

# CITY OF ST. PETE BEACH



## PERSONNEL RULES AND REGULATIONS

Effective August 19, 2013



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## WELCOME TO THE CITY OF ST. PETE BEACH

The City of St. Pete Beach, Florida welcomes you as a member of its municipal staff. As a City employee, you are an important part of a group of select individuals dedicated to providing the most efficient, professional and courteous service possible for our City's customers - its citizens, property owners and visitors. We hope your association with us will be a happy and successful one. While our resources are directed toward serving our community, we are vitally concerned about your well-being, as an employee. An organization is defined by its values -- the principles or standards that the organization considers to be important. Recognizing that the public is our ultimate customer, the employees of St. Pete Beach exist to serve our citizenry including the City Commissioners, the press, and fellow employees. The employees of St. Pete Beach are the organization's most valuable resource in terms of service to the public, and therefore the City places high priority on the well being of its employees. It is through your efforts, combined with those of other employees, that the most efficient, effective and professional services can be provided. Every effort will be made to assist you in adjusting to your job and in finding satisfaction in your work.

These Personnel Rules and Regulations have been developed to establish a consistent and equitable basis for administering matters affecting the working environment in which the City's staff functions. The policies contained in this manual are administered by the City Manager. Any questions you may have regarding this manual can be answered by your immediate Supervisor or the Human Resources Administrator. These policies are not to be construed as a contract of employment for any definite period of time between you and the City or to vest entitlement in you to any of the benefits contained herein. For those of our employees represented by a union, to the extent the collective bargaining agreement conflicts with these policies or the benefits provided in these policies, the collective bargaining agreement will prevail. In all other cases the adopted rules and regulations shall apply. The Personnel Rules and Regulations contained herein supersede and replace any previous versions and any prior Employee Handbook, memoranda or materials provided regarding the subjects herein. Inasmuch as the rules and regulations contained herein are guides only, the City, subject to applicable law, reserves the right to amend, terminate, or modify any of the policies, practices and procedures contained herein. Employees will be advised of changes, deletions or additions.

We hope these Personnel Rules and Regulations answer most of your questions regarding the City's personnel/human resource practices. Should you have questions regarding any of the City's rules and regulations contained herein, or if you have suggestions for improvement to these Personnel Rules and Regulations, please feel free to forward your comments to the Human Resources Administrator, or me.

Both the City Commission and other staff personnel are pleased to have you as a member of the City's team and join with me in the hope that you will enjoy both your work and the new friends you may make while associated with our City.

Michael Bonfield  
City Manager

## SECTION 1\*

### GENERAL PROVISIONS

#### 1.01 PURPOSE

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

#### 1.02 POSITIONS COVERED

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

1. Elected officials.
2. Persons hired as independent contractors on a contractual, fee, or retainer basis (e.g. City Attorney)
3. Temporary, probationary or seasonal employees.
4. Persons employed under the provisions of government programs or grants unless they are classified as regular full-time employees by the City.

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

B. Employees employed as the City Manager's Executive Assistant, Department Directors and the Human Resources Administrator are classified "at will" and:

1. Shall be supervised and evaluated by the City Manager or his designee, and shall serve in their capacity - and as City employees at his will and pleasure.
2. Shall not have access to Sections 12 or 13, but shall present their grievances directly to the City Manager who shall resolve same as he deems in the best interest of City operations.

C. Except as provided in subparagraph (B) above, employees in positions in pay grades 122-128 serve in their position at the will and pleasure of the

City Manager but may be terminated from City employment as provided in Sections 11.05 of these PRR.

- D. The City Clerk shall serve at the will and pleasure of the City Commission.

### 1.03 ADMINISTRATION

- A. General Administration: The City Manager or Human Resources Administrator shall be responsible for the City's personnel administration.
- B. Directors are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. These duties may be delegated by the Director, but the ultimate responsibility shall remain with the Director.

### 1.04 OVERALL EMPLOYMENT POLICY

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.
- B. Persons with known legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.
- C. The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

### 1.05 COLLECTIVE BARGAINING AGREEMENT (CBA)

Where these Rules or departmental rules and regulations are in conflict with the express terms of any CBA, the terms of the CBA shall take precedence.

### 1.06 AMENDMENTS

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

#### 1.07 DEPARTMENT POLICIES

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

#### 1.08 MEMOS, POLICIES AND REGULATIONS

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

## SECTION 2\*

### DEFINITION OF TERMS

For the purposes of the Personnel Rules and Regulations, the following terms and related definitions shall apply and shall be interpreted and applied by the City, or its designee.

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

**ADA** - Americans with Disabilities Act

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

**At-Will Employee** – Employees who serve at the pleasure of the City, or its designee, may be removed from their position and disciplined up to and including termination for any or no reason subject only to applicable law. Refer to Sections 1.02 B, 1.02 C and 4.03 for a listing of at-will positions.

**CBA** – A collective bargaining agreement.

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

**City** – City Commission of the City of St. Pete Beach or an employee authorized to act on behalf of the City with respect to a particular matter.

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

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

**Classification Plans** – Commission approved pay structures.

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

Collective Bargaining Agreement (also referred to as "CBA") - An agreement between an employee organization and the Commission negotiated and ratified as required by the Public Employees Relations Act.

Commission - The City Commission of the City of St. Pete Beach.

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

Confidential Employee - An employee who assists a managerial employee in a confidential manner relating to labor relations and is exempt from coverage of the Public Employee Relations Act.

Demotion - Permanent reassignment of an employee to a lower level job classification for disciplinary reasons. Disciplinary demotions are covered under Section 8.08 and Section 11. Non-disciplinary demotions are made at will by the City Manager for operational reasons.

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

Department Director – A Director who is assigned the overall responsibility for the operation of a recognized department or area of City operation.

Dismissal or Termination - Involuntary separation from City employment.

DOL – Department of Labor.

Domestic Partner - Domestic Partner shall mean a person who is neither married to nor related by blood or marriage to the employee; is the employee's sole spousal equivalent; lives together with the employee in the same residence and the employee and Domestic Partner intend to do so indefinitely; is responsible with the employee for each other's welfare. The employee may not be married to another person at the time of declaration of domestic partnership; or have declared a domestic partnership within the prior twelve (12) months. In order to declare domestic partnership, the employee must execute a Declaration of Domestic Partnership.

DOT – Department of Transportation.

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

Employee -

- A. Regular full-time employee is any employee who is non-probationary and assigned a regular schedule of a minimum of forty (40) hours a week or the regular Section 7(K) schedule (Fire), whichever applies,

- B. Regular Part-time employee is any employee who is assigned a regular schedule of less than forty (40) hours per week.
- C. A probationary employee is any full-time employee who has not completed the initial probationary period.
- D. Part-timeTemporary is any employee hired for a fixed period of time.

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

FCRA - The Florida Civil Rights Act.

FLSA - The Fair Labor Standards Act.

FMLA - Family Medical Leave Act.

Flexible Scheduling – A method of scheduling typically used for adjusting an hourly employee's work hours (start and stop times) within an eight (8) hour workday or forty (40) hour workweek.

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

Immediate Family - Includes spouse, domestic partner, children, parent, brother, sister, In-laws (father, mother, brother, sister, son or daughter only), any relative living in the same household, stepparent, stepchild, step brother or sister, grandmother, grandfather and grandchild, legal guardian, provided such definition shall not apply to FMLA leave under Section 18.

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

Managerial/Confidential Employee - An employee who performs jobs that are not routine and clerical in nature, and which require the exercise of independent judgment and is exempt from coverage of the Public Employee Relations Act.

MAPS Classification Plan – (Managerial, Administrative, Professional, Supervisory) pay-for-performance pay plan based on established goals.

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

Merit Pay Increase - An increase in compensation established in the Classification Plan which may be granted to an employee based on merit.

Nonexempt Employees – Employees that are entitled to overtime pay according to the Fair Labor Standards Act (FLSA).

Paid Time Off (PTO) – PTO is an all-inclusive flexible time off policy which takes the place of traditional individual vacation, sick, and injury leave programs.

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

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

Permanent Transfer - The reassignment of an employee from one position to another as provided in Section 7.02.

Probationary Period - The first 365 days of continuous employment as a regular full or part-time employee upon hiring or promotion; provided where a formal training period, certification or license is required for a job, the probationary period shall continue until the certification or license is obtained. After successful completion of the probationary period, the employee will be classified as a regular employee.

Promotion - Subject to completion of the promotional probationary period of 365 days, regular assignment of an employee to a higher-level job classification.

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

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

Reinstatement - An action returning a person to City employment.

Resignation - Act of voluntarily withdrawing from City employment.

Section 7(K) - Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Fire Department to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period.

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

Status Date – The day an employee was hired, permanently transferred, promoted or demoted to his current position. Also changing from Part-time to Full-time, from temporary to regular employment or vice versa.

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

Work Week or Work Period - The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and is authorized by the City.

## SECTION 3\*

### STANDARDS OF CONDUCT

#### 3.01 POLICY

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

#### 3.02 CONFLICT OF INTEREST

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

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

### 3.03 POLITICAL ACTIVITY

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

- B. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of St. Pete Beach so long as the position in no way interferes with their work as a City employee.
- E. Subject to applicable law the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.
- F. No City employee shall solicit any contribution for the campaign fund of any candidate for City office or take part in the political campaign of any candidate for City office while on duty.
- G. No City employee shall solicit, orally or by letter, or be in any other manner involved in obtaining any assessments, contributions or services for any political candidate or party from any employee while on duty.

#### 3.04 EMPLOYMENT OF RELATIVES

- A. The term relative includes the following relationships: immediate family as defined in "Definition of Terms" and uncle, aunt, first cousin, nephew, niece. Under no circumstance shall an employee have supervisory authority (direct/or indirect) over a relative or be employed in a position that creates or there is a likelihood may create a conflict of interest. In some areas or departments the City Manager may determine if it is in the best interest of the City to insure discipline and operational harmony that relatives not be hired or employed.
- B. Current employees who marry or otherwise acquire the relationship of relative with another employee during the term of employment shall notify the City Manager/Human Resources Administrator. In the event it is determined the relationship is inconsistent with subparagraph a, the City Manager/Human Resources Administrator shall make an effort to reassign one (1) of the employees so as not to have a conflict with this policy. The decision by which an employee is reassigned should be based on the qualifications of the employee and the availability of suitable positions within another department. If reassignment is not acceptable or available for resolving the conflict, one (1) of the employees shall be separated from employment. If the employees/relatives involved cannot agree as to which person is to terminate their employment, the decision shall be made at the discretion of the City Manager based on the needs of the City.

Employees/relatives who would be disqualified from employment as a result of this directive, but were employed under such status as of the effective date of this section, are grandfathered in for their status as of that date and will not be required to terminate their employment, although such

employees may be subject to transfer to minimize any potential for conflict. Further, such employees will not be eligible for promotions or transfers if such would result in the creation of a conflicting situation as described in this policy. Employees/relatives who were employed by the City prior to the effective date of this rule and who would otherwise thus be entitled to continue their employment with the City, but who terminate employment after the effective date of this policy, shall be subject to this rule with regard to any future employment or reemployment.

No employee who has the ability to appoint, employ, promote, affect compensation, advance employees or to recommend such action shall do so with regard to a relative.

### 3.05 OUTSIDE EMPLOYMENT

- A. Employees will not engage in outside employment which may in any way hinder the proper performance of their public duties or impair the efficiency of City employees as determined by the Employer.
- B. No employee shall engage in outside employment with, or render services for, any person or business transacting business with any agency or department of the Employer without approval of the Department Director and the City Manager.
- C. Employees who engage in secondary employment shall do so only with approval of the Department Director and the understanding and acceptance that their primary duty and obligation and responsibility are to the Employer. Employees who engage in secondary employment will provide a source of telephone communications with the place of off-duty employment, and such information shall be current at all times.
- D. All employees are subject to call at any time for emergencies for overtime duty, and no secondary employment may interfere with this obligation. Employees may be subject to disciplinary action under this section if they fail to report for emergency or overtime duty after being ordered to do so.
- E. The City may require proof of workers' compensation coverage by the outside employer. An employee shall not drive any City owned vehicle to his outside employment, nor take any City owned equipment to said employment.
- F. Employee may not work at outside employment while on a leave of absence from the City, except with the authorization of the City Manager.
- G. Employees who are injured while working another job or jobs are required to notify their Director, or his designee, immediately.

### 3.06 RELEASE OF INFORMATION

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

### 3.07 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which management determines interfere with the efficient operation of the City.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances which management determines interfere with the efficient operations of the City.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

### 3.08 EMPLOYEES' PERSONAL LIFE AND DEBTS

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

### 3.09 USE OF CITY PROPERTY

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

### 3.10 UNIFORMS, DRESS AND APPEARANCE

- A. Employees supplied uniforms by the City, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the Department Director. Failure to comply may result in the employee being suspended for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- B. Employees are expected to observe normal and reasonable standards of personal hygiene and to present a professional appearance at all times. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to further discipline.
- C. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.
- D. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear. A request to replace a uniform shall be submitted to the Director along with the damaged uniform.
- E. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence and to return same upon cessation of employment.
- F. The City will withhold from the employee's pay reimbursement under E above up to the maximum allowed by applicable law.
- G. City issued uniforms may not be worn at times other than during the performance of City duties and during the normal trip to and from the employee's place of residency.
- H. The employee shall be responsible for all laundering and minor repairs.

I. Safety shoes, mandated by the employer to be worn on duty, shall be furnished without cost to the employee once a year, unless the Department Director determines in a particular case an employee's work responsibilities require an additional pair or pairs. Upon approval of the Employer, an employee shall be reimbursed for the purchase of safety shoes which meet or exceed the minimum quality standards provided the reimbursement does not exceed either the actual cost of the safety shoes or the actual cost of the standard, whichever is less. The Employer shall establish and post the standard for view by all employees at the start of each year.

J. UNIFORMS PROVIDED BY THE CITY

1. Building Services: SS Shirts, Polo Shirts, Pants/Shorts, and Jacket (excluding office personnel).

2. Fire: SS/LS Shirts, Polo Shirts, Pants/Shorts, T-Shirts, Jacket, and Steel-toed Shoes (excluding office personnel).

3. Parking: SS/LS Shirts, Polo Shirts, Pants/Shorts, Jacket.

4. Pool: Bathing Suits, Sweat Shirts.

5. Public Services: SS Shirts, T-Shirts (long/short), Pants, Shorts, Steel-toes Shoes and Jacket (excluding office personnel).

6. Recreation: T-Shirts, Polo Shirts, Jackets (for full time).

3.11 GENERAL PROHIBITIONS

A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner, which will in no way discredit the City, public officials, fellow employees or themselves.

B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.

C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be

used only in the performance of the official duties of the position to which they are related.

## SECTION 4\*

### TYPES AND TERMS OF EMPLOYMENT

#### 4.01 BASIS OF EMPLOYMENT

Employees are employed by the City as either probationary full-time, regular full-time, part-time, seasonal or temporary employees. (See Section 2).

#### 4.02 PARTICIPATION IN BENEFITS

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

#### 4.03 EMPLOYMENT TERMS

- A. Regular full-time employees who are not Directors or at-will shall continue as employees unless they are terminated, laid off, retire, or otherwise leave City employment as provided in these Rules.
- B. Full-time employees who have not successfully completed their initial probationary period as defined in Section 2 and all other employees of the City, including those covered by Subsection 1.02(B), serve at the will and pleasure of the City and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these Rules or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning their wages, hours, and working conditions shall be made by the City, or its designee.

#### 4.04 REGULAR FULL-TIME AT-WILL EMPLOYEES – SPECIAL CONDITIONS

- A. Because regular full-time employees covered by Section 1.02(B) serve at the will and pleasure of the City Manager and have no property right in employment or their position, they shall be entitled to receive severance pay excluding statutory deductions if terminated by the City Manager.
- B. Employees who have served in a position covered by Section 1.02(B) for more than three hundred sixty-five (365) consecutive days whose employment with the City is terminated will, subject to Subsections 4.04(C) and (D), be paid severance pay of one (1) week's pay for each year of continuous employment with the City but not less than eight (8) weeks nor more than twenty-six (26) weeks.
- C. To receive severance, the employee must execute a release satisfactory

to the City.

- D. Severance under this subsection will not be paid to an employee terminated because of dishonesty in connection with City business, for violation of the City drug-free workplace and alcohol policy, sexual and other illegal or improper misconduct and harassment policy, failure to fully or truthfully cooperate in an investigation conducted by or at the direction of the City, or failure to be acquitted if charged with a felony connected with City business.

#### 4.05 PROBATIONARY EMPLOYEES

- A. Subject to 4.03(b), all regular full-time employees shall serve an initial probationary period of three hundred sixty-five (365) continuous calendar days. Said probationary period may be extended by their Director for up to an additional ninety (90) days with the approval of the City Manager.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period as set forth in paragraph A above shall continue until the program, certification, or licensing is successfully completed.

#### 4.06 PROMOTIONAL PROBATION

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of three hundred sixty-five (365) calendar days except where a license or certification is a prerequisite to holding the job, in which event the probationary period will continue until the license or certification is successfully obtained. During the promotional probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the Director.
- B. In the event a promotional appointee is found to be unable or unwilling to perform the duties of the position to which the employee was promoted, the employee shall be returned to the position and status held immediately before the promotion, if the position is vacant; or the employee may be transferred to a vacancy within the same pay range subject to the approval of the City Manager. If there are no vacancies, the employee will be dismissed but may be considered for any future vacancies for which the employee is qualified.
- C. Extension of probation. Employees out on leave, while on probation will have the probationary period extended, on a day-by-day basis equal to the amount of leave time taken. Employees shall not be removed from initial or promotional probation without the express, written approval by the Department Director and City Manager.

- D. Accruals. Employees are entitled to accrue PTO during their probationary period. During probation employees may use PTO as it accrues.

#### 4.07 LOYALTY OATH

As a recipient of public funds, and to the extent allowed by law, employees are required to sign a loyalty oath(s) as a condition of employment.

## SECTION 5\*

### HIRING PROCEDURES

#### 5.01 VACANCIES

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

#### 5.02 BASIS FOR SELECTION

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

#### 5.03 TESTING

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

#### 5.04 DRUG TESTING

Subject to applicable law, the City may require submission to and successful passing of testing for the use of illegal controlled substances as a condition of employment or continued employment with the City.

#### 5.05 DISABILITY AND MEDICAL EXAMINATIONS

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered employment.
- B. If with the prior approval of the City Manager, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon successfully passing a medical examination.

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

5.06 PAY RATES FOR NEW EMPLOYEES

In an effort to successfully recruit the most qualified candidates for employment, the City of St. Pete Beach may recognize past years of comparable service in determining starting pay for new hires as follows:

Less than two (2) years applicable experience	Step B or base
Two (2) to three (3) years applicable experience	Step B or 5% above base
Four (4) to seven (7) years applicable experience	Step C or 10% above base
Eight (8) + years applicable experience	Step D or 15% above base

This should not be viewed as a guaranteed starting pay and should only be recommended when it is necessary to hire the desired employee.

All credited service must be approved by the City Manager prior to making any offers of employment.

Wages are set forth in collective bargaining agreements except for Management, Administrative, Professional, Supervisory (MAPS) employees. The wage rates for MAPS employees are reviewed and subject to modification upon recommendation of the City Manager and approved by the City Commission. Wage rates for employees covered by a collective bargaining agreement are reviewed and modified consistent with the agreements and Florida law.

## SECTION 6\*

### TYPES OF SEPARATIONS

#### 6.01 TYPES OF SEPARATIONS

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

- A. Deceased
- B. Disabled
- C. Dismissed
- D. Laid off
- E. Probationary termination
- F. Resigned
- G. Retired
- H. End of temporary hire

#### 6.02 RESIGNATION

An employee wishing to leave the City in good standing shall file with his Director a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two (2) weeks prior to the date of separation and the employee must work each regularly scheduled day during said two (2) week period to maintain good standing status. Employees who give such notice may be considered for reemployment with specific approval of the City Manager. A Director, with City Manager approval, may exempt an employee who has given less than the required notice if, in the Director's judgment, exceptional circumstances warrant such an exemption. If proper notice is not given to the Director at least two (2) weeks prior to the date of separation employee is subject to forfeiture of any accrued sick leave or PTO balances.

#### 6.03 RETIREMENT

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

#### 6.04 DEATH

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

#### 6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accordance with Section 9.

#### 6.06 DISABILITY

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

#### 6.07 DISMISSAL OR DISCHARGE

- A. Temporary, part-time, seasonal and probationary employees are subject to dismissal from City employment pursuant to Section 4.03(B).
- B. Except as provided in Section 1.02(B), (C) and (D), regular full-time employees are subject to dismissal from City employment pursuant to Section 11.

#### 6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.
- B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck.
- C. All deductions under paragraphs A and B above shall be subject to the applicable State and Federal law.

## SECTION 7

### TRANSFERS AND WORK OUT OF CLASSIFICATION

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

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

#### 7.02 PERMANENT TRANSFERS

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
  - 1. At the employee's request, if in the opinion of the City Manager, it is in the City's best interest. An employee requesting a transfer shall submit a written request to the Department Director. Consideration for such action will depend on vacancy availability and other conditions which are deemed necessary as determined by the Department Director, and as approved by the City Manager.
  - 2. By the City Manager for operational or efficiency reasons.
  - 3. In all cases involving more than one (1) department, both Directors must agree to the transfer, unless in a particular case, the City Manager decides otherwise.
- B. When an employee is permanently transferred:
  - 1. If to a position in the same pay grade, his rate of pay will remain the same and his anniversary date will not change.
  - 2. For employees not covered by a step pay plan:

- a. If to a position in a higher pay grade, his rate of pay will be the minimum rate in the new pay grade or a 5% increase whichever is higher.
- b. If to a position in a lower pay grade, his rate will be adjusted back to the rate closest to, but not less than, the rate in the job from which he was transferred or to the maximum rate of the new pay grade, whichever is less.
- c. In the event an employee laterally transfers from a union to a non-union position, there will be no change in the performance review date.

### 7.03 RECLASSIFICATION

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

- A. Purpose – The most common type is the reclassification of an entire class of jobs. Reclassification can also take place when the work performed on a particular job changes substantially over a period of time, due to new technology or a change in the department's focus, by design or evolution.
- B. Request for Reclassification – Reclassification can be initiated through independent, outside review conducted by or at the direction of the City or at the request of the individual or the supervisor, if accompanied by written supporting documentation. This documentation should be sufficient to support a reclassification, e.g., actual job duties and tasks.
- C. Approval – Implementation of a requested reclassification of an individual or individuals to another job title within the existing Classification Plan requires authorization of the City Manager. If the reclassification is for an entire class of jobs, it requires an amendment to the pay approved by the City Commission.
- D. Effect on Pay – When a reclassification occurs, the employee is placed in the new grade.

## SECTION 8

### PROMOTIONS/DEMOTIONS

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

Except when determined operationally necessary and efficient by the City Manager, all vacancies within the City will be posted for a minimum of ten (10) working days. Posted vacancies may also be advertised outside the City when deemed necessary by the City Manager. The posting will advise whether the job will be advertised or be initially restricted to employee applicants. The Human Resources Office maintains the procedure used for posting positions.

#### 8.02 APPLICATION

Employees who wish to be considered for the vacancy must apply by completing a new application and turning it into the Human Resources Office during the posting period.

#### 8.03 POOL OF QUALIFIED APPLICANTS

The Director of the Department in which the vacancy exists, in conjunction with Human Resources, will determine which of the employees, if any, who bid the job and outside applicants, when applicable, meet the minimum qualifications for the job.

#### 8.04 INTERVIEW

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

#### 8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS

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

#### 8.06 BASIS OF SELECTION

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

1. The Skills, knowledge and abilities to perform the job.

2. The employee's past work related experience with the City and elsewhere.
3. The employee's past performance record with the City.

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

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

#### 8.07 WAGE RATE

- A. No employee shall be eligible for promotion to any higher grade unless the employee has completed an initial probationary period.
- B. Promoted employees shall be paid the same as if it were a transfer to a higher paid position, as provided in Section 7.02(B)2. The effective date of salary change will coincide with the effective date of promotion.

#### 8.08 DEMOTION

An employee may be demoted to a lower position for any of the following reasons: an employee's position is being abolished; an employee's position is being reclassified due to a lack of work; lack of funds; being removed during probation; an employee voluntarily requests a demotion; or for disciplinary reasons.

- A. An employee who is demoted to a position in a lower pay grade shall receive a decrease in pay. The new pay shall be the top of the range in the lower pay grade or a 5% decrease in current salary whichever results in the lower rate of pay.
- B. A demoted employee will be required to serve a new probationary period. Demoted employees may be eligible for consideration for a merit pay increase one (1) year after the effective date of such demotion, provided the employee is not at the top of the pay grade.
- C. All demotions must be at the direction of the Department Director concerned, reviewed by the Human Resources Administrator for compliance with all related PRR and approved by the City Manager.

## SECTION 9

### SENIORITY LAYOFF AND RECALL

#### 9.01 ACCRUAL

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

#### 9.02 LOSS OF SENIORITY

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

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

#### 9.03 LAYOFF SELECTION

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

- A. Ability to perform all skills, knowledge and abilities of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three (3) years or the most recent evaluations available.
- D. Departmental classification seniority.

When, in the opinion of the Director, factors A, B and C are relatively equal among employees, factor D shall prevail.

#### 9.04 PERMANENT LAYOFFS

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

- A. Full-time employees who have completed their initial probationary period and who are scheduled to be laid off for lack of work, funds or other reasons where there is no fault on the part of the employee shall be eligible to receive severance pay as follows:
  - 1. One (1) week of pay at their straight time hourly rate or salary, whichever applies, less statutory deductions, for each full year of service as an employee of St. Pete Beach, capped at twelve (12) weeks.
  - 2. The employee's last annual performance evaluation must be satisfactory or better and the employee must be on active duty not on leave of absence or suspension without pay.
  - 3. If the employee is covered by a Collective Bargaining Agreement or policy that allows the employee selected for layoff to bump into another job, the employee must have unsuccessfully sought to bump, unless there is no job to which the employee may bump under the applicable Collective Bargaining Agreement or policy.
  - 4. The employee must execute a release of all claims, including the right to file a grievance under any applicable CBA, the City PRR, as well as any and all judicial and/or administrative claims. If an employee is in a collective bargaining unit, the collective bargaining agent must approve the employee's release of his/her right to file a grievance under the applicable collective bargaining agreement and the City PRR.
  - 5. Employees covered by Section 1.02(B) are not entitled to severance pay under this Section, but as provided in Section 1.02(C).
  
- B. Eligible employees not covered by Section 1.02(B) or (C) who have recall rights under this PRR or any CBA, may elect to retain recall rights in lieu of severance pay as provided in Section 9.04(A) above.

#### 9.05 RECALL

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

#### 9.06 DECISIONS FINAL

Decisions made pursuant to this Section shall be final and shall not be subject to the grievance procedure in Sections 12 or 13.

## SECTION 10\*

### ATTENDANCE/TARDINESS

#### 10.01 PRESENT AND ON TIME

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

#### 10.02 CALL-IN

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

#### 10.03 VERIFICATION

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

#### 10.04 CONTINUING ABSENCE

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

#### 10.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate Supervisor; however, in the event the immediate Supervisor is not available, the employee must speak with the Director, or his designee. If no one is available to speak with the employee, the employee must leave a contact number where they can be reached.

## SECTION 11

### DISCIPLINARY ACTION

#### 11.01 GENERAL STATEMENT

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

#### 11.02 FORMS OF DISCIPLINE

- A. The City recognizes the following types of discipline:
  - 1. Verbal reprimands.
  - 2. Written reprimands.
  - 3. Suspension without pay.
  - 4. Demotion.
  - 5. Combination of the above.
  - 6. Termination of employment.
- B. A Director may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.
- C. The Director, or his designee, will consult with Human Resources in deciding appropriate disciplinary action greater than a written reprimand. However, the Director may place the employee on administrative leave with pay to the next regular work day of the City (Monday through Friday) if the Director deems it is operationally necessary. The Director shall then immediately consult with Human Resources, to determine whether temporary suspension without pay or additional administrative leave is appropriate pending completion of an investigation and a final decision as to the appropriate disciplinary action, if any.

The City Manager will determine if at-will employees will continue administrative leave past the first day and if so, whether it will be with or

without pay.

### 11.03 APPLICATION OF DISCIPLINARY ACTION

- A. Verbal and written warnings for regular full-time employees may be given for any reason listed in Section 11.05, Group I or Group II, or for any other just cause.
- B. Subject to Section 11.02(C), regular full-time employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Subject to Sections 1.02(B), (C) and (D), 3.10 (A), 4.05, 11.03(B) and 11.06(A), regular full-time employees who have completed their initial probationary period may be suspended without pay, demoted for disciplinary reasons or terminated for any reason listed in Section 11.05 below, or for any other just cause.
- D. All other employees serve at the will and pleasure of the City Manager and may be subject to discipline, up to and including termination, as he deems appropriate subject only to applicable law.

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

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the regular full-time employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated and he shall be provided back pay, less interim earnings, and deductions for periods the employee was unable to work because of sickness or personal reasons. Such removed documents shall be retained by Human Resources in a separate file.

### 11.05 TYPES OF OFFENSES

There are two (2) groups of example offenses for which full-time employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 11.01-11.02 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any just cause.

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

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

## GROUP 1 OFFENSES

First Offense – Verbal or written reprimand

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

Third Offense - Up to and including termination

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

## GROUP II OFFENSES

### First Offense - Up to and including termination

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

duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment. Police officers transporting controlled substances or alcohol as evidence are excluded from this provision.

15. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
16. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
17. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
18. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
19. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
20. Provoking or instigating a fight or fighting while on duty.
21. Unauthorized personal use of the City's exempt tax number for any reason.
22. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
23. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
24. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
25. Refusal to sign an acknowledgment of receipt of disciplinary action.
26. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
27. Failure to immediately report an arrest or conviction of a DUI or DWI to the City when driving a vehicle is or may be required of the employee.
28. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.

- 29. Failure to return to light duty when assigned to do so.
- 30. Disclosure of medical information which violates HIPAA regulations.
- 31. Failure to immediately report an on-the-job accident or personal injury.

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

#### 11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES

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

## SECTION 12

### GRIEVANCE PROCEDURE FOR DISCIPLINARY ACTIONS

#### 12.01 WRITTEN WARNINGS

Appeals of written warnings shall be under PRR Section 13.

#### 12.02 TEMPORARY SUSPENSIONS WITHOUT PAY

Before an employee is temporarily suspended without pay if the employee is available, the Director, or his designee, will advise the employee of and the reason for the temporary suspension and give the employee the opportunity to explain his position verbally or in writing.

#### 12.03 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION

A. *Pre-Disciplinary Procedure.* When a Director is considering suspension without pay, other than temporary pending a final decision, demotion or termination of a regular full-time employee who has completed his initial probationary period:

1. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the Director relies and an opportunity to present his position either verbally or in writing to the Director before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the City personnel file.
2. The Director, with the approval of the City Manager, may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
3. If after considering all of the evidence before him, the Director decides to suspend the employee without pay, demote or terminate, he shall notify the employee in writing of the decision and the reasons therefore, and advise the employee of his right to a due process hearing under Section 12.03(B) below.

B. Appeal Procedure.

1. A regular full-time employee who has successfully completed his initial probationary period who is suspended without pay (other than temporarily), demoted for disciplinary reasons or terminated who wishes to appeal must appeal in writing to the City Manager, or his

designee, within ten (10) working days after notice of his suspension without pay, disciplinary demotion or termination.

2. Upon receipt of a timely appeal, the City Manager shall arrange a hearing at which the Director shall be required to establish just cause by a preponderance of the evidence.
3. Not less than five (5) calendar days prior to the hearing, to the extent not already provided under paragraph A (1) above, the Department Director and the employee will provide the other with a list of witnesses, except rebuttal witnesses, a brief summary of their anticipated testimony, and a list of all documents, except rebuttal documents, upon which they intend to rely.
4. The employee shall be entitled to be represented by counsel of his choice at his expense and shall have the right to present evidence, examine and cross-examine witnesses and state his position orally or in writing.
5. Proceedings shall be recorded by tape, video or other recorder or by court reporter.
6. The City Manager shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.

#### 12.04 GENERAL PROVISIONS

- A. The time limits set forth above, may be extended upon written request for reasons considered appropriate by the City Manager, or his designee. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of his appeal.
- B. In the event a grievance is filed which involves two (2) or more employees in the same or similar event, happening or condition, the City Manager may rule that all grieving parties shall be governed by one (1) grievance form and resulting decision. The Department Director, City Manager or his designee need not rule on each individual grievant's case separately when the foregoing conditions are present.

#### 12.05 DELEGATION OF AUTHORITY

At his option, the City Manager may delegate to another Director, an attorney or other person to hold the hearing and make the final decision or hold the hearing and make recommended Findings of Fact and Conclusions of Law, in which event the City Manager shall be bound by the recommended findings of fact as long as they are supported by probative evidence in the record, shall not be

bound by the conclusions of law, and shall make the final decision for the City. The City shall bear the fee of any substitute for the City Manager which he delegates.

## SECTION 13

### EMPLOYEE GRIEVANCE PROCEDURE – WRITTEN WARNINGS AND NON-DISCIPLINARY MATTERS

#### 13.01 PURPOSE

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

#### 13.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about a written warning on the misapplication or misinterpretation of these rules or applicable Departmental rules and regulations. Discipline except written warnings shall not be considered under this Section, but only under Section 12.

#### 13.03 PROCEDURE

- A. Step one: An employee shall present his complaint to his immediate Supervisor within five (5) working days from the time of occurrence of the problem. The Supervisor shall attempt to resolve the problem within five (5) working days after the complaint is made to him.
- B. Step two: If the employee has not received an answer from the immediate supervisor within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to his Director within five (5) working days after the Supervisor's deadline in Step one. Assistance will be provided by Personnel, if requested, including for those employees who cannot read or write or have a language problem. The Director will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The Director will notify the employee of his decision within five (5) working days following the meeting date.
- C. Step three: If the employee has not received an answer from the Director within five (5) working days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the

problem and present the written statement to the City Manager, or his designee, within five (5) working days after the Director's deadline in Step two. Assistance will be provided by Personnel, if requested, including for those employees who cannot read or write or have a language problem. The City Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The City Manager, or his designee, will notify the employee of his decision.

## SECTION 14

### HOURS OF WORK AND OVERTIME

#### 14.01 HOURS OF WORK\*

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Directors shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Unless otherwise provided by a CBA, employees shall be scheduled for an unpaid lunch break of not less than one-half ( $\frac{1}{2}$ ) hour. Employees requesting a longer lunch break must get approval from their Director and will not be paid for the time.

#### 14.02 REGULAR WORK WEEK OR PERIOD

Except for employees on a Section 7(K) schedule in the Fire Department or as otherwise provided by a CBA:

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

#### 14.03 OVERTIME\*

Except for employees on a Section 7(K) schedule in the Fire Department:

- A. Non-exempt employees shall be paid at a rate of one and one-half ( $1\frac{1}{2}$ ) their regular hourly rate after forty (40) hours in a seven (7) day work period unless they take comp time pursuant to (D) below.

- B. There shall not be any duplication of overtime or premium pay.
- C. Non-exempt employees may be allowed or required to take comp time in lieu of overtime up to the maximums allowed under the FLSA and subject to applicable law. Comp time standing in an employee's comp time account shall be paid in accordance with applicable law upon cessation of employment.
- D. When the governor of the State of Florida, mayor of St. Pete Beach or representative of another local jurisdiction officially declares a state of emergency, employees performing essential services may be required to work as deemed necessary by the City Manager or designee.

Pay for time worked during emergency conditions will be as follows:

1. FLSA exempt employees shall be paid additional compensation above their regular salary for work during any week in which an emergency has been declared and they work in excess of 50 hours, as recommended by the City Manager and approved by the City Commission.
2. All other MAPS employees will be paid time and half for all hours worked in excess of their normal work week.

Employees on official paid or unpaid leave e.g. PTO, family or medical leave, etc. during an emergency, will not be eligible for any excused absence declared as a result of the emergency or emergency pay during the official leave.

#### 14.04 ASSIGNMENT AND WORKING OVERTIME

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

#### 14.05 HOURS COUNTED

Hours of absence due to paid conference/training time, approved PTO, or jury duty will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted.

#### 14.06 CALL BACKS

When a non-exempt regular full-time employee who has worked his regular shift or more, is released to go home, leaves the City premises, and is called back to work from home, the employee shall be paid at the applicable hourly rate for two (2) hours, or the actual hours worked, whichever is greater.

## SECTION 15

### HOLIDAYS

#### 15.01 LIST OF LEGAL HOLIDAYS/DAYS OBSERVED

A. The City recognizes the following holidays:

New Year's Day	Veterans Day
Martin Luther King Day	Thanksgiving
Presidents' Day	Friday after Thanksgiving
Memorial Day	Christmas Day
Independence Day	Personal Day
Labor Day	

B. Eligibility for Holidays:

1. Regular Full Time employees receive 8 hours.
2. Regular Part Time employees who work an average of 20 hours per week or more will receive 4 hours.
3. Part Time Temporary employees are not eligible for holiday pay.

C. All MAPS employees shall be granted two (2) additional personal holidays per year which are to be used by September 30<sup>th</sup> of each year or will be lost. New Hires will not be eligible for the additional two (2) days until they have completed six (6) months employment.

D. When a holiday falls on a Saturday or Sunday, the following Monday or the preceding Friday will be declared a holiday for City employees, as determined by the City Manager.

E. Personal day must be taken a full day at a time and must be approved in advance by the Department Director, or his designee.

F. The personal leave day(s) shall be treated as a holiday and therefore is not subject to accrual. All personal days shall be used within the fiscal year, unless Departmental management denies the request due to scheduling problems, in which event the employee shall be compensated for personal days to which he was entitled but could not use at the end of the fiscal year. Personal days shall be requested in writing on the proper leave form prior to the chosen day and are subject to approval by the Department Director.

- G. Employees shall also enjoy special holidays that are observed by the City during the term of this Agreement. Special holidays are defined as non-regularly scheduled holidays established by the City Commission to commemorate a special event or occasion not regularly provided to employees.

#### 15.02 REQUIREMENTS TO RECEIVE HOLIDAY COMPENSATION

- A. Subject to 15.01 (B) above, all eligible employees will receive one (1) workday off with pay for each of the holidays.
- B. An employee must be on active pay status in order to qualify for the holiday time.
- C. Employees who are on PTO or other leave with pay during the holiday will receive holiday compensation. Employees who are required by their Supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday pay. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with PTO for that day subject to Section 15.03.
- D. Employees scheduled to work on a holiday, and who in fact do work, shall receive pay at the normal straight rate or overtime, whichever applies, for the actual number of hours worked that day, plus a normal day's pay for the holiday provided they meet the eligibility requirements.
- E. Employees whose normal day off from work falls on a holiday shall receive holiday pay at the normal straight rate for the day, provided they meet the eligibility requirements.
- F. When a holiday falls on a day a part-time employee is not scheduled to work and the employee does not work, the employee shall receive the normal days pay at the straight time rate for the holiday.

#### 15.03 ABSENCE DUE TO SICKNESS

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

## SECTION 16

### PAID TIME OFF (PTO) POLICY

#### 16.01 DEFINITION

Paid Time Off (PTO) is an all-inclusive flexible time off policy in place of traditional individual vacation, sick, and injury leave programs. It does not apply to Jury Duty or bereavement leave. PTO is an employee benefit. It is a program to allow employees an established amount of paid absence without regard to the reason, however subject to the requirements and restrictions set forth below.

#### 16.02 ELIGIBILITY

- A. All full time employees will be eligible to accrue PTO time.
- B. Part-time employees are not eligible.

#### 16.03 USAGE OF PTO LEAVE

PTO leave may be used for the following purposes (subject to approval in paragraph 16.05 below):

- A. Vacation leave
- B. Sick leave.
- C. Maternity Leave.
  - 1. Maternity leave is a period of approved absence for incapacitation related to pregnancy and follows the specified rules outlined in the Family/Medical Leave Act.
  - 2. The time when a pregnant woman should leave or return to work will be determined on an individual basis and will depend on the physical condition of the particular employee and the nature of the employee's job.
    - a). An employee will be permitted to continue to work as long as the conditions of the pregnancy do not adversely impair the employee's work performance or health. The judgment of the Department Director and the City Manager concerning the beginning of maternity leave shall be based on the written medical opinion of the employee's physician, the nature of the job and/or the employee's ability to perform essential tasks.
    - b). The date an employee shall return to work following maternity leave may be based on a medical statement from

a certified physician stating that the employee is able to perform the essential tasks of the employee's position. It shall be the responsibility of the employee to obtain and submit the physician's medical statement

D. Leave for any number of personal reasons, such as:

1. Medical and dental appointments and treatment which is necessary during working hours.
2. Absences for personal business which cannot be conducted during off duty hours.
3. Holidays other than those observed by the City as official holidays.
4. Maternity/paternity leave.
5. Caring for immediate family members who are ill.

E. To supplement FMLA leave, short term disability leave, or a workers compensation absence, only to the extent necessary to make up the difference in all compensation received from all source and the employee's straight time weekly earnings or salary whichever applies.

F. All unused vacation as defined in 16.10 below must be exhausted prior to usage of any PTO leave.

16.04 ACCRUAL

A. Full-time employees shall accrue PTO leave each payroll as follows:

B. New hires will be eligible to begin accruing as of their date of hire. Hours available may be used with no waiting period.

Completed Continuous Months of Service	Bi-weekly Accrual	Annual Accrual	Max Accrual End of FY
0 to 59 Months	4.923 hours	128 hours/16 days	240 hours
60 to 119 Months	6.461 hours	168 hours/21 days	280 hours
120 + Months	8.000 hours	208 hours/26 days	320 hours

C. Employees working twenty-four hour shifts shall accrue PTO as follows:

Completed Continuous Months of Service	Bi-weekly Accrual	Annual Accrual	Max Accrual End of FY
0 to 59 Months	6.923 hours	180 hours/16 days	336 hours
60 to 119 Months	9.038 hours	235 hours/21 days	392 hours
120 + Months	11.192 hours	291 hours/26 days	448 hours

16.05 APPROVAL

- A. In order to ensure effective operational scheduling, PTO time should be requested as far in advance as possible, but in no event less than one (1) work day before the leave is to commence unless the failure to make a timely request is determined by the employee's Department Director to be for reasons beyond the control of the employee.
- B. In the case of unforeseen sickness or injury of the employee or an immediate family member, the employee must advise his/her supervisor or Department Director as soon as possible, but not later than one hour before the employee's scheduled reporting time unless prohibited from doing so for reasons determined by management to be beyond the control of the employee.
- C. When a leave is for FMLA or an absence resulting in three (3) consecutive sick days the employee must provide a medical return to work approval from a medical doctor or other health care professional acceptable to management to return to work.

16.06 DEPARTMENT DIRECTORS

The City Manager shall be authorized to establish different terms for use and accrual of PTO for employees covered by Section 1.02(B).

16.07 CHARGING TIME

PTO will be charged for the time the employee is away from work in increments of not less than one (1) hour.

16.08 UNUSED PTO TIME

- A. Employees may carry over unused PTO hours from one fiscal year to the next to a maximum of 240 hours (for employees with less than 5 years of service), 280 hours (for employees with more than 5 years but less than 10 years), and 320 hours (for employees with more than 10 years of service). Hours in excess of these maximums at the end of the fiscal year will be forfeited. For example: An employee with 36 months (3 years) of

continuous service accrues 144 hours in a fiscal year. He/she may carry over their unused balance until they reach 240 hours, excess hours over 240 are forfeited.

- B. Employees working 24 hours shifts may carry over unused PTO hours from one fiscal year to the next to a maximum of 336 hours (for employees with less than 5 years of service), 392 hours (for employees with more than 5 years but less than 10 years), and 448 hours (for employees with more than 10 years of service). Hours in excess of these maximums at the end of the fiscal year will be forfeited. For example: An employee with 36 months (3 years) of continuous service accrues 202 hours in a fiscal year. He/she may carry over their unused balance until they reach 336 hours, excess hours over 336 are forfeited.

#### 16.09 PAYMENT OF UNUSED PTO

- A. Payment of unused PTO at time of separation:
  - 1. Full Time 40 hours employees: Subject to subparagraph D below, upon separation from City employment, employees are entitled to compensation for any balance of unused PTO hours to a maximum of 160 hours (for employees with less than 5 years of service), 200 hours (for employees with more than 5 years but less than 10 years), and 240 hours (for employees with more than 10 years of service).
  - 2. Employees working 24 hour shifts: Subject to subparagraph D below, upon separation from City employment, employees are entitled to compensation for any balance of unused PTO hours to a maximum of 224 hours (for employees with less than 5 years of service), 280 hours (for employees with more than 5 years but less than 10 years), and 336 hours (for employees with more than 10 years of service).
- B. Should an employee die while in service, any balance of unused PTO hours to a maximum of 160 hours (for employees with less than 5 years of service), 200 hours (for employees with more than 5 years but less than 10 years), and 240 hours (for employees with more than 10 years of service) will be paid to the designated beneficiary listed on the form for his/her employee's City life insurance. For employees working 24 hour shifts see 16.09 A2 above.
- C. Payment shall be at the employee's base hourly rate at time of employment termination.

- D. An employee terminated for any of the following reasons shall not be entitled to be paid unused PTO hours at the time of separation:
1. Use of official position for personal advantage.
  2. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
  3. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
  4. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, or City property, while operating or riding in or on City equipment.
  5. Stealing from the City.
  6. Intentionally causing the City to be found in violation of Federal or State law.

#### 16.10 UNUSED VACATION LEAVE BALANCE AS OF AUGUST 19, 2013

- A. Employees with a vacation balance as of August 19, 2013 will retain that balance and will be able to use that time until the balance is exhausted. All vacation balances must be exhausted prior to using PTO.
- B. Should the employee separate from his/her employment, or die while in service, they or their beneficiary will be paid any remaining vacation leave balance in accordance with the Personnel Rules and Regulations, Section 16.09, in effect before August 19, 2013.

#### 16.11 UNUSED SICK LEAVE BALANCE AS OF AUGUST 19, 2013

Upon implementation of this policy, employees with a sick leave balance as of August 19, 2013 will retain that full balance of which the hours will only be available for use in a "catastrophic" situation. Catastrophic will be defined as any illness lasting longer than seven (7) consecutive working days. To receive payment, the employee will be required to submit forms the City requires to be completed and a medical excuse acceptable to the City. Upon separation of employment, or death while in service, those hours will be paid in a lump sum payment (less statutory deductions) as outlined below using the employees years of service at date of separation.

Years of Service	% of Sick Leave Payment
0-9 years	0%
10-14 years	30%
15-19 years	40%
20 + years	50%

SECTION 17  
BEREAVEMENT LEAVE

17.01 BEREAVEMENT LEAVE

- A. Approved leave in the event of the death of a member of a regular full-time employee's immediate family (as defined in Section 17.02) will be granted as provided below:
  - 1. Up to twenty-four (24) hours with pay if the funeral is in Florida and up to forty (40) hours with pay if the funeral is outside Florida.
  - 2. The minimum leave under this section shall be four (4) hours.
  - 3. Regular part-time employees shall be entitled to one-half (1/2) of the bereavement leave provided to regular full-time employee.
  
- B. The employee may be required to provide the Director with proof satisfactory to him of death in the employee's immediate family and that the employee attended the funeral before compensation will be approved.
  
- C. If, in the opinion of the Director, additional days are necessary, accrued PTO and medical leave may be used or the employee may be given additional time off without pay.

17.02 IMMEDIATE FAMILY

Defined in Section 2.

## SECTION 18

### FAMILY MEDICAL LEAVE POLICY\*

#### 18.01 ELIGIBILITY AND REASONS

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

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

#### 18.02 DEFINITIONS

The following definitions apply for purposes of this Policy:

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

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

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

### 18.03 MEASURING THE TWELVE MONTH PERIOD AND COUNTING FMLA LEAVE

- A. For leave taken for any of the reasons listed in Section 1(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of

leave will be calculated using a “rolling” twelve month period measured backward from the date an employee uses any FMLA leave. At any time when a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve month period, he or she is entitled to the balance of the twelve weeks that has not been used. For example, if an employee used four weeks of FMLA leave beginning 2/1/11, four weeks beginning 6/1/11, and four weeks beginning 12/1/11, the employee would not be entitled to any additional leave until 2/1/12. However, beginning on 2/1/12, the employee would be entitled to four weeks of leave, on 6/1/12 the employee would be entitled to an additional four weeks of leave, etc.

- B. For leave taken for the reason listed in Section 1(B), the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 1(B) may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.
- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child’s birth or placement.
- D. If both spouses/domestic partners work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee’s child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee’s parent with a serious health condition.
- E. If both spouses/domestic partners work for the City the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in Section 3(B) above if the leave is taken for the birth of the employee’s child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee’s parent with a serious health condition, or to care for a service member with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers’ compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

#### 18.04 INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE BASIS

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

#### 18.05 EMPLOYEE NOTICE AND CERTIFICATION REQUIREMENTS

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

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

#### 18.06 HEALTH INSURANCE PREMIUMS

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

## 18.07 ACCRUAL

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

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

## 18.08 SUBSTITUTION OF ACCRUED PAID LEAVE

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

## 18.09 JOB RESTORATION UPON RETURN FROM FMLA LEAVE

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

## 18.10 FAILURE TO COOPERATE

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

## SECTION 19

### COURT/WITNESS LEAVE

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

Employees who appear as witnesses on behalf of the City in any judicial or administrative proceeding, or who are subpoenaed as a witness in a matter which involves City business in which the City is not a party in any judicial or administrative proceeding, including deposition, or who are directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

#### 19.02 OTHER COURT-RELATED LEAVE

- A. Subject to Section 19.01, those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay unless they request and are approved for PTO or personal days under Sections 15 or 16.
- B. Unless they are parties in the action, employees subpoenaed by the Pinellas County State Attorney's Office as witnesses for the State shall receive their normal pay less any witness fees received from the State under the same conditions as applied to jury duty under Section 19.03(A)-(D).

#### 19.03 JURY DUTY

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

- A. Advises his Director no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs.
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled work day or shift unless he gets permission from his Director not to return.
- C. Provides the City with a copy of his check for jury pay.
- D. An employee who attends court or serves jury duty under the conditions described in Section 19.01 above while on PTO shall be allowed to reinstate PTO hours served in court providing satisfactory evidence of the time served on such duty is presented to the City.

#### 19.04 RETURN TO WORK

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

#### 19.05 REPORTING

An employee subpoenaed to attend court, give a deposition, attend any administrative hearing, or serve jury duty shall promptly notify his immediate supervisor so that arrangements can be made for his absence.

## SECTION 20

### GENERAL LEAVE WITHOUT PAY

#### 20.01 LEAVE OF ABSENCE WITHOUT PAY

(Other than Family/Medical Leave or in the event that the employee does not qualify for Family/Medical Leave)

- A. A regular full-time employee may be granted leave of absence without pay for a period not to exceed one (1) year (inclusive of FMLA leave) for sickness, disability or other good and sufficient reasons which are considered to be in the best interest of the City. Such leave shall require the prior approval of the Department Director and the City Manager.
- B. If for any reason the leave of absence without pay is granted, such leave may subsequently be withdrawn and the employee recalled to service if determined to be operationally necessary by the City.
- C. All employees on leave of absence without pay are subject to these rules.
  - 1. Subject to applicable law, leave without pay shall be granted only when the City determines it will not adversely affect the interests of the City.
  - 2. Failure of an employee to return to work upon expiration of approved leave shall result in termination from the City, absent any unforeseen circumstances as determined by the City Manager.
  - 3. An employee granted a leave of absence without pay, and who wishes to return before the leave period has expired, must make a request to return early to his Department Director as soon as possible to discuss the possible return to work.
  - 4. No PTO, or holiday pay will be accrued or earned by an employee for the time that the employee is on leave without pay.
  - 5. An employee who obtains employment elsewhere, while on authorized leave of absence without pay, will be terminated by the City unless approval has been obtained in advance from the Department Director and the City Manager.
- D. An employee returning from a leave of absence without pay shall be entitled to employment in the same department and position as when the leave began, providing an opening exists. If no vacancies exist, the employee may be offered a lesser position for which he/she is considered by the City to be qualified. If no such vacancies exist at the time, the

employee may be terminated or the leave extended at the option of the City.

## 20.02 EFFECT OF LEAVES ON INSURANCE COVERAGE

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

## 20.03 MILITARY LEAVE\*

A military leave of absence will be provided to employees who are absent from work because of service in the U.S. uniformed services in accordance with federal and state law. In order to be eligible for military leave, advance notice of the need for leave is required, unless military service necessity prevents such notice or it is otherwise impossible.

## SECTION 21\*

### SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY

#### 21.01 PURPOSE

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

#### 21.02 STATEMENT OF POLICY

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

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

Other forms of harassment in addition to sexual harassment are illegal (such as racial harassment) and/or are improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, religion, national origin, age, marital status or disability.

Sexual misconduct is a course of conduct that causes bodily injury or personal injury arising from that bodily injury, from sexual abuse, sexual molestation, sexual assault, sexual exploitation and/or physical sexual abuse.

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

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

## 21.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT

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

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

## 21.04 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT

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

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

#### 21.05 MAKING COMPLAINTS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT OR RETALIATION

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

#### 21.06 BAD FAITH CLAIMS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT

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

#### 21.07 INTERNAL INVESTIGATION PROCEDURE

The following procedure for investigating and resolving claims of sexual harassment or misconduct or other forms of illegal/improper harassment prohibited by this policy.

- A. All employees have been informed as to the policy concerning illegal/improper harassment or misconduct. All incidents, reports or complaints of sexual harassment or misconduct should be filed or reported to the Human Resources Administrator immediately. All such complaints, once filed, shall be investigated and handled exclusively by the City Manager, or his designee, in consultation with the City's Attorney and/or the City's Labor Attorney, unless otherwise specifically provided in this procedure. However, an employee disciplined as a result of a finding of sexual harassment or misconduct or filing a willful and intentional bad faith claim of sexual harassment misconduct shall be entitled to file a grievance in accordance with applicable policy or an applicable collective bargaining agreement.
- B. Because of the extremely sensitive nature of these types of problems and

the potential “spill-over effect” on the job future and personal lives of all involved, the following procedures are established.

- C. When a complaint of illegal/improper harassment is made against an employee or person doing business with the City:
1. A complaint file will be opened by the Human Resources Administrator which will be separate from the personnel file of the employee involved. Said file will be confidential to the extent allowed by Florida law and will be available only to the City Manager, or his designee, for the specific case, and;
    - a. The City Attorney and City Labor Counsel;
    - b. Investigators, if any (until the investigation is completed) assigned the specific case by the City Manager.
  2. Investigators assigned to handling the complaint will not discuss any aspect of the investigation with anyone, except those persons who have access to the file as provided in Paragraph 1 above and then only upon request or as necessary to complete the investigation.
  3. The investigators will be charged with the responsibility of gathering information relevant to the complaint. The identity of persons interviewed will remain confidential except to those persons enumerated in Paragraph 1 above unless otherwise directed by the City Manager or required by law.
  4. Unless otherwise directed by the City Manager, the investigation will be supervised by the City Attorney or the City Labor Counsel.
  5. Upon completion of the investigation the investigators will make a verbal report to the City Manager.
    - a. A record of the decision of management will be made in the separate file by the City Manager and the parties will be advised of the decision.
    - b. If the decision involved discipline of any employee other than oral reprimand (e.g., written reprimand, suspension or discharge) a copy of the actual notice of disciplinary action will be placed in the employee’s personnel file.

- c. If the person against whom the claim was made is exonerated or no disciplinary action other than oral reprimand is taken, no entry will be made in the personnel file. In such instance, the complaint investigation shall clearly state whether there was no merit to the complaint or that it was insufficiently serious to warrant discipline more severe than oral reprimand. If any oral reprimand was given, the City Manager shall prepare a memo explaining the oral reprimand. The complaint investigation file will not be disclosed to anyone other than as provided in Paragraph 1 above unless disclosure is required by law.

## SECTION 22

### PENSION

#### 22.01 SECTION 457 DEFERRED COMPENSATION PLAN

The City maintains a Section 457 Deferred Compensation Plan for eligible employees. Employees may select from three providers, ICMA, Great West or Nationwide.

#### 22.02 (LOCAL ORDINANCE) PENSION PLAN

A. The City maintains a Defined Benefit Pension Plan for eligible employees.. Participation by eligible employees is mandatory, and the employee and City share in contributions. The City will advise as to the mandatory City and employee contribution rates.

B. The City maintains a Section 401a Defined Contribution Plan for MAPS employees. The City only contributes to this plan.

C. The City maintains a Section 401a Defined Contribution Plan for eligible General and IAFF employees. The City and the employee share in the contributions.

#### 22.03 DETAILS AND COPIES

Copies of the Summary Plan Description, which includes the requirements for eligibility for each of the plans generally described in Sections 22.01 and 22.02 above, have been provided to all eligible employees. Additional copies, as well as a copy of each entire plan, are available in Human Resources. The Summary Plan Description provides details as to eligibility, cost, benefits, and all other related matters.

## SECTION 23

### PERFORMANCE EVALUATIONS

#### 23.01 THE PERFORMANCE EVALUATION SYSTEM

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

#### 23.02 USE

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

#### 23.03 REVIEW

A full-time employee may seek review of his PE under Section 13, provided the decision of the Director shall be final unless the employee alleges a violation of Section 1.05.

#### 23.04 MAINTENANCE OF RECORDS

The Human Resources Administrator will maintain the original copy of completed performance evaluations in each employee's personnel file.

## SECTION 24\*

### DRUG-FREE WORKPLACE AND ALCOHOL POLICY

#### 24.01 POLICY

The City's Drug-free Workplace Policy is aimed at insuring "0" tolerance to illegal drugs at all times and its Alcohol-Free Policy to "0" tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or the effective operation of City business. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR Part 383 are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) under the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), in accordance with 49 CFR, Parts 40, 383, 392, 4, and 392.5 regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

#### 24.02 PROHIBITIONS

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

#### 24.03 USE OF LEGAL DRUGS

The use of legal drugs, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles and other moving equipment. Therefore, an employee for whom a licensed physician or dentist prescribes a controlled substance, must advise the supervisor immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the City.

## 24.04 TESTING

- A. Substances Tested For: Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:
1. Amphetamines
  2. Barbiturates
  3. Benzodiazepines
  4. Cannabinoids (marijuana)
  5. Cocaine
  6. Methadone
  7. Methaqualone
  8. Opiates (heroin, morphine, codeine)
  9. Phencyclidine (pcp)
  10. Propoxyphene
- B. Testing for Illegal Controlled Substances – Classes of Employees/Circumstances, Subject to applicable law:
1. Employees in special risk and safety sensitive positions.
    - (a) Special risk and safety sensitive employees include all employees in all classifications of requiring a CDL license, and all police officers authorized to carry a weapon, firefighter EMTs and firefighter Paramedics regardless of their rank. Other employees who are considered special risk or safety sensitive shall be notified of said status in writing.
    - (b) Applicants and employees are subject to testing on the same basis as other employees under Section 24.04(B)(2), except no reasonable suspicion is required for testing such employees for illegal controlled substances for:
      - (1) When involved in any accident involving any personal injury that results in a worker's compensation claim or serious damage to property occurs.

(2) As otherwise allowed or required by law, provided unless required by law, there shall be no random drug testing except in conjunction with rehabilitation under Section 24.08.

2. Non-Safety Sensitive/Special Risk Employees.

- (a) All job applicants shall be subject to pre-employment drug testing as a prerequisite to employment with the City. It is the obligation of the job applicant to notify the approved testing facility of any controlled substances prescribed for the job applicant by a physician or dentist.
- (b) When an employee is involved at any time directly in an equipment or vehicular work-related accident, any accident on-the-job, or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles at any time where in the opinion of the City Manager the employee was at fault or the employee's conduct contributed to the accident and there is reasonable suspicion to believe the employee was in violation of Section 24.02(A) or (B).
- (c) When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. Reasonable suspicion is a belief by two (2) or more supervisors or managers that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
  - (1) Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
  - (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
  - (3) A report of drug use;
  - (4) Evidence that an individual has tampered with a drug test during his employment with the City;
  - (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, manufactured, cultivated, sold, solicited, or transferred drugs;

(7) Frequent absences from work without a satisfactory explanation.

C. Employee Rights – When testing to determine the presence of illegal controlled substances under subparagraphs (1) and (2) above:

1. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
2. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.
3. For tests under Section 24.04(B)(1)(b)(1) and (2), Employer shall meet with and inform an employee that, in the opinion of the Employer, there is a basis for reasonable suspicion and of the Employer's intention to schedule a drug or alcohol screen or test. At said meeting, the Employer shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test.
4. Employee may upon his request have a representative present at said meeting, however, the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee to submit to said test may be grounds for disciplinary action, including termination of employment.
5. If the employee is in a collective bargaining unit, the representative in subparagraph (4) above may be a Union representative.
6. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of *Florida Statute* 440.102(5)(a) through (o) and (6) for alcohol, a positive result is 0.02, or greater. For drugs, a positive result is in accordance with the detection levels established by HRS guidelines.

7. The common and chemical names of the substances identified in Sub-section A above, a copy of *Florida Statute* 440.102(5) and (6) and a list of local drug rehabilitation programs is available from Personnel.

#### 24.05 REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

#### 24.06 DISCIPLINE FOR VIOLATION OF POLICY

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

#### 24.07 EMPLOYEE INJURED ON THE JOB

Any employee injured on the job who refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit his eligibility for all workers' compensation medical and indemnity benefits depending on applicable law.

## 24.08 EMPLOYEE ASSISTANCE PROGRAM

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

- A. *Employees Who Voluntarily Ask For Help.* Employees with drug or alcohol related problems who wish assistance through the EAP may contact the EAP provider on a confidential basis or through the Personnel Office. If the request is made through the Human Resources Office, City referrals will be made only upon execution by the employee of a release to the EAP provider to keep Personnel advised as to the employee's attendance and progress in the rehabilitation program. If the employee has a satisfactory performance record and is otherwise qualified to perform his job, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. Such a leave will be granted only one (1) time. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. *Other Employees.* In the event the City discovers a violation of this drug or alcohol policy, or an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City business, the City may proceed to discipline the employee up to and including discharge, or at its option, require the employee to undergo approved medical or rehabilitative assistance. The City may grant the employee leave with or without pay to participate in a rehabilitation program, including referral to the City EAP program. Such leave may be granted only one (1) time. Allowing of rehabilitation under the City EAP program will be conditioned on the execution of a consent by the employee to allow the EAP provider, or persons providing medical or rehabilitative assistance to keep Human Resources advised of the employee's attendance and the success of rehabilitation. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance.
- C. *Return to work.* Employees who are granted a leave of absence under paragraph A or B above must successfully complete all EAP, medical and other rehabilitative requirements established by the City within a reasonable amount of time. A successfully rehabilitated employee who has been granted a leave of absence under A above shall be returned to his former job provided he successfully completed rehabilitation within the

period of his leave. Return is also conditioned on maintaining all certifications required of the job. Employees who successfully complete rehabilitation under B above within the period of his leave will be returned to his former job if vacant, but if not to any vacancy which the City considers him qualified to perform, if any, and if there is none he shall be terminated.

- D. *Re-testing.* Employees allowed to return to work from an illegal controlled substance problem shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City for one (1) year after they have been free of illegal drugs as determined by the City, or its designee.

#### 24.09 REPORTING VIOLATION OF THE POLICY

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

#### 24.10 COORDINATION WITH THE HUMAN RESOURCES OFFICE

All action taken by members of management under this Section 24 must be coordinated through the Human Resources Administrator to ensure compliance with all applicable laws.

## SECTION 25

### EDUCATIONAL INCENTIVES AND BENEFITS

#### 25.01 TUITION

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

- A. The City Manager, or his designee, shall determine if the course or curriculum is related to the employee's job or contributes to the long range value of the employee to the City.
- B. If the course is reimbursable through some other source, then provisions of the City's education tuition payment plan shall not apply.
- C. Based on budgetary constraints, the City Commission shall budget a set annual amount for tuition reimbursement. Once that amount is dispersed, no other reimbursement requests will be approved.

#### 25.02 ELIGIBILITY

- A. Fulltime employment with the City at least one (1) year, unless the City Manager grants an exception.
- B. The educational training can be at the post high school or adult educational levels.
- C. No more than two (2) courses per quarter or semester (or equivalent period of time) may be taken.
- D. No employee will be reimbursed for more than six (6) classes in a calendar year unless previously approved by the City Manager.

#### 25.03 REQUESTS AND PAYMENT

- A. The employee must request to their Director, in writing prior to new fiscal budgets being finalized, by submitting an application to their Director with a school schedule attached prior to enrollment. In order to process the request in a timely manner, employees should make every effort to request necessary funding as soon as school schedules are released. Failure to obtain approval in advance may result in requests for reimbursement being denied.
- B. Employees are encouraged to attend any accredited technical or trade school, Florida College or University; however, tuition reimbursement shall

be paid at the Public College or University tuition rate (see application). Correspondence schools will not be considered for tuition reimbursement. Employees shall not be reimbursed for mileage or personal expenses unless they are required by the City Manager, or his designee, to take the course.

- C. The employee shall submit to the Human Resources Office the final grade, certification, or degree (if applicable) and paid receipts in order to receive reimbursement. Students utilizing financial assistance and that have deferred payment until a later date can request payments be made directly to the lender.
- D. Tuition Reimbursement will be made according to the following matrix:
  - 1. Grade A = 100%
  - 2. Grade B = 75%
  - 3. Grade C = 50%
  - 4. Grade D or below: 0%
  - 5. Grade P = 100%

#### 25.04 REPAYMENT BY THE EMPLOYEE

The employee who receives any funds under this program shall be required to work for the City for at least one (1) year, or longer depending on applicable law or departmental policy, from date money is received, or shall reimburse the City for every dollar received upon termination. The City reserves the right to withhold the money owed from any final paycheck upon separation subject only to applicable law. The City Manager may excuse repayment in whole or in part for circumstances he determines to be extenuating and justifiable.

#### 25.05 SCHEDULES

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

#### 25.06 INCENTIVE PAY

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

## SECTION 26\*

### MISCELLANEOUS

#### 26.01 SMOKING/TOBACCO PRODUCTS

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

#### 26.02 UNEMPLOYMENT COMPENSATION

- A. The City is registered with the State of Florida Bureau of Unemployment Compensation.

- B. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Employees who are terminated for violation of the City Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

### 26.03 WORKERS' COMPENSATION

- A. When an employee is injured on the job and losses time from work as a result of that injury, the employee will receive only that which is required under Workers' Compensation Law. The amount paid by the workers' comp insurance carrier will be paid directly to the employee. At the request of the employee the balance can be deducted from the individual's accrued sick or PTO balances to make up their regular straight time income.
- B. Injury or compensable illness shall be determined to have incurred while on duty with the City only if such injury is a compensable injury under Florida's worker's compensation law.
- C. Length of disability shall be determined by the Employer's physician in accordance with worker's compensation law.
- D. Paid Time Off (PTO) accrual shall continue for a maximum of twelve (12) months for employees who are receiving worker's compensation benefits due to a compensable on-the-job injury or compensable illness.
- E. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for supplemental compensation received and as to benefits received or accrued, he shall be treated as having been on unpaid leave of absence; provided, he shall not be required to repay accrued PTO used to supplement workers' compensation. Failure to repay the City upon demand or under terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect by any means allowed by law.
- F. The "Notice of Injury" form must be submitted following an accident or injury, regardless of severity within twenty-four (24) hours. Failure to submit such form will result in disciplinary action.
- G. When an employee is released from Workers' Compensation to return to full duty, any subsequent absences related to that sickness or injury will not be paid by the City unless the City receives payment from the Workers' Compensation carrier. The employee may utilize accrued

unused PTO to compensate for lost wages so long as the employee meets the requirements for use of PTO under the Personnel Rules and Regulations or any collective bargaining agreement. The twelve month limitation set forth in subsection A above shall apply.

#### 26.04 DESKS, LOCKERS, OTHER CITY PROPERTY/EQUIPMENT, PERSONAL PROPERTY

- A. Employees may request a locker if available.
- B. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the City property or placed in City property, as well as lockers, desks, file cabinets and other City equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain anything the possession of which would violate a City or department ordinance, rule, procedure or policy, or any Federal, State or Local law or regulation.
- C. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 26.04(B) above without the employee's presence, the Director must request authority to access from the City Manager. The City Manager shall make the determination.
- D. Prescription eyeglasses, contact lenses, hearing aids and watches of employees that are lost, damaged or destroyed in the line of duty, except through employee negligence, shall be replaced or repaired at the Employer's expense subject to the following restrictions. The Employer shall not be responsible for any other personal property which is lost, damaged or destroyed in the line of duty.
  - 1. The maximum reimbursement for prescription eyeglasses, contact lenses and hearing aids shall be the cost of replacing the precise item of one of equal quality or two hundred fifty dollars (\$250.00), whichever is less.
  - 2. The maximum reimbursement for watches shall be the cost of replacing the item with one of equal quality or one hundred fifty dollars (\$150.00), whichever is less.
  - 3. Request for reimbursement for lost or damages personal property shall be made in writing to the employee's immediate supervisor during the work shift in which the article of personal property was damaged or lost.
  - 4. Except when lost, the item for which reimbursement is sought must be turned in along with the written request for reimbursement.

5. Reimbursement for lost or damaged personal property must be approved by the Employer.

## 26.05 RECORDS AND REPORTS

Human Resources Administrator is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

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

## 26.06 EMPLOYEE TRAINING AND DEVELOPMENT

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

## 26.07 DEDUCTIONS

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

that an improper pay deduction has been made, may utilize the grievance procedure in Section 13 to file a complaint. If the deduction is found to be improper, the City will reimburse the employee.

## 26.08 CELL PHONES

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

- A. A requisition for the cell phone shall be submitted along with written authorization from the Director explaining the reason for the need for the employee to have a cell phone. The cell phones shall remain the property of the City and will remain so until it is declared surplus and disposed of in a manner acceptable to the City. All bills for the use of the cell phone shall be sent to the City, care of the Finance Department. The employee shall reimburse the City for all personal calls transacted by the use of the cell phone at the rate of 5 cents per minute. Reimbursement shall be by cash or by submittal of a check or money order made out to the City.
- B. If an employee is using their personal cell phone for City business calls, they shall be responsible for full payment of their bill and the City will pay them a stipend of \$25 per month thru payroll (\$300 annually).
- C. Should a dispute arise involving any of the above procedures, the decision of the City Manager shall be considered final and binding.

## 26.09 ELECTRONIC COMMUNICATIONS USAGE AND RETENTION

The availability of e-mail and Internet resources are offered to the employees for the furtherance of their work as City employees. However, it is recognized that occasional communication between employees at work via e-mail; for personal reasons under circumstances that do not take away from or interfere with their duties or the duties of those employees with whom they communicate, is not prohibited except:

- 1. No e-mail will contain any material which is political, slanderous, controversial, critical of any person or entity, or which contains vulgar language, reference to sexual matters or is otherwise inappropriate.
- 2. E-mail for personal reasons should be used only when it is important for the employee to communicate with another employee at work about a personal matter and another method of communication would take time away from the employee's work. E-mail is not to be used for "chit-chat" and telling jokes.
- 3. E-mail to persons not employed by the City is prohibited unless e-mail communications with such persons is part of your job.

4. The City Manager or his designee will determine when this section is being violated.

E-mail transmissions, e-mail passwords, and any information transmitted via the City e-mail network are the property of the City of St. Pete Beach and are open to examination by the public, news media or any City official. Employees should not have any expectation of privacy with respect to the contents of such communications. The City reserves the right to make public all personal e-mails, therefore, employees should not put anything in an e-mail they do not want to be made public upon a proper request made in accordance with applicable law. E-mail transmissions are governed by Chapter 119 F.S. and will be retained by the City in accordance with that statute. This can be done either by printing a hard copy which will be kept according to the required retention period set by the State of Florida or by backing up to electronic mail and retaining it in digitized form for the required retention period. It shall be the responsibility of the sender to ensure the proper retention of the information.

E-mail transmissions and web site activities that are vulgar, offensive, obscene, discriminatory, harassing, or otherwise inappropriate are prohibited.

Checking personal e-mail accounts (i.e. AOL, hotmail, etc.) through City computers is prohibited.

Chat room usage is expressly prohibited

E-mail transmissions that unlawfully distribute copyrighted materials, coordinate illegal activities (e.g. gambling) and facilitate illegal conduct are strictly prohibited.

E-mail passwords and corresponding accounts are non-transferable. Employees are responsible for maintaining the confidentiality of their passwords and corresponding accounts.

Employees may not install unapproved software packages on their computers without obtaining advance permission from the City Manager or his designee.

Violation of this policy will subject the employee to disciplinary action, up to and including termination.

To ensure that the use of the City's electronic communication system is consistent with the City's legitimate business interests and not a violation of this section, authorized representatives of the City will monitor the use of such equipment from time to time. No notice of such monitoring will be given.

**REMEMBER:** Our computer system is for City business and any personal use should be as limited as possible and must comply with all of the

standards set forth in this policy.

## 26.10 TAKE-HOME VEHICLES

- A. Some City employees have City vehicles at their disposal so they may carry out their duties properly. Because City vehicles are typically marked, the way they are operated has a direct impact on the public image of the City. Employees operating City vehicles will adhere to the following rules:
1. Operator will possess a valid Florida driver's license.
  2. All vehicular safety laws will be observed.
  3. Safety belts will be used at all times when the vehicle is in operation.
  4. In the event that a City vehicle is involved in an accident, the employee will notify the appropriate law enforcement agency and the employee's immediate supervisor, the Director and Administrative Supervisor.
  5. City vehicles will be used for official business only; they will not be used for pleasure or personal business unless otherwise approved by the City Manager.
  6. Any employee who abuses a City vehicle in any manner will be subject to disciplinary action including possible payment for the deductible portion of damages to the vehicle.
- B. Overnight use of a non-assigned City vehicle will require approval of the City Manager before a vehicle is driven home. Such use normally will be authorized only under the following conditions:
1. The employee requires use of a vehicle overnight or whose responsibilities involve an evening or weekend public appearance. (i.e. Code Enforcement)
  2. The employee holds a position with duties and responsibilities involving on-call or standby status.
  3. The employee is traveling on City business.
  4. Operator will possess a valid Florida driver's license.
- C. In addition to the rules for operating a City vehicle, employees who are assigned overnight use of City vehicles will adhere to the following rules:

1. Under no circumstances will the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure unless otherwise approved by the City Manager.
  2. The employee will be responsible to keep the vehicle in clean condition.
- D. Vehicle assignments may change from time to time, and each vehicle will be available for other purposes when not being used by the employee to whom it is normally assigned.
- E. All vehicles, which are not to be driven home by employees, will remain parked overnight in the building parking lot where the vehicle is assigned.

#### 26.11 SAFETY

- A. All Directors, managers and supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, Departmental, State, Local and Federal laws relating to safety applicable to their area of responsibility.
- B. All employees are required to abide by all applicable City, Departmental, State, Local and Federal safety laws and regulations applicable to their area of responsibility.
- C. All employees should report to their Department Director or Supervisor, any condition, equipment or practice they consider to be unsafe.
- D. Employees who are required to must wear safety equipment and clothing provided by the City must do so. Failure to do so will justify immediate termination.

#### 26.12 LIGHT DUTY

- A. If an employee is released by his physician for "light duty," return to light duty shall be at the option of the City based on its operational needs. Refusal to accept a light-duty assignment by the City Manager, or his designee, which the employee is capable of performing in accordance with applicable law will result in termination of employment.
- B. The employee will be paid his normal hourly rate for light duty work.
- C. No PTO will be charged for those hours worked while on light duty.

## SECTION 27\*

### GROUP HEALTH INSURANCE

#### 27.01 HEALTH INSURANCE

The Employer shall provide health insurance selected by the Employer to include dependent coverage at the option of the employee. In the event that more than one (1) plan is offered, the Employer shall pay the individual premium cost for the lowest plan offered. To be eligible for employee insurance, an employee must be classified regular full-time.

#### 27.02 DEPENDENT COVERAGE

The employee shall have the choice of plans offered by the Employer and shall be responsible for the premium cost for dependent coverage not paid by the Employer.

#### 27.03 LIFE INSURANCE

The Employer will provide life insurance coverage for employees in the amount of one times the employee's annual base salary, to a maximum of \$100,000.00. This coverage will be in addition to any life insurance required by state law, if any, for a particular classification or group of employees.

#### 27.04 RETIREES

Upon retirement under a City sponsored retirement plan, a retiree shall be allowed to continue participation in the City Group Medical Insurance Plan for himself and his dependents at his own cost under conditions acceptable to the City as to payment, subject to the terms of the Plan and applicable law.

#### 27.05 CAROUSEL BENEFITS PROGRAM

- A. An employee may elect not to participate in the City Group Medical Insurance Plan upon proof acceptable to the City that the employee is covered by another health plan.
- B. An employee wishing to opt out of the City Group Medical Insurance Plan shall complete the forms and supply proof of other coverage with the Personnel Office.
- C. If approved by the City, the employee will be paid ninety-nine dollars and 41 cents bi-weekly in lieu of Group Medical Insurance coverage for those weeks he would have been covered by the City plan but for his opt out.

- D. The employee may utilize the amount received as he wishes, including participating in voluntary benefit plans offered by the City.
- E. It is the obligation of the employee to advise the City in writing immediately in the event the employee no longer has other Group Medical Insurance or the plan on which the City allowing the opt out has changed.
- F. The City reserves the right to withdraw its approval of an employee's opt out at any time for failure to provide satisfactory proof of alternative coverage and to change the benefit options available to all City employees.