

# Personnel Manual



City of Treasure Island, Florida

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**PERSONNEL MANUAL**

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## SECTION ONE

### **PURPOSE, AUTHORITY AND ORGANIZATION**

This manual sets forth the Personnel Policies established by the City Commission in Section 30 of the Code of Ordinances. The purpose of the Personnel Manual is to establish procedures for administrative actions concerning personnel activities. It is understood that administrative policies and procedures may supplement the Personnel Manual, but must first be approved by the City Manager. In the event of any conflict, the Personnel Manual shall prevail. When in conflict with the specific provisions of a collective bargaining agreement, the collective bargaining agreement will take precedence over the Personnel Manual and departmental operating procedures.

#### **1.1 CITY COMMISSION**

The City Commission has established the authority for the preparation and administration of this Personnel Manual in Section 30-32 of the City Code of Ordinances. The City Commission must approve the adoption of all rules and changes to the system by resolution.

#### **1.2 OFFICE OF PERSONNEL DIRECTOR**

The Personnel Director shall be the City Manager who in turn may appoint a Personnel Director upon authorization and approval of the City Commission.

It shall be the responsibility of the Personnel Director to administer the personnel rules and policies approved by the City Commission.

#### **1.3 EQUAL OPPORTUNITY AND NON-DISCRIMINATION**

No person shall in any way be favored or discriminated against with respect to recruitment, examination, appointment, training, promotion, wages, retention or any other employment practice or personnel action because of political or religious opinions or affiliations or because of age, race, color, creed, sex, disability (as provided by law), or national origin.

The City of Treasure Island is committed to equal opportunity in employment. It is our policy to: (1) recruit, hire, train, promote, assign, transfer, discipline, layoff and recall, and terminate employees based upon their own abilities, achievements, and experience without regard to race, age, religion, color, national origin, sex, marital status, or physical disability (as provided by law); and, (2) provide a working environment that is free from sexual or other forms of harassment.

One of our greatest strengths as an organization is the diversity of our people. This contributes to our well-being to the extent that we can work in harmony and learn from one another. However, harassment or discrimination based upon diversity creates conflict and destroys morale --the working environment grows unpleasant; the team atmosphere deteriorates; stress increases, and productivity declines.

#### 1. 4 DEFINITIONS OF TERMS USED IN PERSONNEL POLICIES

1. Anniversary Date - This is the date an employee begins employment and from which benefits are computed for employees who are eligible for benefits, or the date of promotion/demotion to a new position within a higher, same, or lower pay grade.
2. Appointing Authority - The City Manager or the head of any department, agency or office of the municipal government or branch of the municipal service authorized and designated by the City Manager or lawfully delegated authority to appoint, assign, suspend or remove subordinates subject to the provisions of the personnel rules.
3. Class- A group of positions sufficiently similar as to duties performed, degree of supervision exercised or required, minimum requirements of training, experience or skill, and such other characteristics that the same title, the same tests of fitness and the same schedule of compensation may be equitably applied to each position in the group.
4. Classified Employee - Any full time non-exempt employee in the classified service who has successfully completed the required probationary period.
5. Classified Service - All employments, offices and positions of the municipal service subject to the provisions of Chapter 30, Article II and the personnel rules, except those offices and positions exempt from the application of the article and the personnel rules.
6. Demotion - Action either voluntary or involuntary which changes the employee's classification title to a classification with a lower maximum pay.
7. Employment-at-Will - The practice whereby employees are hired for an indefinite period of time and employees have the right to end their work relationship with the City, with or without cause at any time; the City has the same right.
8. Exempt Position - Depending upon the context, this can mean either:
  - (a.) All employment, offices and positions designated herein as being exempt from the application of the personnel rules.
  - (b.) Those positions indicated as exempt from overtime provisions under the Fair Labor Standards Act.
9. Full-time – Appointment to a position that requires a working schedule of 37.5 hours or more a week.
10. Job Description- The written description of the essential characteristics of the class and the factors and conditions that separate it from other classes. The description is written in terms of duties, responsibilities, illustrative examples of work, and the qualifications needed to perform the work.
11. Layoff - A reduction of the number of employees due to the lack of work, funds, or other causes not pertaining to employee performance.

12. Merit Increase - An increase in pay within a pay range, based on an employee's job performance and the results of his/her evaluation.
13. Part Time - Any position that is normally scheduled for thirty-two (32) or fewer hours in a work week.
14. Pay Rate – The hourly or annual rate of pay within a Pay Range in the City's Pay and Classification Plan.
15. Pay Range - The minimum and maximum salary which is assigned to a particular classification title.
16. Performance Evaluation- A written assessment of an employee's performance by the employee's supervisor.
17. Position Classification Plan - The official schedule assigning ranges of pay to each position.
18. Probationary Employee- All newly hired and/or newly promoted employees and/or employees whom have received an overall unsatisfactory evaluation.
19. Probationary Period - period utilized to evaluate the employee's performance on the job and for dismissal of an employee not meeting the required standards of performance. The duration of such probationary period is six (6) months (one year for Fire Fighters, Police Officers, and supervisory employees).
20. Promotion – A change in an employee's classification to one which has a higher maximum pay rate.
21. Promotion Date – Date of the promotion, and will constitute the new anniversary date upon which the employee is to be evaluated on.
22. Reclassification (of position) - When an existing job classification changes and the duties and responsibilities substantially change.
23. Resignation - Act of voluntarily terminating from City employment.
24. Retired Employee - Term applies to persons who meet the following criteria:
  - A. Employees who were continuously employed by the City and who separated from City employment in good standing after 10 or more years of service and after attaining the age of 55; or,
  - B. Employees who were continuously employed by the City and who separated from City employment in good standing after 20 or more years of service, regardless of age.
25. Suspension - Leave with or without pay for an employee for a disciplinary purpose or for other just cause.

26. Temporary Employee - An employee appointed for a special project or other work of a temporary or transitory nature not to exceed a period of six months. All candidates for such appointment shall serve in an exempt status and meet requirements set by the Personnel Director.
27. Temporary Transfer - An employee continuously assigned on a temporary basis to another classification (higher, lower, or the same salary range) for more than ten (10) consecutive, regularly scheduled work days.
28. Transfer - A change in position to one that is in the same salary range.

## SECTION TWO

### STANDARDS OF CONDUCT

#### **2.1 CONFLICTS OF INTEREST**

To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by employees of the City. This policy includes but is not limited to Chapter 112.313 of the Florida Statutes entitled, "Public Employees – Code of Ethics".

- A. Employees shall not accept any gratuities or gifts including Christmas gifts, favors or services.
- B. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others.
- C. Employees shall not accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position or that, by nature of the employment give rise to a public perception of a compromise of duties.
- D. Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
- E. If any employees of the City are Officers, directors, agents or members of, or own controlling interest in any corporation, firm, partnership or other business entity which is subject to the regulation of, to which has substantial business commitments with the City, they shall file a statement to this effect according to State statutes.
- F. Employees shall not transact any business in their official capacity with any business entity of which they are an officer, director, agent or member, or in which they own a controlling interest, excluding civic, professional, charitable, or religious organizations.

#### **2.2 POLITICAL ACTIVITY**

No City employee shall take any active part in political campaigns or other political activities during duty hours. In accordance with Florida Statutes, as amended, employees are prohibited from engaging in certain types of political activities while either on or off duties. Employees, in their private capacity, may express their opinions on any political candidate or issue and/or participate in campaigns during their off-duty hours. However, they are prohibited from using their official authority or influence for the purpose of aiding or interfering with an election or nomination or coercing or influencing another person's vote or affecting the result thereof. Employees or managers having questions concerning political activities should consult the City Attorney.

Unless otherwise required by law, employees who wish to accept or seek election or appointment to political office shall not be prohibited from doing so subject to the following provisions:

- A. Political offices cannot be those of the City of Treasure Island.

- B. The elected office or appointment, which the employee wishes to seek or accept, shall not interfere in any way with the employee's duties in the City or in any way negatively affect the operations of the City.
- C. The City must be notified of the employee's intent to accept or seek election or appointment upon formal declaration or evidence of candidacy.
- D. Should the employee be elected, the employee would need to immediately resign.

### **2.3 USE OF CITY PROPERTY**

Employees shall not use City property, equipment, or vehicles except in the performance of official duty, nor permit their use by an unauthorized person, either on or off duty. Employees will be allowed to use vehicles to and from work by permission of the City Manager.

### **2.4 EMERGENCY DUTY ASSIGNMENTS**

As employees of the City of Treasure Island, it is our responsibility to be prepared at all times to respond to disaster situations that may affect the citizens of this city. In order to accomplish this goal, an Emergency Operations Plan has been developed by the city's administrative staff. During disaster operations, it is imperative that all personnel follow the guidelines outlined in the Emergency Operations Plan. In addition, all personnel should make advance plans for the safety of their families and personal property and be prepared to respond well ahead of the general public to the disaster threat.

Personnel will report for duty during disaster operations as directed by the Department Head. All personnel called to duty shall be given a specific reporting time and place, allowing for reasonable time to make arrangements for the safety of family and personal property. Personnel may be recalled to duty based upon the type and severity of the emergency. Upon issuance of a Hurricane Watch, employees are responsible to make sure the Department Head has necessary contact information for the employee. If an employee will be away from such contact, he/she must make arrangements with the Department Head to periodically check in to receive status updates. Failure to report for duty, without prior leave approval from the Department Head, may result in termination of employment.

Hurricane Season is June 1 – November 30. During a hurricane threat, all personnel should make arrangements for the safety of family and personal property. Personnel should prepare to bring appropriate personal supplies to enable them to effectively perform their duties for at least three days of operations. The following personal supplies should be assembled and brought in by personnel when reporting for duty: Extra uniforms, tee shirts, socks, underwear, shoes; toilet articles (toothbrush, toothpaste, deodorant, soap, shampoo, razor and shaving cream); rain gear; sleeping bag and/or blanket; towels; City of Treasure Island ID card; prescribed medications; mosquito repellent.

Personnel will be assigned to duties as outlined in the Emergency Operations Plan and will not leave their assigned post unless relieved by the Department Head or other appropriate authority.

### **2.5 EMPLOYMENT OF RELATIVES**

The employment of relatives is not encouraged. Approval will not be granted for the employment, promotion or transfer of a member of the immediate family of an employee, (father, mother, spouse, children, whether natural or otherwise, brother, sister, mother-in-law, father-in-law, sister-in-law,

brother-in-law, or other members of employee's household) to a position where a relative would be either supervising or influencing the activities of the employee. The City Manager may allow exceptions to this rule for temporary positions only.

## **2.6 DOUBLE EMPLOYMENT**

No one shall be employed in more than one position with the City, except under special circumstances and with prior authorization by the City Manager.

## **2.7 OUTSIDE EMPLOYMENT**

A full time employee in the classified service who engages in outside employment shall do so only with the understanding that the primary duty, obligation and responsibility is to the City of Treasure Island. No employee may engage in outside employment which would interfere with the interest of the City service, or the employee's ability to perform all of the duties and responsibilities of his/her job with the City. A full time employee accepting additional employment outside City service, must meet the following conditions:

- A. A written notice must be filed with the department head. The notice shall state name, the type and place of employment, and the maximum hours of work. If the job has more than one location, the employee needs to furnish the name, address and telephone number of someone who will know his or her whereabouts. The employee must keep his or her department head notified of changes in conditions of any outside employment.
- B. The employee must make arrangements with the outside employer to be relieved from duties if called for work by the City.
- C. Injuries sustained during outside employment shall be reported by the employee to his or her city supervisor on the next regularly scheduled workday with the City. Failure to report an injury sustained during outside employment shall be grounds for discipline including dismissal from city employment.
- D. Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment.
- E. Failure to follow any of the provisions of this section is a cause for disciplinary action, up to and including termination.
- F. Under no circumstances, may the employee in their alternate capacity sell any service or merchandise to the City.

## SECTION THREE

### CLASSIFIED AND EXEMPT SERVICE

#### **3.1 PERSONNEL MANUAL**

The Personnel Manual shall apply to all full-time positions that have completed their probationary period in the municipal service and are not specifically exempted under Section 3.3 below.

#### **3.2 MUNICIPAL SERVICE**

The municipal service shall include all paid employees of the City of Treasure Island.

#### **3.3 EXEMPT FROM CLASSIFIED SERVICE**

- A. Elected Officials elected by popular vote and persons appointed to fill vacancies in such offices.
- B. Members of any board, committee.
- C. The City Attorney, the Assistant City Attorneys
- D. Persons of highly technical, scientific or professional training maintaining independent practice in their chosen profession employed on a consulting basis or a part-time fee retainer or salary basis by the City. These consultants are independent contractors, not employees.
- E. Temporary officers, employees, interns, trainees, volunteer firemen, other volunteer emergency workers, and part-time technical employees paid by fees, stipends, or on a part-time salary basis. These exempt employees shall be considered *at-will employees*. The City Manager, when in best interest of the City, may extend some provisions of this manual to temporary employees.
- F. Casual emergency or seasonal employees or workers are exempt from this manual and shall be considered *at-will employees*.
- G. The City Manager, City Clerk, and those officials designated by the City Manager, shall be considered *at-will employees*.
- H. The Deputy City Clerk and all Department Heads or Directors are considered at will employees, however are included under provisions in this policy unless specifically exempted.

#### **3.4 COLLECTIVE BARGAINING AGREEMENTS**

If an employee is covered under a collective bargaining agreement, his or her wages, benefits, hours, and working conditions are specified by the collective bargaining agreement and not this manual. If any other conflicts occur between a labor agreement and these personnel rules and regulations, the applicable labor agreement shall take precedence.

## **SECTION FOUR**

### **RECRUITMENT AND HIRING PROCEDURES**

#### **4.1 RECRUITMENT**

The Personnel Director will post notice of all vacancies in the classified service in the Personnel Office during the period when applications are actively being accepted.

Applications will be accepted only for specific vacancies. The City application form must be completed by the applicant. An application shall be active for ninety (90) days from the date it is filed, unless it becomes void because of some other rule of the Career Service System. During this period an applicant may notify the Personnel Department to have the application considered for any other opening specified by the applicant. At the end of ninety (90) days the application is void. A new application must then be completed for any vacancy which opens after the ninety day period has elapsed. Incomplete applications will not be considered. All applications will be kept as required per the Florida Statute retention schedule.

#### **4.2 BASIS FOR SELECTION**

All appointments to the classified service either at entrance or promotional level shall be made on the basis of qualifications, merit and fitness, to be determined by a practical combination of any or all of the following:

- A. *Interview examination*
- B. *Performance examination*
- C. *Written examination*
- D. *Evaluation of training and experience*
- E. *Other criteria, such as certifications, licenses, etc. as may apply*
- F. *Physical or medical examination, including drug testing (will be given after an offer of employment is made in order to verify that the candidate can perform the essential physical functions of the position)*
- G. *Polygraph examination for all Police and Fire Department positions and Psychological Testing for sworn officer positions.*

The Personnel Director may reject applications of those who fail to meet the announced requirements of the classified position.

#### **4.3 PRE-EMPLOYMENT MEDICAL EXAMINATIONS**

An applicant selected for employment, including but not limited to those being promoted, re-employed, recalled or reinstated, shall be required to pass a medical examination prior to beginning employment. The physical examination shall be performed and evaluated by the City's designated physician, unless other arrangements are approved by the Personnel Director.

#### **4.4 PRE-EMPLOYMENT DRUG SCREENS**

All applicants after a conditional offer of employment will be required to successfully complete a drug screen for employment.

Applicants testing positive for any of the specified drugs will not be eligible for employment and will remain ineligible for employment with the City for one year following the positive test.

## SECTION FIVE

### TYPES OF APPOINTMENT

#### **5.1 APPOINTMENTS**

Upon receipt of the Department Head and Personnel Director's recommendations, the City Manager shall approve or deny all appointments.

#### **5.2 TYPES OF APPOINTMENTS**

- A. Probationary Appointment: An appointment made to a classified position shall initially be a probationary appointment. The probationary periods shall be regarded as an integral part of the examination process and shall be utilized to evaluate the employee's performance on the job and for dismissal of employees not meeting the required standards of performance. The duration of such probationary period is six months, but may be extended by the City Manager for extenuating circumstances. A probationary employee may be discharged without right of appeal. A promotional probationary employee found to be unsatisfactory may be returned to the position and status held prior to promotion, provided the position exists and the department head recommends such action.
- B. Regular Appointment: At the end of a successful probation period, an employee shall be reviewed and, if satisfactory, awarded regular status in the classified service.
- C. Provisional Appointment: The City Manager may, when needed, authorize the filling of a position by provisional appointment. Any such provisional appointee must meet educational, experience, and related requirements set forth by the City Manager. The provisional appointment shall not confer any rights of status, appeal or related rights set forth under these rules. A provisional employee failing to qualify by subsequent examination shall be separated from service with the City.
- D. Other Types of Appointments:

To fill positions of a seasonal, part-time, or temporary nature the following appointments may be made (Such appointments will confer no rights of status, appeal or related rights):

1. Seasonal and Temporary: Such appointments may be made for work which is seasonal in nature or temporary in its requirements. All applicants for such position shall meet the requirements set forth by the Personnel Director.
2. Part-time: May be made for work which requires the services of an employee for less than the number of hours of a typical work week. Applicants for such position shall meet the requirements set forth by the Personnel Director.
3. Substitute: May be made to fill a vacant regular position due to an extended leave of absence or other authorized leave. A substitute appointment shall confer no status or rights under the rules except those of the lower classification when such appointment is made from among existing employees. City manager has the authority to exceed the

authorized position level established by the budget with a substitute for extended vacancies such as military and work comp leave.

4. Special Administrative Appointments: In the event of a vacancy in the position of department head, the City Manager may request that a classified employee accept such a position in an “acting” capacity. Such acceptance will not entitle the employee to subsequent automatic regular administrative appointment to that position. Any employee in the classified service accepting such an acting position will not forfeit any rights or benefits, even though the acting position is exempted from the classified service. Such appointments in an acting capacity shall continue for an initial period of not more than six (6) months duration and shall be renewed, as necessary, each six (6) months or portion thereof, with approval of the City Manager. Any employee appointed to an acting position shall receive a temporary salary increment over the employee’s current earnings; but, in no case shall the temporary salary be more than that budgeted for the department head position.

## **SECTION SIX**

### **CLASSIFICATION PLAN**

The classification plan provides a systematic arrangement of the positions in the classified service. The plan groups similar positions into classes according to the duties, responsibilities and levels of work performed.

#### **6.1 CONTENT AND USE**

The classification plan group's positions into classes on the basis of approximately equal difficulty and responsibility which require the same general qualifications and can be equitably compensated within the same range of pay. Classifications will be used for promotion, employee training, determining qualifications, uniform terminology of jobs and the preparation of interview questions and examinations. Job descriptions shall be developed and maintained for each classification title describing the general duties and responsibilities of and qualifications for the classification.

#### **6.2 IMPLEMENTATION**

All positions in the classified service shall be defined and stratified among classes in the classification plan. The Personnel Director shall have the responsibility for maintaining the classification plan, and periodic reviews of all classes shall be made. Employees holding positions in the classified service may be required to perform duties in a higher or lower classification for periods of time due to the nature of departmental work.

#### **6.3 RECLASSIFICATION**

Positions may be reclassified when evidence supports the fact that officially assigned duties and responsibilities of a continuing nature are not consistent with the positions current classification. If a department head or employee has facts which indicate that a position or positions are improperly classified, or have significantly changed, the department head or employee may request through their supervisor, the Personnel Director to review the classification of the position. Such requests shall be in writing. Classification studies may result in a position upgrade, downgrade, lateral reclassification, or confirmation that the position is appropriately classified.

- A. **Reclassification of a Position to a Higher Level:** Should a position be reclassified to a job classification with a higher grade than that of the original classification, such change may be considered a promotion for the incumbent employee. Should an incumbent employee whose position has been reclassified to a job classification with a higher pay grade not be promoted to fill the reclassified position, the Personnel Director, in accordance with applicable personnel rules, may lay off, transfer, or demote the employee to any other existing vacancy for which the employee may be qualified.
- B. **Reclassification of a Position to the Same Pay Grade:** Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the position shall be filled by the incumbent employee. The incumbent employee so reclassified shall retain the same pay, step, grade and date in class.

- C.     Reclassification of a Position to a Lower Pay Grade: Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the position, if vacant, shall be filled in the appropriate manner as prescribed by policy. If the position is filled, the incumbent employee shall be offered transfer to a vacancy, if one exists, in the original classification in the same or other department. In the absence of such vacancy, the incumbent employee shall remain in the reclassified position, but shall be frozen at the employee's current pay rate until such time as the pay plan meets or surpasses the current (frozen) pay rate.

## **SECTION SEVEN**

### **PAY PLAN**

The pay plan shall be directly related to the classification plan and shall provide the basis of compensation for employees in the classified service. The pay plan consists of a Salary Schedule showing salary grades and ranges within grades.

#### **7.1 PAY PLAN ADMINISTRATION**

Each employee shall be paid at the rates set forth in the pay plan for the classification in which the employee serves. Amendments to the pay plan shall be considered when changes in responsibilities of work, living costs, availability of labor supply, and prevailing rates of pay, the City's financial condition, or other pertinent economic consideration warrant such action.

#### **7.2 NEW EMPLOYMENT**

New appointments to the classified service shall be made at the beginning rate of the salary range for each classification, unless otherwise recommended by the Department Head, reviewed by the Personnel Director, and approved by the City Manager. New appointments above the minimum rate shall occur only when there is a lack of qualified candidates for recruitment at the minimum rates or when a qualified candidate possesses skills, experience and qualifications which warrant starting above the minimum rate. The need to make appointments in excess of this beginning rate requires specific approval from the City Manager.

#### **7.3 SALARY INCREASE**

Salary increases may be granted if sufficient funds have been budgeted. Salary increases within the established range shall be dependent upon recommendation of the Department Head and Personnel Director with approval by the City Manager. The City Manager must approve all salary increases. No salary increase shall be granted above the maximum rate fixed for the classification concerned. A general wage adjustment is how the pay grade and range are kept from being obsolete. Merit increases is how one moves through the grade and range.

#### **7.4 MERIT INCREASE**

Merit increases are not automatic and are to be based upon formal Performance Evaluations of the employee that are made annually. Approved performance increases will be effective upon the designated anniversary date of the evaluation. Provided sufficient funds have been budgeted.

- A. An increase of up to five percent (5%) each year may be granted to an employee whose overall performance is rated "satisfactory" or better, so long as the resultant rate is still within the salary range.
- B. An employee whose overall performance is "conditional", should not be considered for a merit raise, but may be placed on probationary status and reviewed again at the end of the agreed upon probationary period, which shall not exceed six months.

## **7.5 PROMOTION**

An employee promoted to a classification with a salary range higher than that of the previous classification shall be increased to the minimum in the new range. If the employee's current rate of pay falls within the pay range of the classification being assumed, his or her pay rate shall be increased at least 5% as determined by the City Manager so long as the resultant rate is still within the new range. The action of promotion shall establish a new anniversary date for the purpose of future salary consideration, as well as a new probationary period.

## **7.6 TRANSFER**

A transfer is a change in position to one that is in the same salary range. When an employee applies to a posting for a vacant position that does not involve a promotion, the situation will be reviewed by the department heads involved to determine whether such a transfer would be to both the employee's and the City's best interest. The action of transfer shall not change an employee's rate of pay. It will establish a new anniversary date for the purpose of future salary consideration, and evaluation date.

## **7.7 TEMPORARY ASSIGNMENT**

A full time classified employee who has been continuously assigned on a temporary basis to another classification for more than ten (10) consecutive, regularly scheduled work days will be temporarily transferred to that classification and have his or her pay temporarily adjusted for each continuing work day beyond the initial ten (10) day period, during which the temporary assignment continues as follows:

- A. An employee temporarily transferred to a position classified at a higher pay grade will be paid at the minimum rate of that higher grade. However, if their regular rate of pay is higher than that minimum, the rate of pay will be temporarily increased by five (5) per cent up to the maximum of the pay grade of the classification to which they are being temporarily transferred.
- B. The pay rate of an employee temporarily transferred to a position classified at the same or lower pay grade will not be adjusted because of the temporary transfer.

The duration of any temporary transfer will be of the minimum length necessary to meet the needs of the City but shall not exceed six (6) consecutive calendar months for any one such transfer; the City Manager may extend the temporary transfer due to extenuating circumstances, when in the best interest of the City. Each such period of assignment/temporary transfer will be treated as a new event and be subject to the above guidelines.

## **7.8 DEMOTION**

Upon demotion, if the employee's rate of pay in the previous class was more than the maximum rate established for the new class or position, the rate of pay shall be reduced to the maximum rate or to such intermediate step in the new pay range as may be determined by the department head and subject to review by the Personnel Director. The action of demotion shall establish a new anniversary date for purpose of future salary consideration, and evaluation date.

## **7.9 REINSTATMENT**

Only employees whom have resigned in good standing may be rehired. Employees whom have been terminated from City employment for disciplinary reasons are ineligible for re-hire. An employee may be reinstated to the same classification within the same department, and have their seniority and benefit accrual rates restored if they return within six months of their resignation. An employee may be reinstated at their same rate of pay at the discretion of the Department Director.

## **7.10 SALARY RANGE ADJUSTMENT**

The Personnel Director will conduct a review of salary ranges at the time of budget preparation. The City Manager may present any recommendation for adjustment to the City Commission.

## **7.11 EFFECTIVE DATE OF PAY CHANGE**

- A. Anniversary Dates & Eligibility - The anniversary date for determining an employee's eligibility for a pay increase shall be the date of regular appointment.
- B. Effective Date of Separation - The effective date of separation from the classified service shall be at the close of business the last day an employee reports for duty, the date specified in employee's written resignation, or the last day of leave granted should an employee fail to report for duty on the first working day following the expiration of leave.

## **7.12 SEPARATION PAY FOR LAYOFFS**

With the exception of probationary employees, should a regular full time employee be laid off from service with the City because of a permanent reduction of personnel, reorganization of departmental structure, or other consideration necessitating permanent lay-offs, and such employee is in good standing, the employee shall, in addition to the payment for any accrued annual vacation leave earned, receive a separation payment equal to one weeks' salary for each full year of service with the City up to a maximum equal to six week's salary. Employees dismissed for other reasons shall not be entitled to separation pay.

## **7.13 ADMINISTRATIVE SALARY SCHEDULE**

This schedule is for positions in the service of the City where program development and administration are major requirements of the job. Positions in the Administrative Salary Schedule are exempt from any overtime provision. Few, if any, of the positions in the schedule are limited to the working hours assigned to their department, due to the nature of the work and the responsibility involved. Salary increases in the Administrative Salary Schedule shall be determined by the City Manager to reflect the performance of the incumbent, program effectiveness and results obtained within the objectives set by the City.

## SECTION EIGHT

### ATTENDANCE / OVERTIME

#### **8.1 BASIC WORK WEEK**

The basic workweek will be forty (40) hours except where other provisions are specifically made. Work schedules for employees will be established by each department in accordance with operational needs. The City shall have the discretion to schedule additional or fewer hours when necessary. Lunch and break times are scheduled at the discretion of the Department Director.

#### **8.2 OVERTIME**

Overtime will be authorized or directed only when it is in the best interest of the City and is the most practical and economical way of meeting workloads or deadlines. Except as provided below, overtime at one and a half their regular rate will be paid to all non-exempt hourly paid employees after forty (40) hours of work in a specified workweek.

Non-exempt employees are not to work overtime unless it is pre-approved, but are required to report all hours worked regardless of whether approved or not in order to receive proper payment under applicable law.

For purposes of overtime computation, no paid absences shall be considered as time worked, with the exception of holiday pay.

Employees shall be required to work overtime when assigned, unless excused by a Supervisor.

Police and Fire employees shall be paid overtime under departmental policies, and/or applicable collective bargaining agreements established.

“Volunteered time”, though well intentioned and appreciated, is not permitted. This includes early and late work hours and working through lunch periods.

Overtime shall, whenever practicable, be distributed in a fair and equitable manner among all employees qualified to perform the work.

#### **8.3 ATTENDANCE**

Each employee shall be at work by their designated starting time in accordance with established departmental policy. Supervisors must approve any time worked before or after the assigned schedule unless it is an emergency. Schedules are established for the effective operation of the City. It is imperative to be on time. Pay adjustments will be made as follows:

1. 7 minutes or less = no pay adjustment
2. 8-22 minutes = 15 minute pay adjustment
3. 23-37 minutes = 30 minute pay adjustment
4. 38-52 minutes = 45 minute pay adjustment
5. 53-67 minutes = 1 hour pay adjustment
6. And so on.

#### **8.4 CALL BACK**

Call back pay is provided to compensate an eligible employee who is contacted off duty and required to return to work immediately on an unscheduled basis due to an urgent or emergency situation. Call back time of less than three (3) hours will be paid as three hours. Call-back time in excess of three hours shall be paid according to the amount of time actually worked. Employees volunteering to work extra hours, or who are scheduled to work an alternative schedule, do not qualify for call back, but may be eligible for overtime pay.

## **SECTION NINE**

### **HOLIDAYS**

#### **9.1 DAYS OBSERVED**

All full-time employees shall be paid the equivalent of a normally scheduled day's pay (at their regular straight-time rate) for the following designated holidays as observed by the city:

- New Year's Day
- Martin Luther King, Jr. Birthday
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Day
- Employee designated floating holiday
- Half day on Christmas Eve Day December 24.

Should any designated holiday (except Christmas Eve) fall on Sunday, the following Monday shall be observed as the official holiday. Holidays falling on Saturdays shall be observed on the preceding Friday. The half-day holiday will be observed on December 24 whenever the actual Christmas Day (December 25) falls on a Tuesday, Wednesday, Thursday, or Friday

#### **9.2 ELIGIBILITY**

An employee must be on authorized leave or work all scheduled hours on the employee's regularly scheduled work day immediately prior to a holiday and the employee's regularly scheduled work day immediately following a holiday, in order to qualify for the un-worked holiday pay. To call in sick the day before, or after a holiday does not constitute authorized leave unless the employee has a doctor's excuse. Under no circumstances shall temporary or seasonal employees be entitled to the provisions of this section.

If an employee is given a holiday work assignment and then fails to report for and perform such work for any reason other than verified illness or emergency, he or she will not receive pay for the un-worked holiday and be subject to disciplinary action.

#### **9.3 PART TIME AND ROTATING SHIFTS**

Part time employees budgeted and regularly scheduled for a minimum of 1040 hours a year, will receive holiday pay for un-worked city holidays that are observed on days that they otherwise would have worked. Shift work part time employees (those scheduled less than a full workweek/and or working continuous multi-shift operations, will be paid at a rate of time and one half for shifts worked on a City Holiday.

Employees required to work on any of these observed holidays will, in addition to receiving holiday pay set forth above, be paid at the rate of time and one-half for all hours worked on the holiday. Employees who are regularly assigned as part of a continuous operation (24 hours per day, every day of the year) will receive this holiday premium for hours worked on the actual holiday whenever it differs from the date observed by the City.

#### **9.4 FLOATING HOLIDAY**

Employee designated floating holiday shall not be accrued from year to year or taken in hourly increments. Floating holidays not used by calendar year end will be forfeited.

**SECTION TEN**

**VACATION LEAVE**

**10.1 ELIGIBILITY**

Full time and regular part time employees shall be entitled to earn and accrue annual vacation leave with pay. All leave credit is to be determined as of each January 1.

**10.2 COMPUTATION OF LEAVE**

Annual vacation leave shall accrue at the following rate for full time employees:

<u>Completed Years of Service</u>	<u>Hours Accrued Annually</u>
0 through 4 yrs	80 hours
5 through 9 yrs	120 hours
10 through 14 yrs	152 hours
15 through 19 yrs	160 hours
20 years	168 hours
21 years	176 hours
22 years	184 hours
23 years	192 hours
24 years	200 hours

Salaried employees are covered by the provisions of the vacation leave program and will accrue an additional weeks of vacation leave each year over the schedule of leave accruals as shown in the full time employee accrual schedule.

Annual vacation leave shall accrue at the following rate for regular part time employees scheduled to work at minimum 1040 hours per year:

<u>Completed Years of Service</u>	<u>Hours Accrued Annually</u>
0 through 4 yrs	40 hours
5 through 9 yrs	60 hours
10 through 14 yrs	76 hours
15 through 19 yrs	80 hours
20 years	84 hours
21 years	88 hours
22 years	92 hours
23 years	96 hours
24 years	100 hours

Upon separation from service for any reason, the classified employee with one year or more full time service shall be paid for accrued vacation, not to exceed two times the employee's annual accrual. Any such payment shall not be construed to extend employment beyond the last day actually worked.

### **10.3 ACCUMULATION OF LEAVE**

The City recognizes the value of time off for employees to rest and return to work with renewed vigor and therefore encourages the use of vacation leave. Earned annual vacation leave shall be used during the calendar year following the year in which it is earned. Up to two times an employee's annual accrual up to a maximum of 320 hours may be carried forward into the next calendar year.

### **10.4 RESTRICTIONS**

New employees on probationary status shall not be entitled to use accrued vacation leave until satisfactory completion of at least six month's continuous service. Annual leave shall not be earned by an employee during leave of absence without pay, suspension, or when the employee is otherwise on a non-pay status. Payment in lieu of annual leave shall not be permitted, except as authorized by the City Manager.

### **10.5 SCHEDULING**

Department heads will schedule annually for vacation leave of employees in their department with due consideration to the needs of the City, wishes of the employees, and seniority. The department head's determination of the schedule of leaves shall be final.

Chronic use or abuse of vacation leave for unscheduled absences which are not covered by FMLA shall constitute grounds for discipline, to include being charged leave without pay, and or review on an employee's fitness for duty and/or termination.

### **10.6 CHARGING LEAVE**

Vacation time shall be scheduled and charged to the employee for the actual time the employee is away from work, with a minimum of fifteen (15) minutes.

### **10.7 VACATION SELF FUNDING**

The premise behind this program is that it is beneficial for employees to take off for rest, attitude adjustment, enjoyment and family activities. This program is intended to facilitate an employee taking a vacation by providing some funds for these activities, if the employee is eligible. The following parameters must be met for an employee to take advantage of this program.

- A. An employee may utilize this program once during their anniversary year.
- B. The vacation self funding program is available to all employees that accrue annual vacation time, have the requisite and eligible amount of accrual to fund the program and have not been subject to disciplinary action above and beyond a "Verbal Action" during the twelve (12) month period preceding the vacation time to be taken.

- C. Vacation time off must be in full weekly increments. Sell back vacation time can be up to five (5) days for each week taken. For example: Take one week and sell up to five (5) days, or take two (2) weeks and sell up to ten (10) days. The maximum number of days allowed to sell back in any one-anniversary year is limited to fifteen (15) days.
- D. The employee will be paid via direct deposit or check on the normal payroll date.
- E. In order for accrued vacation time to be eligible for sell back it must have been posted to the employee's accrual balance no later than the close of the previous month.

To participate in this program, an employee must complete the "Vacation Self Funding Request Form" (Exhibit 3) indicating the vacation time off requested and secure departmental pre-approval. In addition the employee will indicate his/her desire to sell back as much vacation time as he/she is eligible to sell back within policy limits.

The Department Director will be responsible for determining the number of days the employee is eligible to sell back, documenting this on the request form and submitting the form to the Personnel Department. If the employee meets the eligibility requirements, then the form will be submitted for payment.

Nothing in this program will exclude the fact that all employees having vacation balances exceeding the allowable limits on their anniversary date will lose the excess vacation accrual without compensation.

## **SECTION ELEVEN**

### **SICK LEAVE**

The primary purpose of accrued sick leave is to protect eligible employees against income loss in the event of serious disability. It may be accrued up to the equivalent of six-months — the time when long term disability insurance may be payable. It is also a protection against income loss from shorter term disabilities.

#### **11.1 ELIGIBILITY**

All employees in the classified service shall earn and be eligible to use sick leave from the initial date of hire. Under no circumstances shall temporary or seasonal employees be entitled to the provisions of this section unless specifically authorized at their time of hire by the City Manager. Sick leave shall be granted for the following:

- A. Absence due to illness of employee.
- B. Personal medical, dental and optical appointments.
- C. Absence to care for a family or household member, defined as: spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who have a child in common regardless of whether they have been married or have resided together at any time.

#### **11.2 COMPUTATION OF LEAVE**

- A. Sick leave shall be calculated at the rate of eight (8) hours per month for full time employees working a regular work week, and four (4) hours per month for part time employees budgeted to work minimally 1040 hours a year. Sick leave shall not be earned by an employee during leave of absence without pay, suspension without pay, or when the employee is otherwise on a non-pay status.
- B. Accrued vacation leave shall be used as sick leave when all accrued sick leave has been exhausted.
- C. Periods of authorized sick leave will not be counted as working time in the calculation of any other benefits provided for under these rules.
- D. Sick leave may not be used as vacation time under any circumstances.

#### **11.3 REQUESTS AND RESTRICTIONS**

- A. Records of sick leave used shall be kept by the Personnel Director on prescribed forms.

- B. It is the employee's responsibility to notify his department head as far in advance as is possible of any absence, stating the specific nature of the illness or injury and the expected length of the absence. Failure to give such timely notification, without good cause, will forfeit any claim for sick pay.
- C. Employees who are absent due to illness for a period longer than one day may, upon request by the department head, be required to submit medical evidence of the reason for absence. Employees with a record of excessive one-day absences may, at the discretion of the department head, be required to submit evidence verifying the reason for even one day absences. Employees who have been absent due to serious illness or injury ( defined as sick leave for three or more consecutive workdays) are required to submit medical evidence that they are physically able to safely resume performing their assigned duties. Chronic use or abuse of leave for illness shall constitute grounds for discipline, including being charged with leave without pay, and/or review of an employee's fitness for duty and/or termination.
- D. An employee authorized to be absent from work for medical reasons shall not engage in any recreational or personal work activities except upon receiving prior approval from his/her attending physician and department director.
- E. Medical, dental, and optical appointments shall be charged for the actual time used in amounts not smaller than one-quarter hour.

#### **11.4 ACCUMULATION OF LEAVE**

Employees who are eligible to accrue sick leave may accumulate up to the equivalent of six month's sick time. In the event of serious disability, this is income protection for the six-month period before the long term disability policy may begin providing a benefit.

- A. Employees will be paid each year at a rate of 40% for accumulated sick leave in excess of:  
975 hours for employees normally scheduled 37.5 hours per week,  
1,040 hours for employees normally scheduled 40 hours per week, or  
1,456 hours for employees normally scheduled 56 hours per week.

Unused excess accumulated sick leave hours as of each September 30 are removed from the accrual balance and multiplied by .4 (40%). The resultant hours are then paid to the employee not later than December 31.

Employees separating in good standing prior to this annual payment, and who have excess accumulated sick leave (in excess of six months as determined above) shall be paid in accord with the above at separation.

- B. Employees who separate from the service of the city with ten or more years of service will be paid a percentage of their accrued sick leave according to their length of continuous service as follows: 25% of accrued sick hours for 10 years of service and an additional 2.5% for each additional year of service up to 20.

Years of Service	Percentage of accrued sick leave paid at retirement
10	25%
11	27.5%
12	30%
13	32.5%
14	35%
15	37.5%
16	40%
17	42.5%
18	45%
19	47.5%
20 or more	50%

Sick pay shall otherwise be forfeited upon separation of services.

## SECTION TWELVE

### LEAVE OF ABSENCES

#### **12.1 FAMILY MEDICAL LEAVE ACT (FMLA)**

Employees who have more than one year of service and have worked 1250 or more hours in the previous 12 months, are eligible for Family Medical Leave, the equivalent of up to twelve (12) weeks in a twelve month period under this policy if the leave is for one of the following reasons: (1) the birth of a child; (2) the placement of the child for adoption or foster care in the employee's home; (3) to care for a spouse, child, or parent with a serious health condition; or (4) a serious health condition which makes the employee unable to perform an essential function of his job or (5) because of a qualifying exigency 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 on active duty as a member of the Regular Armed Forces. An employee may take up to twenty-six weeks of unpaid leave in a single twelve 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.

An eligible employee who takes FMLA leave is entitled to be restored to the same position that the employee held when the leave started or an equivalent position, provided that the employee return to work following the end of the leave.

The City requires that accrued paid leave be substituted for unpaid FMLA leave, and that all accrued sick and vacation leave be exhausted before going on unpaid leave status.

The City will designate leave, paid or unpaid, as FMLA-qualifying and give notice to the employee of this designation. The City will also notify the employee whether or not he or she is eligible for leave under the FMLA and whether a requested leave is counted against the employee's FMLA leave entitlement.

Employees must provide at least thirty days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. Employees should submit their request for FMLA leave in writing to their immediate supervisor. If 30-days notice is not possible or practicable, taking into account all of the facts and circumstances of the individual case, then notice must be given as soon as practicable. Employees failing to provide thirty (30) days notice for foreseeable leave with no reasonable excuse for the delay may be denied a leave until at least thirty (30) days from the date the City receives the notice.

The method for determining the "12 month period" in which the twelve weeks of leave entitlement occurs is a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave. Under this method, each time the employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if the employee had taken eight weeks of FMLA-qualifying leave during the past 12 months, an additional four weeks of FMLA leave could be taken.

A request for leave due to the employee's health shall be supported by documentation from a medical provider obtained at the employee's expense which attests that the employee is in need of care due to a serious health condition, that the employee is unable to perform the functions of their job, and what the expected duration of the leave is. Employees will be required to furnish medical certification for a serious health condition as soon as practicable when this is the reason for the FMLA leave. A fitness for duty certificate must be provided prior to being returned to work when the leave is for your own serious health condition. The City may request a second opinion if it has reason to doubt the certification. The City may pay for the employee to get a certification from a second doctor selected by the City. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select a third doctor, and the City will pay for the opinion. The third opinion will be considered final.

The City continues the employee's health coverage during FMLA leave at the same level and under the same conditions coverage would have been provided if the employee had continued working. Employees, who pay by payroll deduction for dependent health insurance and/or dependent life insurance, must continue to pay these premiums while on unpaid leave status. The employee will have a 30-day grace period in which to make premium payments. The City will notify the employee in writing at least fifteen days before the dependent coverage would be canceled while on unpaid leave.

Employees placed on workers' compensation leave after missing three or more days of work because of a job-related injury or illness will be required to concurrently use any and all FMLA leave available to the employee. If the employee is placed on workers' compensation leave, the leave will begin as of the first day the employee missed work. All policies and procedures of the FMLA leave will apply, except that employees are not required to use accrued paid leave while workers' compensation benefits are provided.

If an employee is taking intermittent leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the City before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must provide certification of medical necessity. The City may otherwise require certification of medical necessity as well. The City may temporarily transfer the employee to an available alternative position with equivalent pay.

To the extent allowed by law, the City reserves the right to count leave as FMLA whether the employee has requested FMLA or not.

The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six months in conjunction with an absence or more often to the extent permitted by law.

Employees who fail to provide information to, or otherwise cooperate with the City in administering this policy, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

## **12.2 MILITARY LEAVE**

All employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absences from their respective duties, without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Leaves of absence granted as a matter of legal right under the provisions of Florida State Statutes, Chapter 115.07, shall not exceed seventeen (17) working days in any one calendar year. With respect to any employee whose working day consists of a shift measured in hours, each such 12-hour shift or less shall equal one (1) working day leave of absence. Administrative leaves of absences for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted, and when so granted shall be without loss of time or efficiency rating.

Employees who are called to active military service shall receive full pay for the first thirty (30) days. The employer shall continue to provide all health insurance and other existing benefits to such employees as required by the Uniformed Services and Employment and Reemployment Act.

During the leave of absence, employees shall be entitled to preserve all seniority rights, efficiency ratings, promotional status and retirement privileges. The period of active military service shall, for purposes of computation to determine whether such person may be entitled to retirement under the laws of the state, be deemed continuous service. While absent on such leave without pay, employees shall not be required to make any contribution to any retirement fund.

Requests for military leave shall be submitted in writing with a copy of the military orders attached thereto at least one (1) month (if possible) prior to the commencement date of the proposed leave.

For the first thirty (30) days following commencement of an employee's authorized military leave, the City will continue to pay the City's portion of any health benefits in place at the time of said leave. During this period, the employee will be required to contribute their normal share of the premiums.

Following thirty (30) days of authorized military leave, the employee may elect to continue their current coverages for a period up to eighteen months and will be responsible for 100% of the premiums. Should an employee elect not to continue benefits or fails to remit payment for premiums and coverage is terminated, reinstatement shall be without any waiting period or exclusion for preexisting conditions upon return to work.

## **12.3 WORKERS COMPENSATION**

All municipal employees are covered by Worker's Compensation laws and are entitled to benefits as provided and limited by such laws. Full time employees disabled due to job injury and having been awarded salary compensation benefits under Worker's Compensation laws may receive disability leave and may be eligible for *Supplemental Workers' Compensation Pay* as set forth below. Absences resulting from injuries covered by workers' compensation may also qualify under the Family Medical Leave Act (FMLA). If such leave is covered by FMLA, it will be applied toward the 12 weeks of leave that must be granted by the City in a one year period, as provided by law.

**All accidents and injuries must be reported immediately** to the immediate supervisor or Department Head. The supervisor shall follow up with an investigation as provided by the City's Safety Program and forward this to the Department Head and Personnel Director.

### **Supplemental Workers' Compensation Pay**

Full time employees disabled due to job injury and having been awarded salary compensation benefits under Worker's Compensation laws may be eligible for supplemental compensation as follows:

- A. The City will pay the difference between the workers' compensation benefit awarded and the employee's regular rate of pay for life threatening injuries a maximum period of one-hundred eighty (180) calendar days in a calendar year (January through December) or one-hundred eighty days per injury, whichever is less. Employees receiving supplemental pay will be required to turn over their work comp checks to the City.
- B. The City will pay 67% of wages for the first seven days of the injury; employees will be allowed to use their sick and vacation time to supplement their earnings up to 100% of their regular pay.
- C. Employees failing to report injuries within twelve hours from occurrence of such injury may be excluded from any supplemental workers' compensation pay benefits. Additionally, the employee may be disciplined for failure to comply with rules and regulations
- D. Any injuries due to the employee's own misconduct or willful negligence will not be considered for supplemental workers' compensation pay and the employee may be disciplined for failure to comply with rules and regulations
- E. The City will work together with the employee's physician and the workers' compensation administrator to attempt to provide temporary light work assignments to aid in recovery whenever practicable. The anniversary date is not changed as a result of an employee performing light duty.
- F. Any employee physically able, but unwilling to accept light duty assignments as offered by the City Manager, shall be ineligible for any supplemental payments from the City.
- G. Employees out on Workers' Compensation Leave will not earn Annual, Sick or Holiday leave through the duration of the absence.
- H. Employees in high risk positions such as police and fire, may have additional restrictions applied, such as wearing uniforms, operation of vehicles, carrying of firearms or the taking of enforcement actions, such restrictions shall be written and well defined.

## **12.4 VOTING**

Employees are permitted, after prior coordination with their supervisor, reasonable time away from their job when necessary to vote in both local and national elections. In most cases, provision is made to accommodate voters by early opening and extended closing of polls. Employees are expected to exercise their right to vote outside of their scheduled working hours whenever possible. Employees must notify their supervisor when they need to be away from the job for this purpose. The supervisor will prepare and forward appropriate action forms to the Personnel Department.

## **12.5 JURY DUTY**

Employees are to notify their department head as soon as practicable after receiving a Jury Duty Summons. Employees shall suffer no loss of his/her normal pay for time served on jury duty. Such pay is to be the difference between any payment received for jury service and regular pay. An employee who is dismissed from jury duty with three (3) hours or more left in the work day is obligated to return to work.

The City shall grant an employee leave with pay for appearance at any judicial proceeding where the employee has been required by the City to appear or where the employee has been subpoenaed relative to City business or as the result of employment with the City. Employees are to notify their department head as soon as practicable after receiving a subpoena or other notice to attend any such judicial proceeding.

However, an employee who is a litigant or witness against the City shall not be compensated under this Section. Vacation time may be used for this purpose.

## **12.6 TRAINING**

Whenever it is deemed in the best interest of the City, a full time employee may be granted time off with pay to attend professional or technical conferences or training that may contribute to the effectiveness of the employee's service to the City. Such leave shall not be charged against the employee's accumulated leave. Such leaves are to be recommended by the Department Head and approved by the City Manager.

## **12.7 BEREVEAMENT**

Upon approval of the Department Head, full and part -time employees may, upon request, be granted time off with pay not to exceed three (3) successive scheduled work days (five days if the funeral is out of state) in the event of a death in their immediate family. The employee's immediate family shall be defined as the employee's spouse, a person with whom one was presently residing as if a family, father, mother, step-parents, natural, step and adopted children, brother, sister, father-in-law, mother-in-law, grandparents, brother-in-law, sister-in-law and grandchildren.

With approval by the City Manager, additional time off can be granted but will be charged to vacation. To qualify for this leave allowance, an employee must actually attend the service.

## **12.8 LEAVE WITHOUT PAY (Excluding absences covered by FMLA)**

A full time employee may request a leave of absence without pay. When possible the leave must be scheduled at least two weeks in advance. The request for leave must be recommended by the Department Head and approved by the Personnel Director and City Manager.

- A. Employees who have satisfied initial probationary requirements may be granted leaves for any reason deemed by the City Manager to be in the best interest of the City; but such leaves shall not be granted for a period longer than six months. Employees must deplete all applicable accrued paid leave prior to being placed on any approved unpaid leave status.
- B. No sick, annual, or holiday time or any type of seniority will be earned or accrued by the employee for the time he/she is on leave without pay. The time will also not be credited for pension purposes.
- C. An employee granted a leave of absence will be required to conduct the following while on leave of absence; failure to comply may result in removal from leave of absence status in which case the employee would need to return to work or resign.
  - 1. Employee must keep department informed on a monthly basis of their status, i.e. school, military, etc. and intent to return to work.
  - 2. Must keep department advised of any changes in address and telephone number.
  - 3. Must make arrangements with Personnel prior to the effective date of the leave to advise if he/she will be continuing or discontinuing benefits, and arrange payment of such. Employees on leave of absences will be responsible for both the City and the employee portion of health and dental insurance benefits while on leave. If payment is not received within 15 days of the due date, coverage will be cancelled effective the last date for which coverage had been paid.

## SECTION THIRTEEN

### EMPLOYEE RELATIONS AND BENEFITS

#### **13.1 INSURANCE**

##### **A. Group Medical and Dental Insurance**

All regular full-time employees shall be eligible for coverage by the group medical and dental insurance plan provided by the City. Eligible employees may participate in any of the plans offered. Health and dental insurance coverage become effective the first of the month following the hire date of continuous full time employment. An employee's contribution for his/her group health plan, dental or supplemental life insurance is covered by the premium payment plan, which is governed by Section 125 of the Internal Revenue Code and will be deducted on a before tax basis. A booklet further explaining these benefits is provided to each covered employee. These benefits are subject to change and/or be discontinued as determined solely by the City.

##### **B. Long Term Disability**

All regular full-time employees are covered by a long-term disability income plan provided by the City. A booklet explaining this benefit is provided to each covered employee.

##### **C. Life Insurance**

All regular full-time employees are covered by a term life insurance policy provided by the City. A booklet explaining this benefit is provided to each covered employee.

#### **13.2 RETIREMENT**

##### **A. Social Security**

By federal law, employees in the municipal service contribute a percentage of their earnings into Social Security (FICA); the City makes a matching contribution into each employee's Social Security account.

##### **B. Money Purchase Retirement Plan**

All employees in the municipal service, except those who are members of the Florida Retirement System, are eligible to participate in the City's 401A Money Purchase Plan. The plan requires employees who enroll to contribute a mandatory set percentage of pay. The City also has established a percentage of contribution on behalf of each employee. Details concerning the Money Purchase Plan may be obtained from the Personnel Department.

##### **C. Deferred Compensation Plan**

All employees in the municipal service are eligible to participate in the City's 457 Deferred Compensation Plan

Booklets explaining the 401-A and 457 plan benefits are available in the Personnel Department

D. Florida Retirement System

Effective December 1, 2001, public safety employees who qualify for the special risk category of the Florida Retirement System are participants in that retirement system.

### **13.3 EMPLOYEE PERFORMANCE EVALUATIONS**

The *Employee Performance Evaluation* is designed to examine, review and document an employee's work performance. The Personnel Department will provide the applicable performance evaluation form to be used when rating employees. All original evaluations shall be kept in the employee's personnel file. All employees will have the opportunity to review and discuss the evaluation with their supervisor.

Employees will receive a written performance evaluation by the immediate supervisor at the end of the initial six (6) months of service, at the end of the probationary period, and annually on the anniversary date thereafter.

#### **Intent of Performance Evaluation**

The performance evaluation will indicate to the employee how his or her past performance has been evaluated by the immediate supervisor; will bring out both strong and weak points; and, will serve as the basis for discussion of how the employee can improve performance and establish performance goals. The evaluation will also give the employee the chance to make suggestions and comments on the policies of management and/or the immediate supervisor. These suggestions are to be included in the final evaluation form. The evaluation may be considered a factor for granting an increase in salary, for estimating an employee's potential for advancement or for documenting unsatisfactory work performance.

#### **Rating Procedure**

The first-line supervisor most directly familiar with the employee's service and the department head during the period rated shall be responsible for evaluating the employee. If the employee has had more than one supervisor during the rating period, all concerned supervisors will rate the employee. The employee shall sign and date the completed form indicating that he/she has discussed and received a copy.

#### **Comments by Administration**

The department head will review and approve the employee performance evaluation reports. They are then forwarded for approval to the Personnel Director and City Manager, respectively.

Individual employee personnel files shall be maintained by the Personnel Department in accordance with the Florida Public Records Statutes. Employees have the right to examine their personnel file in the Personnel Office upon request and with reasonable notice. The Personnel Director or someone designated by the Personnel Director shall be present during the examination of any public record maintained by the Personnel Department.

#### **13.4 IN SERVICE TRAINING**

It is the responsibility of the Personnel Director under the direction of the City Manager to foster and promote in-service training of employees for the purpose of improving the capability of personnel to equip themselves for technological and relevant changes in job duties as well as advancement in the service. The Personnel Director shall develop training programs, award certificates or other forms of recognition assist department heads in developing programs to meet their particular needs and develop supervisory and management training programs for all departments.

#### **13.5 EDUCATIONAL INCENTIVES AND BENEFITS**

The City may assist full-time employees with continuing their education as follows:

A. Education Assistance

The City may authorize reimbursement for tuition upon successful completion of courses or seminars subject to the following:

1. Full time employee with at least one year of continuous service
2. The course or the curriculum of which it is a part must be related to the employee's position or be contributory to the potential long range value of the employee to the City.
3. Sufficient funds have been budgeted for the fiscal year in which the course will be completed.
4. The course is taken at an approved public institution, accredited by the Southern Association of Colleges & Schools Commission on Colleges.
5. Application for education expense reimbursement must be filed with the Personnel Director prior to enrollment in the course. The employee will explain in writing how the course or curriculum he or she plans to enroll in is related to the employee's current position held, future positions available at the City, or other value to the City. The employee will provide an estimate of the total reimbursable costs for which he or she is applying, and sign a statement acknowledging the requirement to reimburse the City per Section 5.5 (10).
6. The Personnel Director shall review all applications and make recommendations to the City Manager. If approved by the City Manager and included in the final City budget that is adopted by the City Commission, employees will be notified in writing.
7. The employee must successfully complete the course with a final grade of "C" or better.
8. No more than two courses per quarter or semester may be taken, unless prior approval is granted by the City Manager.
9. The employee must submit receipts for expenses and evidence of the final grade to the Personnel Department within sixty days after successful completion of an approved course. The

City will then reimburse up to 100% of the tuition not to exceed the appropriate graduate or undergraduate tuition rates set forth by the State of Florida under the State University system of Florida Tuition Fees, Instate (Florida Resident) University of South Florida category published by the Florida Board of Regents annually.

10. There will be no duplicate payments for the same course. The amount of any course expenses that are reimbursed through some other source, including state or federal statute, county ordinance, etc., will be deducted from amount paid to the employee under this rule.

11. The employee must continue to work at least one (1) year after the final reimbursement. If the employee fails to complete this additional service, the employee shall be required to refund all money paid by the City in connection with the courses. The City reserves the right to withhold the money owed from any final payments due the employee at separation.

### **13.6 SERVICE AWARDS**

In recognition of long-term service to the City and the value of dedicated and competent employees, the City has established a service award system for qualified employees.

On each October 1 all active employees with ten (10) or more years of continuous service, except those covered by a collective bargaining agreement that does not specifically provide for this benefit, will receive a service bonus amounting to two percent (2%) of his or her monthly salary, multiplied by the number of whole years of continuous service as of the preceding October 1.

### **13.7 CREDIT UNION**

All employees are eligible for membership in participating credit unions and attendant services therein. Deductions from the employee's paycheck will begin on the date requested in writing by the employee and will be made by direct deposit. The employee may stop savings deductions at any time by written request to the Personnel Director.

### **13.8 UNIFORMS AND WORK ATTIRE**

Reasonable standards of personal dress, appearance and hygiene during working hours are appropriate for all supervisors to establish and enforce. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. To ensure the employees of the City present an appropriate appearance, while meeting acceptable safety standards through a standardized uniform and safety shoe policy, employees in specified classifications shall be issued standard uniforms and safety items. City uniforms, shirts, and any apparel containing any City designations shall be worn only while at work, representing the City, or while conducting City business. Due to public perception, employees are prohibited from wearing such apparel items when on personal time.

- A. Employees supplied with uniforms by the City, shall report in full uniform on each day worked. Failure to report in uniform may result in the employee being sent home for the day without pay.

- B. Employees are responsible for cleaning their own uniforms and appearing at work with a clean and neat appearance. Uniforms are not to be worn after normal working hours unless the employee is on call back.
- C. Procedure for issuance of uniforms and safety equipment provided by the City shall be governed by departmental policies.
- D. If an employee resigns or is terminated, all uniforms will be returned to the City, and final payout may be withheld until all City issued items have been returned to the City.

### **13.9 INDEMINIFICATION**

The City shall come in and defend all suits against employees and protect employees from any liability, as long as they are acting within the scope of their employment in the absence of gross negligence. This indemnification shall cover claims, suits or actions filed after termination of employment, if the claim, suit or action is based on the employee's covered conduct as an employee prior to the termination of employment.

### **13.10 DIRECT DEPOSIT**

The City will provide a direct deposit option for employee paychecks. Employees hired after October 1, 2007 are required to have their pay directly deposited to a financial institution of their choosing.

## SECTION FOURTEEN

### SEPARATION

#### **14.1 RESIGNATION**

Resignation is the voluntary separation of an employee from employment through the submittal of a notice that he/she wishes to voluntarily resign. Any employee wishing to leave the service of the City in good standing shall provide his Department Head with a written notice of resignation at least two weeks in advance. Failure to provide proper notice may result in refusal to consider the employee for reemployment by the City. This notice will be filed immediately with the Personnel Director. Absences from work for a period of three (3) consecutive working days without notifying the immediate supervisor will be considered as the employee's voluntary resignation.

#### **14.2 RETIREMENT**

Police and Fire employees who were continuously employed by the City and who voluntarily separated from City employment after 10 or more years of service and after attaining the age of 55; or, all other employees who were continuously employed by the City and who voluntarily separated from City employment after 10 or more years of service and after attaining the age of 60 are considered to have left the service of the City due to retirement:.

Employees who were continuously employed by the City and who separated from City employment after 10 or more years of service due to permanent disability are considered to have left the service of the City due to disability retirement.

Retired employees are eligible to continue their health insurance benefit as set forth under federal regulations so long as they continue to pay the monthly premium to the City in advance.

#### **14.3 LAYOFFS**

Any classified employee may be laid off whenever such action becomes necessary by reasons of shortage of work or funds, the abolishing of a position or because of changes in organization. No regular classified employee shall be laid off while there are temporary or probationary employees serving in the same class or lower class for which the employee is eligible, able, and willing to fill. The names of employees laid off for any of the above reasons shall be placed on a lay-off list in accordance with the employee's combined seniority. If the position is re-created within this period, the employee shall be given the opportunity for re-appointment according to his position on the lay-off list. Employees so re-appointed within this period will retain the seniority date of hire held prior to being laid off.

#### **Layoff List:**

A *Layoff List* containing the names of former regular (non-probationary) employees who were separated in good standing from a position because of lack of work, lack of funds, or from positions abolished as a result of departmental reorganization or for like reasons shall be maintained. The list shall be in an order determined by the combination of the performance records (as rated by the Department Head) and seniority in their respective class.

Duration of such list shall be for a period of one year from date of placement of such name on such list. Should the same position become vacant during this one year period, the City will attempt to recall such former employees in the order they are listed.

#### **14.4 TERMINATION**

Employees may be terminated from the service of the city for violations of the *Employee Code of Conduct* as set forth in Section Fifteen.

#### **14.5 EXIT INTERVIEW**

The purpose of the exit interview is to provide management with information that will help identify workplace issues and contribute toward keeping the City of Treasure Island a pleasant and efficient place to work.

Each employee who resigns from the City shall be asked to complete an exit interview form in the Personnel Department at or before the time he or she receives the final paycheck and returns all City property, including identification and keys.

#### **14.6 CONTINUOUS SERVICE**

- A. Continuous Service for the purpose of calculating vacation accrual rate (10.2), service award eligibility (13.6), will be calculated from the employee's date of hire in the municipal service of the city.
- B. Continuous Service will be broken by Resignation, Retirement, or Involuntary Termination of Employment.
- C. Should a full time employee who resigned in good standing after providing at least two weeks notice be re-hired to a full time position within six months of such break in continuous service, the employee's continuous service date will be adjusted by adding the amount of time between the service break (termination) date and the re-hire date to the employee's original continuous service date. This adjustment creates a new (later) continuous service date.

For example:

*An employee is newly hired on October 1, 2000. October 1, 2000 is his continuous service date. He resigns in good standing on June 15, 2009 and is re-hired December 1, 2009. The amount of time between his service break and re-hire was 5 months and 16 days.*

*2009-12-01 (Re-hire date)*

*2009-06-15 (Resignation date)*

*05-16 (5 months and 16 days)*

*5 months and 16 days are added to the original continuous service date of October 1, 2000. His continuous service date is now April 17, 2001.*

## SECTION FIFTEEN

### EMPLOYEE CODE OF CONDUCT, DISCIPLINARY ACTION & APPEALS

#### **15.1 EMPLOYEE CODE OF CONDUCT**

The City anticipates that effective supervision and employee relations will eliminate most matters that necessitate disciplinary action for performance or conduct which is unacceptable. We recognize however, that there will be instances when employees may act in a manner that is not consistent with the City's and the Department's expectations. To address these situations, a disciplinary process has been developed to enable supervisors to resolve issues related to unacceptable performance and misconduct. The City's goals in establishing such a process are both to ensure that employees understand the consequences of inappropriate behavior and to assist them in recognizing the severity of such consequences, with the hope that disciplinary sanctions, if required, will encourage the individual to personally resolve whatever concerns exist. City rules governing employee conduct are based upon:

- A. The common-sense standards that mature people expect of one another when working together to achieve a common purpose; and,
- B. The special need to maintain public trust in those who perform municipal service.

City employee rules of conduct apply equally to all employees. Supervisors are expected to set an example and to enforce these rules uniformly, based on facts, and with fairness and impartiality. The City retains the right to treat performance and conduct problems on an individual basis without creating a precedent for other abuses which may arise in the future for the same or a different employee or conduct and to determine the appropriate discipline on a case by case basis. Each employee is responsible for his or her compliance and will be held accountable for any violations. An employee found to have committed any of the offenses listed below will be subject to appropriate disciplinary action, up to and including **discharge**:

1. Conviction of a felony or other crime involving moral turpitude.
2. Violation of the provisions of the Charter of the City of Treasure Island.
3. Act of incompetence or chronic inefficiency in the performance of assigned duties.
4. Neglect of duty or loitering while on duty.
5. Insubordination.
6. Deliberate misuse, destruction, or damaging any City property or the property of another employee.
7. Misappropriation, theft, conversion, or removal of any City funds, City property, or the property of another employee without proper authorization.
8. Unauthorized possession of firearms, explosives or weapons on City property.

9. During non-duty hours engaging in an employment, activity or enterprise that is inconsistent, incompatible or immoral, or in legal or technical conflict with the employee's duties, functions and responsibilities as a City employee, or in violation of City Codes, Ordinances or Florida Code of Ethics Statute.
10. Acts of employee showing lack of good moral character
11. Knowingly punching the time card of another employee, having one's time card punched by another employee, or any unauthorized altering of a time card.
12. Absence without leave and or abuse of leave privileges.
13. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, worker's compensation, or any other benefit.
14. Use or attempted use of political influence or bribery to secure an advantage of any manner.
15. Habitual tardiness and/or absenteeism
16. Falsifying personnel or City records, including employment applications, accident records, work records, purchase orders, time sheets, physician's statement, or any other report, record or application.
17. Deliberately lying to a supervisor concerning any work matter.
18. Failure or refusal to carry out instructions
19. Refusal to testify before a judicial proceeding or any other investigating committee.
20. Refusal to give testimony in accident investigations.
21. Having been refused a surety bond, if required for employment. Failure to obtain or maintain any license or certification required for employment.
22. Instigating or participating in a walkout, strike, picketing, slow-down, or other concerted stoppage of work.
23. Involvement in an excessive number of preventable accidents resulting in injuries or property damage.
24. Possessing, consuming, or being under the influence of an intoxicating beverage, controlled substance, or narcotic while on duty or when reporting for duty.
25. Refusing to submit to drug or alcohol testing. *Refer also to City Policy on Drugs and Alcohol.*

26. Failure to notify department head of any felony conviction within five (5) days of the conviction.
27. Failure to report to the City when employee's driver license is revoked or suspended, when one's position requires the operation of a motor vehicle.
28. Allowing hitchhikers or otherwise unauthorized persons to ride in City vehicles.
29. An act of misconduct while on duty
30. Violating a safety rule, department rule, City policy, or special orders.
31. Provoking or instigating a fight, or fighting at anytime on City property or while on duty.
32. Threatening, intimidating, coercing , interfering with, or other abusiveness to fellow employees, supervisors or the public in the line of duty; or behaving in a way that interferes with the cooperation of employees or impairs the efficiency of municipal service.
33. Posting or removing any matter on bulletin boards or City property at any time, unless authorized.
34. Distributing or causing to be distributed, during normal working hours, written matter of any kind on City premises without proper authorization. The purpose of this provision is to prohibit interference by one or more employees with the work of other employees or with the operation of the City's business.
35. Violation of City or department policy on gratuities, City ordinance on ethics, or the Florida Code of Ethics Statute (Chapter 112, Part III).
36. Failure to meet prescribed standards of work.
37. Conduct on or off duty which reflects discredit on the City or affects the efficient operation of the City.
38. Acceptance of gift, service, or anything of value in the performance of duty or under circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment by a City employee, department or agency.
39. Discourteous, insulting, abusive or inflammatory language or conduct towards the public, a fellow employee or employees.
40. Failure to report to duty during an emergency,

## **15.2 DISCIPLINARY RESPONSIBILITY**

The City Manager shall have the authority, with or without department head request, to initiate disciplinary action against any employee in the classified service.

### **15.3 DISCIPLINARY ACTIONS**

Management should inform an employee promptly and specifically whenever his performance, work habits or personal conduct fall below an acceptable level. The City recognizes the following types of disciplinary action:

- A. Verbal Warning
- B. Written Warning
- C. Suspension without pay
- D. Demotion
- E. Discharge

### **15.4 NOTICE OF ACTION**

In all cases of disciplinary action, the employee should be notified in writing of the action taken, and a copy of such notice shall be retained by the Personnel Office for placement in the employee's personnel file.

Employees may be suspended without pay for not more than fifteen calendar days by their Department Head for violations of the *Employee Code of Conduct* as set forth in 15.1 above.

### **15.5 DUE PROCESS**

An employee shall be offered a pre-disciplinary hearing by the Department Head before serving a disciplinary suspension, demotion or termination. The hearing should provide an opportunity to review the case. A classified employee is entitled to oral or written notice of the charges against him/her, explanation of the evidence and an opportunity to present their side of the story. After completion of the pre-disciplinary hearing, the department shall take appropriate action and notify the employee. In an extreme situation calling for immediate action, an employee may be suspended pending investigation. Suspensions are to be brought to the attention of the Personnel Director or City Manager as soon as possible after a decision to suspend has been made.

### **15.6 TERMINATION**

Employees may be terminated from the service of the city for violations of the *Employee Code of Conduct* as set forth in 15.1 above.

An employee of the City may be offered a pre-disciplinary hearing with his or her Department Head before the Department Head recommends termination. An employee of the City, whose termination has been recommended by the department head, shall be offered a pre-disciplinary hearing before the City Manager. The City Manager must approve all terminations. An employee may be suspended pending the disposition of this hearing.

### **15.7 APPEALS AND GRIEVANCE PROCEDURE**

It is the intent and desire of the City to adjust complaints or grievances informally. Accordingly, employees will attempt to resolve problems informally with their immediate supervisor before proceeding with a formal grievance procedure.

If an informal discussion with the immediate supervisor does not resolve the complaint or grievance, then the employee may either proceed informally up the "chain of command" as set forth in Rule 15.6 or file a formal grievance under the following procedures. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City. Only regular classified employees below the level of Department Director are eligible to file grievances. Probationary employees are not considered classified employees until the completion of their probation, and therefore are ineligible to participate in this procedure.

## **General Provisions**

Employees shall have the right to be represented by any person or legal counsel at his/her expense. A grievant and a City employee who represents the grievant shall be granted a reasonable amount of time to process a grievance without loss of pay.

A reasonable number of witnesses with direct knowledge of the grievance may voluntarily testify on behalf of the grievant at a grievance hearing and suffer no loss in pay. The number of witnesses will be limited to four (4). Requests for appearance of witnesses shall be submitted in writing at the time of the filing of the grievance form at each step.

A grievance not submitted within the time limits prescribed for each step shall be considered untimely and null and void. A grievance not implemented or answered by management within the prescribed time limits shall entitle the employee to appeal their grievance to the next step in the procedure.

The specified time limits for grievance appeals and responses may be extended as necessary by management for reasons such as illnesses, vacations, emergencies or other unusual circumstances. If the time limits are extended, the grievant will be notified.

For the purpose of this grievance procedure, the working day shall be defined as the normal City office work hours, Monday – Friday.

## **Procedures**

- A. The aggrieved employee must submit a written grievance within five (5) regular working days from the event causing the grievance, to their department head. If the department head and employee cannot resolve the grievance, the department head shall promptly forward the grievance to the Personnel Director along with comments and recommendations.
- B. Upon receipt of the grievance, the Personnel Director will conduct an investigation and make a report to the City Manager. The City Manager shall consider and answer the grievance within five (5) regular working days. This time limit may be extended for good cause. If extended, the grievant will be notified in writing.
- C. Should the employee not be satisfied with the answer submitted by the City Manager, the employee may, within five (5) regular working days file a second appeal with the Personnel

Director. The Personnel Director will forward any items for reconsideration to the City Manager.

- D. The City Manager's answer to the second appeal shall be final.
- E. Employees selecting any grievance procedures under an applicable collective bargaining agreement are excluded from processing the same grievance under this system.

## **15.8 PROBLEM RESOLUTION**

While the formal written grievance procedure referred to above is to be used by an employee who wants to appeal a disciplinary action taken by management, a less formal alternative is available to resolve other employee problems, concerns, or to put forth suggestions.

The vast majority of employee problems or complaints involve misunderstandings that can be resolved informally through discussion between or among parties and the immediate supervisor. City management believes strongly that open and direct communication promotes mutual understanding and provides management with valuable information about working conditions and the quality of service that City employees give to the residents of Treasure Island. When an employee in **any** position or classification has a problem or complaint that is not the subject of a formal written grievance, or wants to make a suggestion, the employee should schedule a mutually agreeable time to discuss the matter with their immediate supervisor.

If an employee feels that their complaint, problem, or suggestion has not been answered satisfactorily, the employee has the right to discuss it with successively higher levels of supervision, up to the City Manager, if necessary. An employee may simply notify their supervisor that they want to discuss a problem, complaint, or suggestion with the next level of supervision. The supervisor will instruct the employee where and with whom to make the appointment. All levels of City management are available to listen to employee complaints, problems, or suggestions. It is City policy that such informal complaints, suggestions, or problems needing resolution move along the chain as quickly as possible.

Problems can arise within any organization. City of Treasure Island employees are encouraged to attempt to resolve any that may occur as quickly and simply as possible. No one exercising their right to the chain of command will be subjected to any form of retaliation by any City employee, supervisor, manager, or other official.

## SECTION SIXTEEN

### DRUG & ALCOHOL FREE WORKPLACE

In the interest of safety, health and performance of our workforce and our citizens the City of Treasure Island requires, as a condition of continued employment, that employees remain drug free. The policies and procedures contained in this section are for the purpose of achieving that goal.

This policy is implemented pursuant to the Drug Free Workplace Program under the Florida Workers' Compensation Act, FLs. Statute section 440.102 and attendant Rules Section 59A-24.001, et seq., F.A.C. This act provides that any employee who is injured in the course and scope of employment and test verified positive on a drug or alcohol test, may forfeit his/her eligibility for medical and indemnity benefits under the Florida Worker's Compensation Act, and may be terminated and denied unemployment benefits. Further, refusal to take a drug or alcohol test will also result in the employee forfeiting his/her eligibility for medical and indemnity benefits under the Florida Workers' Compensation Act, as well as possible termination of the employee and denial of unemployment benefits.

The City prohibits employees from bringing onto the City's premises or job sites; having possession of; being under the influence of; possessing in the employee's body, blood or urine, or using, consuming, transporting, selling or attempting to sell, giving away any illegal drugs (including prescription drugs illegally obtained or prescribed for the individual only), or alcohol, at any time. Employees found participating in any of the above activities are guilty of misconduct and shall be discharged.

#### **16.1 TYPES OF TESTING**

The City may and to the extent permitted by law, will use testing as one of the several means of enforcing its drug free workplace policy. Testing will be conducted in the manner and circumstances listed below, including reasonable suspicion testing which may be drawn from inferences or facts. All drug screens (with the exception of pre-employment and annual fitness for duty drug screens) will include alcohol testing. The list that follows is considered all inclusive:

- A. Pre-employment;
- B. Reasonable suspicion of substance abuse: Any employee reporting to work who demonstrates impaired conduct considered unsafe for the performance of his/her job duties or if an employee becomes similarly impaired on the job, will be observed and/or interviewed by a supervisor to determine the cause of the irregular behavior.

If the supervisor concludes that the irregular behavior is unsafe, the employee will not be allowed to continue working and shall be transported to a medical facility for drug testing. The employee will not be allowed to drive any vehicle.

Reasonable suspicion testing shall also be conducted when there is:

1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol; odor of alcohol on the breath.

2. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
3. A report of drug use, provided by a reliable and credible source; A report of alcohol use within a time period prior to reporting for duty that would cause one to reasonably expect that alcohol would be detected by intoxilyzer testing.
4. Evidence that an individual has tampered with a drug test during his employment;
5. Information that an employee has caused, contributed to, or been involved in an accident while at work;
6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.
7. Evidence that an employee has been arrested and charged with use, possession, or sale of illegal drugs or a controlled substance, whether on or off the job.

Supervisors will document their observations and conduct an employee interview. Final disposition of the incident will be documented with the signatures of the supervisors/department heads, and dated. A copy of the Confidential Supervisor's Incident Report will be provided for the employee with the employee's signature of receipt.

- C. Following on-the-job accidents resulting in personal injury or significant property damage; Note: employees may not use alcohol for eight (8) hours following an accident or until the post-accident alcohol test is conducted, whichever comes first.
- D. Fitness for duty medical examinations;
- E. Employees participating in a substance abuse rehabilitation program (subject to quarterly testing during and for a period of two years after completion of program);
- F. Random testing: The following employees are subject to random testing for substance abuse at any time during working hours:
  - Employees whose job requires them to operate any city vehicle or use their own vehicle for city business.
  - Employees whose job requires them to operate machinery or heavy equipment.
  - Employees in public safety occupations such as police officer, firefighter, or emergency medical personnel.

The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, such as a random number table of a computer-based random number generator that is matched with an identifying number. Under the selection process used, each employee shall have an equal chance of being tested each time selections are made. There is no limit to the number of times any employee may be tested.

The minimum annual percentage rate for random controlled substances testing shall be 50 percent of the average number of employees.

G. Any discharge of a firearm in the line of duty that is not training related.

## **16.2 ANALYSIS**

The testing performed will analyze a breath, urine or blood specimen for the presence of any of the following substances or a metabolite of the substance:

1. Alcohol - Ethyl alcohol as a beverage or as part of a medication;
2. Marijuana - Cannabinoids, THC;
3. Cocaine;
4. Methadone - Dolophine, Methadose;
5. Barbiturates - Nembutal, Tuinal, Seconal, etc;
6. Amphetamines - Desoxyn, Biphedamine, Dexedrine, etc;
7. Methaqualone - Quaaludes;
8. Opiates - Codeine, Percodan, Paregoric, Morphine, etc;
9. Propoxyphene - Darvon, Dolene, etc;
10. Phencyclidine - (PCP);
11. Benzodiazepines - Librium, Valium, Xanax, Serax, Halcyon, etc.

Testing may also include designer drugs or other abused substances as added by federal or Florida Statutes.

Levels of detection for a positive drug result for screening and confirmatory tests will be those established by the United States Department of Health and Human Services for the Federal Guidelines on Drug Testing.

Alcohol testing will be conducted using evidential breath-testing devices approved by the National Highway Transportation Safety Administration. Two breath tests are required to determine if an employee has a prohibited alcohol concentration. A screening test is conducted first. A confirmation test must be conducted if the screening test detects any alcohol. A confirmed result indicating a blood alcohol concentration of .02 or greater will be considered a positive test.

A list of the most common drugs or medications by brand name, common name, as well as chemical name, which may alter or affect a drug test, is available to all job applicants and employees at the time of testing.

A form will be provided for employees or job applicants to voluntarily and confidentially report to a Medical Review Officer, the use of prescription or non-prescription medications both before and after being tested. Providing this information shall not preclude the administration of the drug test, but shall be taken into account in interpreting any confirmed positive test result.

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 can adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner.

Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance should discuss whether or not this prescribed drug will affect their ability to conduct their job in a safe and efficient manner. It is the employee's responsibility to report if a doctor indicates their prescription could create a direct threat to the health or safety of the employee or others, or impairs their ability to perform the essential functions of his/her job. Should the restrictions be such that the City cannot accommodate, the City may temporarily reassign the employee or request the employee to take sick leave during the period of treatment. Detection of controlled substances will be presumed to be in violation of this policy unless the employee has advised the City of its medicinal use in advance.

The City respects the privacy of an employee's legal use of medication. The name of the medication you are taking need not be revealed to the City. Only the effects of such, and any accommodations that are needed, are required to be revealed. It will be up to the Medical Review Officer to determine if the medication interceded with a drug test or the unsafe performance of your job.

### **16.3 TEST RESULTS**

Specific confirmation testing will be performed for all positive test results. Employees testing positive for prescription drugs that are commonly abused must produce evidence from their attending physician to justify the treatment necessity for use of the drug(s).

Within five working days after receipt of a confirmed positive test result from the Medical Review Officer, the employer shall inform the employee or job applicant in writing of such confirmed positive test results, the consequences of such results, and the options to the employee or job applicant.

The employer is responsible for testing costs, except for test costs that are involved with an employee or job applicant who challenges the initial test results.

#### **Consequences of Positive Test or Test Refusal**

Refusal or failure to submit to testing, or a confirmed positive test result following an on the job accident or injury, shall disqualify an employee from workers' compensation benefits.

Confirmed positive test results shall eliminate applicants from employment consideration.

Failure to participate in random, reasonable suspicion, pre-employment, fitness for duty or other City designated drug or alcohol testing shall result in termination of employment.

Any employee with a confirmed positive test result shall be terminated from employment.

Refusal or failure to submit to testing following an on-the-job accident shall result in termination of employment.

In the event that an employee informs the employer in writing of employee's abuse of alcohol/drugs prior to reporting for duty and prior to being notified to report for testing, no disciplinary action shall be taken against the employee ; provided, the employee signs a rehabilitation agreement and enrolls in an approved rehabilitation/treatment program. Sick leave and/or vacation may be utilized for rehabilitation and treatment. If sick leave and vacation credits have been exhausted, the employee may request leave of absence, without pay. No employee will be granted more than one such rehabilitation opportunity.

Employees who are granted a leave of absence under this section must complete all EAP, medical and other rehabilitative requirements established by the City for them within a reasonable amount of time in order to be considered for return to work. The employee shall be given no service credit, pay (other than accrued sick and vacation) or accrue any benefits for the period of absence.

### **Challenging Test Results**

The employee or job applicant desiring to challenge a confirmed positive drug test result will be responsible for notifying the original testing laboratory of an alternate HRS licensed laboratory, for the purpose of transferring, under Chain of Custody, a portion of the employee or job applicant's specimen for re-testing. The employee may have a portion of their original specimen re-tested during a period of 180 days following written notice of a positive test result. When an employee challenges the result of a confirmed positive test it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

Concerning denials of workers' compensation benefits due to a positive test result, an employee may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. Other challenges of a confirmed positive test result, not involving work place injuries, must be filed in a court of competent jurisdiction.

Employees or job applicants may consult with the Medical Review Officer for technical information regarding prescription or non-prescription medications that may affect test results.

Job applicants or employees whose drug test results are confirmed positive shall not, by virtue of the result alone, be defined as having a "handicap."

### **16.4 CONFIDENTIALITY**

All drug test information, reasonable suspicion reports, or other related information concerning an individual will remain confidential and will not be disclosed except for conditions described in Florida Statutes. Release of such information under any circumstances other than those described in Florida Statutes, will be solely pursuant to a written consent, voluntarily signed by the person tested.

### **16.5 EMPLOYEE ASSISTANCE**

Employee assistance with substance abuse and other personal problems is available 24 hours a day through the City's Employee Assistance Program (EAP). Additional information about the City's EAP Program can be obtained by contacting the Personnel Department.

If you or a family member has a substance abuse problem, you are encouraged to call and get confidential help now.

Waiting until you test positive at work is too late!

## **SECTION SEVENTEEN**

### **PROHIBITION OF HARASSMENT**

#### **17.1 POLICY**

The City is committed to maintaining a work environment free of unlawful discrimination and harassment. The City will not tolerate discrimination or harassment of its employees by any supervisor, coworker, resident, vendor, client or any other person.

In accordance with applicable law, the City to Treasure Island prohibits all forms of harassment which includes any unwelcome conduct, whether verbal, physical, or visual, that is based on a person's sex, race, color, national origin, religion, age, creed, ancestry, disability, marital status, or any other basis protected by federal, state or local law. Such conduct is unlawful and prohibited whenever it affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

All personnel are responsible for maintaining a work place that is free of complaints of harassment and intimidation. The City is committed to promptly and thoroughly investigating all complaints of harassment. If after a thorough investigation it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including discharge, will be taken to end the harassment.

Supervisors, to the best of their ability, are to take immediate action to stop and report situations which might be interpreted to be harassment or discrimination.

The Personnel Director has overall responsibility to see that our employment practices and working environment are free from unlawful discrimination and harassment. Any discrepancy between the written and practiced policy shall be reported to the Personnel Director.

#### **17.2 COMPLAINTS**

While the City encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the City also recognizes that such a confrontation may be uncomfortable or even impossible. In the event that such informal, direct communication between individuals cannot be accomplished, or is ineffective, the following steps should be taken to file a formal harassment complaint.

Complaints about harassment or discrimination based upon legally protected characteristics such as race, age, religion, color, national origin, sex, marital status, creed, physical disability, or any other basis protected by federal, state or local law, should be immediately reported to any supervisor, or directly with the Personnel Department or the City Manager.

An employee reporting possible harassment or discrimination can bypass any supervisor who is thought to be involved in the unwelcome behavior. The initial report need not be in writing and can be made to whomever in supervision or management the employee feels most comfortable talking to about the unwelcome behavior. However, verbal reports of harassment must be reduced to writing by either the complainant or the supervisor, and signed by the complainant.

A thorough and impartial investigation will be conducted by either the Personnel Director or, when appropriate, a qualified investigator from outside of our organization. Once the investigation is completed, the findings will be communicated to the complaining employee and a report will be made to the City Manager recommending appropriate action. Confidentiality will be maintained throughout the investigatory process to the extent practical, appropriate and legal under the circumstances.

Employees shall be given a fair and impartial determination. If, after a thorough investigation, it is determined that harassment has occurred, immediate and appropriate disciplinary action, up to and including termination will be taken to end the harassment. The City takes discrimination and sexual harassment complaints seriously and there will be no retaliation against an employee for making such a complaint, or for participating in the investigation. Retaliation in any form would be considered harassment and would subject the offender to disciplinary action up to and including discharge. If, however, after a thorough investigation is complete, it is determined that an intentional false charge was filed by an employee, about another, immediate and appropriate disciplinary action, up to and including termination will be taken.

### **17.3 REPORTS**

Any employee with knowledge of discrimination or harassment has the duty to report it to either their supervisor, Department Head, or to the Personnel Director or City Manager, failure to do so may result in disciplinary action.

### **17.4 TRAINING**

New employees will be given a copy of the City's Harassment policy and asked to sign a confirmation form indicating that they have received and reviewed the policy. In addition, all employees will receive on an annual basis, a training session on harassment. To evidence the employee's attendance, a log of those attending the class will be maintained, and a certificate of completion will be placed in their file to evidence completion of training.

## **SECTION EIGHTEEN**

### **MISCELLANEOUS POLICIES AND EMPLOYMENT CONDITIONS**

#### **18.1 CRIMINAL CHARGES**

Employees must inform their department director within one business day of any criminal arrest or charge, including violation of probation. Failure to do so will result in disciplinary action.

#### **18.2 RECORDS**

The Personnel Department shall establish and maintain comprehensive personnel records of all employees. Files maintained by the Personnel Department are the official personnel records for all employees. All personnel records shall be considered property of the City and confidential to the extent permitted by law. All personnel records and reports shall be maintained in accordance with the Florida Public Records Act.

Employees may inspect their personnel records during normal office hours.

Employees should be aware of the importance of keeping their records current. This means immediately notifying Personnel of any changes; such as, change of address, telephone number, beneficiary, dependents, divorce, marriage, etc. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.

The time limit that any personnel records shall be kept on file and the final disposition of such will be consistent with applicable law.

#### **18.3 SMOKING**

Smoking is prohibited within City buildings, facilities, or vehicles.

#### **18.4 DUI AND MOVING VIOLATIONS**

Employees in a position which requires the operation of a motor vehicle must possess and maintain a valid Florida motor vehicle operator's license appropriate for the type of vehicle or equipment being operated. The loss of such license and driving privilege shall subject an employee to the possibility of termination.

All employees are required to immediately report loss of driving privileges to their supervisor.

An employee charged with a DUI offense shall be suspended from their driving position pending resolution of the charge or charges. The suspension shall be without pay, unless the City Manager elects to transfer the employee to a vacant non-driving position. Upon acquittal, the employee shall be restored to their driving position with back pay less any interim earnings. Acquittal is defined as "not guilty" or if the charges are dropped. Employees who refuse breath, blood or urine testing in violation of F.S.S regarding Implied Consent shall be considered as convicted.

The official Florida State driving records of all employees under FS Chapter 322 shall be reviewed periodically. If, upon such review, an employee's record reveals seven or more points under FS 322.27, within the last three years, as a result of moving violations, the employee shall be removed from their driving position. Employees are obligated to inform the City of seven or more points against their license within three business days of the most recent conviction. Failure to do so may result in disciplinary action.

### **18.5 ACCIDENT PREVENTION AND SAFETY**

All employees must accept responsibility in order to have a successful safety program. The development of safe work conditions, practices, habits, and safety conscious thinking are the principal objectives of this program. Accidents and injuries can be avoided by the conscious efforts of ALL employees.

All employees are required to immediately report to their supervisor all injuries that occur on the job. Employees not following safety rules, including not reporting accidents within an acceptable time frame will be subject to disciplinary action.

The City will provide proper and necessary safety equipment and devices when necessary, and such shall be used.

### **18.6 WORKPLACE VIOLENCE**

The City of Treasure Island will not tolerate violence, threats of violence, harassment, intimidation, coercing, provoking/involvement in a fight, the use of abusive language and other disruptive behavior by or directed toward employees, supervisors, or any other person at any time on City of Treasure Island property.

Possession, threat of use, or use of any deadly weapon is strictly prohibited for City of Treasure Island employees while on duty, on City property or in a City-owned vehicle. This includes but is not limited to, firearms, ammunition, explosive devices, illegal knife or other weapons. The exceptions are those employees authorized by the City of Treasure Island to carry weapons may do so in accordance with Department guidelines.

Any occurrence of the above mentioned behavior, real or implied, must be reported to the appropriate supervisor or Department Director. Any employee reporting such incidents, in good faith, will be assured that no retaliation or harassment will result from the reporting of such behavior. False reports of such behavior will subject the reporting employee to disciplinary action up to and including dismissal.

Employees instigating and/or engaging and/or witnessing and not reporting violence, threats of violence, harassment, intimidation, coercing, provoking/involvement in a fight, the use of abusive language and/or other disruptive behavior towards employees, supervisor or any other person will be subject to disciplinary action up to and including dismissal, and possible criminal charges.