain detailed information concerning the pension trust fund, please contact the Human Resources manager who will provide you with a Summary Plan Description which will describe all of the eligibility rules, vesting schedules and all other related information concerning the fund made by the employee who elects to participate.

#### **24.02 SECTION 457 DEFERRED COMPENSATION PLAN 401 (B) PLAN**

The City maintains a Section 457 Deferred Compensation Plan for eligible employees. Participation is voluntary, and the employee pays the entire cost of the plan.

## SECTION 25

### PERFORMANCE EVALUATIONS

Approved 8/27/2013
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#### **25.01 THE PERFORMANCE EVALUATION SYSTEM**

- A. The process for rating the work performance and work attitude of employees accurately is important to the efficient operation of the City and the job opportunities for employees.
- B. Performance Evaluations (PEs) are given to evaluate the employee's work attitude, quality, quantity and performance and to assist the employee and management in recognizing strengths and weaknesses and to assist in improving areas identified as weak.
- C. PEs will be conducted annually for regular full-time employees and on other occasions as determined necessary by the Department Head and for other employees when and if the Department Head determines such evaluations are needed.

#### **25.02 USE**

In addition to assisting employees and management in achieving and maintaining acceptable or better job performance, PEs are considered in determining advancement, disciplinary actions and other job actions.

#### **25.03 REVIEW**

A regular full-time employee may seek review of his PE under Section 4413, provided the decision of the Department Head shall be final unless the employee alleges a violation of Section 1.054.

**SECTION 26**  
**COMPENSATION**

Approved 8/27/2013
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The City provides a comprehensive Compensation Plan which is designed to provide wages based on merit, performance and years of continuous service that are competitive in our area and which encourage our employees to stay with the City until retirement. The Compensation Plan is updated periodically based on studies done by the State, professional consultants employed by the City and City personnel. Copies of the Compensation Plan are available from Human Resources.

## SECTION 27

### DUI, DWI AND MOVING TRAFFIC VIOLATIONS

Approved 8/27/2013

#### **27.01 PURPOSE**

The safety and health of all City employees and residents and the public in general is of utmost importance to the City. Such concerns include attempting to ensure that employees who drive vehicles on the public roads, streets, and highway as part of their job maintain safe driving records and habits consistent with the City's mission of conducting safe and efficient City business, and to ensure the ability of the City to maintain acceptable insurance protection at reasonable costs.

#### **27.02 DUI/DWI**

- A. When an employee is charged with DUI or DWI while on duty or driving a City vehicle, Section 11.06 shall apply.
- B. Except as provided in subsection (A) above, when an employee who holds a driving position is charged with a DUI or DWI:
  - 1. The employee shall be suspended from his driving job pending resolution of the charge or charges. The suspension will be without pay, except the City Manager, at his option, may elect to transfer the employee to a vacant non-driving position which the employee is qualified to perform at the non-driving position rate of pay.
  - 2. Upon acquittal, the employee shall be reinstated to his/her driving position or a similar driving position with back pay less any interim earning received from any source, including from the City, and unemployment compensation. Acquittal is defined as a finding of not guilty after trial or dropping of the charges. Acquittal shall not include a plea of *nolo contendere* or reduction of charges. Employees who refuse breath, blood, or urine testing in violation of Florida State Statutes regarding implied consent shall be considered as convicted.
  - 3. Unless the law provides otherwise, upon first offense conviction, the employee shall be removed from his driving position for not less than twelve (12) months. Upon written request, the employee will be considered for placement in other non-driving vacancies in the City for which he is qualified; however, he shall be given no preferential treatment because he is a City employee. If the

employee is not offered a non-driving job, he shall be terminated. If the employee is offered and accepts a non-driving position, the employee's service record will remain unbroken.

4. An employee placed in a non-driving position or ex-employee terminated pursuant to subsection (3) above may not reapply for a driving job for twelve (12) months from the date of his removal from the driving job. Thereafter, those employees and ex-employees who reapply for a driving job will be given no preference but if otherwise qualified will be considered along with all other qualified applicants, and their past conviction will be considered along with other job related factors.
5. Upon conviction of a second DUI or DWI within three (3) years, an employee in a driving position shall be terminated from employment with the City.
6. Upon conviction of a second DUI or DWI, an employee in a non-driving position as a result of the application from subsection (3), shall be permanently barred from a driving position within the City.
7. Employees and applicants for employment who have never held a driving position with the City, but who have been convicted of DWI or DUI not more than one time, may be considered for driving positions under the same conditions as employees who have been removed from a driving position because of a DUI or DWI conviction under subsection (3) above. Effective October 1, 2001, employees and applicants who have two or more DUI or DWI convictions regardless of the period over which they were obtained shall not be considered for driving positions.

### **27.03 MOVING VIOLATIONS**

- A. An employee in a driving position whose driver's license is revoked shall be terminated or, at the option of the City Manager, may be placed in a non-driving position under whatever conditions the City Manager considers appropriate, including disciplinary action under Section 11.
- B. An employee in a driving position whose driver's license is suspended shall be subject to disciplinary action under Section 11, and if not terminated, may, at the option of the City Manager, be placed in a non-driving position and shall not be allowed to hold a driving position until his driving record has not been charged with any additional points from the date of the suspension as follows:



<u>Length of Suspension</u>	<u>Length of Time with No Additional Points</u>
Up to 30 days	1 year
Up to 90 days	3 years
Up to 365 days	5 years

- C. Return to a driving position under subsection (B) above shall be at the discretion of the City Manager.
- D. Applicants for employment and bidders for driving positions that have more than twelve (12) points on their Florida driver's record shall not be considered.

## SECTION 28

### EDUCATIONAL INCENTIVES AND BENEFITS

Approved 8/27/2013

#### **28.01 TUITION**

The City may authorize payment for tuition for courses it considers will be helpful to successful completion of the mission of the City subject to budgetary constraints as follows:

- A. The City Manager, or his designee, shall determine if the course or curriculum is related to the employee's job or contributes to the long range value of the employee to the City.
- B. If the course is reimbursable through some other source, then provisions of the City's education tuition payment plan shall not apply.

#### **28.02 ELIGIBILITY**

- A. Full-time employment with the City at least one (1) year, unless the City Manager grants an exception.
- B. The educational training can be at the high school, post high school, and adult educational levels.
- C. No more than two (2) courses per quarter or semester (or equivalent period of time) may be taken.
- D. No employee will be reimbursed more than two thousand dollars (\$2,000.00) from a traditionally accredited state college in a calendar year unless previously approved by the City Manager.

#### **28.03 REQUESTS AND PAYMENT**

- A. The employee must request to their Department Head, in writing prior to new fiscal budgets being finalized, the method of funding (advance or reimbursement) by submitting a memorandum to their Department Head with a school schedule attached prior to enrollment. The memorandum must state the name of the class and its cost. In order to process the request in a timely manner, employees should make every effort to request necessary funding as soon as school schedules are released. Failure to obtain approval in advance may result in requests for reimbursement being denied.

- B. Employees receiving a tuition advance must submit a paid receipt for classes to Personnel. Employees requesting reimbursement upon completion of the class must also submit paid receipts.
- C. Employees are encouraged to attend any accredited Florida college or university; however, tuition reimbursement shall be paid at the public college or university tuition rate. Correspondence schools will not be considered for tuition reimbursement. Employees shall not be reimbursed for mileage or personal expenses unless they are required by the City Manager to take the course.
- D. The employee shall submit to the Human Resources Manager the final grade, certification, or degree immediately upon receipt from the school.

**28.04 REPAYMENT BY THE EMPLOYEE**

The employee shall reimburse the total cost of tuition advanced if he fails to successfully complete the course. Reimbursement shall be within two weeks of receipt of grade. For courses for which an employee receives a grade, reimbursement to the City will be as follows:

- A. Employees receiving a grade of C or better shall not be required to reimburse the City. Employees receiving a grade below a C shall reimburse the City at 100%. Employees who drop a class shall reimburse the City at 100%.
- B. The employee who receives any funds under this program shall be required to work for the City for at least one year from date money is received, or shall reimburse the City for every dollar received upon termination. The City reserves the right to withhold the money owed from any final paycheck upon separation subject only to applicable law. The City Manager may excuse repayment in whole or in part for circumstances he determines to be extenuating and justifiable.

**28.05 SCHEDULES**

The City will attempt to rearrange work schedules for classes if it does not interrupt the normal work flow.

**28.06 INCENTIVE PAY**

When the State or other governmental agency mandates additional pay for a class of employees and funds or reimburses the City for same, the City will provide the incentive pay to those employees who meet and maintain the qualifications to receive the incentive pay. Department Heads are required to advise the Human Resource Manager of employees in their Department who are eligible for such pay.

## SECTION 29

### DRUG-FREE WORKPLACE AND ALCOHOL POLICY\*

Approved 8/27/2013

#### **29.01 POLICY**

The City's Drug-Free Workplace Policy is aimed at insuring "0" tolerance to illegal drugs at all times and its alcohol-free policy to "0" tolerance under circumstances that affect or might affect the safety and wellbeing of employees, citizens and others, or the effective operation of City business. This policy is consistent with all Florida State and Federal Laws including Florida Drug-Free Workplace Statutes 440.101 and 440.102, Drug-Free Workplace Program Requirements, the Agency for Health Care Administration (AHCA), Chapter 59A-24, Florida Administrative Code, Drug-Free Workplace Standards, and the Federal Drug-Free Workplace Act. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR Part 383 are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) under the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), in accordance with 49 CFR, Parts 40, 383, 392, and 392.5. Regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

#### **29.02 PROHIBITIONS**

- A. Illegal Controlled Substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable State and federal laws.
- B. Alcohol Abuse. Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of City equipment, or being transported in City vehicles at any time; reporting to work under the influence of alcohol; or, from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.

#### **29.03 USE OF LEGAL DRUGS**

The use of legal drugs, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the

employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles and other moving equipment. Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance, which could affect the employee's ability to safely and satisfactorily perform his or her job, must advise the supervisor immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the City. Detection of controlled substance will be presumed to be in violation of this policy unless the employee had advised the supervisor of its medicinal use in advance who will immediately advise the Manager of Human Resources. The abuse, misuse or other unauthorized use of prescription medication or other legal drugs shall constitute a violation of this policy and will be considered grounds for immediate dismissal.

**29.04 SUBSTANCES TESTED FOR**

- A. With respect to violation of policy 29.02(B), employees are subject to testing for the detection of alcohol while on duty or while operating or riding in or on a City owned vehicle. For the purpose of this policy, if a test reveals the presence of alcohol the employee shall be deemed to have violated City Policy.
- B. Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:
  - 1. Amphetamines
  - 2. Barbiturates
  - 3. Benzodiazepines
  - 4. Cannabinoids (marijuana)
  - 5. Cocaine
  - 6. Methadone
  - 7. Methaqualone
  - 8. Opiates (Heroin, Morphine, Codeine)
  - 9. Phencyclidine (PCP)
  - 10. Propoxyphene

**29.05 CIRCUMSTANCES FOR TESTING FOR ILLEGAL CONTROLLED SUBSTANCES OR ALCOHOL**

Subject to applicable law:

- A. All job applicants shall be subject to pre-employment drug testing as a prerequisite to employment with the City. It is the obligation of the job applicant to notify the approved testing facility of any controlled substances prescribed for the job applicant by a physician or dentist.
- B. When an employee not covered by Subsection C below is involved in at any time a work related vehicular or equipment accident or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles where there is reasonable suspicion to believe there is a violation of Section 29.02.
- C. When an employee is in a special risk or safety-sensitive position (Equipment Operator 1 or 2, all positions which require a CDL License, Police Officer, Firefighter/EMT or Firefighter/Paramedic, etc. of any rank) and is involved at any time in a work related vehicular or equipment accident or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles where there is damage to said vehicle or equipment, there is damage to any person or in the opinion of the City Manager, or his designee, the employee was at fault or the employee's conduct contributed to the accident.
- D. When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. A reasonable suspicion is a belief that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - a. 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;
  - b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - c. A report of drug use, provided by a reliable and credible source;
  - d. Evidence that an individual has tampered with a drug test during his employment with the City;
  - e. Information that an employee has caused, contributed to, or been involved in an accident while at work;
  - f. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;

- g. Frequent absences from work without a satisfactory explanation.
2. As a part of any medical examination required by the City whether or not that medical examination is required by the DOT or any other local, state or federal law or regulation.

## **29.06 EMPLOYEE RIGHTS**

1. For tests under Section 29.05(C) as it pertains to CDL drivers. Employer shall meet with and inform an employee that, in the opinion of the Employer, there is a basis for reasonable suspicion and of the Employer's intention to schedule a drug or alcohol screen or test. At said meeting the Employer shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test. Employee may upon his request have a representative present at said meeting; however, the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test.
2. If the employee is in a collective bargaining unit, the representative above may be a Union Representative.
3. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of Florida Statute 440.102(5)(a) through (p) and (6).
4. The common and chemical names of the substances identified Section 29.04 (B), a copy of Florida Statute 440.102(5) and (6) and a list of local drug rehabilitation and employee assistance programs is available from Administration.
5. An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the medical review officer within 5 working days after receiving written notification of the test result. If the Employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the City. The Employee or job applicant may contest the drug test result pursuant to applicable law or rules adopted by the Agency for Health Care Administration, the public Employees Relations Commission and or a court of competent jurisdiction. If a civil or administrative challenge is filed by the Employee or job applicant, it is the

Employee's or job applicant's responsibility to notify the testing laboratory.

6. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
7. All test results will be kept confidential and will only be provided to employees on a need-to-know basis.

**29.07 REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL**

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. 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 drug and/or alcohol policy. 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.

**29.08 DISCIPLINE FOR VIOLATION OF POLICY**

Employees who violate this policy or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when and as directed; or who, after having taken such examination and/or test are determined to have utilized illegal controlled substance at any time or to have violated the City's alcohol abuse policy, shall be subject to immediate termination; provided, however, if the presence of an illegal controlled substance is established as a result of a test, the employee or job applicant may, within five (5) working days of receipt of written notification of a positive result, request an opportunity to explain the result to the City and/or the Medical Review Officer.

**29.09 EMPLOYEE INJURED ON THE JOB**

Any employee injured on the job who refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit



his eligibility for all workers' compensation medical and indemnity benefits depending on applicable law.

## **29.10 EMPLOYEE ASSISTANCE PROGRAM**

The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems, which have not yet adversely affected their job or City operations. Additionally, the City may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment. For further information regarding the EAP, contact Human Resources.

- A. Employees Who Voluntarily Ask for Help. Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP Provider on a confidentially basis. If the employee has a satisfactory performance record, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. Other Employees. In the event the City discovers a violation of this drug or alcohol policy, or if the City otherwise discovers an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City business, the City at its option consistent with applicable law, may proceed to discipline the employee up to and including discharge, or at the City's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the City requires the employee to participate in the Employee Assistance Program, the employee will be required to authorize EAP provider to keep the City fully advised with respect to the employee's participation and medical condition as it relates to his fitness for duty.
- C. Return to Work.
  - 1. Employees who are granted a leave of absence under paragraph A or B above must successfully complete all EAP, medical and other rehabilitative requirements established by the City for them with a reasonable amount of time, in order to be considered for return to work. If, at the option of the City, the successfully rehabilitated employee is returned to work within 30 days of his successful completion of the required rehabilitative program, he shall be given no service credit for the time of his leave absence.
  - 2. For return to work from leave covered by the Family and Medical

Leave Act, Employees must also comply with Section 19.14.

- D. Re-Testing. Employees allowed to return to work under paragraph C shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City.

#### **29.11 REPORTING VIOLATION OF THE POLICY**

- A. Reporting Violations. It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.
- C. Bad Faith Claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

#### **29.12 COORDINATION WITH HUMAN RESOURCES**

Section 29 is subject to applicable law and all action taken by members of management hereunder must be coordinated through the Human Resource Manager to insure compliance with all applicable laws.

**SECTION 30**  
**MISCELLANEOUS**

Approved 8/27/2013
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**30.01 SMOKING\***

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.
- B. No person may smoke or use any tobacco product in any City building, facility or any City vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one occupant.
- C. Smoking is permitted outdoors except for the following conditions:
  - 1. Whenever a safety hazard exists;
  - 2. In any area where smoking is specifically prohibited by federal, state, County or City Ordinance;
  - 3. In any area posted "No Smoking".
- D. The City Manager shall be responsible for ensuring City-wide implementation of this policy. Department Heads and Managers shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.
- E. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- F. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

**30.02 UNEMPLOYMENT COMPENSATION\***

- A. The City is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. An explanation is available of employee's rights and responsibilities through Personnel. Employees who are

terminated for violation of the City Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

- B. Any correspondence received by employees regarding unemployment compensation must be forwarded to the Human Resources Department upon receipt.

### **30.03 WORKERS' COMPENSATION\***

The City will pay regular full-time employees on leave covered by the workers' compensation law for the first six (6) months at their regular hourly rate for their regular straight time schedule, provided (1) they sign over to the City checks for lost wages received from the workers' comp insurance carrier and the City LTD carrier and (2) they fully cooperate with the City or the Pension Board, whichever applies, in applying for LTD. After the first six (6) months, if the employee remains on workers' compensation, the employee may use accumulated but unused vacation and medical leave to supplement workers' compensation as provided in Sections 16.03 and 17.07.

### **30.04 DESKS, LOCKERS, OTHER CITY PROPERTY/EQUIPMENT, PERSONAL PROPERTY\***

- A. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the City property or placed in City property, as well as lockers, desks, file cabinets and other City equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain anything the possession of which would violate a City or department ordinance, rule, procedure or policy, or any federal, state or local law or regulation.
- B. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 30.04(B) above without the employee's presence the Department Head must request authority to access from the City Manager. The City Manager shall make the determination.
- C. The City is not responsible for the personal property of employees which they bring onto City property.

### **30.05 RECORDS AND REPORTS\***

Personnel is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

- A. A record of all leave earned by an employee will be maintained by Personnel.
- B. All adjustments to an employee's leave balances (medical, vacation or Department Head Days) will be forwarded to the Finance Department by

Personnel. No adjustments will be made to an employee's leave balances without the review and approval of the Human Resource Manager or designee.

- C. At the close of each fiscal year, the payroll administrator will forward a current listing of employee leave balances to the Human Resources Department.
- D. All personnel records of employees of the City covered under the Personnel Management System are maintained in the Human Resources Office and are considered the official employee records. All records and material relating to the administration of the City Personnel Management System shall be considered confidential to the extent allowed by law and the property of the City.
- E. Employees should keep their personnel records current. This means immediately notifying Human Resources of any changes; such as, change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage or any status change not previously reported, from that which was originally given at the time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.
- F. Personnel should be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall be forwarded to the Human Resources Office to become a permanent part of the employee's personnel file.

### **30.06 EMPLOYEE TRAINING AND DEVELOPMENT\***

It is the responsibility of the City Manager in conjunction with Department Department Heads and the Human Resource Manager, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in City service. Department Department Heads in cooperation with the Human Resource Manager will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs. The Human Resource Manager will provide assistance to Department Department Heads in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory and management training are available to all Departments.

### **30.07 DEDUCTIONS\***

Federal withholding, Social Security and pensions are deducted from paychecks in accordance with law and City ordinance. Voluntary deductions authorized by the City Manager, are made only upon written authorization of the employee and approval by Personnel and by the Finance Department.

### **30.08 CELL PHONES\***

When it is deemed that a City employee has a need for a cell phone to effectively perform their job requirements, the following policy shall apply:

- A. A requisition for the cell phone shall be submitted along with written authorization from the Department Head explaining the reason for the need for the employee to have a cell phone. Cell phone vendors must be approved in advance by the City Manager, or his designee. The cell phones shall remain the property of the City and will remain so until it is declared surplus and disposed of in a manner acceptable to the City. All bills for the use of the cell phone shall be sent to the City, care of the Finance Department. The employee shall reimburse the City for all personal calls transacted by the use of the cell phone upon request by the City Manager. Reimbursement shall be by cash or by submittal of a check or money order made out to the City.
- B. If an employee is using their personal cell phone for City business calls, they shall be responsible for full payment of their bill and may submit requests for reimbursement for the City business calls only to the Finance Department using the proper form. Written authorization from the Department Head for the reimbursement along with a copy of the bill highlighting such calls must be submitted with the Check Request Form. Reimbursement will be given in the employee's name only, not to the cell phone service provider. The rates established for the cell phone service shall remain between the employee and the service provider. Most cell phone service providers offer governmental employee rates.
- C. Should a dispute arise involving any of the above procedures, the decision of the City Manager shall be considered final and binding.
- D. Personal cell phones shall not be used while working except for established breaks.

### **30.09 TAKE-HOME VEHICLES**

- A. Some City employees have City vehicles at their disposal so they may carry out their duties properly. Because City vehicles are distinctly marked, the way they are operated has a direct impact on the public image of the City. Employees operating City vehicles will adhere to the following rules:
  - 1. Operator will possess a valid Florida driver's license.
  - 2. All vehicular safety laws will be observed.
  - 3. Safety belts will be used at all times when the vehicle is in operation.

4. In the event that a City vehicle is involved in an accident, the employee will notify the appropriate law enforcement agency and the employee's immediate supervisor and the Manager of Human Resources.
  5. City vehicles will be used for official business only; they will not be used for pleasure or personal business unless otherwise approved by the City Manager.
  6. Any employee who abuses a City vehicle in any manner will be subject to disciplinary action including possible payment for the deductible portion of damages to the vehicle.
- B. Overnight use of a City vehicle will require approval of the City Manager before a vehicle is driven home. Such use will be authorized only under the following conditions:
1. The employee is a Department Head whose regular duties require frequent use of a vehicle overnight or whose responsibilities involve evening or weekend public appearances.
  2. The employee holds a position with duties and responsibilities involving emergency services or involving on-call or standby status.
- C. In addition to the rules for operating a City vehicle, employees who are assigned overnight use of City vehicles will adhere to the following rules:
1. Off-street parking will be provided when the vehicle is parked at the employee's residence when available.
  2. Under no circumstances will the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure unless otherwise approved by the City Manager.
  3. The vehicle will be turned in to the employee's department when, for any reason, the employee is absent for more than five (5) days. In case of illness or inability to turn the vehicle in, the division or Department Head will be notified immediately.
  4. The employee will be responsible to keep the vehicle in clean condition.
- D. Vehicle assignments may change from time to time, and each vehicle will be available for other purposes when not being used by the employee to whom it is normally assigned.

- E. All vehicles which are not to be driven home by employees will remain parked overnight in the building parking lot where the vehicle is assigned.
- F. In accordance with the requirements of the Deficit Reduction Act of 1984, income related to use of City vehicles on an overnight basis will be reported for any employee so assigned with the exceptions noted below:
  - 1. The vehicle is a clearly marked emergency vehicle.
  - 2. The vehicle is a qualified specialized utility repair truck. The term "qualified specialized utility repair truck" means a truck (not including a van or pickup truck) specifically designed and used to carry heavy tools, testing equipment or parts where (1) the shelves, racks, or other permanent interior construction which has been installed to carry and store such heavy items is such that it is unlikely that the truck will be used more than a very minimal amount for personal purposes and (2) the employer requires the employee to drive the truck home in order to be able to respond in emergency situations for purposes of restoring or maintaining water or sewer utility purposes.
- G. It is the Department Head's responsibility to notify the City Manager when overnight City vehicle assignments are made or changed.

### **30.11 SAFETY\***

- A. All Department Heads, managers and supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, departmental, state, local and federal laws relating to safety applicable to their area of responsibility and to report to the City Manager any safety concern a reasonable person would or should consider significant.
- B. All employees are required to abide by all applicable City, departmental, state, local and federal safety laws and regulations applicable to their area of responsibility.
- C. All employees should report to their Department Head, the Human Resource Manager and/or the City Manager any condition, equipment or practice they consider to be unsafe.
- D. Employees who are required to must wear safety equipment and clothing provided by the City. Failure to do so will justify immediate termination.



### **30.12 REGULAR FULL-TIME AT-WILL EMPLOYEES – SPECIAL CONDITIONS**

Because regular full-time employees covered by Section 1.02(B) serve at the will and pleasure of the City Manager and have no property right in employment or their position, they shall be entitled to:

- A. Ten (10) discretionary days each calendar year which they may take by the hour or day; provided, the absence is approved by the City Manager. Discretionary days not used by the last pay period of the year will be lost.

**INSTRUCTIONS**

Please read each page of the substantially revised City of Mulberry Personnel Rules and Regulations (“PRR”) manual carefully. If you have any questions, please contact Human Resources.

**ACKNOWLEDGEMENT OF RECEIPT OF PRR MANUAL**

I have received and reviewed the PRR Manual and agree to abide by it during the term of my employment with the City. I have had my questions regarding the PRR manual answered. I understand that changes to the PRR can occur at any time, and the City will provide me copies of such changes as they are implemented. I understand that the employment advertisement and employment application, do not in any constitute, and should not be construed as, a contract of employment, a promise of employment, or any form of offer of employment between the City and myself. I understand that the policies in the PRR are not intended to be all-inclusive, but to describe in writing much of the City’s intent and practices in employee-employer relationships.

I understand that I may voluntarily leave employment whenever I choose, for any reason I choose, and that my employment may only be terminated by the City for just cause.

Date\_\_\_\_\_

Signature\_\_\_\_\_

Print Name\_\_\_\_\_

## APPENDIX A

### Employee Dependability

1. **Policy.** Each employee of the City of Mulberry shall be responsible for maintaining good attendance. Sick, vacation, accrued holiday time and personal leave requests must be made in accordance with the City Personnel policy. Each employee is expected to report to work on time, adhere to the time periods established by the Department for breaks and meals, and remain at the assigned work station throughout the scheduled work period or until properly relieved.
2. **Definitions.** For the purposes stated herein, the following definitions apply:
  - A. **Absence**- Failure to report for work, or to remain at work as scheduled, regardless of reason.
  - B. **Family Sick Leave**- An unscheduled absence that may be used in the event of a critical illness or severe injury to an employee's spouse, parent, sibling, child or any relative who is domiciled in the employee's household.
  - C. **Occasion of Absence**- One or more unscheduled, continuous days of absence charged to sick leave (including authorized leave without pay or unauthorized leave used in lieu of sick leave), accrued holiday time, authorized leave without pay, unauthorized leave and vacation. This also includes use of other accrued time or authorized leave without pay, which has been substituted for sick leave when the employee has exhausted sick leave accruals. Unscheduled absences charged to authorized family sick, funeral leave or personal leave shall not be considered to be an occasion of absence. The criteria for late or tardy call-in shall apply.
  - D. **Occasional Tardiness**- Two (2) or less occasions of tardiness within any six (6) month period.
  - E. **Tandem Absence**- An unscheduled absence of two days or less immediately before or after a regularly scheduled day off (e.g., a weekend, holiday or vacation).
  - E. **Tardiness**- Any failure to report to work on time according to the established work schedule or lateness for duty at any point during the shift.

G. **Unauthorized Leave**- An unapproved absence.

H. **Work**- All regularly scheduled and overtime duty

4. Notification and Record Keeping- When a facility based, continuous operations employee, or any other employee designated by the Unit Administrator, is unable to report to work as scheduled, the employee must notify the immediate supervisor or designee one hour prior to the start of the work shift. All other employees must contact the supervisor or designee within one (1) hour after the employee's scheduled reporting time.

The employee must indicate the reasons for the absence and the expected duration of the absence. If the absence is going to exceed the reported duration, the employee must notify the immediate supervisor or designee prior to the extended absence. Failure to follow the above procedure may subject the employee to disciplinary action. Absence due to illness or injury, for five (5) or more consecutive working days, shall be documented by an acceptable Medical Certificate in accordance with the applicable collective bargaining agreement, stating the reason for the absence. A medical certificate must be submitted within five (5) calendar days following the return to work, unless the absence is being claimed as workers compensation, in which case the medical certificate must be presented upon return to duty. Any prescheduled medical or dental appointment in excess of one half of the workday shall require documentation of the length of the appointment.

5. Record Keeping. Each facility shall maintain an individual employee record which contains the reasons for each absence and the time of notification. State Medical Certificates and other medical information concerning an employee shall be maintained confidentially.

6. Absences.

- A. Prior Notification of Absence. Pre-scheduled, approved use of sick leave such as doctor's visits or funeral leave shall not be counted as an occasion of absence or tandem absence.
- B. Occasional Absences. An unscheduled absence of one (1) or more continuous days shall be recorded as one (1) occasion. If the reason for absence changes during the duration, then the time charged for each reason shall be deemed to be a separate occasion.
- C. Tandem Absence. An unscheduled absence immediately before and/or after a scheduled day off will normally count as one (1) tandem occasion. An extended unscheduled absence of more than two (2) days for the same reason immediately preceding or

following a regularly scheduled day off shall not normally be deemed a tandem occasion.

7. Analysis of Absenteeism. The attendance record of all permanent employees shall be reviewed during each routine personnel evaluation.  
More frequent reviews may occur as needed. Employees in promotion working test periods shall have monthly reviews.
  - A. In reviewing absenteeism, the supervisor shall consider the following criteria: (1) number of occasions; (2) pattern of absences (tandem absences); (3) employee's prior record; and (4) any extenuating circumstances.
  - B. When a permanent employee has three (3) occasions of absence during a three (3) month period, the record shall be reviewed with the employee to determine contributing problems and possible corrective remedies.
  - C. When an employee has five (5) occasions of absence within a six (6) month period, the record shall be reviewed with the employee to determine contributing problems and possible corrective measures. This counseling session shall be documented with a written memo to the employee.
  - D. When an employee has nine (9) occasions of absence within a 12 month period, the record shall be reviewed with the employee. The employee shall be issued a warning that continued absenteeism may result in an unsatisfactory performance appraisal. An unsatisfactory performance appraisal may also be given for attendance if the employee has one (1) or more occasions of unscheduled absence before the end of the appraisal period following receipt of the warning letter.
  - E. An employee with unsatisfactory patterns of attendance should be considered for appropriateness as a referral to the Employee Assistance Program.
  - F. Failure to maintain a satisfactory attendance record beyond the first unsatisfactory service rating shall result in another meeting to review the employee's status in the area of dependability and/or attendance.
  - G. After an evaluation consistent with the criteria above, the employee shall receive a written warning that failure to improve may result in the issuance of a second unsatisfactory performance

appraisal and termination from State service. Following the first unsatisfactory performance appraisal, the employee's attendance shall again be reviewed in accordance with the criteria listed above for the next rating period. Upon the eighth occasion, the warning letter may be issued and at the point when the employee has nine (9) or more occasions of absence, a second unsatisfactory performance appraisal may be issued, even if the full evaluation period is not yet over. Two (2) consecutive unsatisfactory performance appraisals, if filed within two years of each other, may be considered cause for dismissal.

H. The above procedure does not preclude separate disciplinary action for unauthorized leave or fraudulent use of sick leave.

8 **Tardiness.** Tardiness shall be monitored and reviewed in the context of an employee's overall dependability which includes all occasions of absence. The guidelines for tardiness shall be as follows:

A. **Occasional Tardiness.** Occasional instances of tardiness in time periods less than 15 minutes shall not be charged to Vacation, Personal Leave or deducted from the employee's pay. Occasional instances of tardiness in time periods which equal or exceed 15 minutes shall be deducted from an employee's pay.

B. **Excused Tardiness.** Instances of tardiness due to inclement weather, delays in mass transit or other extenuating circumstances shall not be counted when an investigation supports the reason for the tardiness. It shall be the responsibility of the immediate supervisor with the approval of the Unit Administrator or designee to determine if weather and/or road conditions warrant late arrivals on days which are not State-declared late openings.

C. **Supervisor Responsibility.** The supervisor shall obtain and document the reason for all occurrences of tardiness and counsel employees as necessary.

D. **Unexcused Tardiness.**

1. **Initial Instance.** At the first occurrence of unexcused tardiness, the supervisor shall speak with the employee and remind the employee of the Department's policy governing attendance and the employee's responsibility to report to work on time. Additional evaluations of tardiness shall be accomplished every six months.

2. **Step 1.** At the second occurrence of unexcused tardiness within a six (6) month period, the employee shall receive formal counseling. The counseling session shall be documented in a memo from the supervisor to the employee indicating that further instances of tardiness could result in disciplinary action.

3. **Step 2.** At the third occurrence of unexcused tardiness within a six (6) month period, the employee may be issued a written reprimand for habitual or repeated tardiness. The reprimand serves as notice to the employee(s) that the employee's attendance problems requires immediate attention and improvement and that failure to do so will result in progressive disciplinary action.
  - 4 **Step 3.** At the fourth occurrence of tardiness, if within a six (6) months of the third occurrence, the employee may receive a one (1) day suspension for just cause in accordance with this Directive.
  5. **Step 4.** At the fifth occurrence of tardiness, if within a six (6) months of the fourth occurrence, the employee may receive a five (5) day suspension. The employee shall be advised that any further instances of tardiness, if occurring within six (6) months of the fifth occurrence, may result in dismissal from State service.
- E. **Performance Improvement.** An employee who has previously been disciplined for tardiness and continues without further incident for six (6) months, if tardy again, shall be disciplined at the same step as previously disciplined. For each consecutive six (6) month period of time that the employee is not tardy, the level of discipline shall decrease one (1) step. The duration of time an employee is on Workers' Compensation or leave of absence shall not be included in the six (6) month period referred to in this Directive. These guidelines do not limit the Department's right to take disciplinary action against an employee who may not fit into the guideline periods but does demonstrate a continuing pattern of tardiness over a longer period of time.
9. **Communicating Inability to Report for Duty.** An employee who communicates an inability to report after the shift begins and after the time required in Section 4 of this Directive shall not be paid for the time between the beginning of the shift and the time of contact with the facility or supervisor as specified by Unit Directives. Such calls shall also be handled as tardy, and the period between the beginning of the shift and the time of contact may be charged as unauthorized leave. Any employee who fails to call, without reasonable cause, shall be charged with an unauthorized leave of absence. An employee who, on the first instance, does not communicate an inability to report and who does not report shall not be paid and shall be cautioned regarding future occurrences. The next subsequent occurrence, if within 12 months, may result in the employee's not being paid and suspension on a day-for-day basis. The next instance, if within 12 months of the last occurrence, may result in a five (5) day suspension. The next instances, if within 12 months of the last occurrence, may result in dismissal..

10. **Exhaustion of Sick Leave Accrual.** All employees are responsible for monitoring their own sick leave balances. In the event that an employee is unable to report for duty due to illness, but has exhausted all sick leave accruals, the employee may be authorized to utilize other accruals (vacation, personal leave or accrued holiday time) or be granted authorized leave without pay, if the employee so requests in writing, and provides an acceptable medical certificate supporting the absence within 48 hours of the employee's return to work. When an employee calls in sick with no sick leave accrual and fails to follow the procedure for requesting use of other accruals or authorized leave without pay, the absence shall be recorded as unauthorized leave without pay. In addition, the employee shall be subject to disciplinary action as follows:
  - A. **First Occurrence.** The employee shall be charged with unauthorized leave and counseled regarding proper procedure.
  - B. **Second Occurrence.** Employee shall be given a written reprimand if the second occurrence is within six (6) months of the prior occurrence. Otherwise, the employee shall again be counseled.
  - C. **Subsequent Occurrences.** Progressive discipline shall be imposed according to the schedule for tardiness contained in Section 8(D) of this Directive.
11. **Working Test Period.** An employee may be terminated for any Combination of three (3) absences or instances of tardiness in the first six (6) months of employment, regardless of the length of the working test period. Any employee who fails to report for duty and fails to notify the employee's appropriate supervisor in the first six (6) months shall be terminated.
12. **Exceptions.** Any exceptions to this Administrative Directive requires prior written approval from the City Manager.



## **APPENDIX B**

### **Discipline Policy**

#### Purpose

Our progressive discipline policy and procedure is designed to provide a structured corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. It has been designed consistent with our organizational values, HR best practices and employment laws.

Outlined below are the steps of our progressive discipline policy and procedure. The City of Mulberry reserves the right to combine or skip steps depending upon facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered depend upon whether the offense is repeated despite coaching, counseling and/or training, the employee's work record and the impact the conduct and performance issues have on our organization.

#### Procedure

##### Step 1: Counseling and Verbal Warning

Step 1 creates an opportunity for the immediate supervisor to schedule a meeting with an employee to bring attention to the existing performance, conduct or attendance issue. The supervisor should discuss with the employee the nature of the problem or violation of the City's policies and procedures. The supervisor is expected to clearly outline expectations and steps the employee must take to improve performance or resolve the problem.

Within five business days, the supervisor will prepare written documentation of a step 1 meeting. The employee will be asked to sign this document. The employee's signature is needed to demonstrate the employee's understanding of the issues and corrective action needed.

##### Step 2: Written Warning

While it is hoped that the performance, conduct or attendance issues that were identified in step 1 have been corrected, The City of Mulberry recognizes that this may not always be the case. A written warning involves a more formal documentation of the performance, conduct or attendance issues and consequences.

During step 2, the immediate supervisor and a division manager or

#### Department Head

will meet with the employee and review any additional incidents or information about the performance, conduct or attendance issues as well as any prior relevant corrective action plans. Management will outline the consequences for the employee of his or her continued failure to meet performance and/or conduct expectations. A formal performance improvement plan (PIP) requiring the employee's immediate and sustained corrective action will be issued within five business days of a step 2 meeting. A warning outlining that the employee may be subject to additional discipline up to and including termination if immediate and sustained corrective action is not taken may also be included in the written warning.

#### Step 3: Suspension and Final Written Warning

There may be performance, conduct or safety incidents so problematic and harmful that the most effective action may be the temporary removal of the employee from the workplace. When immediate action is necessary to ensure the safety of the employee or others, the immediate supervisor may suspend the employee pending the results of an investigation.

Suspensions that are recommended as part of the normal progression of this progressive discipline policy and procedure are subject to approval from a next-level manager and HR.

Depending upon the seriousness of the infraction, the employee may be suspended without pay in full-day increments consistent with federal, state and local wage-and-hour employment laws. Nonexempt/hourly employees may not substitute or use an accrued paid vacation or sick day in lieu of the unpaid suspension. Due to Fair Labor Standards Act (FLSA) compliance issues, unpaid suspension of salaried/exempt employees is reserved for serious workplace safety or conduct issues. HR will provide guidance so that the discipline is administered without jeopardizing the FLSA exemption status.

Pay may be restored to the employee if an investigation of the incident or infraction absolves the employee.

#### Step 4: Recommendation for Termination of Employment

The last and most serious step in the progressive discipline procedure is a recommendation to terminate employment. Generally, The City of Mulberry will try to exercise the progressive nature of this policy by first providing warnings, final written warning and/or suspension from the workplace before proceeding to a recommendation to terminate employment. However, the City of Mulberry reserves the right to combine and skip steps

depending upon the circumstances of each situation and the nature of the

offense. Furthermore, employees may be terminated without prior notice or disciplinary action.

Management's recommendation to terminate employment must be approved by the City Manager and HR.

Nothing in this policy provides any contractual rights regarding employee discipline or counseling nor should anything in this policy be read or construed as modifying or altering the employment-at-will relationship between the City of Mulberry and its employees.

#### Appeal Process

Employees will have the opportunity to present information that may challenge information management has used to issue disciplinary action. The purpose of this process is to provide insight into extenuating circumstances that may have contributed to the employee performance and/or conduct issues while allowing for an equitable solution.

If the employee does not present this information during any of the step meetings, he or she will have five business days after that meeting to present information.

#### Performance and Conduct Issues Not Subject to Progressive Discipline

Behavior that is illegal is not subject to progressive discipline and may be reported to local law enforcement. Theft, intoxication at work, fighting and other acts of violence are also not subject to progressive discipline and may be grounds for immediate termination.

#### Documentation

The employee will be provided copies of all progressive discipline documentation, including all performance improvement plans. The employee will be asked to sign copies of this documentation attesting to their receipt and understanding of the corrective action outlined in these documents. Copies of these documents will be placed in the employee's official personnel file.

## APPENDIX C

### Travel and Training Policy

Purpose:

To provide rules and procedures for travel and training authorizations and reimbursement of City of Mulberry (the City) employees, City Commissioners and other authorized persons.

Process:

- General Guidelines

City Commissioners, employees and other authorized persons traveling on official business for the City of Mulberry are expected to use reasonably priced lodging accommodations and are required to use economy or tourist class air travel fares unless no other alternative class is available. Meals, tips and lodging must be reasonable in relation to the area visited and reimbursement will be limited to a reasonable allowance.

Preplanning by management to obtain advance registration discount rates and minimizing the number of staff who will attend the same training session will contribute toward cost control. Travel, whether by public transportation, privately-owned automobile, City-owned vehicle, or a for-hire conveyance, shall be over the most direct, practicable route. Any deviations from a direct route must be approved in advance and explained on Travel Request and Expense Voucher.

The authorizing official for each employee traveling for the benefit of the City will be their Department Head or City Manager. The City Manager is required to have their travel reviewed by the Finance Department Head.

Travel during work hours and/or at the City's expense will be authorized in advance of travel. The following specific expenses and/or conditions of travel must be authorized in advance by the City Manager:

- a) Car rental
- b) Entertainment expenses
- c) Travel by motor vehicle in excess of 1,000 miles round trip outside of Florida.
- d) Travel and training in excess of 5 consecutive work days.
- e) Out-of-state travel.

- f) To hold position in a professional organization for which travel to meetings is required.
- g) Waiver of reimbursement agreement.
- h) Out-of-country travel.

In the event of a public safety emergency situation when the employee cannot obtain prior authorization, travel documents shall be approved upon the employee's return to work.

All travel covered by this policy must be for the direct benefit of the City. A direct benefit to the City will promote the economic and financial welfare, continuing professional education and new technological and management training, or represent the interests of the City at board and committee meetings of an organization in which the employee was authorized to hold an office. Employees whose travel expense is to be reimbursed by an outside agency must so indicate on the Travel Request and Expense Voucher and initiate a billing to the agency immediately upon return to work. A copy of the billing must accompany the final reconciliation submitted to the Finance Department and collection is the responsibility of the traveler.

- Travel Reimbursement Requirements

In certain situations travel and training will also provide a significant benefit to the employee. These are relative when an employee travels or incurs expenses related to a obtaining a license or certificate that is recognized in the specific industry. The City desires to ensure the City's benefit is realized by establishing reimbursement requirements.

The employee will be required to sign an agreement which stipulates that should the employee leave City service within one year from the completion of the travel or licensing/ certification process, the traveler will reimburse the City on a pro rata basis for travel expenses incurred in the 12 months preceding termination which exceed \$500. Credit will be given for months of service worked subsequent to completion of travel.

A waiver of the reimbursement agreement may be obtained when training is necessary to complete the current job responsibilities. The waiver must be attached to the Travel Request and Expense Voucher.

- Pre/Post Travel Accountability

Although travel costs have been included in the City budget, employees shall obtain written approval to perform the travel, attend meeting, etc., before making any commitment to pay registration fee, to purchase a transportation ticket or to incur any other cost. Each official or employee

shall first prepare a Travel Request and Expense Voucher for individual expenses and submit to the appropriate authorizing official. In no event shall a travel form be submitted for approval unless funds for payment of the proposed travel are available in the proper charge code.

When the travel form has been approved and funds certified as available, the employee is then authorized to be absent from work for the period specified to travel, to incur expense and to be reimbursed, to draw a travel advance and to initiate invoices for payment in advance for room deposits, registration or tuition fees and tickets on common carriers. Amount paid by invoice shall be deducted from the amount authorized for travel before applying for a travel advance. Such advance may not be drawn more than ten days prior to the beginning of travel. The traveler must use the Travel Expense Worksheet to account for all expenses. This form is designed for daily use to assist the traveler in keeping an accurate accounting of each item of expense. A section is provided for each category of expense included on the travel form. At the completion of travel, the traveler will sum each category and transfer the total to the appropriate item of the Travel Request and Expense Voucher.

The Travel Expense Worksheet and receipts for all expenses, where it is feasible or possible to obtain receipts, shall be attached to the completed Travel Request and Expense Voucher form. Receipts for hotels, public transportation, convention registration fees, car rental, tolls, and similar items must be attached. All items for which a receipt cannot or was not obtained must be explained in writing. Tips and similar items normally cannot be substantiated unless charged to hotel rooms and are therefore included in per diem amounts. All items of a miscellaneous nature must be itemized. The compiled Travel Request and Expense Voucher must be prepared by the traveler and submitted to the authoring official.

The compiled Travel Request and Expense Voucher and the completed Travel Expense Worksheet must be prepared by the traveler, signed and submitted to the authorizing official within seven working days of completing travel. The official should review the forms before approving and should obtain explanation on any questionable item, keeping in mind they are certifying that the expenses were incurred on City business and are a legal obligation of the City. If costs incurred exceed the amount of expense authorized by the appropriate official and the employee requests reimbursement for the additional amount, the authorizing official should provide a complete explanation and a recommendation to the Finance Department for payment. All forms must be submitted to Finance within ten working days of completing travel.

All unused portions of money paid directly to the traveler or advanced by use of City credit cards for non-City charges shall be repaid within ten

working days from time of return to work. If the traveler has not settled the cash advance(s) within 30 calendar days of return to work, the Finance Department Head shall authorize a deduction of the amount advanced from the traveler's salary.

Mileage and tolls are based on the shorter distance from home or office.

- Meals, Per Diem and Tips

Reimbursement for meals and tips is based on the following per diem amount:

- o Breakfast: \$10.00 includes tip and tax
- o Lunch: \$ 15.00 includes tip and tax
- o Dinner: \$27.00 includes tip and tax
- o Tips, etc.: \$ 3.00

Same day travel by employees or elected officials allows reimbursement for reasonable meal expenses. In cases where the traveler did not find it necessary to spend the night out of town but was unable to return home by 7:00 p.m. in time for dinner, reimbursement will be allowed for the evening meal. Similarly, when the traveler finds it necessary to leave home before 7:00 a.m., reimbursement for breakfast would be in order.

Reimbursement of \$80.00 per day, in lieu of the meals and tips per diem and lodging costs, may be authorized by the Department Head provided that the \$80.00 per day does not exceed the amount permitted for meals and tips, plus the estimated average daily cost of lodging for the individual reimbursed.

Meals provided as part of registration or by an airline should be reported on the Travel Expense Worksheet as meals furnished.

- Other

Registration fees for functions related to City business may be reimbursed when an employee is expected to attend due to the nature of the position.

Telephone calls and telegrams related to official business and paid for by the traveler may be claimed on the reimbursement voucher. The traveler must explain toll calls shown on the hotel bill including the location, parties and purpose. No personal calls are reimbursable.

A traveler may request to use a City credit card when circumstances so warrant. Such circumstances could include, but are not all inclusive, car rentals at destination point, and hotel checkout. The card is available in the Finance Department. The traveler is required to sign a credit card agreement assuming all responsibility for charges made to the card from date of delivery until the card is returned, at which time the Report of City Credit Charges form must be submitted with all credit card receipts attached along with a personal check for any non-City charges.



## APPENDIX D

### Travel and Training Policy

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The employee will be required to sign an agreement which stipulates that should the employee leave City service within one year from the completion of the travel or licensing/ certification process, the traveler will reimburse the City on a pro rata basis for travel expenses incurred in the 12 months preceding termination which exceed \$500. Credit will be given for months of service worked subsequent to completion of travel.

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