

# PERSONNEL POLICIES AND PROCEDURES

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## PREAMBLE

THE CITY OF WILDWOOD IS AN AT WILL EMPLOYER. ALL EMPLOYEES SERVE AT THE WILL OF THE CITY.

NONE OF THE PROVISIONS OF THESE RULES SHALL BE DEEMED TO CREATE A VESTED CONTRACTUAL RIGHT IN ANY EMPLOYEE NOR TO LIMIT THE POWER OF THE CITY MANAGER OR COMMISSION TO REPEAL OR MODIFY THESE RULES. THE PROVISIONS OF THE POLICIES AND PROCEDURES ARE NOT TO BE INTERPRETED AS PROMISES OF SPECIFIC TREATMENT, NOR ARE THEY OR ANY OTHER DOCUMENT PROVIDED TO AN EMPLOYEE OF THE CITY TO BE CONSTRUED AS AN IMPLIED OR EXPRESS CONTRACT BETWEEN THE CITY AND THE EMPLOYEE. ALL EMPLOYEES OF THE CITY SERVE AT WILL AND HAVE NO EXPRESS OR IMPLIED CONTRACT WITH THE CITY.

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# CHAPTER I

## GENERAL PROVISIONS

### Policy 1.1. APPLICABILITY OF THE RULES.

- A. SUBJECT. General provisions regarding applicability of personnel rules to City of Wildwood employees.
- B. PURPOSE.
1. These policies and procedures are enacted by the City of Wildwood in order to further the following goals:
    - a. To provide a uniform system of personnel administration throughout the City service.
    - b. To ensure that recruitment, selection, placement, promotion, retention and separation of City employees are based upon employee's qualifications and fitness, and are in compliance with federal and state laws.
    - c. To assist the City Manager and the department directors in the development of sound management practices and procedures, and to make effective consistent use of human resources throughout the City.
    - d. To promote communication between directors, supervisors, and employees.
    - e. To ensure, protect and clarify the rights and responsibilities of employees.
  2. Unless otherwise noted in the text of a particular policy, these policies and procedures shall apply to all City employees with the exception of the following:
    - a. Members of City Commission
    - b. City Manager
    - c. City Attorney
    - d. Members of boards and committees
    - e. Consultants and professional personnel who are engaged on a contractual or temporary basis
    - f. Certain other positions such as seasonal or part time positions as the City Manager may exempt, in writing.
    - g. Certain provisions of the rules do not apply to Executive and Administrative employees.
  3. The City specifically reserves the right to repeal, modify or amend these policies at any time with or without notice.
- C. POLICY. The policy of the City is that all employees adhere to the City's personnel rules except as provided herein. The personnel rules provide a set of guidelines that will promote fair and equal treatment of all employees. The City's policy is that all employees serve at the will of the City. These rules will assure that the employees of the City understand the obligations and benefits of City employment as long as it continues.

D. PROCEDURE.

1. All employees to whom these rules are applicable shall comply with the requirements of these personnel rules.
2. Employees bound by the requirements of these rules must comply with these rules during the time they work whether on City, public or private premises. Any employee to whom these rules are applicable who is conducting City business must comply with these rules.
3. An employee bound by these rules who uses a personal vehicle to conduct City business must comply with the requirements of the personnel rules while using the personal vehicle.
4. Any employee who uses his or her personal vehicle to conduct City business must provide the City with proof that the vehicle is insured as required for personal use by state statute.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 1.2. AMENDMENTS OF THE RULES.

- A. SUBJECT. Amendment of the rules.
- B. PURPOSE. To provide a uniform method for amending the personnel rules.
- C. POLICY. In order to promote the uniform application of the personnel rules, there needs to be a uniform procedure for adoption and amendment of the rules.
- D. PROCEDURE.
  - 1. Amendments to these rules may be proposed by the City Manager and adopted by resolution of the City Commission.
  - 2. The rule will become effective as prescribed in the resolution.
  - 3. If the resolution does not include the effective date, then it shall be 30 days after the date of passage of the resolution.
  - 4. In the event of the amendment of any ordinance, rule or law incorporated in this document or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.
  - 5. Amendments shall be disseminated to all employees within 10 days of the effective date of the amendment.

EFFECTIVE DATE: August 24, 2009

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Policy 1.3. CONSTRUCTION OF THE RULES.

A. SUBJECT. Construction of the personnel rules.

B. PURPOSE. To provide a uniform method for construction of the personnel rules.

C. POLICY. Uniform construction of the personnel rules promotes fair and equal treatment to employees of the City because it allows rules to be applied in the same manner to all employees.

D. PROCEDURE.

1. In the event of any conflict between these Personnel Rules and Regulations and the City Charter, the provisions of the City Charter shall prevail.

2. In the event of conflict between these rules and any City ordinance, state, or federal law, the terms and conditions of the ordinance or state or federal law shall prevail. In all other cases, these policies and procedures shall apply.

3. If any ordinance, rule or law incorporated into the policies and procedures of the City of Wildwood is amended, then these policies and provisions shall be deemed amended in conformance with that change.

EFFECTIVE DATE: August 24, 2009

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## CHAPTER II

### DEFINITION OF TERMS

#### Policy 2.1. DEFINITIONS.

- A. SUBJECT. Definitions to be used in interpretation of the rules.
- B. PURPOSE. To provide a definition for terms used in these rules.
- C. POLICY. The personnel rules shall have a uniform clean meaning and be easily understood.
- D. PROCEDURES.

1. Any term used in these policies and procedures shall be as defined herein. If a term or word contained in a policy or procedure is not otherwise defined herein, it shall be treated as it is normally defined in everyday use.

2. For the purpose of these personnel rules, the following terms shall apply.

ADMINISTRATIVE EMPLOYEE - An administrative employee shall be an employee in a bona fide administrative capacity as defined by federal law and such employee shall be an employee (a) whose primary duties shall consist of either the performance of office or non-manual work directly related to management policies or general business operations of his/her employer or his/her employer's customers; and, (b) who customarily and regularly exercises discretion and independent judgment; and, (c) who either regularly and directly assists an employee employed in a bona fide executive or administrative capacity, or who performs only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or who executes under only general supervision special assignments and tasks; and, (d) who does not devote more than 20% of his/her hours in a work week to activities which are not directly and closely related to the performance of the above described work; and, (e) who is compensated for his/her services on a salary or fee basis not less than the amounts required under federal law.

ADMINISTRATIVE LEAVE— A leave of absence with pay during the investigation of alleged misconduct.

ADVERSE PERSONNEL ACTION – Adverse personnel action means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the City or an independent contractor working for the City.

ALLOCATION – Allocation means the assignment of an individual to an appropriate class on the basis of the type of work, difficulty, responsibility and other related job factors of the work performed.

ASSOCIATION MEETINGS – Meetings of a professional association devoted to a specific type of employment such as a municipal clerks association or police association.

CHAIN OF COMMAND – Chain of command means the order of authority allocated to city workers for reporting and management purposes.

CHAIN OF CUSTODY – Chain of custody refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

CLASS – Class means a position or group of positions which involves similar qualifications and is designated by a title indicative of the kind of work and for which the same pay range can be applied within reasonable equity.

CLASSIFICATION PLAN - An orderly arrangement of positions into separate and distinct classes so that each class will contain positions which have similar prerequisite qualifications.

COMPENSATION - Wages, salaries, fees, allowances and all other forms of valuable consideration or the amount of any one or more of them paid to an employee, by reason of service rendered in any position, but not including any allowances for expenses authorized and incurred as incidental to employment and which may be separately authorized and/or reimbursed.

COMPENSATION PLAN - A schedule of compensation established for the classes of positions so that all positions of a given class will be paid in the same wage or salary range established for the class.

CONFIRMATION TEST, CONFIRMED TEST OR CONFIRMED DRUG TEST – This means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

CONTINUING EDUCATION SEMINARS – This is a class or meeting which provides additional education credits necessary to maintain a license or certificate.

CONTRACT -- Contract shall include any contract or agreement, sale, lease, purchase, or purchase order.

DEPARTMENT HEAD - Employees of the City designated to be head of a department.

DEMOTION - A change in employment status from a position of one class to a position of another class having a lower maximum salary than the original class.

DISMISSAL/DISCHARGE - Complete separation of any employee, from the employment of the City.

DRUG – Drug means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph and any substance deemed illegal under Florida Statutes. An employer may test an individual for any or all of such drugs.

DRUG REHABILITATION PROGRAM – This means a service provider, established pursuant to s. 397.311 (28), that provides confidential, timely, and expert identification, assessment, and resolution of employee drug (including alcohol) abuse.

DRUG TEST OR TEST – This means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites.

EGREGIOUS CONDUCT – This is conduct of an employee while working for the City that is: (a) grossly negligent or intentional; and (b) causes serious harm to the City its employees or the general public; or seriously demoralizes fellow employees; or could be considered criminal in nature.

EMPLOYEE ASSISTANCE PROGRAM (EAP) – This means an established programs capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug (including alcohol) abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to s. 397.311 (28).

EMPLOYEE – This means a person who performs services for, and under the control and direction of, or contract with, the City for wages or other remuneration, and any person employed by the City or covered by the provisions of these rules.

EXECUTIVE EMPLOYEE - An executive employee shall be an employee employed in a bona fide executive capacity and includes any employee (a) whose primary duty consists of the management of the enterprise in which he/she is employed or of a customarily recognized department or subdivision thereof; and, (b) who customarily and regularly directs the work of two or more other employees therein; and, (c) whose suggestions and recommendations as to the hiring and firing, and as to the advancement information or any other change of status of other employees will be given particular weight; and, (d) who customarily and regularly exercise discretionary powers; and, (e) who does not devote more than 20% of his/her hours in an work week to activities which are not directly and closely related to the performance of the above described work; and (f) who is compensated for his/her services on a salary basis of a rate which is equivalent to the rates approved under federal law.

FLEX TIME – This means time given off to a full time employee when required to work more than the normal hours of a workday during the same workweek.

FULL TIME EMPLOYEE—This means an employee who works a shift that on an annual basis would total no less than 2080 hours.

GROSS MISMANAGEMENT – This means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

HARASSMENT – This is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person’s work performance.

IMMEDIATE FAMILY OR IMMEDIATE RELATIVE FOR ALL PURPOSES EXCEPT THE FAMILY AND MEDICAL LEAVE ACT – This includes spouse, child, parent, brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, grandchild or persons related by blood or marriage residing in an employee’s home.

IMMEDIATE FAMILY OR IMMEDIATE RELATIVE FOR PURPOSES OF THE FAMILY AND MEDICAL LEAVE ACT – This means spouse, child and parent of the employee.

INDEPENDENT CONTRACTOR – This means a person engaged in any business who enters into a contract with the City and is not paid a wage or salary by the City. No federal or state withholding taxes are paid by the City on behalf of any independent contractor.

INITIAL TEST – This means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

INTEREST. Interest is any direct or indirect monetary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated). Interest includes: (1) interests in an employee's family, (2) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee, (3) interest in any business entity in which the City employee is an officer, director, or employee, (4) interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

JOB APPLICANT –A person who has applied for a position with the City.

JOB DESCRIPTION - A narrative statement prescribing the current duties, responsibilities, general requirements and qualifications for a position.

LAYOFF - Separation of a regular employee from a position in the personnel system because of the reduction in workload available, lack of funds by the City, abolishment of the position after study, material alteration in the departmental organization or for other related causes.

MEDICAL REVIEW OFFICER OR MRO – This means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

OPEN COMPETITIVE TEST – This means an examination, either written, oral or physical, which permits persons to compete who meet the requirements of a job vacancy. Eligibility to compete is not restricted to persons currently permanently employed by the City.

OVERTIME - Overtime is the required performance of previously authorized work in excess of 40 hours per week for non-certified law enforcement employees and 84 hours biweekly for certified law enforcement employees.

PART-TIME REGULAR EMPLOYEE - An employee who regularly works less than the established workweek of the department and class in which he is employed.

PERFORMANCE EVALUATION - The periodic evaluation or appraisal of an employee's work

performance, conduct, attendance and potential.

PERMANENT POSITIONS - A permanent position shall be one that is established in the budget and designated to be continuous in nature. It may be seasonal or part-time, but permanent to the extent that it is established by the budget, designated as permanent by the City Manager, and filled with a regular or probationary employee.

POSITION - Employment involving an aggregation of duties to be performed and responsibilities to be discharged by one person, whether temporary, permanent, part-time, or full-time, occupied or vacant.

POSITION CLASSIFICATION - The relative allocation of a position within the classification plan based upon the current duties, responsibilities and general requirements of the position as compared to positions with the plan.

PRESCRIPTION OR NONPRESCRIPTION MEDICATION - means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

PROBATIONARY EMPLOYEE - An employee who has:

- a. Not completed the required probationary period.
- b. Been placed into probationary status for a cause.

PROBATIONARY PERIOD - A working test period and an integral part of the evaluation, testing and/or examination process during which the employee is required to demonstrate fitness for the position by satisfactory performance of the duties of the position and by satisfactory conduct and attendance as prior conditions to receiving regular status. Upon successful completion of his/her probationary period, an employee shall be a regular employee.

- a. Initial probationary periods will normally be six (6) months in duration for all employees except for police officers which will be twelve (12) months in duration. An employee during his/her initial probationary period may be suspended or terminated without cause.
- b. Probation for cause—an employee may be placed on probation for cause:
  - i. By his or her department head or by the City Manager;
  - ii. Probation for cause includes probation due to promotion, demotion, transfer, disciplinary actions, etc.
  - iii. Probation for cause may continue for such time as is considered necessary by the City Manager.
  - iv. A decision by a department head to place an employee on probation for cause must be approved by the City Manager prior to initiating the probationary period.
  - v. Any probationary period may be extended at the City Manager's discretion if the employee has not fully demonstrated an ability to perform the job.

PROMOTION - The upgrading of an employee from a position of one class to a position of another class which has a higher maximum salary rate.

REASONABLE-SUSPICION DRUG (INCLUDING ALCOHOL) TESTING – This means drug (including alcohol) testing based on a belief that an employee is using or has used drugs (including alcohol) in violation of the employer's policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- a. Observable phenomena while at work, such as direct observation of drug (including alcohol) use or of the physical symptoms or manifestations of being under the influence of a drug (including alcohol).
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A report of drug use, provided by a reliable and credible source.
- d. Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
- e. Information that an employee has caused, contributed to, or been involved in an accident while at work.
- f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- g. "Safety-sensitive position" means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.
- h. "Special risk position means a position that is required to be filled by a person who is certified under chapter 633 or chapter 943 Florida Statutes.
- i. "Specimen" means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

RECLASSIFICATION - The action taken to officially change an existing position to a different appropriate class because of a change in the duties, responsibilities, and/or requirements of the existing position, or because of an amendment of the classification.

REGULAR EMPLOYEE - An employee who is not a temporary employee and who has completed a satisfactory probationary period.

REGULAR FULL-TIME EMPLOYEE - An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year.

REGULAR PART-TIME EMPLOYEE - An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours, per week.

RESERVE OFFICER – A part-time Police Officer who volunteers a minimum of 16 hours per month without any type of compensation and is subject to call-in as needed.

RESIGNATION - The voluntary termination of employment by an employee.

SICK LEAVE - An employee benefit that consists of time that the employee is released from duty and activity as an employee because of personal illness, injury, exposure to disease or doctor appointments as indicated in these rules.

SUSPENSION - A leave of absence without pay, during the investigation of alleged misconduct of the employee.

TEMPORARY EMPLOYEE - An employee for a period of up to 90 days, when regular employment for the job to be performed is not anticipated or an employee who is hired to fill a temporary position.

TEMPORARY FULL-TIME EMPLOYEE - A temporary employee who works a shift schedule which on an annual basis would total no less than 2,080 hours.

TEMPORARY PART-TIME EMPLOYEE - A temporary employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total less than 1,040 hours.

TEMPORARY POSITION - A temporary position is one that is established and approved by the City Manager for a specific period of time since regular employment for the task is not anticipated. No such position can be established unless sufficient funds are provided in the budget. Appointments to temporary positions shall ordinarily be for a period of up to 90 days, except that the City Manager may extend any appointment if conditions warrant.

TRANSFER - Change of an employee from one position to another position.

VACANCY - A position established in a current budget as duly created and not currently occupied by an incumbent.

VACATION - An employee benefit that:

- a. Consists of time during which an employee is released from duty or activity as an employee.
- b. That is separate and distinct from sick leave.
- c. That is earned and accrued based upon the employee's length of service.

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## CHAPTER III

### ADMINISTRATION OF RULES

#### Policy 3.1. RESPONSIBILITY FOR ADMINISTRATION OF THE RULES.

- A. SUBJECT. Responsibility for administration of personnel rules.
- B. PURPOSE. To provide a chain of command for the administration of these policies and procedures.
- C. POLICY. The policy of the City is that there shall be an orderly administration of the City's personnel rules. This is promoted by an established chain of command.
- D. PROCEDURE.
1. The City Manager shall act as the Chief Executive Officer of the City.
  2. The City Manager shall carry out such duties as are prescribed under the City Charter, ordinances, resolutions, these rules and from time to time as directed by the City Commission.
  3. The City Manager, at his discretion, may delegate any or all of the duties assigned to him by these rules.
  4. Each department head shall report directly to the City Manager on personnel issues. The Department Head shall carry out such duties as are prescribed by the City Charter, ordinances, resolutions, these rules and the directives of the City Manager.
  5. Employees within each department shall report to the person designated as his or her supervisor in the department and supervisors shall report to the department head. Employees shall carry out such duties as are prescribed for them in their job descriptions and as directed by their supervisor, department head and/or the City Manager.
  6. Failure to follow chain of command may result in disciplinary action unless otherwise noted in other sections of these rules.

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Policy 3.2. ADMINISTRATION OF EXAMINATIONS OR TESTS.

A. SUBJECT. General administration of examinations or tests required.

B. PURPOSE. To provide a procedure for the administration of tests required by these policies and procedures.

C. POLICY. The City's policy is that tests and examinations required by these rules be administered in a uniform and fair manner to promote fair and equal treatment of all employees.

D. PROCEDURE.

1. The City Manager shall give, or cause to be given, any examination or tests required or desired under the provisions of these rules.

2. The City Manager, at his discretion, may delegate any or all of these duties assigned to him or her by these rules.

3. If an employee or prospective employee is required to complete a test, it shall be administered in a manner that fulfills all requirements of any law applicable to that particular department. It shall be administered in a uniform manner so that all persons are given an equal opportunity to complete the test.

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LAST REVISED: \_\_\_\_\_

Policy 3.3. ADMINISTRATION OF PERSONNEL RECORDS.

A. SUBJECT. Administration of employee personnel records.

B. PURPOSE. To establish procedures and responsibilities for the maintenance of personnel records.

C. POLICY. Maintenance of personnel records in a uniform manner promotes efficiency and allows the City to assure compliance with laws related to public records while protecting employee privacy.

D. PROCEDURE.

1. The Human Resources Office is responsible for establishing and maintaining an official personnel file for each employee of the City.

2. Police Department personnel documents required by Florida Statutes may be maintained at the Police Department including:

- a. Psychological profiles;
- b. Civil Service Test;
- c. Polygraph results;
- d. Background checks;
- e. Oral board results;
- f. Performance plans and reviews; and,
- g. Such other documents required by Chapter 931, Florida Statutes.
- h. Records related to citizens' complaints and investigations of citizens complaints.

Copies of a., b., c., d., and e., shall be forwarded to the Human Resources Office for file. Copies of Internal Affairs Investigations final results will be forwarded to the Human Resources Office for personnel file.

3. Department Heads are responsible for the forwarding of documents for inclusion in the personnel files of those employees assigned to their department.

4. Each employee is responsible for the verification of information contained in the personnel file.

5. Separate personnel files shall not be maintained by individual departments except as provided herein. However, each department may maintain copies of records related to employee's performance and discipline.

6. Documents retained in the personnel file maintained by the personnel office throughout the association of an employee with the City shall include:

- a. Employee application.
- b. Job description and specification information.
- c. Job performance ratings and evaluations.
- d. Education/training information.
- e. Personnel data card.
- f. Personnel action forms.
- g. Disciplinary records.

7. This policy will be periodically reviewed to ensure compatibility with current accepted personnel procedures.

8. These records are maintained during the tenure of the employee and for such time as required by Florida public records laws. No portion of the file may be deleted until allowable under the Florida public records laws.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 3.4. ACCESS TO PERSONNEL FILES.

A. SUBJECT. Access to personnel files.

B. PURPOSE. To provide for protection of private information and access to personnel files which are subject to Florida public records laws.

C. POLICY. The policy of the City is to protect its employees' confidential information when allowable under the Florida public records laws, while fully complying with any requirements of the public records laws.

D. PROCEDURE.

1. Access by persons other than the employee of an employee's record.

a. All items included in the employees' personnel file and the Police Department file which are exempt from disclosure and the public records laws will be maintained as confidential by the Human Resources Office. This includes:

- Social Security Number
- Medical Records
- Psychological Records
- Any other information which falls within an exception to the Public Records Law.

If access to a document which includes this information is requested, all such information shall be redacted prior to allowing review of the document.

b. All documents in the personnel file that are public records not subject to exemption will be produced within a reasonable time for review or copying as required by Florida law.

c. If a public records request for a document that is a personnel record is made by anyone other than the employee:

- The documents may be produced for review at City Hall. Said review must occur in a place where the review may be observed by a City Hall employee.
- Copies of documents will be provided within a reasonable time of request.
- The cost of copied documents is that amount allowed by state law.
- If extensive copying is required, the cost of employee time may also be included.
- Payment must be by certified check or cash.
- Any personnel documents requested from any department other than the Human Resources Office shall be copied and forwarded to the Human Resources Office for dissemination to the person requesting the documents.

d. Health/Medical related files and documents will be maintained by the City Human Resources Office. Any information protected by federal law will be maintained as confidential.

e. If a public records request includes information contained in the Police Department file, the employee's file will be transported to City Hall for copying and review. A Human Resources employee shall be present during the review.

2. Access by the employee of his or her own record. Any employee may review his or her personnel file in the Human Resources Office City Hall upon reasonable notice to the Human

Resources Office. Any police department employee may review his or her Police Department personnel file at the police department upon reasonable notice to the Police Chief.

3. Access by an employee's supervisor. Unless prohibited by law, an employee's supervisor may have access to an employee's file reasons related to employment with the City.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

## CHAPTER IV

### RECRUITMENT AND HIRING OF EMPLOYEES

#### Policy 4.1. EQUAL EMPLOYMENT OPPORTUNITY.

- A. SUBJECT. Equal Employment Opportunity in hiring practices.
- B. PURPOSE. To establish a policy to ensure equal employment opportunity with the City.
- C. POLICY. The policy of the City is to ensure equal employment opportunity for all employees and appointed representatives. This commitment includes a mandate to promote and afford equal treatment and services to all citizens, employees and City representatives, and to assure equal employment opportunity based on ability and fitness to all persons regardless of race, religion, color, creed, national origin, sex, marital status, age, or the presence of any sensory, mental, or physical disability unless such disability effectively prevents presence of any sensory, mental, or physical disability unless such disability effectively prevents the performance of the essential duties required of the position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship.

The goals and objectives of the Equal Employment Opportunity Policy are to:

1. Ensure fair treatment and non-discrimination in City hiring, City employment, and in appointments to and service on the City boards and commissions.
  2. Provide compliance with State and Federal equal opportunity requirements and regulations.
  3. Provide a basis for encouraging those who do business with the City to practice Equal Employment Opportunity.
- D. PROCEDURE.
1. The Human Resources Coordinator shall serve as the Equal Employment Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program.
  2. The Equal Employment Opportunity Officer shall undertake the following actions to assure equal employment opportunities in the City:
    - a. Assure that pay and fringe benefits depend upon job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
    - b. Inform and provide guidance to staff and management personnel who make hiring decisions so that all applications for selections, promotion and termination, including those minorities and women are considered without discrimination and all applicants be given equal opportunity regardless of race, creed, color, national origin, sex, marital status, age, or the presence sensory, mental, or physical disability unless such disability effectively prevents the performance of essential duties and functions required by the position and which are bonafide occupational qualifications which cannot be accommodated without undue hardship.
    - c. Provide orientation for all new employees specifically emphasizing how the City assures equal opportunity. Encourage all employees to avail themselves of services

rendered.

d. This policy shall be made known to all employees, contractors, and suppliers through distribution of the Equal Employment Opportunity Policy. Applications for employment will include an equal opportunity clause.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.2. WORKPLACE MAKEUP.

A. SUBJECT. Diversity and workplace equity.

B. PURPOSE. To state the City's commitment to build quality workforce representative of the community it serves.

C. POLICY. The City is committed to building a diverse workforce which reflects the face of the community it serves. By creating a workplace where everyone can work towards their maximum potential, the City will be better able to retain quality, productive employees who will provide excellent services to its residents.

D. PROCEDURE.

To achieve workplace equity and inclusion the City will:

1. Ensure that the City does not discriminate in employment on the basis of race, color, religion, national origin, sex, age, disability, marital status, creed, ancestry, or medical condition.
2. Make employment decisions based on job-related criteria and will provide opportunities for entry and promotion into non-traditional jobs where appropriate.
3. Ensure a workplace free of all forms of harassment.
4. Develop a procedure for prompt, thorough and impartial investigations of discrimination or harassment complaints and will take appropriate measures to provide remedy or relief to individuals who have been victims of illegal discrimination, harassment or false accusations thereof.
5. Measures to ensure accountability for managing diversity will be incorporated into the performance management system for supervisors and managers. The chief executive officer will evaluate the effectiveness of our diversity policies and programs.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.3. RECRUITING.

- A. SUBJECT: Employee recruitment.
- B. PURPOSE: To provide a uniform procedure for recruitment of the City's employees.
- C. POLICY. A uniform procedure for the recruitment of City employees will promote fairness in employee hiring practices.
- D. PROCEDURE.

1. A need for recruitment of employees arises when any of the following occurs:

a. A vacancy in a classified position exists and the determination is that it will be filled. Wherever a vacancy is to be filled, the department head under whose authority the position falls shall notify the City Manager of the need and shall indicate the class of the position.

b. A new position is proposed by the City Manager and approved by the City Commission.

c. Temporary help is necessary because of seasonal or other employment needs as set by the City Manager.

In all of the above situations the Human Resources Office will be notified by the City Manager of the need to fill the position. If there is an existing employee who meets the requirements of the position and the employee wishes to transfer to the open position, the City Manager has the discretion to transfer the employee to the open position without the need for advertisement. If there is no qualified employee that the City Manager determines should be transferred to the open position, then the City Manager shall direct the Human Resources Office to advertise the position and accept applications.

2. A vacancy in a classified position must be filled by appointment of a probationary or temporary employee.

3. All appointments to City service shall be made according to merit and fitness. Merit and fitness may be ascertained by examination which shall be prepared by or under the direction of the City Manager. Examinations shall relate to these matters that will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position for which the examinations are held. Examinations may include written, oral, physical or any other qualifications or attributes which, in the judgment of the City Manager, enter into the determination of the relative fitness of the applicant.

4. Recruitment may occur by:
  - a. Insofar as it is practicable, vacancies in higher positions may be filled by promotion from lower classes.
  - b. The City will advertise regular part-time and full-time vacant positions on the City website. If insufficient applications result from placement on the website, then the City will advertise in the local newspaper or such other publication as the City Manager deems appropriate. The City will also post any notice of vacancies in the City Hall
  - c. A position may be filled by transferring an employee from another position of the same class or similar class with essentially the same basic qualifications and having the same maximum salary. Transfers must be approved by both department heads concerned and the City Manager.
  - d. Discrimination against any person in recruitment, examination, appointment, training, promotion, or any other personnel action because of political or religious opinion or affiliation or because of race, sex, national origin, age, physical handicap, or any other non-merit factor is prohibited.
5. In determining successful candidates for any classified position, due consideration shall be given to such factors as education, training, experience, aptitude, knowledge, character, skills, abilities, physical fitness, references or other factors which may enter into the determination of the relative fitness of the applicant. It shall be the policy of the City to comply with the requirements of Chapter 295 of the Florida Statutes in considering the employment of Veterans.
6. No application will be accepted unless a Vacancy has been posted by the Human Resources Office upon approval of the City Manager.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.4. PROBATIONARY APPOINTMENTS FOR ALL EMPLOYEES

A. SUBJECT. Probationary appointments of City employees.

B. PURPOSE. To require newly appointed employees to work for a period of time which will allow the City to assess whether the employee is able to properly perform the duties of the position.

C. POLICY. The policy of the City is that new employees shall be given uniform, fair and equal treatment. In order to determine the fitness of a new employee for the job he or she has been hired to fill, every new employee or employee filling a new or different position must be a probationary employee. Also the policy of the City is that all statutory and other requirements be met in the hiring procedure for police officers.

D. PROCEDURE.

1. The probationary period shall begin immediately upon appointment and shall continue for a period of six months for all employees, except that the probationary period for a police officer shall begin upon appointment and continue for a period of 1 year or until such time as State law requires whichever is longer.

All recruiting and appointment of police officers shall be conducted as required by Chapter 943, Florida Statutes. Appointments of police officers shall be made in compliance with all other policies related to appointment of employees except as specifically noted in these Rules.

2. An employee who has been newly hired by the City shall be retained beyond the end of the probationary period and granted regular status only if the department head affirms that the services of the employee have been found to be satisfactory and recommends to the City Manager that the employee be given regular status.

3. An employee who has been transferred to a new position, either laterally or as promotion, shall have a six-month probationary period in the new job. The probationary period shall not be terminated at the end of six months unless the employee's supervisor determines the services of the employee are satisfactory and recommends to the City Manager that the employee be given regular status in the new position. If the employee's work is not satisfactory at the end of 6 months, then the City Manager may continue the probation, return the employee to the prior position he or she held if it is still available or to some other available vacancy that the employee is qualified for or terminate the employee's employment. If the employee returns to his or her prior position or to another position, his or her employment will be subject to another 6-month probationary period.

4. When an employee is promoted to a higher class or transferred laterally, his/her probationary service will not eliminate, slow or diminish his accrued rights to pay, longevity or leave provisions of these policies.

5. Any time a probationary period is not completed satisfactorily, the employee may be transferred to a more suited position, have the probationary period extended up to an additional six months, or be terminated at the discretion of the City Manager.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.5. EMPLOYEE IN-PROCESSING/ORIENTATION

- A. SUBJECT. Employee's in processing/orientation.
- B. PURPOSE. To establish a policy and procedure for new City employees.
- C. POLICY. All new regular full-time and regular part-time employees of the City will be scheduled to meet with the Human Resources Office prior to their first day of work for general orientation.
- D. PROCEDURE.
  - 1. The Human Resources Coordinator will distribute and explain the various enrollments forms, etc., that must be filled out.
  - 2. Each new employee will be provided with information on employee benefits, City policies and operations.
  - 3. The hiring department provides Orientation and additional information to the new employee on their first day of work, including:
    - a. Work standards and regulations.
    - b. Hours of work, time cards or reports, leave requests.
    - c. Duties of the position.
    - d. Safety rules and procedures, location of safety or protective equipment.
    - e. Tour of the work area, including location of equipment, supplies, etc.
    - f. Introduction to co-workers.
    - g. Schedule for lunch and breaks.
    - h. When and whom to report absence from work.
    - i. Who is responsible for performance planning and review.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 4.6. TEMPORARY EMPLOYEE APPOINTMENTS.

- A. SUBJECT. Temporary appointments of City employees.
- B. PURPOSE. To provide a uniform and fair method of hiring of temporary employees.
- C. POLICY. The City may hire temporary employees when there is a need for an increase in the City workforce that will be of a temporary nature. This will increase the efficiency of the workforce and use of City resources.
- D. PROCEDURE.
  - 1. Temporary employees may be hired for the following purposes:
    - a. When an emergency problem arises for which there are not adequate numbers of employees to be able to reasonably resolve the problem;
    - b. When there are vacancies created by illness;
    - c. When there is a need for additional employees for temporary purposes;
    - d. When there is a need for seasonal employees; and,
    - e. At such times as the City Manager determines a need for temporary employment exists.
  - 2. If a department head determines there is a need for a temporary employee, he or she shall bring this need to the attention of the City Manager.
  - 3. The City Manager or his or her designate shall determine when temporary employees are hired.
  - 4. Temporary employees may continue to work for a period of 90 days.
  - 5. The City Manager may extend the temporary employee's position for such time as is necessary but not to exceed a total of 180 days.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 4.7. TEMPORARY POSITIONS.

A. SUBJECT. Temporary positions.

B. PURPOSE. To allow creation of temporary positions for seasonal or other purposes.

C. POLICY. The City may create temporary positions when there is a need for a position in the City workforce that will be of a temporary nature and will increase the efficiency of the workforce and use of City resources.

D. PROCEDURE.

1. Temporary positions may be created for the following purposes:

a. When there is a need for an employee position for a temporary purpose;

b. At such times as the City Manager determines a need for a temporary position exists.

2. The City Manager shall determine the need for the temporary position. The City Manager shall also determine the job qualifications and duties of the temporary position.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 4.8. PROHIBITION OF EMPLOYMENT OF PERSONS WHO ARE IN DEBT TO THE CITY.

- A. SUBJECT. Restrictions on hiring persons in debt to the City.
- B. PURPOSE. To promote hiring of financially responsible employees.
- C. POLICY. Fiscal responsibility may have an impact upon an employee's ability to efficiently fulfill his employment responsibilities.
- D. PROCEDURE.
  - 1. Any person in debt to the City may not be hired by the City.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 4.9. ANTINEPOTISM.

A. SUBJECT. Nepotism.

B. PURPOSE. To establish policy for the employment of members of an immediate family as defined by these rules in order to assure the reality and appearance of fairness in the best interest of the City.

C. POLICY. Employment of immediate relatives may create an atmosphere of unfairness in treatment. To avoid this, no employees who are immediately related may work in a situation where unfairness could result.

D. PROCEDURE.

1. The City's policy is that immediate relatives will not be employed in regular full-time or regular part-time positions where:

- a. One relative would have the authority to supervise, appoint, remove, discipline or evaluate the performance of the other.
- b. One relative would be responsible for auditing the work of the other.
- c. Other circumstances exist which would place the relatives in a situation of actual or reasonably foreseeable conflict between the City's interest and their own.

2. The exclusion should be limited to the job, work crew, shop or unit where the person for exclusion exists, and should not bar the person from the whole work force, unless the reason applies to the whole work force. When it is necessary to exclude a person because of what his or her spouse does, then the employees will be asked to recommend which spouse will keep the job and the final decision will be made by the City Manager. The City may require one spouse to quit 60 days after marriage if they become in violation of this policy and a mutually agreeable solution cannot be reached between the City and the employees.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.10. EMPLOYMENT OF MINORS.

A. SUBJECT. Minors working for the City.

B. PURPOSE. To establish procedure for employment of persons under the age of 18.

C. POLICY. The policy of the City is to comply with all requirements of the law in the employment of minors.

D. PROCEDURE.

1. The City, through the Human Resources Office, shall secure from the State any necessary permit to employ persons under the age of 18.

2. Whenever a minor is employed as a regular or temporary employee, the Human Resources Office is responsible to:

a. Complete the parental authorization form and obtain necessary signatures (parent, guardian and school).

b. Obtain and photocopy the minor's proof of age document.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 4.11. MINORS COMMUNITY SERVICE HOURS.

- A. SUBJECT. Minors donating time to the City as public service hours.
- B. PURPOSE. To provide guidelines for community service programs within the City.
- C. POLICY. Community service volunteer hours are an opportunity to allow the City additional workforce resources and to allow the City's minor citizens the opportunity to learn about local government and fulfill the requirement of scholarship programs or penalties.
- D. PROCEDURE.
  - 1. The City Manager may approve any program within the City to allow minors to donate community service hours to the City.
  - 2. Individuals may make application to perform community service hours whether for scholarship programs or court requirement through the Human Resources Office. Applications for minors must be signed by the parent or legal guardian in the presence of a witness.
  - 3. The Human Resources Office shall survey from time to time the different departments to determine the need for community service hour workers.
  - 4. The applicant's background shall be checked and the applications approved by the Chief of Police and returned to the Human Resources Office.
  - 5. The applicant shall be contacted by the Human Resources Office to schedule work time or to notify the applicant that work has been denied.
  - 6. The Department Head shall be responsible for maintaining hours of service and shall provide documentation of hours to the worker and to the Human Resources Office for file.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

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## CHAPTER V

### CLASSIFICATION AND COMPENSATION PLANS

#### Policy 5.1. CLASSIFICATION PLAN.

- A. SUBJECT. Inventory of employee positions.
- B. PURPOSE. The classification plan provides a complete inventory of all positions in the city service as well as accurate descriptions for each class of employment. The plan standardizes titles, each of which is indicative of a range of duties and responsibilities and has the same meaning throughout the classified service.
- C. POLICY. The policy of the City is to clarify the duties and responsibilities of the City employee through use of a classification plan. The classification plan consists of:
- a. A grouping into classes of positions which are or approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated for within the same pay range under similar working conditions.
  - b. A class title, descriptive of the work of the class, which shall identify each class.
  - c. The classification plan may be coordinated with or overlay the compensation plan.
- D. PROCEDURES.
1. Class Title - Class title shall be used in all official city records. No person shall be appointed to, or employed in a position in the classified service under a title not included in the classification plan.
  2. Uses of the Classification Plan
    - a. In determining lines of promotion and in developing an employee training program
    - b. In determining salaries which are the commission's goal to pay for various types of work.
    - c. In preparing announcements for examination.
    - d. As a guide in preparing examinations which will measure the qualifications needed to perform the work of the class.

- e. In determining personal service budget items.
- f. In providing uniform job terminology which is understandable by City officials, employees, and general public.

3. Maintenance of the Classification Plan - The City Manager is charged with the responsibility for the proper and continuous maintenance of the classification plan so that it will reflect on a current basis the duties being performed by each employee in the city service. The administration staff shall recommend to the City Manager any necessary amendments to the plan in the form of new classes and the abolishment of classes no longer required in the plan. Re-allocations of positions within the approved classification plan shall be made as follows:

- a. The City Manager shall make or cause to have made a study of each new position as it is created, and on the basis of the study, place the position into the appropriate class within the classification plan.
- b. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modifying or existing assignments shall be reported to the City Manager by department heads. If these are determined to be permanent, or more than minor changes which justify the re-allocation to a different classification, the City Manager shall place such position in its appropriate class.
- c. The City Manager shall periodically cause to have reviewed the classification of positions, and upon the basis of investigation make appropriate changes in the allocations to the classification plan.
- d. An employee affected by the allocation or re-allocation of a position in the classification plan shall be afforded a reasonable opportunity to be heard by the City Manager after filing a written request. The City Manager, after hearing the facts of the case, shall render his decision and such decision will be reported to the employee and to the department head in writing.

4. The position description does not constitute an employment agreement between the City and employee and is subject to change as the needs of the City and the requirements of the job change.

5. The City Manager has the discretion to approve placement of an employee in a temporary position as a department head if a department

head is absent for a period of four weeks or longer and the department head's absence requires that employee to assume supervisory or other responsibilities that are those of the absent department head. The City Manager may designate such employee as an acting department head as follows:

- a. In the City Manager's sole discretion the employee may receive a stipend of up to 10% of his or her pay grade for the period of the department head's absence.
- b. The funds to allow such payment must be available in the budget.
- c. The City Manager makes a determination that it is appropriate to temporarily fill the department head's position.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 5.2 COMPENSATION PLAN.

- A. SUBJECT. Creation of a compensation plan.
- B. PURPOSE. To provide a plan for compensation of City employees.
- C. POLICY. To promote uniform application of compensation so jobs within the classification plan and compensation are administered in a uniform manner. The Compensation Plan shall include:
1. A basic table of pay rates.
  2. The schedule of salary grades for each title in the classification plan consisting of minimum and maximum rates of pay and intermediate steps. Each employee shall be paid at one of the rates set forth in the pay plan for the class of position in which he/she is employed.
  3. The compensation plan may be coordinated with or overlap the classification plan.
  4. The compensation plan includes levels of compensation that the City would like to offer employees and plans to offer if funds are available but all raises and salaries are subject to budget consideration. If the Commission determines there are insufficient funds to stay within the plan, it may change the salary grades.
- D. PROCEDURE.
1. Development and Maintenance of Salary Grades - Salary grades shall be linked directly to the position classification plan and shall be determined with due regard to the following considerations:
    - a. Grades of pay for other classes.
    - b. Relative difficulty and responsibility of positions in the class.
    - c. Availability of employees in particular occupational categories.
    - d. Cost of living factors; the financial policies of the City, other economic conditions; and budgetary constraints.

The minimum and maximum of each salary grade shall be those rates in the basic salary schedule which most nearly reflect these conditions and factors.

2. Salary Grades - Salary grades are intended to furnish administrative flexibility in recognizing individual differences between positions, in providing the employees with incentive in rewarding employees for meritorious service and longevity, and in meeting emergency conditions requiring pay adjustments. Prior to the preparation of each annual budget, and at other times as may be necessary, the City Manager shall make cause to have made such comparative studies as he deems to be necessary relative to the factors affecting the level of salary ranges.

3. Salary Increases based upon merit – Except for cost of living increases which may be considered by the Commission on an annual basis, salary increases within appropriate pay grades shall be on the merit and fitness of the employee. A department head may recommend salary increases of more than one step and more frequently than once in a twelve-month period by preparing a special personnel evaluation specifying the employee's exceptional performance. Salary increases or decreases resulting from the overall adjustment of salary grade shall not prevent increases within a grade in accordance with this section. Any salary increases must be within the budget for the year for the department in which the increase occurs.

4. Entrance at the Minimum

a. Normally the minimum rate of pay for the class will be paid to a qualified person on his original appointment to a position. However, the department head may submit, in writing, to the City Manager a statement of unusual circumstances that may exist which warrant employment at a higher rate in the pay grade.

b. A trainee may be hired below the minimum rate of pay for the class. An employee designated as a trainee will be so identified by the placement of a parenthetical immediately preceding his/her class, e.g., (T) Secretary II.

Upon satisfactory completion of probationary period, the pay grade of a trainee may be adjusted to the minimum rate of pay for the class upon the recommendation of the department head.

5. Pay Rates in Transfer, Promotion or Demotion

a. If the employee is promoted to a class with a higher pay grade, he/she should be placed in that step of the new pay grade which provides for at least an equivalent dollar amount to what the employee was making at the lower classification plus an increase of up to one step in the pay grade for the new class.

b. If any employee is transferred to a class of work in the same pay grade or less, the employee should receive no salary increase at the time of the change.

c. If the employee is demoted into a class of a lower pay grade, he/she should be placed into an appropriate step within the new pay grade as determined by the department head concerned.

6. Pay for Part-time Work - Whenever an employee works for a period less than the regular established number of hours per day, days per week, or weeks per month, the amount paid shall be proportionate to the time actually employed for the class. This provision does not apply to executive or administrative employees.

7. Hourly Rate - The City Manager may determine what hourly rates of pay are to be used for certain individual positions within classes that are normally paid on a salary basis, when conditions of employment, in his opinion, warrant such action. The position description does not constitute an employment contract between the City and the employee and is subject to change as the needs of the City and the requirements of the job changes.

8. Cost of Living Increases – Cost of living increases may be considered by the Commission on an annual basis based upon increases in the cost of living if the Commission determines the City is financially able to make such a salary increase. A cost of living increase shall be applied across the board to all salary grades in the same percentage. Probationary employees must successfully complete 6 months of probation by September 30<sup>th</sup> to be eligible for the Cost of Living Increase when given.

EFFECTIVE DATE: August 24, 2009  
LAST REVISED: august 24, 2015

## CHAPTER VI

### COMPENSATION FOR EMPLOYEES

#### Policy 6.1. TYPES OF EMPLOYMENT AND ELIGIBILITY FOR BENEFITS.

- A. SUBJECT. Types of employment and employee eligibility for benefits.
- B. PURPOSE. To establish guidelines and definitions for types of employment and for entitlement to benefits.
- C. POLICY. To promote uniform application of eligibility for benefits for City employees.
- D. PROCEDURE.
  1. The types of City employment are:
    - a. Probationary Employee: An employee on a trial status during the initial period of employment. All newly hired City employees are on a probationary status. Probationary periods may be extended at the City Manager's discretion if the employee has not fully demonstrated an ability to perform the job. A probationary employee may also be transferred or terminated at the discretion of the City Manager.
    - b. Regular Full-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule which will total no less than 2080 hours per year.
    - c. Regular Part-Time Employee: An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration, and works a shift schedule of 20 hours or more, but less than 40 hours, per week.
    - d. Temporary Full-Time Employee: An employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total no less than 2,080 hours.
    - e. Temporary Part-Time Employee: An employee whose work assignment is limited in duration to 90 days or less, and works a shift schedule which on an annual basis would total less than 1,040 hours.
    - f. Reserve Officer – An employee who is not entitled to benefits who may work for the police department on a part time basis if called to do so and who is required to volunteer at least sixteen (16) hours per month to remain on the City's Reserve Officer roster,
  2. Employee compensation shall be stated in terms of hourly wage or biweekly salary.
  3. Entitlement to employee benefits shall be as follows:
    - a. Employees classified as regular full-time employees shall receive all employee benefits provided by the City subject to any limitations provided for in these policies such as limits on vacation for a new employee during the first six months

- b. Regular part-time employees shall be entitled to pro rata vacation and sick leave benefits. If the employee's regular schedule falls on a scheduled holiday, the regular part time employee shall be entitled to pro rata holiday benefits.
- c. Temporary employees do not receive vacation, holiday, or sick leave benefits.
- d. Employees are entitled to compensation and to payment of overtime as required by the Fair Labor Standards Act and as outlined in these policies.
- e. All employees except temporary and reserve officers become members of the State Retirement System upon employment. Entitlement to benefits occurs as provided for under State law.

EFFECTIVE DATE: August 24, 2009  
LAST REVISED: July 14, 2014

## Policy 6.2. HOURS OF WORK

A. SUBJECT. Hours of work.

B. PURPOSE. To establish a policy setting uniform hours of work for employees.

C. POLICY. To establish a uniform policy regarding work hours for employees. The standardization of working hours is necessary to provide:

1. Continuity in access by and service to the citizenry.
2. Facilitation of teamwork.
3. Facilitation of supervisory assistance.

D. PROCEDURE.

1. Except as otherwise herein noted, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m. This does not include personnel engaged in shift work including but not limited to, police officers and utility, public works and such other departments that have shifts approved by the City Manager. Each employee is entitled to a one (1) hour unpaid lunch period. Police officers due to scheduling, and utility and public work employees when working a project or emergency may be exceptions. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule. The lunch period will be scheduled to allow for continuous staffing of all departments with at least one person.

2. Employees shall receive a rest period of not more than twenty (20) minutes, on the City's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period. No employee shall be required to work more than three (3) hours without a rest period.

3. Occasions may arise when the service to the citizen can be improved through the adjustment of an employee's work hours. The Department Head shall obtain approval of the City Manager for the adjustment in work hours.

4. Individual requests for adjustment of working hours for personal reasons may be granted by the City Manager.

5. Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected as soon as known. Failure to do so will be construed as an unexcused tardiness, and the time missed will not be paid Unless made up prior to the end of the work period. Tardiness must be made up during the work period in which it occurs to be paid as time worked.

6. Notice of anticipated absence is expected at least 30 minutes prior to start of shift when possible but no later than start of shift. Failure to do so will be construed as an unexcused absence and the day missed will not be paid, unless made up prior to the end of the work period. Absences must be made up during the work period in which it occurs to be paid as time worked. No employee shall absent themselves from their work location without first notifying their immediate supervisor.

7. Notification by another employee, friend, or relative is not considered proper notification except in an emergency situation where the employee is physically unable to make the

notification.

8. Daily attendance records will be maintained by each department, including date and time absent and reason for absence. Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the City. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action.

9. Hours for part-time and certain employees may vary from the normal office hours noted above due to the nature of their duties and will be determined by the appropriate Department Head, with concurrence of the City Manager.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.3. WORK PERIODS

A. SUBJECT. Work periods.

B. PURPOSE. To establish a policy setting uniform work periods for employees.

C. POLICY. To establish work periods for purposes of the Federal Fair Labor Standards Act (FLSA).

D. PROCEDURE.

1. The work period for any commissioned police officers shall be twenty-eight (28) days. This work period starts at 6:00 a.m. and ends 28 days later at 5:59 a.m.

2. The work period for all other City employees shall be a seven (7) day period beginning on Monday at 12:01 a.m. and continuing to Sunday at 12:00 a.m. (midnight).

3. The above referenced work periods may be changed to accommodate special work schedules.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.4. EMPLOYEE TRAVEL AND OTHER OFFICIAL EXPENDITURES COMPENSATION PLAN.

A. SUBJECT. Creation of a plan for employees who incur expenditures for travel and other official expenditures.

B. PURPOSE. To provide for reimbursement to employees for official expenditures.

C. POLICY. To promote uniform application of compensation for reimbursement to employees who incur official expenditures.

D. PROCEDURE.

1. The rates of pay do not include allowances for official authorized travel or other expenditures incurred in the conduct of City business, or allowances made to an employee for the official use of his automobile. An employee will be reimbursed for such expenses as established by City policy.
2. All travel payments must be approved by the City Manager in advance and shall conform to the allowances provided in Chapter 112.061, Florida Statutes, including meals. Reimbursement for travel expenses will be paid to an employee only upon submission of an itemized statement thereof.
3. Official use of personal automobile shall be reimbursed at the mileage allowance provided in the Internal Revenue Service, Publication 15, Circular E, and Employer's Tax Guide.
4. If any meals are provided by the event being attended, the employee will not be reimbursed for those meals. If the event requires that the meal be paid for, the employee will be reimbursed for the cost even if it is in excess of the above-referred amounts referenced in Chapter 112.061, Florida Statutes.
5. Employees shall use discount motels if available as part of the event being attended.
6. This policy shall apply to all City Employees including those exceptions listed in policy 1.1.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: March 28, 2011

Policy 6.5. OVERTIME/FLEXTIME.

A. SUBJECT. Overtime.

B. PURPOSE. To establish a policy for overtime pay for employees.

C. POLICY. The policy of the City is to provide overtime pay for employees in compliance with federal law.

D. PROCEDURE.

1. Overtime

a. As a general rule, the requirement of frequent and considerable overtime services in a department shall be considered evidence of under staffing or improper organization and may be subject to investigation by the City Manager.

b. Necessary overtime work required by emergency may be authorized by department heads with approval of the City Manager.

i. Hourly employees shall be compensated for overtime at the rate of time and one half for all overtime worked in excess of 40 hours per week as authorized by the department heads.

ii. Commissioned law enforcement officers who work shifts shall be compensated at a rate of time and one half for overtime in excess of 84 hours per 2-week period as authorized by the Police Chief.

iii. Executive and administrative personnel are not entitled to overtime pay.

c. If an employee has used holiday time, sick leave time or vacation time during a pay period, said time shall not be considered as time worked for purposes of calculating overtime pay for that pay period.

d. If a full time employee is required to remain on the job on a particular day within the work week for more than the number of hours performed on a regular work day, that employee shall be entitled to take time off as flex time within the same work week as authorized by the Department Head.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 6.6. HOLIDAY PAY.

- A. SUBJECT. Holiday pay.
- B. PURPOSE. To establish a policy for paid holidays for employees.
- C. POLICY. The policy of the City is to provide paid holidays for employees.
- D. PROCEDURE.
  - 1. Eligible employees will receive holiday pay provided they work their scheduled day before and work their scheduled day after the Holiday unless on pre-approved vacation or sick leave. Should the employee call in sick on one or the other of these two days because of illness, they shall be required to provide a notice from their physician to receive holiday pay.
  - 2. Employees on approved vacation or excused sick leave when a holiday occurs, shall not be charged vacation or sick leave for the holiday unless their regular schedule is more than 8 hours per day and they choose to utilize vacation and/or sick accruals to complete their full shift.
  - 3. Eligible employees will NOT receive holiday pay if:
    - a. The employee is on layoff status; the employee is a temporary or seasonal employee; or the employee is on leave of absence without pay, excluding FMLA, when the holiday occurs.
    - b. The employee is requested to work during the holiday and refuses.
  - 4. Employees who work a traditional schedule and who are regularly scheduled to work on a day that is observed by the City as a holiday are entitled to time off without loss of pay for that day.
    - a. Full time employees who are eligible to have the holiday off will receive pay for the number of hours they are normally scheduled to work with the exception of the half-day holidays for which the employee will receive four hours of pay.
    - b. Part time employees who are eligible to have the holiday off will receive pay for the number of holiday hours proportionate to their normal work schedule.
  - 5. Employees who work a non-traditional schedule where shifts must be covered seven days per week, and their shift begins on the holiday observed shall be compensated as follows:
    - a. Full Time Employees who through normal scheduling are required to work on a holiday will receive pay two and a half times (Holiday Premium Pay – HP) their normal regular rate of pay for the number of hours worked on the holiday.
    - b. Employees who work part time and who through normal scheduling are required to work on a holiday will receive pay two and a half times (Holiday Premium Pay – HP) their normal regular rate of pay for the number of hours worked on the holiday.
    - c. Employees who through normal scheduling have the observed holiday as one of their scheduled days off, shall receive eight (8) hours Holiday Pay.

The City Commission reserves the right to alter its holiday policy at any time.

EFFECTIVE DATE: March 8, 2010

LAST REVISED: July 14, 2014

Policy 6.7. TIME SHEETS/PREPARATION OF PAYROLL

- A. SUBJECT. Time sheets/preparation of payroll.
- B. PURPOSE. To establish guidelines for preparation of employee time cards and City payrolls.
- C. POLICY. Uniform guidelines for preparation of employee time cards and City payrolls will assure compliance with all federal and state laws related to compensation.
- D. PROCEDURE.
1. Employees are responsible for keeping their time and turning it in to the Department Head or designee. Each Department's timesheet must be signed by the employee prior to being turned into the Department Head or designee. This signature will acknowledge and affirm the following : "By signing, the employee agrees they have reviewed the hours marked and agree the hours shown are a true and accurate account of their time."
  2. Employee's time on the timecard will be transferred by the Department Head or designee to the timesheet that is turned in to the Finance Department and shall include: employee name; employee number; department; pay period; hours to be compensated broken down on a daily basis into hours worked; holiday time, sick leave, compensatory time, vacation, leave without pay, etc; and signed by the Department Head and/or designee. Original employee timecards should be kept in the Department.
  3. The time sheets shall be submitted to the Finance Department for processing no later than 10:00 a.m. on the first workday following the last day of a pay period. Any changes in salary shall be provided to the Finance Department on a form approved by the City Manager.
  4. Pay, per Resolution 888 adopted by the City on August 9, 2004, mandates direct deposit into an Institution chosen by the employee. Should an unforeseen circumstance arise within payroll where pay would not be direct deposited, checks would be issued. An employee's paystub/check may be released to the employee's spouse, designated family member, or to another person only if authorized in writing by the employee.
  5. Payroll records shall be maintained by the City for the time required by public records laws. Requests for corrections to the previous time sheet due to inadvertent oversights shall be submitted on the approved correction form to the Finance Department with the current period's time sheet.
  6. Falsification of time on departmental designated forms and/or time sheets for payroll purposes is reason for disciplinary action up to and including termination.
  7. Employees should direct inquiries concerning payroll matters to the Finance Department.
  8. Advance pay may be approved at the City Manager's discretion in the event of an employee emergency. Advance pay and repayment shall follow the guidelines of the Advance Pay Request form.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 6.8. PAYROLL DEDUCTIONS.

A. SUBJECT. Payroll deductions.

B. PURPOSE. To define required and voluntary payroll deductions for City employees.

C. POLICY. A uniform policy for payroll deductions for City employees will assure all required deductions are made.

D. PROCEDURE.

1. The following deductions are required by law from each employee paycheck:

- a. Federal Income Tax withholding.
- b. Social Security.
- c. Deductions authorized by law, such as garnishments and child support.

2. The following deductions may be authorized by the employee:

- a. Supplemental insurance.
- b. Prepaid legal.
- c. Such others as are approved by the City and employee.

3. With each paycheck/stub, the City employee receives a statement of deductions and earnings which itemizes the various deductions made, as well as appropriate cumulative totals. A record of sick leave and vacation time will also appear on the paycheck stub following successful completion of related probationary periods.

4. It is the employee's responsibility to maintain current payroll deduction information with the Finance Department. Any changes for payroll deductions must be provided to the Finance Department 10 working days prior to pay date.

5. Employees wishing to add or change their payroll deductions should contact the Finance Department. All changes must be provided to the Finance Department at least 10 working days before the change is to occur.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.9. PAY PERIODS.

A. SUBJECT. Pay periods.

B. PURPOSE. To define a uniform pay period for City employees.

C. POLICY. A uniform pay period schedule for City employees will assure compliance with federal and state compensation laws.

D. PROCEDURE.

1. City employees are paid bi-weekly. There are 26 pay periods in the year.
2. If a payday falls on any holiday, the day of pay shall be the last working day preceding the normal payday.
3. Wages and salaries are calculated on an hourly basis.
4. Paystubs will be available in the Finance Department on the Friday following the close of the pay period. Each paystub includes a statement of earnings, deductions, vacation, sick leave balances, and compensatory time balances for the period covered by the payment.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: June 13, 2011

Policy 6.10. GARNISHMENT AND/OR CHILD SUPPORT.

- A. SUBJECT. Garnishment and/or Child Support.
- B. PURPOSE. To define a procedure for handling garnishment and/or child support of an employee's wages.
- C. POLICY. A uniform policy for handling garnishment and/or child support of a City employee's wages will assure that such orders are properly followed and that the rights of the employee are also served.
- D. DEFINITION: A legal stoppage of a specified sum from wages to satisfy a creditor.
- E. PROCEDURE.
  - 1. Any notice of garnishment will be received and properly processed within the Finance department.
  - 2. The employee will be notified, in writing, that the garnishment and/or child support order has been received and will be processed on the next pay period.
  - 3. The Finance Department will make the necessary deductions from the employee's wages and a check for the amount will be written and forwarded to the Creditor as directed.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: June 13, 2011

Policy 6.11. SOCIAL SECURITY.

A. SUBJECT. Social security.

B. PURPOSE. To define participation by City employees in the Social Security System.

C. POLICY. All employees are automatically included as participants in the Social Security System (FICA) which provides workers with the following benefits: retirement insurance, survivor's insurance, disability insurance, Medicare for the disabled and the aged, Black Lung benefits, and supplemental security income. These benefits are in addition to Public Employees' Retirement System benefits for which the employee may be eligible to receive.

D. PROCEDURE.

1. Financing of the program is accomplished by employee payroll deduction contributions and through a match paid by the City.

2. The exact percentage to be contributed is determined by the Social Security Administration.

3. Employee contributions stop each year once they have paid the required percentage as designated by the federal government.

4. The salary limit and percentage are subject to change at the beginning of each year according to federal guidelines.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.12. RETIREMENT SYSTEM.

- A. SUBJECT. Retirement system.
- B. PURPOSE. To outline procedures for the administration and eligibility of the Retirement System.
- C. POLICY. All City employees participate under the State Retirement System.
- D. PROCEDURE.
  - 1. All employees with certain exceptions as noted in Section 6.1, are required to participate in the State Retirement System.
  - 2. The Retirement System provides for retirement benefits and disability protection when a member meets the plan requirements.
  - 3. Employees who plan to retire from the system are encouraged to contact the Retirement System at least 90 days in advance of the anticipated retirement date to secure estimate of benefits information and to finalize the retirement date. This action should also be coordinated with Human Resources.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: June 13, 2011

Policy 6.13. UNEMPLOYMENT COMPENSATION.

A. SUBJECT. Unemployment compensation.

B. PURPOSE. To establish a policy regarding the administration of unemployment compensation.

C. POLICY. The City is a covered employer under the Unemployment Compensation law. The basic objective of the program is to provide a partial replacement of wages for its employees during short periods of involuntary unemployment not caused by misconduct. The program is financed completely by the City.

D. PROCEDURE.

1. An employee who quits his/her job voluntarily without good cause probably will have difficulty collecting unemployment compensation. To be eligible for unemployment compensation, an employee who voluntarily quits must have left employment for a "good cause" reason, must be unemployed, physically able to work, available for work, and actively seeking work. "Good Cause" reasons or reasons establishing eligibility for unemployment compensation are available from the State Employment Security Office.

2. The City may contest the claim of an employee who voluntarily resigns without "good cause", who resigns for other reasons considered disqualifying according to the law or whose employment is terminated for misconduct as defined by Section 443.036, Florida Statutes, connected with his or her work.

3. An individual who applies for Unemployment Compensation Benefits completes a form titled "Notice to Last Employer" on which are stated reasons for leaving the job. The form, is submitted by the State Employment Security Offices to the Finance Department and is forwarded to Human Resources immediately upon receipt of same so that the City may contest the claim, take part in the interview process, or acknowledge the claim as valid.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.14. WORKERS COMPENSATION.

A. SUBJECT. Workers Compensation.

B. PURPOSE. To establish procedures for administration and eligibility for worker's compensation.

C. POLICY. All employees are covered by State Worker's Compensation, a program of insurance to protect workers, their families and dependents from loss due to an accident or illness caused on the job.

D. PROCEDURE.

1. The program provides for payment of medical bills, physical and vocational rehabilitation, and financial compensation while the worker is disabled—either temporarily or permanently—and is unable to work. It also provides for lump sum payments for particularly serious injuries such as the loss of a finger, eye, foot, etc., and assures death benefits and compensation to the worker's family or dependents in the event the injury is fatal.

2. Any employee involved in an injury or an occupational illness as defined by the Florida State Worker's Compensation law, must report the incident to his/her immediate supervisor or Department Head within the same shift or as soon thereafter as possible. The affected employee may also file an application for Worker's Compensation in accordance with applicable laws, rules or regulations. The Human Resources Office will also provide the information to the City Manager.

3. Hours lost due to the injury or occupational illness should be reported on the employee timesheet as "wc" and such hours will not be charged against the employee's accrued sick leave, vacation leave, or other compensated leave time available but will be paid for the first seven (7) calendar days until the Worker's Compensation claim has been processed. Once the eligibility for payment under Worker's Compensation has been approved by the insurance company, the employee should endorse his/her benefit check to reimburse the City for wages paid during the employee's initial absence prior to approval. At the same time, any leave used for the injury or illness will be reinstated to the employee's record by the City. No employee shall receive sick leave or use vacation time as a result of a job injury, illness or disease incurred while employed by another employer.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 6.15. GROUP INSURANCE.

- A. SUBJECT: Group insurance.
- B. PURPOSE. To establish procedures for providing group insurance to employees.
- C. POLICY. The policy of the City of Wildwood is that a comprehensive group insurance plan will be provided for all regular full-time employees as long as the City budget allows such coverage.
- D. PROCEDURE.
  - 1. The City provides a comprehensive group insurance plan for all regular full-time employees which includes provisions for hospitalization, medical, dental, vision and prescription services, and life insurance. The City may make available at the employee's election and expense a dependent's plan at cost to all full-time, regular employees of the City. When approved by the City Commission, the City may contribute some portion or all of the cost of the dependent's coverage. Detailed provisions shall be obtained from the Human Resources Coordinator.
  - 2. The City Commission may change the insurance provided to employees at any time based upon budgetary concerns.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 6.16. COBRA.

- A. SUBJECT. Continuance of Coverage (COBRA).
- B. PURPOSE. To comply with the requirements of the Federal Comprehensive Budget Reconciliation Act (COBRA) in regards to the continuance of insurance coverage.
- C. POLICY. Extended coverage and conversion privileges of the City's Insurance plans are provided in accordance with law. Contact Human Resources for additional information.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: June 13, 2011

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## CHAPTER VII

### LEAVE

#### Policy 7.1. HOLIDAY LEAVE.

- A. SUBJECT. Employee Holiday Leave
- B. PURPOSE. To establish holiday leave procedures.
- C. POLICY. The policy of the City is to provide holiday leave to City employees for certain official holidays.

- 1. This policy shall apply to all full-time regular employees and part-time regular employees.

- D. PROCEDURE.

- 1. Holidays

- a. The following shall be observed by the City as official holidays:

New Years Day	Martin Luther King Jr Day	Memorial Day
Independence Day	Labor Day	Thanksgiving Day
Friday after Thanksgiving	½ Day Christmas Eve	Christmas Day
Floating Day	½ Day New Year's Eve	

- b. Holiday pay shall be as provided for in Policy 6.6.
      - c. When a holiday falls on Saturday, the Friday immediately preceding shall be observed as the holiday. When the holiday falls on Sunday, the Monday immediately following shall be observed as the holiday.
      - d. Sub Section c. shall not apply to the police department employees who work 24/7 shifts. For those employees the holiday shall be observed upon the day the holiday falls.
      - e. Each Department Head shall endeavor to ensure that work on holidays is shared by all employees who qualify for the type of work.
      - f. Each Department Head shall endeavor to ensure that no employee is will work the same holiday in consecutive years, or will work two consecutive holidays unless the holidays are on two consecutive days (i.e. Thanksgiving and Friday). An employee may work consecutive holidays at their request with the approval of the Department Head.
      - g. An employee may select one day as their Floating Day within the 26 pay periods of each fiscal year. Unless there is a personal emergency, Floating Day requests must be presented to the immediate supervisor or Department Head in writing or on department forms at least two (2) weeks in advance.
      - h. When the number of requests would impair department operations, the following criteria shall be followed:

- a) The earliest request will have first priority.
- b) In the event several requests are submitted on the same day, requests shall be granted based on employment seniority.
- c) Final authority for approving or disapproving holiday requests shall rest with the Department Head based on department operational necessity.
- d) Any approval or disapproval shall be communicated in writing to the employee involved as soon as possible.
- e) Unused Floating Days may be combined with vacation or other leaves.
- f) Unused Floating Days will not be paid out to an employee upon termination.

- 2. The City will make reasonable accommodations for an employee's religious holiday requests unless it will result in undue hardship to the Department. To permit the department to operate in an efficient manner, such a request must be submitted at least two (2) weeks in advance.

Employees may use their Floating Day, vacation leave, or if approved, leave without pay for religious holidays.

Any approval or disapproval for an employee's religious holiday request shall be communicated in writing to the employee involved as soon as possible.

EFFECTIVE DATE: March 8, 2010

LAST REVISED: July 14, 2014

Policy 7.2. VACATION LEAVE.

- A. SUBJECT. Employee vacation leave.
- B. PURPOSE. To establish a procedure to provide time for vacation leave for employees.
- C. POLICY. The policy of the City is to provide vacation leave to City employees. This promotes a healthy and rested employee work force.
- D. PROCEDURE.
  - 1. Accrual rate - Regular, full-time City employees shall accrue vacation credits for each full bi-weekly pay period of employment on the following basis:
    - a. 80 hours per year or 3.077 hours per pay period, for the first twelve months of employment.
    - b. 96 hours per year or 3.69 hours per pay period, from the beginning of the second year through the end of the fifth year of employment.
    - c. 120 hours per year or 4.615 hours per pay period, from the beginning of the sixth year to the end of the tenth year of employment.
    - d. 160 hours per year or 6.154 hours per pay period, from the beginning of the eleventh year through the end of the twentieth year of employment.
    - e. 200 hours per year or 7.69 hours per pay period, from the beginning of the twenty-first year and onward through the end of employment with the City.
  - 2. An employee hired during the first week of the bi-weekly pay period shall accrue vacation leave from the first day of that pay period. An employee hired during the second week of the bi-weekly pay period shall accrue vacation from the first day of the next pay period following.
  - 3. Vacation leave shall be expended in increments of not less than one (1) hour.
  - 4. Vacations shall be scheduled at such times as the Department Head finds most suitable after considering the wishes of the employee and the requirements of the department. All requests for vacation must be approved by the Department Head prior to the commencement of the requested vacation. Unless there is a personal emergency, vacation requests must be presented to the Department Head by the employee at least two (2) weeks in advance of the requested vacation.
  - 5. If an employee transfers from one department within the City to another, the vacation leave credits shall also be transferred.
  - 6. The established period of determining vacation credit will be from the employee's date of hire. Vacation credit earned by an employee cannot be transferred to another employee.
  - 7. Temporary employees shall not earn vacation nor be entitled to vacation upon separation.
  - 8. Vacation leave will not accrue while an employee is on leave of absence without pay.
  - 9. Paid holidays occurring during vacation are not charged as vacation time unless their regular schedule is more than 8 hours per pay and they choose to utilize vacation to complete their full shift.

10. Use of Vacation Leave.
  - a. Vacation leave credits shall accrue, but ordinarily may not be used during the first six months of employment unless specifically approved by the City Manager. Should, due to an emergency during the first six months of employment, vacation time be required before it is accrued, an employee may request an advance of up to 5 days. Advanced vacation time will be deducted from the employee's accrual as soon as the time is accrued. Should an employee leave or be terminated prior to repayment of advanced vacation time, it will be charged to the employee.
  - b. Vacation leave shall be requested in advance to the employee's Department Head who shall have the right to determine if the work schedule permits the absence of the employee during the requested period.
  - c. Upon reasonable notice to the employee, a Department Head may require an employee to use vacation leave. The City reserves the right to rearrange vacation schedules, to require employee to take vacations at certain times, as circumstances may prescribe. Further, the City Commission may alter its vacation policy at any time.
  - d. Vacation leave may be used in conjunction with the sick leave upon request of the employee and when the employee's sick leave credits have been exhausted.
11. Payment of Vacation Leave Credits.
  - a. An employee shall be paid for accrued vacation leave credits only upon termination after completing the probationary period and giving a two-week notice unless otherwise agreed upon by the City Manager.
  - b. An employee who is dismissed for cause shall not be entitled to payment of accrued vacation leave credits.
12. Vacation leave may not be accumulated and must be taken during the twelve months following the month of accrual. If vacation leave is not taken during the twelve months following the month of accrual, and the maximum allowed for the accrual rate is reached, the employee shall not accrue any further vacation leave until the employee utilizes a part of the accrued time. (Example: Vacation leave earned in March must be used by the following March. This is a rolling 12-month time frame for vacation leave.) The employee will not be able to recapture the time not accrued due to being at maximum. If an employee uses a part of the accrued time total, accrual shall begin again. The employee shall never accrue more than the maximum allowed for the accrual class they are in.
13. Regular, Part-time employees shall accrue prorated vacation hours based on the number of hours worked.
14. A Department Head and next ranking employee cannot take vacations at the same time.
15. No more than three (3) Department Heads shall take vacations at the same time.
16. An employee is responsible for keeping track of the accrual of vacation leave and using vacation in a manner which will allow the employee to use his or her vacation time.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 7.3. SICK LEAVE/FAMILY AND MEDICAL LEAVE ACT.

A. SUBJECT. Employee sick leave.

B. PURPOSE. To establish a uniform basis for accrual and use of sick leave and to coordinate use of sick leave with leave provided pursuant to the Family and Medical Leave Act.

C. POLICY. The policy of the City is to provide paid sick leave to City employees while also promoting attendance when employees are not sick. Allowing accrual of sick leave promotes this policy. Also the policy of the City is that employees should receive paid sick leave concurrently with eligible leave given pursuant to the Family And Medical Leave Act as long as the employee has paid sick leave available.

D. PROCEDURE.

1. Sick Leave.

a. All regular full-time City employees shall accrue 3.69 sick leave hours per pay period.

b. Use of Sick Leave.

i. Accrued sick leave is intended to be used for personal illness, injury, or exposure to contagious disease for the employee or of the employee's immediate family as defined under FMLA, which includes spouse, child, parent.

ii. Accrued sick leave is also intended to be used for personal or employee's immediate family member's visits to the doctor's office when such visits cannot be arranged outside of working hours.

iii. In unusual circumstances the City Manager may authorize the advancement of sick leave credits to an employee who has exhausted all sick and vacation leave credits. Such advancement not to exceed five working days. An extension beyond that time may be authorized only with the approval of the City Commission.

c. Accumulation of Sick Leave Credits – Sick leave credits for the probationary period shall accrue, but ordinarily, no such leave may be taken during the first six months of employment except under circumstances as may be authorized by the City Manager. An employee may accrue up to a maximum of 480 hours of sick leave credits which may be converted to compensation in the manner prescribed in these rules and may accumulate additional hours which may be used if the employee experiences a catastrophic illness.

d. Payment of Sick Leave - There shall be no cash payment for earned, but unused, sick leave credits, except where the employee leaves in good standing from the city employment with ten or more years of service and is paid for unused sick leave at the regular hourly rate. The maximum number of hours that may be converted to compensation in this manner as earned but unused sick leave is 480 hours.

e. Abuse of Sick Leave - Sick leave is a privilege extended to employees as opposed to an expected benefit provided by the City. In order to preclude sick

leave abuse, any employee who takes more than 48 hours of sick leave (excluding physician/medical appointments or verified time in a physician's or medical facility's care), or leave without pay during the previous 12-month period, (said time taken in four or more increments during this period) shall not be paid for the first day off in the succeeding 12-month period, without a physician's statement and/or special approval from his department head.

f. Verification of Illness - For sick leave of more than one day in duration, a certificate of a physician may be required. A supervisor may, with the City Manager's approval, cause such investigation as deemed necessary. An employee will be required to notify his immediate supervisor no later than 30 minutes before his or her shift is to begin the first day of sick leave. Unless the employee is confined to a hospital or suffering from an illness that would prevent him/her from doing so, the employee must give notice each day thereafter at least 30 minutes before his or her shift is to begin. Failure to comply may result in the absence being charged as leave without pay. Additionally, sick leave taken immediately before or after a holiday may require a certificate from a physician.

g. Extended Illness - In cases of extended illness where the employee cannot reasonably be expected to return to work, based on the opinion of the attending physician, and also at the expiration of all sick and vacation time to the credit of the employee, the City Manager may authorize advance sick leave, not to exceed a six working day period. No further advance of sick leave may be made without the approval of City Commission. Sick leave so advanced shall be entered on the employee's leave record and sick leave earned after return to work shall be credited to the advance leave until accrued leave credits equal the amount of sick leave which has been advanced. In the event of termination of services prior to the earning of sufficient leave credits to cover that time advanced, deductions shall be made from the final pay due the employee in the amount of unearned advanced leave.

h. Donation of Sick Leave to Fellow Employees - Any employee may donate accumulated hours of sick leave credits to a fellow employee when such employee is experiencing long term illness and has used all of his/her own sick leave credits and vacation leave credits. Any person who does not have a credit of at least 240 hours of sick leave may not donate.

## 2. Leave under the Family Medical Leave Act (FMLA).

a. Covered family and medical reasons. An eligible employee shall be entitled to 12 weeks of unpaid leave during a 12-month period for one or more of the following reasons:

- i. The birth or placement of a child for adoption for foster care;
- ii. To care for an immediate family member (spouse, child or parent) with a serious health condition; or,
- iii. To take medical leave when the employee is unable to work because of a serious health condition.
- iv. A serious health condition, which shall be defined as an illness of

a serious long term nature resulting in recurring or lengthy absences. Treatment of such an illness would occur in an inpatient situation at the hospital, hospice, or residential medical care facility, or would consist of continuing care provided by a licensed health care provider.

b. An eligible employee may be entitled to twenty-six workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness if the eligible employee is the service member's spouse, son, daughter, parent, or next of kin (military caregiver leave).

c. An eligible employee may take leave if a serious health condition makes the employee unable to perform the functions of his/her position. Employees with questions about whether specific illnesses are covered under this policy or under the City's sick leave policy are encouraged to meet with a representative from the Human Resources Office.

d. Employee eligibility. An employee shall be entitled to family leave when he/she meets the following criteria:

i. The employee has worked for at least 12 months for the City. The twelve months need not have been consecutive, (Where the twelve months has not been consecutive, time worked for the City over 7 years prior to the request will not be considered as time worked for the City in consideration of FML.) The City considers 52 weeks to be equal to twelve months).

ii. The employee has to have worked for the City for at least 1250 hours over the 12 months before the leave would begin.

iii. The employee must work in an office or worksite which employs 50 or more employees, or there must be 50 employees within 75 miles of the office or worksite. At this City, all employee worksites are within a 75 mile radius of City Hall.

iv. When both spouses are employed by the City, they are jointly entitled to a combined total of 12 work weeks of family leave for the birth or placement of a child for adoption or foster care, and to care for a parent who has a serious health condition.

e. Maintenance of Benefits.

i. An employee shall be entitled to maintain group health insurance coverage on the same basis as if he/she had continued to work at the City. To maintain uninterrupted coverage, the employee will have to continue to pay their share of insurance premium payments. This payment shall be made either in person or by mail to the Finance Department by the 1st day of each month. If the employee's payment is more than 30 days overdue than the coverage will be dropped by the City. It is the employee's responsibility to assure that the payments are received by the Finance Department.

ii. If employee informs the City that he/she does not intend to return to work at the end of the leave period the City's obligation to provide health benefits ends. If employee chooses not to return to work for

reasons other than a continued serious health condition, the City will require the employee to reimburse the City the amount the City contributed towards the employee's health insurance during the leave period.

iii. Other benefits such as the accrual of seniority will not continue during leave. However, the use of family or medical leave will not be considered a break in service when vesting or eligibility to participate in benefit programs is being determined.

f. Job Restoration.

i. An employee who utilizes family or medical leave under this policy will be restored the same job or a job with equivalent status, pay, benefits and other employment terms.

ii. The City may choose to exempt certain highly compensated, "key" employees from this job restoration requirement and not return them to the same or similar position at the completion of FMLA leave. Employees who may be exempted will be informed of this status when they request leave. If the City deems it necessary to deny job restoration for a key employee on FMLA leave, the City will inform the employee of its intention and will offer the employee the opportunity to return to work immediately.

g. Use of paid and unpaid leave.

i. If an employee has accrued paid leave of less than 12 weeks, the employee will use paid leave first and take the remainder of the twelve weeks as unpaid leave. The twelve weeks will run concurrently with the use of the paid leave.

ii. If an employee uses leave because of his/her own serious medical condition or the serious health condition of an immediate family member, the employee will first use all paid vacation, personal or sick leave, and then will be eligible for unpaid leave.

iii. An employee using leave for the birth of a child will use paid sick leave for physical recovery after childbirth. The amount of sick leave utilized after this point will be decided on a case by case basis. The employee then may use all paid vacation, personal or family leave, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

iv. An employee using leave for the adoption or foster care of a child will use all paid vacation, personal or family leave first, and then will be eligible for unpaid leave for the remainder of the 12 weeks.

h. Intermittent Leave and Reduced Work Schedules.

i. In certain cases, intermittent use of the twelve weeks of family or medical leave or a part of a reduced work week may be allowed by the City. Employees wishing to use leave intermittently or to utilize a reduced work week for birth or adoption purposes will need to discuss and gain approval for such use from the employee's department head and the Human Resources Office.

ii. Employees may also use family or medical leave intermittently or as part of a reduced work week whenever it is medically necessary. If

the need to use leave is foreseeable and based on preplanned and prescheduled medical treatment, then the employee is responsible to schedule the treatment in a manner that does not unduly disrupt the City's operations. This provision is subject to the approval of the health care provider.

iii. In some cases, the City may temporarily transfer an employee using intermittent or reduced work week to a different job with equivalent pay and benefits if another position would better accommodate the intermittent or reduced schedule.

i. Procedure for requesting leave.

i. All employees requesting extended leave under this policy must complete the Family/Medical leave form available from the Human Resources Office. Anytime an employee utilizes paid sick leave it shall be deemed a request for leave under the FMLA also and will run concurrently with sick leave.

ii. When an employee plans to take leave under this policy, the employee must give the City 30 day notice. If it is not possible to give 30 day notice, the employee must give as much notice as is possible. An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

iii. While on leave, employees are requested to report periodically to the City regarding the status of the medical condition, and their intent to return to work.

j. Procedure for Notice and Certification of Serious Health Condition.

i. On occasion, the City may require the employee to provide notice of the need to utilize leave (where it is possible to know beforehand) and/or may require the employee to provide certification of an employee's or immediate family member's serious health condition by a qualified healthcare provider. The employee should try to respond to such a request within 10 days of the request, or provide a reasonable explanation for the delay.

ii. Qualified health care providers include: doctors of medicine or osteopathy, podiatrists, dentist, clinical psychologists, optometrists, and chiropractors, nurse practitioners and nurse-midwives authorized to practice under State law and performing within the scope of their practice under state law; and Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

iii. When seeking certification of a serious medical condition, an employee should ensure that the certification contains the following:

A. Date when the condition began; expected duration; diagnoses; and a brief statement of treatment.

B. If employee is seeking medical leave for his/her own medical condition, certification should also include a statement that the employee is unable to perform the essential functions of the employee's position.

C. For a seriously ill family member, the certification should

include a statement that the patient requires assistance and that the employee's presence would be beneficial or desirable.

D. If taking intermittent leave or working a reduced schedule, certification should include dates and duration of treatment and a statement of medical necessity for taking intermittent leave or working a reduced schedule.

iv. If deemed necessary, the City may ask for a second opinion. The City will pay for the employee to get a certification from a second doctor, which the City will select. If there is a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will jointly select the third doctor, and the City will pay for the opinion. The third opinion will be considered final.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: March 23, 2015

Policy 7.4. MILITARY LEAVE.

A. SUBJECT. Employee military leave.

B. PURPOSE. To establish a procedure to be followed when an employee is a member of the armed forces reserve and is called to active military duty and/or training.

C. POLICY. the policy of the City is to provide military leave to City employees in compliance with state and federal law.

D. PROCEDURE.

1. Military Leave

a. Military leave shall be granted in a manner that fully complies with the requirements of Chapter 115, Florida Statutes and Title 38, United States Code, Chapter 43.

b. An employee member of military reserve components who is called to active duty for training shall be entitled to a leave of absence without loss of pay, vacation time or time provided the leave of absence does not exceed 17 days in any one annual period.

c. An employee member of the Florida National Guard or reserve component of the Armed Forces of the United States who is ordered into active duty shall be entitled to a leave of absence from his/her respective duty without loss of time or efficiency rating on all days which he/she is engaged in active duty and the first 30 days of such leave of absence shall be without loss of pay. An employee within this category is not entitled to receive compensation from the City for the time missed from his/her job as a result of any voluntary military service.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 7.5. TIME OFF TO VOTE.

A. SUBJECT. Employee time off for voting.

B. PURPOSE. To provide for procedures to allow employees to have an opportunity to vote.

C. POLICY. Employees are encouraged to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, employees will grant up to one hour of unpaid time off to vote.

D. PROCEDURE.

1. Employees should request time off to vote from their supervisor at least two working days prior to the election day.

2. Advance notice may be required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 7.6. JURY/COURT LEAVE.

- A. SUBJECT. Employee time off for jury duty/court purposes.
- B. PURPOSE. To establish a policy for jury leave for City employees.
- C. POLICY. The policy of the City is to provide a policy for City employees for jury duty/court purposes.
- D. PROCEDURE.

1. Any regular full-time or part-time employee who is required to serve on a jury, or as a result of official City of Wildwood duties is required to appear before a court, legislative committee or quasi-judicial body as a witness in response to a subpoena or other directive, shall be allowed authorized leave with pay less any amount received for such service. A probationary employee called will have his/her probationary period extended to by the same amount of time as required for serving on jury duty. An employee who receives notice of jury duty or witness service must notify his/her supervisor immediately in order that arrangements may be made to cover the position. The City reserves the right to request that an employee who is called for jury be excused if their absence would create a hardship on the operational effectiveness of the department to which they are assigned.

2. The employee is responsible to turn over jury or witness fees to the Finance Department, excluding mileage fees.

3. Time away will not affect vacation or sick leave accruals.

4. Employees who appear in court as the plaintiff or defendant in any action not related to their official duties shall not be paid for time away from work unless that time is accrued vacation leave. Court payments for travel expenses are to be retained by the employee.

5. The employee may keep any court payment for services performed on the days of his/her regularly scheduled weekend or performed while on vacation leave.

6. Employees are to return to work after jury duty although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror on any given day, the employee is expected to contact his/her supervisor and to report to work as instructed.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 7.7. BEREAVEMENT LEAVE

A. SUBJECT. Employee bereavement leave.

B. PURPOSE. To establish a uniform basis for bereavement leave for employees based on in-state and out-of-state travel.

C. POLICY. The policy of the City is to provide for the use of accrued sick leave by City employees who must miss time from their regular work schedule due to the loss of an employee's immediate family as defined by the FMLA or the employee's brother, sister, parents, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild. This time shall be limited to three (3) days if the funeral is within the State of Florida, and five (5) days if it is outside of the State of Florida unless otherwise approved by the City Manager. Proper documentation of relationship is needed.

D. PROCEDURE.

1. Upon notice of the death of an immediate family member as defined by FMLA or the employee's brother, sister, grandparents, parent-in-law, daughter-in-law, son-in-law, and grandchild, the employee is to notify their immediate supervisor of the need for bereavement leave.
2. The supervisor is to notify Human Resources of this loss for documentation in the employee's file.
3. The employee shall be granted the appropriate time off from work. Three (3) days if within the State of Florida and five (5) days if outside the State of Florida.
4. Employee's time sheet will indicate "k" for any hours to be considered bereavement. This time will be paid if the employee has accrued sick leave to be used. If no accrued sick leave is available, other paid time (i.e. vacation, personal) may be substituted upon approval by the department head.
5. Upon return to work, the employee must provide proper documentation of the relationship with the deceased person.

EFFECTIVE DATE: March 23, 2015

LAST REVISED: \_\_\_\_\_

## CHAPTER VIII

### OTHER PERSONNEL RELATED SUBJECTS

#### Policy 8.1. EMPLOYEE TRAINING.

A. SUBJECT: Training.

B. PURPOSE. To establish procedures for employee training.

C. POLICY. The City's policy is to provide continuing education of its employees. The City supports attendance at educational meetings by employees; technical education which increases the value of the employee by allowing the employee to obtain certifications of licenses which also benefit the City; and furthering an employee's college education in areas that will benefit the City.

D. PROCEDURE.

1. Employee Training I - Association Meetings; Continuing Education Seminars and education for Non-mandated Certificates and/or Licenses or Employee Requested Training.

a. The City of Wildwood encourages its employees to attend their respective Association Meetings and Continuing Education (seminars) or any courses necessary to maintain non-mandated certifications for the employee's job or to update employee on new State and Federal regulations and guidelines.

b. The City shall reimburse employees one hundred (100%) percent of reasonable expenses incurred attending educational seminars, training sessions or courses if:

i. The course is one necessary for continuing education for maintenance of an existing non-mandated certificate or non-mandated license needed to fulfill their job description or that enhances their ability to perform their job for the City; or that is necessary for the employee to receive updated State and Federal regulations to efficiently do their job whether request is made by the City or the employee to attend.

c. The following apply to employee attendance at Employee Training I events:

i. Eligibility - Employees of the City of Wildwood having a minimum six (6) months employment immediately preceding the Association Meeting, Continuing Education Seminar or class.

ii. Benefits - Employees who are approved will be entitled to reimbursement including, transportation, accommodations, and meals as set forth in these rules.

iii. Request Procedure - The Association, Seminar or class information shall be submitted to the City Manager at least four (4) weeks prior to the deadline for application. The cost of registration will be paid directly by the City if the request is approved. The City Manager will approve or disapprove the registration form that has been submitted by the respective department head.

iv. Reimbursement - Itemized expenses shall be submitted within fourteen (14) days after seminar/training session, for reimbursement from the accounting department during the next Accounts Payable process. Before reimbursement is issued a written report must accompany itemized expenses.

2. Employee Training II Technical licenses and certificates (State or federally mandated). (Does not apply to Law Enforcement).

- a. Policy - The policy of the City of Wildwood is to improve service to the public by encouraging employees to attend classes or approved correspondence courses, leading to a Certificate or License that will benefit the City of Wildwood.
- b. The following apply to employee attendance at Employee Training II events:
  - i. Eligibility - Full time, regular status employees of the City of Wildwood having a minimum of one year full time employment immediately preceding the start of classes necessary for a certificate or license are eligible to apply. An eligible certificate or license is any State or federally mandated certificate or license that, in the judgment City Manager, is directly related to the employee's current or related higher position and meets the program's stated objectives. Location of school is not important as long as it does not interfere with the employee's work schedule.
  - ii. Employees must have attained a Satisfactory or above rating in the two evaluations preceding the term that payment/reimbursement is requested for.
  - iii. Employee must have had no disciplinary problems/actions during the 12-month period preceding the course or test term payment/reimbursement is requested for.
  - iv. The City shall reimburse employees one hundred (100%) percent of reasonable expenses incurred attending courses and testing if:
    - A. The course and testing is required to obtain, maintain or upgrade license required for the execution of their job duties and if it is State or federally mandated and required by the City.
    - B. Sufficient funds must be available in the Budget.
  - v. Benefits –
    - A. Employees whose applications are approved will be entitled to pre-payment for registration and books (applicable to the course leading to a certificate or license).
    - B. Employees who are approved will be entitled to reimbursement including, transportation, accommodations, and meals as set forth in these rules.
    - C. Employees whose classes are during the employee's regular work hours and approved by the Department Head and City Manager to attend, the attendance hours shall be compensated as time worked.
    - D. Reimbursement – Itemized expenses shall be submitted within fourteen (14) days after classes, seminar/training session, for reimbursement from the accounting department during the next Accounts Payable process. Before reimbursement is issued a written report must accompany itemized expenses.
- c. An employee who seeks a certificate or license and fails to pass the certificate or license test two times, will not be reimbursed for additional courses or tests for further

certificate or license until the employee demonstrates a change in circumstances that support continuing attempts to obtain a certificate or license and personally pays for additional tests.

d. If an employee fails to obtain a required certificate/license within a time frame set for the specific course and test, he or she may be demoted, transferred or terminated.

e. If an employee obtains the required certificate/license promoting him or her to the next higher certificate/license classification, the employee may be entitled to a 5% increase in pay. (Exception: Police Officers shall receive incentive pay according to Florida State Statute 943.22).

3. Training III College degrees.

a. Policy - The policy of the City of Wildwood is to improve service to the public by encouraging employees to attend classes or approved correspondence courses, leading to a college degree (AA, AS, BA,BS, or higher) that will benefit the City of Wildwood.

b. The following apply to employee attendance at Employee Training III events:

i. Eligibility - Full time, regular status employees of the City of Wildwood having a minimum of one year full time employment immediately preceding the start of classes necessary for a college degree are eligible to apply. An eligible college degree any college degree that, in the judgment of the City Manager, is directly related to the employee's current or related higher position and meets the program's stated objectives. Location of school is not important as long as it does not interfere with the employee's work schedule.

ii. Employees must have attained a Satisfactory or above rating in the two evaluations preceding the term that payment/reimbursement is requested for.

iii. Employee must have had no disciplinary problems/actions during the 12-month period preceding the term payment/reimbursement is requested for.

iv. Sufficient funds must be available in the Budget. The City Manager and department head shall determine and approve the number of Credit Hours per term.

c. Benefits - Employees whose applications are approved will be entitled to pre-payment for tuition and books (applicable to the course leading to a college degree) according to the following specifics:

The City shall reimburse the employee up to \$5,000 per degree program as specified below:

For Years of Service	0-1	1-2	2-3	3-4	4 or more
The City shall pay	0%	50%	60%	70%	80%

Of total invoice for each term's tuition and books toward an AA, AS, BA,BS, or higher Degree up to a maximum of \$5000 per degree.

d. Schooling for the college degree shall be on the employee's own time and is not

compensable as time worked. No travel shall be reimbursed and the employee must provide his or her own transportation. City vehicles shall not be used.

e. The City Commission has complete discretion to determine if an employee may receive reimbursement.

f. Grade Attainment - To be able to receive a payment in the amount specified, the applicant must successfully complete an approved course with a minimum grade of C for undergraduate (AA, AS, BA, BS, etc.) work. Where neither a letter grade nor satisfactory are used, grade of Pass must be achieved. In the event that the expected prescribed grade is not achieved, the course taken immediately following will not be eligible for reimbursement. The employee must take the same or a like course, at their own expense and achieve the grade required before being able to submit for payment of the next course. In the event that the employee drops or withdraws from a course during a term, repayment for said course must be made to the City before further application/reimbursement is approved, but not later than 90 days after drop or withdraw.

g. Application Procedure - The application along with a listing of program course requirements must be submitted to your department head who will enter their recommendation and then forward to Administration. Applications must be received in Administration four (4) weeks prior to the registration Of the first term of the degree program. Courses for credit hours not required for the degree program will not be paid or reimbursed.

Applications for tuition reimbursement shall be available in Human Resources and shall be made through the Department Head.

Applications will be screened by the department head and City Manager. Applications for College education must be approved by the City Commission. Applicants will be notified by their respective department head of the decision within three (3) weeks from date of application.

Checks will be made directly to the school, when possible, and applicants must be accepted for enrollment by an accredited education institution. No late registration fees or lab fees will be reimbursed. Course work is to be taken outside working hours.

Copies of the official nature of grades must be submitted to Administration within one (1) week of receipt by the employee and prior to the request for payment/reimbursement for the upcoming term or course.

4. The following apply to Training I, Training II, and Training III:

a. In no way shall this policy be construed to limit the right of any employee to attend any type of educational course during hours when the employee is not working for the City of Wildwood when the employee is not seeking tuition reimbursement.

b. Payback Policy - An employee who leaves at their own discretion, shall repay the City for the past 36 months of payments made on their behalf by the City toward any classes, training, continuing education seminar, certificate or license programs, and any

College degree program. This payback policy shall be null and void for an employee who is terminated or an employee who cannot continue classes and/or employment due to verified medical reasons. The employee shall sign a contract that provides for repayment if he or she leaves under these circumstances.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.2. PERFORMANCE EVALUATIONS.

- A. SUBJECT: Performance evaluations.
- B. PURPOSE. To establish procedures for employee performance evaluations.
- C. POLICY. The policy of the City of Wildwood is to provide performance evaluations to employees. This will help assure that employees who are assigned to duties are able to perform those duties in an efficient manner.
- D. PROCEDURE.
1. Performance Evaluation
    - a. The intention of the City is to provide continued employment only to those employees who perform in a satisfactory manner. The City also recognizes there is a need for both supervisor and employee to discuss what is expected from the employee and how well the employee measures up to what is expected from the employee and how well the employee measures up to what is expected. In addition to providing continued employment only to employees who perform satisfactorily, also the intent of the City is to provide salary advancements only to those who perform in a satisfactory manner, and to provide additional incentives for the workers who perform beyond what is expected.
    - b. In order to implement the intent of the City:
      - i. Each employee shall be given a written evaluation of performance at least four weeks prior to the end of his/her probationary period. An extension of the Probationary Period would require a written evaluation of performance to be given every three months, until such probation has been lifted or employment terminated. A copy of the employee's evaluation must accompany any recommendation and shall be made part of the employee's personnel file. Evaluations shall be due April 1.
      - ii. Each employee shall be given a written evaluation of performance once per year.
      - iii. A written evaluation of performance may be given more frequently at the discretion of the Department Head or City Manager.
    - c. Each employee will be evaluated as Unsatisfactory, conditional Improvement Needed, Satisfactory, Good, or Outstanding.
      - i. If an employee received an evaluation Improvement Needed, another evaluation shall be performed within six months. The subsequent evaluation shall show improvement or disciplinary action may occur. If the employee received an Improvement Needed evaluation, the employee shall not receive a merit increase, only a cost of living increase if COL increase is funded.
      - ii. An employee given an unsatisfactory evaluation is considered to be given notice that performance is not what is expected, and if improvements are not made, action to remove him from employment with the City may be taken. No employee may remain employed after two consecutive Unsatisfactory evaluations.

d. The failure to perform an evaluation shall in no way affect the City's ability to discipline or terminate and employee Performance Evaluation.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.3. PHYSICAL EXAMINATIONS.

A. SUBJECT: Physical examinations.

B. PURPOSE. To establish procedures for employee physical examinations.

C. POLICY. The policy of the City of Wildwood is that after an offer of employment has been made, but before any employee begins work, he/she will be required to undergo a physical examination.

D. PROCEDURE.

1. Before an employee begins work for the City, he/she will be required to undergo a physical examination.

2. The City has the option to withdraw its offer of employment if the results indicate the person may not be suited for the position offered.

3. Any candidate refusing to submit to a physical examination will no longer be considered for the position.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.4. OUTSIDE EMPLOYMENT.

A. SUBJECT: Outside employment.

B. PURPOSE. To establish procedures to allow employees to have outside employment.

C. POLICY. The policy of the City of Wildwood is that all terms and conditions of outside employment of regular full-time City employees shall be reported to the City Manager.

D. PROCEDURE.

1. All terms and conditions of outside employment of regular full-time city employees shall be reported to the City Manager.

2. Such outside employment shall in no way conflict with or be detrimental to the employee's city work.

3. If the department head or City Manager determines that a conflict exists, the employee concerned shall be first requested to voluntarily resolve the conflict to the satisfaction of the City within seven (7) calendar days. If the conflict is not resolved within that time, the employee shall be subject to discipline.

4. Reports of any outside employment shall be made in writing by each employee. Full details such as hours, terms and conditions of employment shall be provided in the report.

5. It must be understood that some outside employment may be considered as a conflict of interest under State law. Any possible conflicts must be reported to the Clerk of the Circuit Court. It is the policy of the City to assist any employee who must file a disclosure form.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.5. POLITICAL ACTIVITY.

A. SUBJECT: Political activity.

B. PURPOSE. To establish procedures for employees to engage in political activity in a manner that does not interfere with the employee's work.

C. POLICY. The policy of the City of Wildwood is that all employees should have the opportunity to register to participate in political activity but no employee should be solicited while on the job.

D. PROCEDURE.

1. All employees are encouraged to register to vote and exercise this privilege at each opportunity afforded.

2. No employee shall be required to make a contribution of any kind to any political party or any candidate for public office.

3. The solicitation during working time of any assessment, subscription or contribution in any manner for any political party or political purpose is prohibited.

4. Employees may take part in political campaigns, but must comply with the requirements of Section 104.31, Florida Statutes.

5. Employees may not use their official position or authority to interfere with an election or nomination or coerce or influence another person's vote.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.6. SOLICITATIONS BY EMPLOYEE OR LABOR ORGANIZATIONS.

A. SUBJECT: Solicitations.

B. PURPOSE. To establish procedures for prohibition of solicitation of employees or labor organizations during working hours.

C. POLICY. The policy of the City of Wildwood is that employees are prohibited from soliciting employees during working hours.

D. PROCEDURE.

1. Consistent with the terms of Section 447.509, Florida Statutes, employees are prohibited from soliciting employees during working hours on behalf of any employee or labor organization.

2. Employees shall not distribute literature during work hours in areas where actual work of City employees is performed.

3. This does not prohibit an employee from distribution of literature to an employee on the employee's lunch hour or break in an area where work is not performed.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.7. SOLICITATIONS FROM SALES REPRESENTATIVES.

- A. SUBJECT: Solicitations by marketers or sales representatives.
- B. PURPOSE. To establish a uniform policy for handling solicitations by sales representatives or agents in order to alleviate disruption of City employees during normal working hours.
- C. POLICY. The policy of the City is that peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed except for public purposes and as permitted by the City Manager.
- D. PROCEDURE.
1. With the exception of other City-approved activities, peddling or soliciting for sale or donation of any kind on City premises during normal working hours is not allowed. Exceptions may be granted by the City Manager.
  2. Working hours include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed.
  3. Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-work areas.
  4. Solicitations for sales of goods that are intended to be purchased by the City will be handled independently by each Department.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.8. DEPARTMENT RULES.

A. SUBJECT: Department rules.

B. PURPOSE. To establish procedures for Department Heads to frame and promulgate rules in addition to the personnel rules to be followed in the individual Department. There are many types of employment areas within the City that have differing needs and require different rules. Department Heads need flexibility to establish rules within their own departments.

C. POLICY. The policy of the City of Wildwood is that Department Heads are authorized to frame and promulgate rules additional to these personnel rules.

D. PROCEDURE.

1. Department heads are authorized to frame and promulgate rules additional and supplemental to these rules, provided they are not in conflict with these rules.

2. All such rules shall be subject to approval, amendment, and/or revocation by the City Manager and the City Attorney.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.9. USE OF CITY TELEPHONE SYSTEMS.

A. SUBJECT: Use of City telephone systems.

B. PURPOSE. To provide for control of incoming and outgoing telephone calls by employees.

C. POLICY. The policy of the City is that all City phones, including FAX machines, are to be used for municipal business, and may be used for local personal business on a very limited basis only.

D. PROCEDURE.

1. Municipal Business Calls. To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

2. Personal Calls. Telephone calls received during business hours must be held to both a minimum number and time limit and must not interfere with the employee's work.

3. When a personal toll call must be placed, the call is to be billed to the employee's home number or collect. Any personal call must be placed by the employee only during the employee's break times. Any personal phone call made by an employee on a city telephone must be a local call unless it is related to a medical emergency.

4. It is the employee's responsibility to ensure that no cost to the city results from personal telephone or FAX calls.

5. Violation of this policy will minimally result in cost reimbursement to the city/town/county and may subject the employee to disciplinary action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.10. USE OF CELL PHONES.

A. SUBJECT: Use of cell phones.

B. PURPOSE. To provide for control of incoming and outgoing personal cell phone calls by employees.

C. POLICY. City cell phones should be used for municipal business only and may be used for personal business on a very limited basis.

D. PROCEDURE.

1. Personal Cell Phones.

a. Unless there is an emergency, employees may use a personal cell phone to place personal calls only during an employee's break times.

b. Personal cell phones should be placed on vibrate during work hours.

2. City Cell Phones.

a. No City owned cell phone which is issued to an employee may be used for personal matters unless approved by the employee's department head.

3. No employee shall use any cell phone for calls or text messages or any other purpose while driving a city vehicle.

4. Violation.

a. Violation of this policy will minimally result in cost reimbursement to the city/town/county and may subject the employee to disciplinary action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.11. USE OF ELECTRONIC MAIL (E-MAIL).

A. SUBJECT: Use of electronic mail.

B. PURPOSE. To establish a policy that requires use of electronic communications equipment in a manner that will increase employee productivity; speed communication; establish standards and guidelines for the use of electronic mail in the workplace; prohibit inappropriate use; and confirm the protection of email as a public record.

C. POLICY. Electronic mail (e-mail) is to be used only for official business purposes. All email used for official business purposes must be maintained as a public record. Personal messages should not be conveyed via e-mail. Persons desiring to send e-mail messages to other persons shall convey them on their own time by personal, not city, methods and systems. No solicitations should be conducted through e-mail.

D. PROCEDURE.

1. Business Use

a. The City's electronic equipment and information systems are intended for professional business use in performing the duties of an employee's job.

b. Each department within the City will have a computer which may be accessed for employees to use. If the use of the computer is abused or if there is a violation of the policy regarding content of emails or internet use, the computer shall be disconnected from the internet.

c. Use of e-mail on City computers is limited as follows:

i. E-mail is not a privileged communication, nor subject to privacy. The City may monitor an employee's e-mail messages as deemed appropriate to assure that e-mail communications relate to official business, and that the speech contained therein is appropriate.

ii. E-mail shall not be used to harass, torment or disparage another party. Offensive and harassing communications are unacceptable and prohibited.

iii. Questions regarding use of e-mail systems should be directed to the employee's immediate supervisor or to the Human Resources Office.

d. All acquisitions of information systems components will be coordinated through the City Manager or his or her designee. This includes demonstration hardware and software used for evaluation purposes as well as products acquired for ongoing use.

e. All employees are responsible to care for the personal computer system components that they are assigned or using. Employees are responsible for promptly reporting any equipment, software and data damage and/or destruction of which they become aware.

f. The City computer system is designed to work in a network environment. Installation of unauthorized software can result in damaging the integrity of the system. Employees are responsible for obtaining the approval of their supervisor and the Information Services Division before downloading or installing software on any City-owned computer.

g. Employees are individually and directly responsible for checking files for viruses using the latest version of the recommended virus-checking program. Downloading or uploading files is restricted to City business.

h. Employees are prohibited from using “loopholes” or knowledge of a special password to damage computer systems, obtain extra resources, or to gain access to systems for which proper authorization has not been given. Employees are responsible for keeping their password confidential and not sharing it with other users.

i. Use of aliases while using the internet or internal e-mail is prohibited. Anonymous messages and anonymous newsgroup postings are prohibited.

j. Unlicensed or copied software is prohibited on any City computer. No supervisor or department director may authorize the use of unlicensed or copied software on any City computer.

## 2. Limited Personal Use

a. Limited personal use may be permitted, with prior approval, according to the following guiding principles:

i. It is incidental, occasional and of short duration;

ii. It is done on the employee’s personal time. Personal time means off-duty, on an unpaid lunch break, or for 24-hour shift personnel, while on standby.

iii. It does not interfere with any employee’s job activities. This includes activities which might pose a conflict of interest or appearance of fairness problem with individual’s employment with the City.

iv. It does not result in incremental expense to the City. Examples of “incremental expense” include, but are not limited to:

A. If the City is paying for an hourly “dial-up” connection to the internet, and an employee’s personal use incurred additional charges;

B. Long distance telephone, cellular phone or fax charges.

v. The employee has his/her supervisor’s prior approval for said personal use, which approval shall only be given when consistent with the requirements of this policy.

vi. It does not solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.

vii. It does not violate the other “prohibited uses” or other specific limitations outlined in this policy.

viii. An employee may open their personal email account during their break or lunch time, from a city computer. If an employee uses a city computer for personal use, there shall be no derogatory, pornographic, or racially or culturally inappropriate language of any kind contained in any such use of the city computer.

3. Prohibited Uses

a. The creation, transmission, downloading or storage of any document, data or message which reasonably can be construed as relating to or promoting the following are prohibited:

- i. Discrimination or harassment on the basis of age, race, color, gender, creed, marital status, national origin, disability or sexual orientation.
- ii. An expression regarding personal political or religious beliefs.
- iii. An expression of rumors or gossip about any individual or group of individuals.
- iv. Any business or non-profit organization as defined by the IRS other than employees representing the City's labor unions when conducting union business related to the City.
- v. Any language and subject matter that is objectionable, offensive, obscene, threatening or otherwise inappropriate as described in the City's Sexual Harassment Policy, 8.3.
- vi. Any communication to solicit for or promote commercial ventures, religious or political causes, outside organizations or other non-job related solicitations.
- vii. Any information that violates copyright laws.
- viii. Copying any City-licensed computer software for personal use is prohibited.
- ix. On-duty use of games, except during off-duty or lunch periods, and standby periods for 24-hour shift personnel.

4. VIOLATION. Employees who violate this policy may be subject to the full range of disciplinary action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.12. USE OF CITY MAIL SYSTEM.

- A. SUBJECT: Use of City mail system.
- B. PURPOSE. To provide for control of incoming and outgoing personal mail.
- C. POLICY. The use of city paid postage for personal correspondence shall not be permitted.
- D. PROCEDURE.
  - 1. No employee may use city paid postage for personal correspondence.
  - 2. An employee may purchase stamps or postage by paying the Finance Department for cost thereof.
  - 3. Violation of this policy will minimally result in cost reimbursement to the city/town/county and may subject the employee to disciplinary action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.13. PERSONAL APPEARANCE/DRESS CODE.

A. SUBJECT: Personal appearance/dress code.

B. PURPOSE. To establish general guidelines related to personal appearance of City employees.

C. POLICY. All employees have the responsibility to represent the City to the public in a manner which shall be courteous, efficient, and helpful. City employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect favorably the City's image.

D. PROCEDURE.

1. Employees not wearing uniforms. If an employee of the City is not required to wear a uniform, the following shall apply:

a. No articles of clothing shall be "see through" or transparent.

b. No jeans shall be allowed if the employee works in an office only. Jeans will be allowed if the employee does not work in an office.

d. Any article of clothing which is revealing in nature, or is overly tight shall be deemed inappropriate for work attire.

2. Employees wearing uniforms. If an employee of the City is required to wear a uniform, they must wear it at all times while on duty. The uniform shirt must be tucked in at all times. The uniform should always appear neat and clean.

3. All employees shall dress in a clean and neat fashion that reflects well on the City.

4. Any hats worn while working shall be worn with the bill forward and shall not include derogatory or vulgar language or depictions.

5. The employee's supervisor will discuss the subject of personal appearance with the employee if it is felt it does not positively reflect the image of the City.

6. If the employee continues to dress inappropriately, further disciplinary action may result.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.14. USE OF CITY-OWNED MOTOR VEHICLES.

- A. SUBJECT: Use of City-owned motor vehicles.
- B. PURPOSE. To establish guidelines for the use of City owned motor vehicles.
- C. POLICY. City vehicles should be used in a manner that is safe and promotes the most efficient use of City property.
- D. PROCEDURE.
  - 1. City owned motor vehicles shall be used for official City business only.
  - 2. City vehicles shall not be taken home overnight except as follows:
    - a. Employees may take a City owned vehicle home for one night when attendance to an out-of-city meeting takes place late at night after normal working hours or early in the morning prior to normal working hours if approved by the employee's department head.
    - b. Those employees designated by the Department Head to be "on 24-hour call" for department/division emergencies may take home a City vehicle if approved by the department head.
    - c. Employees may take a City vehicle home for more than one night when specifically authorized in writing by the City Manager.
    - d. Department heads may take home a City vehicle at night.
  - 3. City vehicles must be available for City business at all times.
  - 4. City vehicles may be used for travel to lunch:
    - a. When an employee is on City business.
    - b. When an employee is in town in a City vehicle in a location where driving to obtain his/her personal car would result in an extra and unnecessary expenditure of fuel.
  - 5. Transporting family members in City vehicles shall be allowed only when the family member is accompanying a City employee to a business meeting or official function.
  - 6. City vehicles shall be legally and appropriately operated and/or parked at all times. Seat belts will be used by the driver and all passengers at all times when the vehicle is in motion. It shall be the driver's responsibility to ensure use of seat belts by all passengers.
  - 7. Any traffic or parking related violation issued to the driver of the vehicle will be the responsibility of the driver not the City.
  - 8. City owned vehicles may be used only when the driver has a proper driver's license issued by the State of Florida.
  - 9. Any employee who has use of a City vehicle has an obligation to report to the City Manager in writing that he or she has received any traffic ticket or been charged with any

vehicular crime.

10. All use of City vehicles is subject to the requirements of the City's smoking policy.

11. Any employee violating these policies shall be subject to disciplinary action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.15. VIOLENCE IN THE WORKPLACE.

A. SUBJECT: Violence in the workplace.

B. PURPOSE. To provide management and employees with guidance should they encounter a situation they believe may result in violence, and to provide information and training to management and employees to minimize risk of injury or harm resulting from violence in the workplace environment.

C. POLICY. The City will not tolerate any acts of violence to persons or property. All acts of violence are treated seriously. Each act of violence will be dealt with promptly and appropriately utilizing administrative, managerial, legal and disciplinary actions to minimize risk to employees, customers and property.

D. PROCEDURE.

1. "Workplace Violence" means any verbal or physical action that is communicated or perceived as a threat, harassment, abuse, intimidation or personal contact, that produces fear, causes bodily harm or damage to property. Workplace violence may involve family, friends, strangers, co-workers or customers.

2. The City recognizes that most serious incidents of workplace violence represent a personal crisis that the individual is unable or unwilling to solve alone. Intervention at an early stage provides the individual with the necessary assistance to resolve these issues, prevent escalation, and allow continued productive employment.

3. Employees and supervisors have access to confidential and discretionary professional assistance through the Employee Assistance Program. The program provides advise, assessments, and case review to help management develop intervention strategies and make decisions that will prevent violent incidents from occurring. The program can refer to outside professional agencies which can provide evaluations, diagnoses, and treatment plans.

4. Awareness training programs have been developed to recognize threats and to assess the early warning signs of potentially violent situations. Training is available to all employees and management. The employee training program includes classroom workshops covering such topics as awareness, reporting procedures, emergency preparedness, personal safety and conflict resolution. The management training program includes subjects covered in the employee training session, together with additional information on legal issues, reporting channels, investigation techniques documentation requirements and physical security improvements.

5. All employees are responsible for refraining from participating in violent actions and reporting threatening or dangerous situations to management occurring within the workplace or those that affect their work requirements.

6. Management is responsible for responding to potential or violent situations, depending on the seriousness and nature of the incident. They will conduct interviews and investigations, prepare documentation, and notify appropriate assistance agencies.

7. Departments are responsible for developing crisis procedures, establishing response teams, and creating simple action plans to follow in the event of a violent action occurring in the workplace.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.16. VISITORS/PETS OR ANIMALS IN THE WORKPLACE.

A. SUBJECT: Visitors in the workplace.

B. PURPOSE. To establish policies and procedures regarding visitors to City offices and work sites.

C. POLICY. To provide for the safety and security of both visitors and employees and the facilities at the City, only authorized visitors are permitted inside the workplace. Restricting unauthorized visitors assists the City to maintain safety standards, protects against theft, assures security of equipment, helps secure confidential information, preserves employee welfare, and avoids potential disruptions and intrusions.

D. PROCEDURE.

1. All visitors should enter City premises at the main lobby of each respective facility. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.

2. If an unauthorized individual is observed on City premises, employees should immediately notify their supervisor or, if necessary, direct the individual to the lobby.

3. No animals other than certified animals necessary to accommodate a handicap shall be allowed anywhere in City Hall.

4. No animals other than certified animals necessary to accommodate a handicap and animals trained to perform tasks for a public purpose (such as police trained dogs) shall be present in other City buildings.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.17. HARASSMENT.

A. SUBJECT: Policy concerning harassment.

B. PURPOSE. To establish policy prohibiting all forms of harassment. To define procedure for reporting harassment. To establish guidelines for administration of discipline.

C. POLICY. The policy of the City is that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences.

1. Unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, pesters, annoys, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, degrading, or hostile environment, or interferes with or adversely affects a person's work performance is prohibited.

2. Harassment does not include the conduct or actions of supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote positive performance.

3. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical advances of a sexual nature. It is City policy to fully support enforcement of State and Federal anti-discrimination laws which provide that sexual harassment is prohibited where (1) Submission to such conduct is made either explicitly or implicitly a term of condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. It is the right of all employees to seek, at any time, redress by the State Human Rights Commission, the Equal Employment Opportunity Commission, or through a court of law; however, employees are encouraged to exhaust the City's Administrative remedies before consulting outside agencies.

D. PROCEDURE.

1. In any case in which the supervisor is witness to or confronted with a situation of harassment, the supervisor shall immediately notify the offending party that harassment is not appropriate and will not be tolerated. Ultimate disciplinary action will await completion of the reporting procedure.

2. An employee subjected to any form of harassment should report such activity to his/her non-involved supervisor, department head, Human Resources Coordinator, or directly to the City Manager. The employee shall report to the lowest ranked non-involved supervisor in the chain of command in their department.

3. A supervisor is required to report harassment cases to his/her Department Head, who, in turn, is required to report the matter to the Human Resources Coordinator. Such reports to superiors and to the Human Resources Coordinator are to be made regardless of how knowledge of the case was acquired.

4. The Human Resources Coordinator shall investigate and submit to the Manager a report setting forth the facts of the case and a recommendation for action.

5. The results of the investigation and the nature of the disciplinary action will be

communicated by the Manager's Office to both the complainant and the offender as well as the affected Department Head. Either party may appeal the decision through the normal grievance procedure if it is felt the findings were incorrect or the disciplinary action inappropriate.

6. Disciplinary action. An employee who harasses another employee or member of the public may be subject to the full range of disciplinary action, including discharge.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.18. SMOKING AND SMOKELESS TOBACCO USE POLICY FOR CITY EMPLOYEES WITHIN CITY-OWNED FACILITIES.

A. SUBJECT: Smoking and Smokeless Tobacco use policy for City employees within City-owned facilities.

B. PURPOSE. To respond to:

1. The increasing evidence that tobacco smoke creates a danger to the health of persons who are present in a smoke-filled environment while on duty. Every attempt will be made to obtain to the greatest extent possible, freedom for the nonsmoker from the harmful effects of smoking materials, while preserving a reasonable degree of freedom for those who choose to smoke.
2. The potential damaging impact of smokeless tobacco use on employees and city property.

C. POLICY. The policy of the City is to allow smoking only in areas where other employees and the public will not be negatively affected, and that have been designated as smoking areas. Further, the policy of the City is to allow use of smokeless tobacco products only in those areas designated as smoking areas.

D. PROCEDURE.

1. "Smoke" or "smoking" as used in this policy shall mean and include the smoking or carrying of any kind of lighted pipe, cigar, or cigarette.
2. Smoking and use of smokeless tobacco products is prohibited in all city buildings.
3. Vehicles: No smoking or use of smokeless tobacco products shall be allowed in City vehicles or in City equipment.
4. Areas shall be designated by each department where smoking and use of smokeless tobacco products may occur outside of city buildings. These areas shall be marked with signage indicating "Designated Smoking Area".
5. Areas designated for smoking and use of smokeless tobacco products may change from time to time to meet the needs of the City and desires of its employees and the public. In the event there is a conflict about the establishment of a Designated Smoking Area, the right of the nonsmokers to breathe clean air free from harmful smoke shall supersede the right to smoke.
6. Ashtrays will be made available in the designated smoking areas and are to remain in the designated areas at all times. Any use of smokeless tobacco requires that the user of the container must be removed from the area each time the user leaves and disposed of immediately or cleaned immediately and maintained by the user in a secure place outside of the public eye. Ashtrays located outside of the doors to a building are placed there to accommodate the needs of members of the public prior to entry into the building.
7. Smoke and smokeless tobacco use breaks are to be confined to the affected employee's lunch period or rest break.
8. The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so. Smokers

must consider the health concerns and comforts of their nonsmoking co-workers and nonsmokers must consider the freedom of choice of the smoker. It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see the policy is applied in an equitable manner and adhered to by all employees.

9. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's progressive discipline procedures.

EFFECTIVE DATE: August 24, 2009  
LAST REVISED: July 14, 2014

Policy 8.19. CONTRIBUTIONS AND HONORARIUMS.

A. SUBJECT: Contributions and honorariums.

B. PURPOSE. To establish a policy and procedure for reporting contributions and honorariums.

C. POLICY. The policy of the City is that speeches and presentations which are related to City services delivered by City employees to community and professional organizations are made without charge.

D. PROCEDURE.

1. Speeches and presentations which are related to City services delivered by City employees to community and professional organizations are made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the City, not to the individual employee.

2. An honorarium or contribution for a speech or other presentation made by a City employee to a group outside the City, either during working time or for which the City provided travel expenses, will also be made to the City.

3. Such contributions and honorariums shall be turned over to the Finance Department for disposition.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

## Policy 8.20. EMPLOYEE ETHICS.

A. SUBJECT: Employee ethics.

B. PURPOSE. The purpose of this policy is to establish guidelines for ethical standards of conduct which shall govern City employees in the performance of City business and the duties of their respective jobs. This policy is intended to provide positive direction to City employees in order to prevent potential conflicts of interest.

This policy is not all-encompassing in its definition of conflict of interest. The “prudent man” theory can and will be applied: action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry.

C. POLICY. The policy of the City is no City employee shall engage in any act which is in conflict, or creates an appearance of fairness or conflict with the performance of official duties. An employee shall be deemed to have a conflict if the employee:

1. Has any financial interest in any sale to the City of any goods or services when such financial interest was received with prior knowledge that the City intended to purchase the property, goods or services.
2. Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is or may be the subject of official action by the City.

D. PROCEDURE.

1. Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the City, reasonable exceptions to this section are permitted for those occasions which are social in nature and are not predicated on the employee’s ability to influence, directly or indirectly, and any matter before the City.
2. The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, favor, given or received, which has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include: a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample or promotional gift of nominal value (\$25 or less).
3. Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
4. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
5. An employee should not make a unilateral decision, if there is any doubt about his/her private employment. The City Manager’s office should be consulted.
6. Except for courtesies as provided in item “b” above, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

7. Discloses or uses without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.

8. Have a financial interest or personal interest in any legislation coming before the City Commission and participates in discussion with or gives an official opinion to the City Commission unless the employee discloses on the record of the Commission the nature and extent of such interest.

9. Use of public property. No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

10. Authorized personal uses include taking an assigned City vehicle to lunch on workdays as needed, use of a City copy machine at cost, stopping to run personal errands when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by the City Manager on a case-by-case basis.

11. Political activities:

a. No City employee may use City time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.

b. No City employee shall be eligible for appointment or election to any public office when the holding of such office would be incompatible or would substantially interfere with the discharge of official duties.

12. Discipline. Any employee who is found to be in violation of this policy may be subject to disciplinary action up to and including termination from employment. Depending upon the seriousness of the action, other appropriate civil or criminal sanctions may also be pursued.

13. Definitions.

a. Interest. Interest is in any direct or indirect monetary or material benefit accruing to a City employee as a result of a contract or transaction which is or may be the subject of an official act or action by or with the City (except for such transactions which would confer similar benefits to all other persons and/or property similarly situated). Interest includes: (1) interests in an employee's family, (2) any business entity in which stock or legal beneficial ownership is in excess of one percent (1%) of the total stock, or legal ownership is controlled or owned directly or indirectly by the employee, (3) interest in any business entity in which the City employee is an officer, director, or employee, (4) interest in any person or business entity with whom a contractual relationship exists with the employee; provided that a contractual obligation of less than \$500 or a commercially reasonable loan or purchase made in the course of ordinary business shall not be deemed to create a conflict of interest.

b. Immediate Family. Family includes spouse, child, parent, parent-in-law, brother, sister, grandparent, son-in-law, daughter-in-law, and grandchildren. Family also includes other persons residing in the employee's residence or are financially dependent upon the employee.

c. Contract. Contract shall include any contract or agreement, sale, lease, purchase, or purchase order.

14. Interpretation. Interpretations of this policy shall be referred to the City Manager.

15. Investigation. The City Manager shall investigate, or cause to be investigated, all suspicions, allegations, and written complaints of unethical conduct.

16. Complaints which are considered by the City Manager to be serious may be referred to an Ethics Panel, composed of City employees appointed by the City Manager.

17. An ethics panel, when constituted, shall investigate and hear the complaint, and recommend to the City Manager any action deemed appropriate.

18. Complaints or allegations which may be criminal in nature may be referred to an appropriate outside agency for investigation.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 8.21. RECYCLING.

A. SUBJECT: Recycling.

B. PURPOSE. To encourage waste reduction and the conservation of scarce resources by establishing an in-house recycling program for City employees.

C. POLICY. The City supports conservation of scarce resources by encouraging recycling and waste reduction in its business practices and operating procedures. This commitment and support includes the purchase, use, and disposal of products and materials in a manner that will appropriately utilize natural resources and minimize any adverse impact on the natural environment.

D. PROCEDURE.

1. Recycling containers have been set up to promote the disposal, source separation and collection of the following recyclable materials:

- Computer paper
- White high grade or bond paper
- Ledger paper
- Mixed or colored paper
- Newspaper
- Corrugated cardboard
- Brown paper bags
- Aluminum
- Glass
- Plastic

2. Employees are authorized and directed to discontinue the use of unnecessary products and materials which are harmful to the environment, and to reduce the use of disposable products such as paper and tape. Conservation can be promoted through the use of:

- Communication through computers
- Electronic file cabinets
- Two sided photocopying
- Routing slips for reports
- Minimum packaging
- Eliminating fax cover sheets
- Reusing paper clips, folders, and binders
- Reusing packaging material
- Reusing pallets
- Turning off lights when not in use
- Use of recycling bins for disposable products.

3. Whenever cost-effective, employees of the City are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Questions or suggestions regarding recycling should be directed to your supervisor or the Human Resources Coordinator.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 8.22. GRIEVANCE PROCEDURE.

A. SUBJECT: Grievance procedure.

B. PURPOSE. To establish a policy to provide all employees with the means by which to air, and seek resolution to any problems affecting their employment.

C. POLICY. The policy of the City is to provide all employees with the means by which to air, and seek resolution to, any problems affecting their employment. The policy set forth in this subsection applies to the application of the conditions of employment previously set out, except as provided herein, and specifically does not apply to disciplinary matters.

D. PROCEDURE.

1. Grievance Procedure

a. Definitions of Grievance - A grievance is defined as the dissatisfaction that occurs when an employee thinks or feels that any working condition applicable to and affecting him is unjust, inequitable, hindrance to effect operation, or creates a problem. An employee may not grieve his performance evaluation so long as that evaluation is at least satisfactory. Unsatisfactory evaluations may be grieved to the employee's department head whose decision shall be reviewed with the City Manager.

b. Procedures in Filing a Working Condition Grievance:

Step 1. Except as provided in the policy related to harassment, any employee who has a grievance shall file the grievance with his/her immediate supervisor within five working days from the time the grievance occurred. Grievance must be in writing, dated and signed. It must set out the particular facts that he/she contends to support his/her claim and the relief he/she seeks.

Step 2. If the grievance is not resolved at the level of the immediate supervisor within five working days from the time the grievance is delivered to his/her immediate supervisor, the employee may bring the grievance to his/her department head within five working days of the date when the supervisor acts or should have acted on the complaint.

Step 3. If the grievance is not resolved within ten working days after he/she has received the grievance, the department head will present the matter to the City Manager for his review. The City Manager's decision shall be final.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

## Policy 8.23: PUBLIC RECORDS REQUEST POLICY

A. SUBJECT: Procedure for accepting and fulfilling public records requests.

### 1. PURPOSE

The purpose of this Public Records Request Policy is to provide guidance to City of Wildwood Departments on how to coordinate a public records request from any entity making that request and ensure all requests comply with Florida Statute Chapter 119, also known as the “Public Records Act.”

### 2. POLICY

a. This policy is to provide guidelines and overall general procedures Citywide. Directors will inform all affected employees within their work areas of this policy and its requirements. This policy **DOES NOT include Law Enforcement** records other than employee records.

b. It is the policy of the City of Wildwood that all municipal records, with the exception of exempted records shall be open for personal inspection by any person.

c. For the purpose of this policy, “reasonable” time to provide access to public records is during normal working hours – Monday – Friday, 8:00 a.m. – 5:00 p.m., excluding holidays or other times of closure. The City will within a reasonable time period make every effort to respond fully to all public records requests. At all times records will be inspected, reviewed and copied under supervision by the custodian of the public records requested, or the custodian’s designee, pursuant to F.S. 119.07(4)(d).

d. The City Manager shall designate the City Clerk to act as the City’s centralized public records contact person for tracking public records requests submitted to all City departments. In the absence of any specific designation, the City Clerk shall be the default centralized public records contact person.

e. The Department Heads shall act as Record Management Liaison Officers of their respective departments and will assist the City Clerk where necessary. Department Heads should know and train their employees on what public records are available in their departments and what sensitive information those records may contain.

f. The City Clerk will receive public records training and shall be responsible for arranging training and compliance of the Public Records Act in accordance with Florida Statute Chapter 119.

### 3. DEFINITIONS

What is a Public Record?

Section 119.011(11). F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted a true determining factor for a public record as those records that “perpetuate, communicate, or formalize knowledge.” *Rogers v. Hood*, 906, So. 2d, 420 (Fla. 1979).

#### 4. PROCEDURES

When a City employee receives a public records request, the following procedures will apply:

##### I. Requests for Readily Available Documents

a. “Readily available documents” are those that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information, such as meeting minutes, program information sheets, engineering maps, and personnel files (which have already had exempt information redacted.) Any City employee who receives a request for this type of information should comply as soon as practicable by either referring it to a department supervisor or providing review and/or a copy of the information requested, as appropriate. After assisting the requestor, staff should transmit information regarding any unusual requests to the City Clerk’s office, with a copy to the City Attorney, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as outlined under Section 6. FEES below..

##### II. Requests for Other Documents

a. Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing. This will assist staff in clarifying the exact scope of the request. Caution should be taken so as not to appear to be requiring the request in writing.

b. An attempt should be made to determine exactly what the person is requesting. Requestors should specify whether they wish to simply inspect records or obtain copies.

c. Notify the City Clerk of the public records request and provide a copy of any written request and completed Public Records Request Form (Exhibit A).

d. Notification to the City Clerk should be done as soon as possible but no later than 2 days from receipt.

e. If the request is verbal, write down as much information as possible regarding the request on the Public Records Request Form i.e., person making the request including contact information, what documents are being requested and any specific information such as dollar amount threshold, delivery expectations, time expectations, etc.

***NOTE: A public records request does not have to be in writing as a prerequisite for completing a public records request. Also a requestor does not need to provide a name nor do they need to provide a reason for the request.***

f. Upon receipt of a public records request, whether written or verbal, the City staff person receiving the public records request must complete the City of Wildwood Public Records Request Form (Exhibit A) to the extent possible based on information known or offered by the requestor. Forward the completed City of Wildwood Public Records Request Form along with any written or documented request to the City Clerk for data input.

g. The Public Records Act does not require agencies to change formats of an existing public record to comply with a public records request. Public Records will be provided in the format of an existing record and will not be altered by scanning and downloading to provide electronically or downloading to a computer disk or thumb drive.

h. The Public Records Act does not require the City to produce an employee to answer questions regarding the records produced.

i. Once the City Clerk has received your information a tracking number will be assigned, detailed data regarding the public records request will be input into a data base tracking program. You will be requested to coordinate with the City Clerk the coordination and compilation of the requested records to completion.

j. The City Clerk will document and maintain communication with the City department possessing the public records through to completion and will document and notify the department when all aspects of the public records request have been satisfied.

k. Department Heads receiving an e-mailed Public Records request from the City Clerk's office will respond as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive documents are stored off-site, the department will promptly notify the City Clerk's office as to the estimated time for retrieval.

l. If Departments that have responsive records in their possession indicate that the retrieval of the records will take more than 15 minutes, the City Clerk's office will contact the requestor with an estimated special service charge for the retrieval. Departments should provide the City Clerk's office with the name and hourly pay rate, including benefits, of the employee who will be doing the retrieval. They should select the lowest paid employee capable of efficiently retrieving the records. A special service charge is in addition to the actual cost of copying.

m. The City Clerk will direct and provide all correspondence to the requestor of the records unless arrangements are made between the City Clerk and the department possessing the public records.

n. The City Clerk's office shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the special service charge and copying charges, if any. The City Clerk's office will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests, (those requiring more than \$100 in labor charges or more than \$100 in copy charges), the City shall require an advance deposit of 100% of the estimated sums prior to beginning retrieval.

o. The City shall make every effort to respond fully to all Public Records Act requests as quickly as possible and the City Clerk's office shall be responsible for monitoring timely performance.

p. For those public records requests that become and/or are made on behalf of litigation, backups must be made to comply with requirements of law.

q. If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and the City Manager and City Attorney should be provided notice. The City Manager and/or City Attorney will provide notice when it is permissible to dispose of records relating to litigation.

r. E-mail which is a public record but contains exempt information should be produced but the exempt information must first be redacted. If in doubt as to whether an e-mail message is a public record or contains exempt information, the Department Head should contact the City Clerk, who will consult with the City Attorney as necessary.

s. Broad or general requests. Agencies cannot deny a public records request based on the fact that the request is too broad or that it does not specifically identify the records requested. Therefore, in the absence of statutory exemption, an agency must produce the records requested regardless of the number of documents involved.

t. "Standing" or "continuing" public records requests. The City cannot honor public records requests that demand future copying or production (i.e., "please forward all future meeting minutes..."). The Public Records Act requires production of present documents that are available and does not contain provisions to require a custodian to foresee the future as future documents may or may not be generated.

u. Requests for information v. requests for records. The City is required to provide access to public records; it is not required to provide information from the records. Example: A reporter wants to know how many employees earn over \$50,000 a year. The City has a file of annual salaries. The requestor should request to inspect the payroll file as the City is not required to give out *information* from that record.

v. The record series entitled "Transitory Messages," found in the Florida Department of

State General Schedule for Local Governments GS1-L, is designed to cover certain Email communications, as well as other information with short-term administrative value. The transitory message series is defined as follows:

Transitory messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or formalization of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include, but would not be limited to: E-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages. Retention is defined as retaining until obsolete, superseded, or administrative value is lost.

### III. Media Requests

a. Requests from the media for Public Records shall be handled consistently with the procedures outlined above. All staff members receiving a request directly from the media shall immediately inform the City Clerk's office and the City Manager's office of the request.

## **5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION**

Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public records. However, information such as social security numbers is protected and is not to be released.

The following public documents/instruments are examples of sensitive material that is either exempt from the Public Records Act or some other statutory exemption:

- Employee records (Florida retirement records, drug screens, medical records)
- Attorney client communications/bills
- Settlement documents
- Medical records unless requested by legal representative or court order
- Home address, phone numbers, social security numbers, and photographs of current or former Human Resources directors and any information regarding their spouse or children
- Home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement, fire and code enforcement personnel and places of employment of the spouses and children
- Bank account numbers and debit, charge, and credit card numbers held by an agency
- Any information that would identify or help locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, an social security numbers of such child
- A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency) or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or agency, and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings

- Information or plans that can jeopardize the security of public buildings including construction plans, floor plans, and types of security systems (Example: Water Treatment Plant blueprints)

This list is not all encompassing. City departments should seek guidance from the City Clerk or the City Attorney if they are unsure of what constitutes sensitive information prior to release of the public record(s). In other words, if in doubt, check with the City Clerk’s office or the City Attorney.

All public records requests involving personnel files will be directed to Human Resources with notice to the City Clerk. The City Clerk will work with HR to ensure compliance.

Documents that contain protected sensitive material will be redacted and the document will then be released to satisfy the public records request.

Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary.

Personal computers, smartphones, personal email accounts, and the like, should ***not*** be used for City business as those records are considered public records and must be retained and accessible in accordance with state law. Any emails in connection with city business received in a personal email account ***shall*** be promptly forwarded to your city email account.

**6. FEES**

All fees imposed for duplication of public records will comply with the Public Records Act, Chapter 119, F.S. Fees may only be imposed for duplication of public records.

Unless specifically stated otherwise through state statute, the following statutory fees will apply to copying of public records:

<u>Paper size 8 1/2” x 11” or 8 1/2” x 14”</u>	
Single sided page	\$ .15 per page
Double sided page	\$ .20 per page
 <u>Paper size 11” x 17”</u>	
Single and double sided page	\$ .20 per page
 <u>All Other Copies</u>	
Actual cost of duplication	
 <u>Certified Copy</u>	
1+ pages:	\$1.00 per page
<u>Audio Tape and CD Fees*</u>	
Audio Tapes	Actual cost to City
Data CD	Actual cost to City
Audio CD	Actual cost to City

\* Audio Tapes and/or CDs (if applicable) will take several days to reproduce.

A charge per copy shall also be made when necessary to make multiple copies of a document in order to properly redact exempt information contained in the document.

Exception:

City maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications. Also, departments may include a reasonable labor and overhead charge associated with the duplication.

No sales tax shall be charged.

Extensive Information Technology/Clerical or Supervisory Assistance:

Where the nature or volume of a request requires extensive use of information technology resources or extensive clerical or supervisory assistance, the City may charge a special reasonable service charge based on the cost actually incurred for the extensive use of information technology resources or the labor cost of the personnel that is actually incurred for the clerical or supervisory assistance required.

Florida Courts have stated that “extensive” means taking more than 15 minutes to locate, research, review, redact, copy or remain present while the requestor copies, and/or answers questions and re-files the material.

To assess the fee for employee hours spent in excess of 15 minutes, City departments will ascertain the hourly rate paid to the City position(s) compiling and providing the duplication.

Occasionally, requestor may need to review records directly. The City shall permit records to be inspected, copied and photographed, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Because of exemptions to Chapter 119 of the Florida Statutes, there may be sensitive information the public is not authorized to see. These reviews need to be scheduled after consultation with the City Manager and/or City Attorney.

Deposits:

If a request requiring extensive resources by nature, City Departments may require a “deposit” before starting the reproduction. The member conducting the request should review the materials needed, develop an estimate for the cost for reproduction, and notify the requesting person or entity of the amount to reproduce the records and the need for a deposit. Any requestor having an account delinquent more than thirty (30) days will be required to pay in advance the estimated cost for providing the public records documents requested.

Cost overages will be billed the balance; extra monies will be refunded.

Once the City has received the fees associated with reproduction, the City must provide the copied information.

Cash, personal check on a local bank, money order, or certified check shall be paid prior to the delivery of the materials. Any check, money order, or certified check shall be made payable to “City of Wildwood”.

**7. COORDINATION WITH CITY ATTORNEY’S OFFICE**

Routine public records requests do not require clearance or advice from the City Attorney’s office. All public records requests pertaining to any matter for which litigation is pending must be referred to the City Attorney’s office. Administrators and department heads must determine whether the agency involved is in litigation before releasing records.

City staff should also contact the City Attorney’s office if they cannot determine if a record is exempt from disclosure. The City Attorney’s office may be consulted prior to a final denial of a request if it meets the requirements of exempt records. Denial must be made in writing with the statutory exemption cited.

**8. RECORDS RETENTION**

Public records must be kept/destroyed in accordance with retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

<http://dhis.dos.state.fl.us/recordsmgmt/publications.cfm>

Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the office of the City Clerk for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. In no event shall staff proceed with destruction of records that are the subject of a current Public Records Act request or records that are currently at issue in pending litigation.

## **9. METHODS FOR REQUESTING PUBLIC RECORDS**

Request public records:

### E-mail:

Requests may be made via an e-mail message. E-mail requests should be as detailed and specific as possible.

### Mail:

To request public records by mail, a request may be sent to: City Clerk, 100 N. Main Street, Wildwood, FL. 34785.

### In person:

The City Clerk's office is located at 100 N. Main Street, Wildwood, FL. 34785. Calling ahead will make visits more efficient. Requestors will be asked to fill out a form.

## **10. REVOCATION**

This policy supersedes and revokes all other prior Public Records Request Policies adopted by the City.

EFFECTIVE DATE: October 3, 2014

LAST REVISED: \_\_\_\_\_

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## CHAPTER IX

### CONDUCT, SEPARATIONS AND DISCIPLINARY ACTIONS

#### Policy 9.1. PERSONAL CONDUCT EXPECTATIONS OF CITY EMPLOYEES.

A. SUBJECT. Personal conduct of employees.

B. PURPOSE. To establish expected standards of conduct and outline disciplinary action which may be taken for certain types of offenses.

C. POLICY. The City is involved in providing the public a number of highly responsible services in which many individuals and businesses rely on the quality and reliability of our programs and services. Thus, all employees are expected to provide excellent and reliable service to the public. Any failure to meet this high standard is cause for concern, discipline, or possible discharge.

#### D. PROCEDURE

1. All persons employed by the City must remain constantly aware of their responsibilities to the public and of the fact that they are representatives of the City. It is expected that their conduct and appearance shall be commensurate with the positions which they hold.

2. City employees are frequently called upon to express opinions and to provide information concerning the City government, its operations and its policies. Expressions of opinions should be carefully weighed in the light of their probable effect and should be based upon facts within the knowledge of the employee. A City employee is not deprived of the rights of citizenship which affords him the right of free speech. He/she should be keenly aware of their responsibilities as they are of his/her privileges, and understand that his/her opinions will often be taken by listeners as representing the official opinion of the City.

3. Employees shall be well posted concerning the policies and operations of city government. Such responsibilities increase with the importance of the position held. Admitting lack of knowledge concerning a question asked is far superior to an incorrect answer, but if the situation requires it, the employee, under such circumstances should refer the questioner to the proper source of information, or obtain the actual facts and inform the person making the inquiry.

4. Employees are expected to refrain from repeating false rumors which would tend to create dissension within the organization.

5. Employees shall visit departments other than those in which employed only on official business. Reasonable breaks in routine work may be taken as long as the privilege is not abused, but loitering is expressly forbidden. Any employee who has completed his/her assigned tasks, or the work for which he/she is responsible, shall report to their supervisor for assignment of other duties.

6. The use of alcoholic beverages or any form of intoxicants or narcotics, except such drugs as are being used under prescription of a physician, is expressly forbidden during working hours as well as the use of such intoxicants or narcotics during other than working hours to the extent that the performance of the employee is thereby impaired.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: \_\_\_\_\_

Policy 9.2. VOLUNTARY TERMINATION.

A. SUBJECT. Voluntary termination.

B. PURPOSE. To establish procedures for voluntary termination of employment with the City.

C. POLICY. The policy of the City is that employees follow certain procedures when voluntarily terminating their employment with the City.

D. PROCEDURE.

1. A regular employee who desires to depart the city services in good standing shall file with his/her department head a written resignation stating his reasons for voluntarily terminating and giving the date of termination.

2. A minimum of two (2) weeks in advance of the last day of work shall be given in order to resign from the city service in good standing. Failure to comply with this provision may be cause for denying such employee's future employment with the City.

3. Vacation time shall not be considered to be a part of the notification period.

4. A regular employee who voluntarily resigns from the City service shall be entitled to compensation for vacation leave accrued in accordance with the provision of these rules.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 9.3. LAYOFFS.

A. SUBJECT. Layoffs.

B. PURPOSE. To establish procedures for layoff of employees.

C. POLICY. The policy of the City is that uniform procedures be followed when there is a layoff from employment with the City to assure fair treatment of employees.

D. PROCEDURE

1. The City Manager may lay off any employee in the city service whenever such action becomes necessary by reason of a shortage of work or funds, the abolition of a position or because of change in organization.

2. No regular employee shall be laid-off while there are temporary, part-time, or probationary employees serving in the same classification or position for which the employee is eligible.

3. An employee to be laid off will be given two weeks advance notice in writing by his/her department head after approval by the City Manager.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

#### Policy 9.4. CAUSES FOR DEMOTION, SUSPENSION OR DISMISSAL.

A. SUBJECT. Causes for demotion, suspension or dismissal.

B. PURPOSE. To establish expected standards of conduct and outline disciplinary action which may be taken for certain types of offenses.

C. POLICY. The City generally adheres to the concept of progressive discipline unless the City Manager determines that the employee's conduct is egregious. This means that the City will take appropriate action based on the seriousness of the situation and the circumstances. Discipline, less than termination, may take the form of a verbal or written warning, a performance appraisal indicating substandard performance in one or more areas, probation or suspension. Which of these options is chosen or whether any of them are used, prior to termination depends on the seriousness of the infraction. The evaluation of the seriousness of the offense will be made solely by management.

#### D. PROCEDURE

1. The City is an at will employer and may dismiss any employee without cause. Discipline will be applied in a progressive manner unless the employee engages in egregious conduct. Egregious conduct shall be conduct that is (a) grossly negligent or intentional; and, (b) either (i) causes serious harm to the City or its employees or the general public; (ii) seriously demoralizes fellow employees; or (iii) would be considered criminal in nature.

a. Conduct that could be considered egregious in nature includes, but is not limited to the following:

- i. Failure or refusal to carry out job assignments and management requests when such failure endangers the public or other employees or causes serious demoralization of fellow employees.
- ii. Removal of and refusal to return City property from City premises without permission.
- iii. Participation in a business directly competing with the City which financially harms the City.
- iv. Incompetence or inefficiency in the performance of his/her duties when such incompetence or inefficiency endangers the public or other employees.
- v. Egregious offensiveness in conduct toward his/her fellow employees or the public.
- vi. Unauthorized release of City information if said release could expose the City to danger or financial consequence.
- vii. Intentional falsification of any work, personnel or other City records.
- viii. Unauthorized taking of City funds or property
- ix. Unauthorized charges against a City account without a reasonable basis.
- x. Dishonesty.
- xi. Discrimination against or harassment as defined by these rules of co-workers or the public.
- xii. Being under the influence of alcohol or a controlled substance at work or on City premises. (Usually indicated by positive drug screen results post-accident)
- xiii. Deliberate damage to City property.
- xiv. Serious physical confrontation with another employee.
- xv. Serious misconduct of any kind.
- xvi. Violation of any lawful official regulation or order, or failure to obey any lawful and reasonable direction given by a supervisor when such a violation or failure to obey amounts to insubordination or serious breach of discipline, which may reasonably be expected to result in lower morale in the organization and result

- xvii. Solicitation or taking for personal use a fee, gift, or other valuable thing in the course of work, or in connection with it, when such fee, gift or other valuable thing, solicited or given to him/her might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future basis.
- xviii. Conviction of a felony or other serious crime.
- xix. Unauthorized use of a city credit (purchasing) card or fleet card.

These examples are not all-inclusive; other behavior may also lead to a discharge on the first occurrence. In determining the seriousness of these offenses, other facts may be considered such as past violations of the rules and other matters the City Manager considers relevant to the decision to discharge and employee.

b. Employee conduct that may result in progressive discipline including reprimand, time off without pay, demotion and ultimately discharge, include, but are not limited to the following:

- i. Inefficiency in carrying out job assignments and management requests.
- ii. Swearing or verbal abuse while on City premises.
- iii. Removal of City property from City premises without permission.
- iv. Violation of the personnel system rules.
- v. Incompetence or inefficiency in the performance of his/her duties.
- vi. Offensiveness in conduct toward his/her fellow employees or the public.
- vii. Failure to pay or make reasonable provisions for payment of just debts in a timely manner.
- viii. Inattention to duty, tardiness, laziness, carelessness, and unnecessary breakage or loss of property.
- ix. Accidents, resulting in personal injury or injury to others.
- x. Violation of department rules.
- xi. Employee has engaged in misconduct unbecoming of an employee of the city service while on duty.
- xii. Unauthorized release of City information.
- xiii. Sloppiness in record keeping.
- xiv. Willful violation of safety rules.
- xv. Damage to City property.
- xvi. Fighting or threatening to fight with another employee.
- xvii. Serious misconduct of any kind.
- xviii. Violation of any lawful official regulation or order, or failure to obey any lawful and reasonable direction given by a supervisor when such a violation or failure to obey amounts to insubordination or serious breach of discipline, which may reasonably be expected to result in lower morale in the organization and result in a loss, inconvenience or injury to the city service or to the public.
- xix. Solicitation or taking for personal use a fee, gift, or other valuable thing in the course of work, or in connection with it, when such fee, gift or other valuable thing, solicited or given to him/her might be construed to be a means of receiving a favor or obtaining better treatment than that accorded other persons either on a present or future basis.
- xx. Conviction of a felony or other serious crime.
- xxi. The employee has been guilty of attempting to use political influence in securing or attaining a position or salary increase. Soliciting elected officials to intercede for or attempt to influence officers or supervisory employees in personnel matters shall be construed as a violation of these rules.
- xxii. Immorality or lack of integrity.

- xxiii. Willful violation of any safety rule or practice.
- xxiv. The employee has been intoxicated on duty, used alcoholic beverages or any form of intoxicants or narcotics, except such drugs as are being used upon the advice and prescription of a physician.

These examples are not all-inclusive; other behavior may also lead to discipline. The occurrence of more than one of these or other violations may lead to discharge.

2. None of the foregoing shall be deemed to prevent the demotion or suspension of an employee for any cause which is justifiable, even though such cause is not contained among those enumerated. Any action taken against an employee for violation of these rules shall take into consideration the employee's service record.

3. Demotions - A regular employee may be demoted when, in the judgment of the appointing authority, the employee's work so warrants. When the appointing authority takes such action he/she shall file a written notification with the City Manager containing a statement of reasons for the action. The employee shall be notified of the effective date of the action.

4. Suspensions - Any department head may suspend a regular employee without pay for disciplinary reasons not to exceed three (3) days. All suspensions in excess of three (3) days must be given prior approval by the City Manager. All suspensions must be contained in writing by the department head concerned.

5. Disciplinary Action

a. Disciplinary action against an employee may occur when he/she has engaged in conduct which violates the City Charter, City ordinances, or the personnel rules. Such conduct by an employee may result in disciplinary action short of discharge or in discharge.

b. For conduct violating City rules and regulations that are considered minor in nature the following procedure shall govern:

i. A verbal warning will be issued to the employee by his/her supervisor.

ii. In the event an employee violates the same or similar regulation, he/she shall be given a written reprimand by his supervisor. This reprimand will be entered into the employee's personnel record.

iii. If the employee is found to have violated the same or similar rule or regulation after being given a written reprimand, he/she shall be given three (3) days off without pay.

iv. After the employee is given three (3) days off for violation of a City rule or regulation and he violates the same or similar rule or regulation again, he/she may be terminated by the City.

c. Disciplinary action for conduct considered not minor in nature may result in immediate discharge without any prior warning. When the appointing authority takes such action, he/she shall file a written notification with the City Manager containing a statement of reasons for the action.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 9.5. DRUG FREE WORKPLACE.

A. SUBJECT. Drug free workplace.

B. PURPOSE. To ensure a safe place for City employees to work, and to promote a drug-free community.

C. POLICY. As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free community, the City of Wildwood, Florida, has established this policy on the use or abuse of alcohol and drugs by its employees. This policy is set up to the Workers Compensation Law, Chapter 440, Florida Statutes, and the Federal Drug-Free Workplace Act.

D. PROCEDURE.

1. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, decreased morale, decreased productivity, and a decline in the quality of services provided. The City has established this policy to detect users and remove abusers of drugs and alcohol. The City's policy is also to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

2. Scope. All employees, including part-time, full-time, and temporary employees, are covered by this policy, and as a condition of employment are required to abide by the terms of this policy.

3. Definitions.

a. "Chain of custody" refers to the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.

b. "Confirmation test," "confirmed test," or "confirmed drug test" means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

c. "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph and any substance deemed illegal under Florida Statutes. An employer may test an individual for any or all of such drugs.

d. "Drug rehabilitation program" means a service provider, established pursuant to s. 397.311 (28), that provides confidential, timely, and expert identification, assessment, and resolution of employee drug (including alcohol) abuse.

e. "Drug test" or "test" means any chemical, biological, or physical instrumental

analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug (including alcohol) or its metabolites.

f. “Employee assistance program” means an established programs capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug (including alcohol) abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to s. 397.311 (28).

g. “Initial test” means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.

h. “Job applicant” means a person who has applied for a position with an employer and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test. For a public employer, “job applicant” means only a person who has applied for a special-risk or safety-sensitive position.

i. “Medical review officer” or “MRO” means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

j. “Prescription or nonprescription medication” means a drug or medication obtained pursuant to a prescription as defined by s. 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

k. “Reasonable-suspicion drug (including alcohol) testing” means drug (including alcohol) testing based on a belief that an employee is using or has used drugs (including alcohol) in violation of the employer’s 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:

- i) Observable phenomena while at work, such as direct observation of drug (including alcohol) use or of the physical symptoms or manifestations of being under the influence of a drug (including alcohol).
- ii) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- iii) A report of drug use, provided by a reliable and credible source.

- iv) Evidence that an individual has tampered with a drug test during his or her employment with the current employer.
- v) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- vi) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.
- vii) "Safety-sensitive position" means a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to s. 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.
- viii) "Special risk position" means a position that is required to be filled by a person who is certified under chapter 633 or chapter 943 Florida Statutes.
- ix) "Specimen" means tissue, hair, or a product of the human body capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.

#### 4. Requirements and Prohibited Activities.

- a. All employees are absolutely prohibited from the unlawful manufacture, distribution, possession (i.e., on the person, or in a desk or locker), dispensation, and use of drugs or alcohol in the workplace, as defined in this policy. For the purpose of this policy, an employee is presumed to be under the influence of drugs or alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of such substances.
- b. An employee who is perceived to be under the influence of drugs or alcohol shall be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The City shall take further action (i.e., removal from service, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely with the City.
- c. Refusal to submit to, efforts to tamper with, or failure to pass a drug or alcohol test shall result in disciplinary action, up to and including discharge.
- d. Off-duty abuse of drugs or alcohol that adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the City is prohibited and may result in disciplinary action up to and including discharge.
- e. Any employee convicted of violating a criminal drug statute must inform their supervisor or the city manager of such conviction (including "guilty" or "nolo contendere" pleas) within 5 days of the conviction.
- f. Employees arrested for a drug or alcohol related incident must immediately

notify their supervisor or the city manager of the arrest if the incident occurs:

- i) During scheduled work hours;
- ii) While operating a city vehicle on city or personal business; or,
- iii) While operating a personal vehicle on city business.

g. Employees injured on the job when the employees' own actions may have contributed to the injury, employees whose actions may have contributed to the injury of another employee, employees involved in an automobile accident while working or driving a city owned vehicle, and employees who are involved in accidents which harm city owned equipment when such equipment is of a type which could cause injury to the employee or another employee (such as front end loaders and forklifts), are required to immediately report the occurrence to their supervisor. For purposes of this rule, "immediately" shall mean within fifteen minutes or as soon thereafter as reasonably possible.

h. Failure to notify an appropriate city official within the time frames provided by this rule may result in disciplinary action, up to and including discharge.

5. Prescription Drugs.

a. Prescription drugs may also affect the safety of the employee or fellow employees or members of the public. Therefore, any employee who is taking any prescription drug that might impair safety, performance, or any motor functions must advise his supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action including termination. If the city determines that such use does not pose a safety risk, the employee will be permitted to work. If such use impairs the employee's ability to safely or effectively perform his or her job, the city may temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of "prescription drugs" is prohibited and may result in disciplinary action. Prescription medication must be kept in its original container if such medication is taken during working hours or on city property.

b. If a supervisor is provided with notice that an employee is utilizing prescription medications, the supervisor shall report this to the Human Resources Office to be placed in the employee's file.

6. Dissemination of Policy.

Employees have the right to know the dangers of drug and alcohol abuse in the workplace and the City's policy regarding such abuse. This policy shall be distributed to all new employees of the City of Wildwood, Florida. A notice of drug testing shall be included with all vacancy announcements for those positions where drug testing is required. A notice of the City's drug testing policy will also be posted in an appropriate and conspicuous location on the City's premises and copies of the policy will be made available for inspection during regular business hours by the general public in City Hall.

7. Testing.

a. All testing conducted by the City will be procedurally consistent with the provisions of Section 440.102, Florida Statutes, and will afford employees all statutorily required protections. The City shall contract with an entity which provides assurance that it follows the procedures and provides the protections provided for in Section 440.102, Florida Statute (2004), and any updates thereto.

b. Prior to the commencement of an employee drug-testing program, the City shall notify all current employees and work applicants of the City that a drug-testing program is being implemented, consistent with the requirements of Section 440.102 (a) Florida Statutes. No mandatory testing of employees or applicants shall occur within 60 days of this initial one-time notification.

c. The City shall conduct the following types of drug tests (In all instances, a drug test which is confirmed to be positive is grounds for immediate termination):

i) Reasonable suspicion. - The City may require an employee to submit to reasonable suspicion drug testing. Reasonable suspicion shall mean that the employee has exhibited conduct or otherwise given an appearance that would raise a suspicion in a reasonable person's mind that the employee may be under the influence of drugs or alcohol. See Section § c. 11.

ii) Routine fitness for duty. - The City may require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the City's established policy or that is scheduled routinely for all members of an employment classification or group.

iii) Injury on the job testing. - Any employee that is injured on the job when the employee's own actions may have contributed to the injury, the employee's actions may have contributed to the injury of another employee while working is required to immediately report the occurrence to their supervisor and submit to a drug test. For purposes of this rule, "immediately" shall mean within fifteen (15) minutes or as soon thereafter as reasonably possible. The supervisor shall accompany or designate someone to accompany the employee to the drug test.

iv) Accident on the job. - Any employee involved in an automobile accident while working or driving a city owned vehicle or any employee involved in an accident which harms city owned equipment when such equipment is of a type which could cause injury to the employee or another employee (such as front end loaders or fork lifts) is required to immediately report the occurrence to their supervisor and submit to a drug test. For purposes of this rule, "immediately" shall mean within fifteen (15) minutes or as soon thereafter as reasonably possible. The supervisor shall accompany or designate someone to accompany the employee to the drug test

v) Follow-up testing.

(A) If the employee in the course of employment enters an employee assistance programs for drug-related problems, or an alcohol and drug rehabilitation program, the City may require said employee to submit to a drug test as a follow-up to such program, and on a quarterly, semiannual, or annual basis for up to 2 years thereafter.

(B) Confirmation testing. Additionally, if an employee tests positive but the testing company reports to the City that there may be an explanation for the positive test other than use of illegal substances such as use of a prescription drug that may have caused the positive result, then the City shall retest at its cost the original sample if such retesting would clarify whether the positive result was caused by an

employee's use of a prescription drug or other legal substances that does not affect the employee's safe job performance. This shall not be construed to negate the employee's obligation to advise his or her supervisor of the employee's ability to properly perform his or her job. If an employee tests positive and there is no reasonable alternative explanation for the positive test, the employee may retest at his or her own expense the original sample if retesting is requested within Seventy two hours of the notice of the results of the test

c. Random testing (CDL license holders only)

8. Procedure for testing.

The City Commission shall choose a testing company to be used for all City drug / alcohol testing. The City may follow the procedures normally followed by the testing company as long as they properly comply with the requirements of the law.

a. Disciplinary Action.

i. A drug screen which comes back positive is automatically sent for confirmation. Confirmation of a positive drug screen without a reasonable explanation is grounds for immediate termination.

ii. Any employee who admits to, or self reports, drug/alcohol use prior to having knowledge of any planned or random drug screen will be placed on a 12-month probation and will have the opportunity to participate in a drug abuse assistance or rehabilitation program. Upon release of the program, random drug tests will be done by the City at any time during the next 12 months. If any random drug screen results in a positive test, the employee is to be terminated immediately.

9. Procedure for Random Drug Testing (CDL license holders only).

a. The minimum number of employees required by the outside provider's guidelines to trigger placement of a testing unit at a City designated testing location for random testing shall be drawn on a quarterly basis the first year of testing. Additionally, the City Commission may determine after the first year of testing that it will randomly test less than four times per year. The number of random tests to occur may vary from year to year.

b. The City shall choose a properly accredited outside provider to provide random testing of City employees. The City will provide the outside provider with all City employee names. As employees are hired or leave City employment this information shall be provided to the outside provider, which will maintain a list of current City employees.

c. The names of employees who will be tested will be randomly drawn by the outside provider, which will notify the HRO of the names drawn ONLY upon arrival at the City Hall. If the name of the human resource person is on the list of names drawn, then the provider will notify the City Manager or if necessary the Finance Director upon arrival.

d. The outside provider will bring a testing unit to a City designated testing location.

e. The City will designate two persons for each department to act as escorts who will be responsible for escorting employees who were drawn to the testing location sign-in room. The designated escort for each department shall be selected from the departmental designees by human resources on the day testing occurs and will notify the escorts of the employees they are to bring to the testing location.

f. All employees drawn to be tested will immediately, upon contact by the escort, accompany the designated escort to the testing location. The escort will turn the employees over to the member of human resources monitoring the test with the testing agency and inform human resources of those listed employees not available that day with the reason they were not available.

g. No employee shall leave the sign-in room until called by the provider technician, nor leave the test area until testing is complete and dismissed by the provider technician.

h. An employee who does not immediately or refuses to accompany the escort or otherwise breaks the chain of control is subject to discipline up to and including termination and if continues to be employed, shall be tested at the discretion of the City Manager up to 12 times during the three (3) month period immediately following the incident.

i. Employees drawn who are not working their City job during the testing time frame shall be tested in the provider's office upon return within three months of the original test date as a makeup test. The employee will receive notification from the HRO or City manager of said makeup test through a designated escort. Upon contact by the escort the employees shall immediately accompany the escort to the testing facility. Subsection viii. applies to this subsection in the event the employee delays or refuses to accompany the escort.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014

Policy 9.6. SAFETY IN THE WORKPLACE.

A. SUBJECT. Safe workplace.

B. PURPOSE. To ensure a safe place for City employees to work.

C. POLICY. As a part of its commitment to provide a safe place for its employees to work and to provide a safe environment for its citizens, the City of Wildwood, Florida has established this policy to create a Safety Committee dedicated to establishing procedures for safety of the City's employees in the workplace and a safe environment for its citizens and providing for the distribution of an Employee Health and Safety Program Handbook to be distributed to all City employees.

D. SAFETY COMMITTEE.

1. The Safety Committee is composed of representatives from every department within the City. The members are selected by the Department Head and can be changed from time to time. Alternate members should also be selected, whenever possible.

A chairman and secretary will be determined by the committee. The Human Resource Coordinator is a constant member of the committee.

2. Responsibilities of the Safety Committee

a. Meetings will be held at least once each quarter.

b. Attendance is considered mandatory in the absence of a compelling reason to contrary. Alternate members are required to attend if the regular member is unable to do so.

c. Members of the Safety Committee will rotate, if possible, with 2 new members being selected and rotated every year. This is done to provide all employees the chance to be involved.

d. Committee is responsible for:

i. Creating and recommending policies and procedures affecting the development and administration of an aggressive accident prevention program for all City employees.

ii. Reviewing accidents reports, etc., to determine the effectiveness of over-all accident prevention efforts;

iii. Establishing basic safety programs to be followed by all City employees

iv. Reviewing reports on the safeness of all City buildings and recommending any changes needed to the City Manager

v. Providing feedback to their respective departments on the outcome of the Safety Meetings.

e. A Safety Coordinator will be selected from the Safety Committee Members. The Safety Coordinator will be responsible for the inspection of buildings on a yearly basis.

f. Once a year, the City Manager and the Human Resource Coordinator will visit each department to review the importance of Safety in the Workplace.

### 3. DEPARTMENT HEAD RESPONSIBILITIES

a. Each Department Head is responsible for setting individual department Safety Rules and Procedures for their department. These rules and procedures should expand upon the policies as set by the Safety Committee.

b. Submit required accident and injury reports using the standard reporting method in a timely fashion to Human Resources.

c. Follow the safety program as determined by the Safety Committee and provide adequate job training and continued safety instruction for all employees.

d. Take disciplinary action against employees when justified for neglect of safe working procedures and violation of safety rules.

### 4. EMPLOYEE RESPONSIBILITIES

a. Employees are responsible to adhere to all safety rules, procedures, and practices and use personal protective equipment and devices provided as a condition of employment.

b. Employees are to insure their actions don't endanger their fellow employees or the general public.

c. Employees are to leave their work area in an orderly and safe condition.

d. Employees are to report or correct unsafe and/or unhealthy conditions at once.

## E. EMPLOYEE HEALTH AND SAFETY PROGRAM BOOK

1. Upon hire, the Human Resource Coordinator/Risk Manager will provide each employee with a copy of the City of Wildwood Employee Health and Safety Program Handbook.

2. Each new employee will be required to sign an acknowledgement stating the Employee Health and Safety Program Handbook has been received and it is the employee's responsibility to become familiar with and abide by these instructions.

The safety of its employees, property, and its citizens is a priority for the City of Wildwood. Safety violations will not be tolerated and departments are encouraged to apply this policy as a useful resource to facilitate safer working conditions.

EFFECTIVE DATE: May 12, 2014

LAST REVISED: June 9, 2014

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## CHAPTER X

WHISTLEBLOWER POLICY
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### Policy 10.1. WHISTLEBLOWER POLICY.

A. SUBJECT: Procedure for whistleblowers.

B. PURPOSE. The intent of the City Commission of the City of Wildwood to prevent any retaliatory action against any employee who reports to the City Manager a violation of law on the part of the City or an independent contractor working for the City that creates a substantial and specific danger to the public's health, safety, or welfare. The further intent of the City Commission of the City of Wildwood to prevent any retaliatory action against any person who discloses information to the City Manager of the City of Wildwood alleging improper use of the governmental office, gross waste of funds, or other abuse or gross neglect of duty on the part of any employee or officer of the City of Wildwood.

C. POLICY. The policy of the City is to assume that its departments follow the law and to protect any employee who reports to his supervisor actions that are in violation of the law.

D. PROCEDURE.

1. Definitions: As used in this regulation, unless otherwise specified, the following words or terms shall have the meanings indicated.

a. "Employee" means a person who performs services for, and under the control and direction of, or contract with, the City or an independent contractor working for the City for wages or other enumeration.

b. "Adverse personnel action" means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by the City or an independent contractor working for the City.

c. "Independent Contractor" means a person engaged in any business who enters into a contract with the City.

d. "Gross mismanagement" means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

2. Actions Prohibited

a. The City or an independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this regulation.

b. The City or an independent contractor shall not take any adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of information under this regulation.

c. The provisions of this regulation shall not be applicable when an employee or person discloses information known by the employee or person to be false.

3. Nature of Information Disclosed

The information disclosed under this includes:

- a. Any violation or suspected violation of any federal, state, or local law, rule or regulation committed by an employee or agent of the City or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
- b. Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the City or independent contractor.

4. To Whom Information Disclosed

The information disclosed under this regulation must be disclosed to:

- a. The employee's immediate supervisor unless the grievance or matter involved a suspension, demotion or discharge.
- b. The department head if the matter is not resolved by the immediate supervisor or it involves a suspension, demotion or discharge.
- c. The City Manager if the matter is not resolved by the department head.
- d. If a grievance involving the type of information applicable under this regulation is not resolved by the City Manager, the employee may require review by a grievance resolution board.

5. Grievance Procedure for Whistleblower Policy

- a. There is hereby authorized and empowered for each properly grievable occurrence a grievance resolution board which shall be composed of a chairman and two other members. The first member shall be selected at random from the list of peer group representatives applicable to the employee grievant. If such person declines or is unavailable, another peer group representative shall be selected at random. The second member shall be selected by the employee grievant at his or her discretion from the list of employer representatives provided by the City. The City's appointed Special Master shall serve as a third representative and as chairman.
- b. The grievance resolution board shall hear evidence from the employee and make findings and a recommendation to the City Manager.

6. Grievance Appeal for Whistleblower Policy

Employees may appeal decisions of the grievance resolution board to the City Commission.

EFFECTIVE DATE: August 24, 2009

LAST REVISED: July 14, 2014