

City of New Port Richey

Personnel Rules and Regulations Human Resources Policy Manual



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SECTION 1 INTRODUCTION

1.01 PURPOSE

The City of New Port Richey Personnel Rules and Regulations-Human Resources Policy Manual is not intended to supersede the City Charter, Ordinances/Resolutions, or any Florida Statute/provision of the Florida Administrative Code or any provisions of Federal Law. In the event of a conflict between this Policy Manual and any of these documents or laws, the documents or laws shall prevail. The purpose of these rules is to clarify policies promulgated by Section Four of the City Charter and establish administrative actions concerning personnel activities.

The contents of this Policy Manual constitute statements of the City's current policies and may be changed and updated by ordinance adopted by the City Council – at any time. This Policy Manual shall, at a minimum, be revised every five years. Nothing in this policy manual is intended to create an employment contract, either express or implied, between the City and any employee. Nothing in this Policy Manual binds the City to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.

1.02 OBJECTIVES

To expect from its employees compliance with all the City's Human Resources Rules and Regulations, state statutes and federal regulations in the performance of duties, as well as compliance with all safety rules.

To encourage the development of individual acceptance of responsibility for the attainment of outstanding public service, in accordance with the City's goals and objectives, while adhering to the standards of conduct contained in this policy manual.

To attract and retain employees of the highest caliber.

To select employees based on ability, training, and experience, without regard to age, gender, sexual orientation, race, color, religion, national origin, veteran status, family status (except as limited by Florida Statutes governing nepotism), or disability which does not preclude the performance of the essential functions of the position with reasonable accommodation(s) provided as necessary.

To provide career advancement opportunities for employees through training and educational assistance programs.

To provide training for supervisory personnel which will assure their ability to lead and motivate their employees in an effective manner.

To provide a pay plan and employee benefits which are fair and competitive.

To provide clean, safe, and pleasant working conditions for empowered employees to deliver services in a courteous, responsible, and effective manner.

To provide a grievance procedure for the prompt and appropriate settlement of employee grievances.

To promote from within, whenever possible and in the best interest of the City, based upon ability, documented employment record, demonstrated and documented job performance, and satisfaction of position minimum education and experience qualifications.

To provide a safe workplace for its employees. Therefore, the use, sale, or possession of alcohol or controlled substances by employees is prohibited while on duty or on City property because it can affect employees' performance and workplace safety. Any employee whose off-duty substance abuse results in on-the-job impairment (including but not limited to excess absenteeism or tardiness, carelessness or disregard for safety, or poor work), or who commits an unlawful act or whose conduct discredits the City of New Port Richey in any way is in violation of this policy. Such actions can have an adverse impact on how the public perceives the City of New Port Richey and its employees. Violation of this policy will not be tolerated and shall be grounds for disciplinary action, up to and including immediate termination of employment..

SECTION 2 AUTHORITY AND ADMINISTRATION

2.01 SCOPE

These policies shall apply to and govern all employees of the City of New Port Richey, with the following exceptions:

- Mayor and City Council members.
- Members of Boards and Commissions (with the exception of employee Pension Board Trustees)
- Persons employed on a contractual fee for service or retainer basis
- Volunteers of the City

These policies shall apply to represented employees, except where noted herein or except where an express term of a collective bargaining agreement applies. If a conflict exists between these policies and any express term of a collective bargaining agreement, the applicable collective bargaining agreement will apply. Represented employees have their benefits delineated in their respective collective bargaining agreements.

2.02 AUTHORITY FOR ESTABLISHMENT OF POSITIONS

With the exception of those positions established by Charter, all positions or offices in the municipal organization, and their rates of pay, are established and approved by the City Council and administered by the City Manager.

2.03 ADMINISTRATION AND APPOINTIVE AUTHORITY

With the exception of appointments reserved to the City Council by the City of New Port Richey Code of Ordinances and Charter, and Florida Statutes, general authority and responsibility for the personnel administration of municipal affairs is vested in the City Manager. Final authority in personnel matters, including the authority to hire, suspend, or remove any City employee, and with regard to all matters and subjects covered by these policies, is reserved to the City Manager. Temporary or seasonal employees may be removed at any time by the Department Director. The City Manager may delegate his/her authority, at his/her discretion, to the Finance/Human Resources Director in certain instances to Department Directors.

2.04 ADMINISTRATION OF PERSONNEL RULES AND POLICIES

Administration of these rules and policies shall be the responsibility of the City Manager and/or his/her designee. These rules and policies concern the personnel of the City of New Port Richey and are known as the City of New Port Richey Personnel Rules and Regulations-Human Resources Policy Manual. Department Directors shall be responsible for the effective administration of these rules and policies within their respective operations. These rules will be updated periodically. The predecessors to the Finance/Human Resources Director classification were the Human Resources Director and the Personnel Administrator.

2.05 AUTHORITY FOR DEVELOPMENT OF DEPARTMENTAL POLICIES

A Department Director shall have the responsibility and authority to develop and implement internal departmental policies and standard operating procedures, subject to review and approval of the City Manager. In the event of any conflict between such departmental procedures and the provisions contained in this manual, the provisions of the Human Resources Rules and Regulations Policy Manual shall apply. Due to the unique nature of certain department operations, departments may have more specific and detailed rules concerning topics mentioned in this Policy Manual.

2.06 AUTHORITY FOR VARIANCE FROM POLICY

A Department Director shall have the right to request, in writing, a variance from these policies when individual circumstances so justify. This request shall be submitted to the City Manager. All variances require the written approval of the City Manager prior to implementation.

2.07 CHANGES/AMENDMENTS TO HUMAN RESOURCES POLICIES

The City of New Port Richey Personnel Rules and Regulations-Human Resources Policy Manual may be revised from time to time by ordinance adopted by the City Council – to reflect statutory or ordinance changes; or as deemed necessary by the City Council. In the event of a fiscal emergency, the City Council may change and/or suspend benefits if it is deemed in the best interest of the City. Every five years this Policy Manual will be reviewed and resubmitted to Council for formal adoption.

SECTION 3 DEFINITIONS

ANNUAL LEAVE

Eligible employees are granted annual leave, a pre-approved, paid absence from work to be used for personal and vacation reasons. Annual leave requests will be arranged in advance by the employing department with due regard for the operating needs of the department and to accommodate the convenience of the employee. Under normal conditions, annual leave should be scheduled at least two weeks in advance. Annual leave may need to be scheduled in advance when departments are arranging monthly schedules and trying to accommodate annual leave requests during holiday periods. Only in emergencies or under unusual circumstances should annual leave be granted the day before or the day of an absence.

AT-WILL EMPLOYMENT

At-will employees serve at the will of, and may be removed with or without cause by the City Manager. Accordingly, at-will employees do not have the right to a pre-determination hearing prior to termination nor the right to an appeal hearing subsequent to termination of employment. Department Directors, probationary employees (new-hire probation), seasonal and temporary employees are all at-will employees.

CHAIN OF COMMAND

A system whereby authority passes down from the top of the organization through a series of managerial or supervisory positions in which each is accountable to the one directly superior. The City's administrative chain of command starts with the City Manager and moves down the organization through department heads, managers, supervisors, lead workers and general employees. Employees are expected to respect the chain of command by addressing most issues first in their department before bringing them up through the levels of the organization.

CIVIL SERVICE BOARD

A disciplinary panel consisting of five members and two alternates who meet the qualifications set forth in Section 2-246, Chapter 2 – Administration, Article IX – Merit System, New Port Richey Code of Ordinances, as amended.

CLASSIFICATION

The act of grouping positions in classes with regard to duties and responsibilities; requirements as to education, knowledge, experience, ability; tests of fitness; and ranges of pay.

CONTINUOUS SERVICE (Seniority)

Continuous Service is service credit which determines eligibility for employee benefits (vacation accrual rate, retirement, etc.). Continuous service is deemed uninterrupted for the following paid or unpaid leaves of absence while an employee is on: annual military training, military service, Family and Medical Leave, or Workers' Compensation Leave. An employee's continuous service date will be adjusted to reflect unpaid time for other leaves of absence.

CONTRACTED EMPLOYEE

Contracted employees are individuals that do work for the City and are either independent contractors or contracted employees through an agency. In either case these individuals are not employees of the City and are not eligible for the City's regular benefits and/or pension. Contracted employees who are independent contractors have the terms and conditions of their work enumerated in their contracts.

DAY

Shall mean Monday through Friday (working days). Saturday, Sunday, and holidays are excluded unless otherwise noted.

DEMOTION

The movement of an employee, voluntarily or involuntarily, from one job classification to another job classification which has a lower maximum rate of pay.

DEPARTMENT DIRECTORS

Department Directors are at-will employees who are appointed by, and serve solely at the pleasure of, the City Manager and are responsible for management of the offices or departments established by the City Charter, Ordinances, and/or City Manager. Department Directors may be dismissed with or without notice; with or without cause; and do not have access to a pre-determination hearing or post-termination appeal. The terms and conditions of employment for Department Directors may be outlined in Employment Agreements, as authorized by the City Manager. If no Employment Agreements exists, the terms, conditions and benefits of employment will be the same as those stated in these rules and regulations.

DESIGNATED WORK WEEK

The designated work week begins at midnight on Sunday and ends at midnight on the following Saturday of each week.

DISCIPLINARY ACTION

Verbal or written reprimands, demotions and no-pay suspensions.

EMPLOYEE

Every person engaged in any employment of the City under any appointment or contract of hire, expressed or implied, oral or written, for remuneration, including, without limitation, all full-time, part-time, seasonal, regular status, and temporary employees.

EXEMPT EMPLOYEE

Exempt employees are those that meet the definition of an exempt employee pursuant to the Fair Labor Standards Act ("FLSA"). Exempt employees are paid on a salary basis and are exempt from minimum wage and overtime provisions of the FLSA; therefore, exempt employees do not receive overtime pay for hours worked in excess of forty hours in a designated work week. Exempt employees are not eligible for cash payment of any administrative leave at any time during their employment nor upon termination of employment.

FULL-TIME EMPLOYEE

A full-time employee is an employee whose authorized, budgeted work schedule is forty hours or more per week.

GRIEVANCE

A complaint, submitted in writing, arising out of an interpretation or application of a rule/disciplinary action or some condition of employment which is deemed unfair/unjust and is not precluded from being considered.

GRIEVANT/APPELLANT

A regular status full-time employee having a complaint.

HOURS OF WORK

Hours of work refers to the shift an employee is scheduled to work in any twenty-four hour period.

IMMEDIATE FAMILY

Immediate family refers to spouse, and the following biological, adoptive, legal guardians or "step" relatives: child(ren), parents, brothers, sisters, daughter in-laws, son in-laws, grandparents, and grandchild(ren) of both the employee and the employee's spouse. (This definition is for purposes of medical leave and funeral leave.)

INSUBORDINATION

The unwillingness on the part of an employee to submit to the authority vested in supervisors, department heads, department directors and the City Manager as outlined in this Policy Manual.

JOB DESCRIPTION

A written description of a job or position and its characteristics.

LAYOFF

A reduction of the number of employees due to lack of work, funds, or other similar causes.

LEAVE

An approved type of absence from work as provided by this Policy Manual.

MAY

The word "may" shall be interpreted as permissive.

MERIT PAY

Additional pay awarded to an employee on the basis of job performance.

MERIT SYSTEM EMPLOYEE

A full-time employee who meets the eligibility requirements to participate in the process of hiring and promotion based on the employee's ability to fulfill a position's requirements.

NON-EXEMPT EMPLOYEE

In accordance with the provisions of the FLSA, "hourly" employees are deemed "non-exempt" and are entitled to minimum wage and overtime pay at the rate of one-and-one-half times their regular hourly rate for hours worked in excess of forty hours of worked time in any designated work week.

NON-PROBATIONARY EMPLOYEE

A non-probationary employee is an employee who is assigned to an authorized, budgeted position and has satisfactorily completed the designated probationary period for new hires, as indicated on the Employee Performance Evaluation form completed by the supervisor.

NON-REPRESENTED EMPLOYEE

A non-represented employee is an employee whose position is not governed by a collective bargaining agreement. The terms and conditions of employment for non-represented employees are subject to the provisions of this Policy Manual, as amended from time to time.

OVERTIME PAY

Overtime pay refers to the premium compensation paid at a time-and-one-half rate for work performed in excess of the established work week or tour of duty, as defined in the FLSA, and as provided herein and in applicable collective bargaining agreements. For the purpose of computing overtime, non-worked

hours, such as sick, bereavement leave, and all other paid and unpaid leave, do not count as time worked with the exception of holidays.

PART-TIME EMPLOYEE

A regular status part-time employee is an employee whose regular work schedule is less than forty hours per week. A part-time employee is not eligible for vacation and sick leave; eligibility for bereavement leave is outlined elsewhere in this manual. A part-time employee is eligible for holiday pay and shall receive holiday pay that corresponds to either his/her work schedule for the day upon which the holiday is observed or a pro-rated amount based on the total of hours scheduled per week (i.e.- twenty hours per week equals four hours of holiday pay.) Part-time employees are eligible for overtime pay only when they have worked more than forty hours in a scheduled work week.

PROBATIONARY EMPLOYEE/PROBATIONARY PERIOD

A probationary employee is one who has not yet successfully completed the probationary period. The initial (new hire) probationary period for employees covered by this policy manual is twelve months. The probationary period for employees represented by a labor union is outlined in the respective collective bargaining agreements.

PROMOTION

Appointment of an employee to a classification in a higher pay grade.

PUBLIC OFFICIAL

An officer, or employee of a department who is vested with the authority by law, rule or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with employment in the department.

RECLASSIFICATION

A change in the classification of an existing position based on significant changes in assigned duties, responsibilities, level of difficulty, etc.

REGULAR STATUS EMPLOYEE

A regular status employee is a full-time or part-time employee who is not in his initial new hire probationary period and is in a budgeted, authorized position. Temporary, seasonal, and probationary (new hire) employees are not considered regular status employees.

RELATIVE

An individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, or grandchild.

REMOVAL

Separation of an employee for failure to meet requirements of employment.

REPRESENTED EMPLOYEE

A represented employee is an employee whose position is in a bargaining unit and whose terms and conditions of employment are governed by a collective bargaining agreement. The collective bargaining agreement language explains the benefits and working conditions for bargaining unit members.

RESIGNATION

An act of voluntarily withdrawing from City employment.

RETIREMENT

Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Retirement Plan.

SHALL

The word "shall" be interpreted as mandatory.

STANDBY ASSIGNMENT

An assignment made by a department or division director which requires an employee to be available for emergency work on off-duty time which may include nights, weekends, or holidays.

SUSPENSION

Employees may be suspended from work without pay under the Standards of Conduct rules.

TEMPORARY or SEASONAL EMPLOYEE

A temporary or seasonal employee is an employee who is either employed through the City payroll or leased from a temporary agency for a specific period of time, normally six months or less and not to exceed nine months. Temporary/seasonal employees may work on either a part-time or full-time basis and they are "at-will" employees who may be removed at any time with or without cause by the Department Director. Temporary/seasonal employees include office or professional staff and casual laborers who work as required

intermittently when there are specific tasks to be performed; and student/intern employees (bona fide students in an accredited educational or vocational program) who perform services for the City in a temporary position reserved solely for students.

Temporary/seasonal employees are not eligible to participate in any of the following benefits: health, dental, vision, or life insurance; short-term/long-term disability insurance; vacation; sick/personal leave; or retirement plan.

The terms and conditions for temporary workers provided by an employment agency, with which the City has a contract, are governed solely by the provisions of the agency's service agreement. All requests for temporary employees must be submitted to the Human Resources Division for coordination/processing. The City Manager must authorize all temporary assignments.

TERMINATED

An employee who is no longer employed by the City is considered to have been terminated. The word terminated may be used interchangeably with the words dismissed and/or discharged.

TERMINATION OR LEAVE OF ABSENCE DATES

The effective date of termination (voluntary, involuntary, or failure to return from an approved leave of absence) shall be the last day worked or the last day for which pay was received. The start date of an unpaid leave of absence shall be the date following the last day worked or the last day for which pay was received.

TRANSFER

The assignment of an employee from one position to another position which involves no title change (e.g., Maintenance Worker in the Public Works Department who is transferred to a Maintenance Worker position in the Parks and Recreation Department) or which involves a title change but no change in the pay grade (i.e., a lateral transfer).

USE OF PRONOUNS "HE," "HIM," AND "HIS"

The use of the pronouns "he," "him," and "his" in this Personnel Policy Manual shall also refer to similar pronouns of the feminine gender unless otherwise qualified by the context.

VACANCY APPROVAL REQUEST

The Vacancy Approval Request form is a form used to initiate the recruitment of a position. When a vacancy is desired to be filled, the form shall be sent to the Human Resources Division to secure the necessary approvals.

WORK DAY/SHIFT

Work day/shift refers to the number of hours regularly scheduled to be worked in one twenty-four hour period.

WORK PERIOD/TOUR OF DUTY

The specific, recurring interval of time declared by the employer in which hours worked are counted for the purpose of computing overtime, in accordance with the FLSA.

WORK WEEK

Work week refers to the number of hours regularly scheduled to be worked during the designated work week. The City has established the designated work week to be Sunday through Saturday. This established work week is set forth on the City of New Port Richey Time Sheet for the purpose of determining overtime in accordance with the FLSA.

SECTION 4 COMPENSATION PLAN

4.01 PAY SCHEDULE

The pay of City employees shall be on the basis of the official grade rate schedules prescribed in the Pay and Classification Plan approved by the City Council, or pursuant to the provisions of collective bargaining agreements. The Pay Plan shall be reviewed by the City Council every five (5) years to coincide with the revisions to the overall Policy Manual. The City Council may, at its discretion, review, adjust and/or approve a Pay Plan at any time.

4.02 ADMINISTRATION OF THE PAY PLAN

Pay ranges are intended to furnish administrative flexibility in recognizing differences among positions, to provide employees incentive, and to reward employees for performance.

Employees will be paid in accordance with the rates established in the pay plan for the position classifications to which appointments are made.

The Human Resources Division shall have responsibility for the uniform and consistent administration of the pay plan, including obtaining City Manager approval for all hiring rates, salary adjustments, and other payroll changes in accordance with the provisions of this policy manual.

4.03 PAY RATE UPON INITIAL HIRE

The pay rate at time of appointment to any position, generally, will be the minimum rate for the position grade. Compensation at higher rates may be considered when experience, skill, training, or conditions of the labor market justify such action. Salary offers above the minimum rate of the pay grade, if requested by the hiring authority, require approval of the Finance/Human Resources Director and City Manager/designee. All salary offers, in conjunction with offers of employment, including in-house promotions, demotions, and transfers, shall be made by or coordinated by the Human Resources Division.

The pay rate upon initial hire of an employee whose position is governed by a labor union shall be in accordance with the provisions of the applicable collective bargaining agreement.

The City Manager will have the authority to establish the pay rate of a Department Director upon appointment or promotion, within the pay plan as established, commensurate with the responsibilities of the position and

competitive with other public agencies and in consideration of the individual's experience, skills and abilities.

4.04 PAY RATE AFTER AUTHORIZED LEAVE OF ABSENCE

When an employee is reinstated to the same or comparable position after an approved Military or Family and Medical Leave of Absence, the pay rate upon reinstatement will be the same rate as was in effect at the time of departure, or a higher rate if a negotiated or City Council approved salary increase occurred during the leave period.

4.05 PAY RATE UPON REINSTATEMENT

An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same position by the same department/ division from which the employee resigned within one year of the date of resignation. Such action originates only from department/division request and must be submitted to the Human Resources Division for approval by the City Manager or designee.

An employee may be reinstated at the same pay rate previously received, or may revert to a lower rate within the range, at the recommendation of the department/division head and with the recommendation of the Human Resources Division and approval by the City Manager or designee.

Reinstated employees are considered new employees for the purposes of medical leave, vacation leave, longevity, and salary increases.

4.06 PAY RATE UPON PROMOTION

In no case shall the pay rate upon promotion exceed the maximum rate of the grade to which the employee is promoted. The pay rate for a promotion may range from a minimum of five percent upward to the entry level of the new position. All promotional rates must be approved by the Department Director and the Human Resources Division prior to any discussion with an employee.

4.07 PAY RATE UPON DEMOTION

When an employee is demoted voluntarily, the pay rate will be decreased so that his salary is the same percentage above the minimum rate of the lower pay grade as it was in the pay grade prior to demotion. In the case of a demotion for cause, organizational/administrative reasons, or for purposes of an accommodation, the pay rate will be determined by City Manager in consultation with the Human Resources Division.

4.08 PAY RATE UPON TRANSFER OR RECLASSIFICATION

The following applies to employee transfers and position reclassifications:

- Pay rate will remain the same for lateral transfers;
- There will be no automatic increase/decrease in pay rate if the incumbent's current pay rate is appropriate and within the new pay grade/range after reclassification of the position;
- A salary adjustment will be made if the incumbent's current pay rate is below the minimum of the new pay range, or is not appropriate to the new pay range (based upon factors including, but not limited to, tenure, salary of other employees in the new grade, etc.). Salary adjustments will be processed in accordance with the policies that apply to promotional pay rates;
- If the incumbent's job responsibilities have been effectively changed by the City and this action created a need to reclassify the position higher or lower in the classification plan, the incumbent(s) salary will be adjusted in accordance with the promotion or demotion policy;
- If the reclassification is the result of a market salary adjustment, it shall be considered an equity adjustment. The incumbent shall be placed in the new pay grade by the Finance/Human Resources Director with a pay increase that may reflect market rate and years of experience doing the job; the promotional percentage will not be used for calculating the new salary.

4.09 TEMPORARY DUTY ASSIGNMENTS (WORKING ABOVE CLASSIFICATION) AND ACTING/INTERIM ASSIGNMENTS

Temporary/Acting/Interim Assignments

In the event that a Department Director becomes unavailable to fulfill his/her job responsibilities due to illness or other extenuating circumstances for an extended period of time, the City Manager may appoint an employee to temporarily serve as acting/interim Department Director. The designated employee shall receive a temporary salary increase of up to ten percent above the employee's current base salary for the duration of the temporary assignment. The specific amount of the salary adjustment shall be determined by the City Manager and will reflect the complexity of the newly assumed job duties.

In the event that a direct supervisor becomes unavailable to fulfill his/her job responsibilities due to illness or other extenuating circumstances for an extended period of time, the Department Director may appoint an employee within that department to temporarily perform the supervisor's responsibilities while

maintaining his/her regular job responsibilities. The City Manager may, at his/her discretion, authorize a temporary salary increase of up to five percent above the employee's current base salary for the duration of the temporary assignment.

Temporary duty and acting/interim assignments will not result in a change in position title, change in FLSA status (exempt/non-exempt), or a change in benefit status. This temporary duty or acting/interim salary adjustment shall be effectuated by approval of a Personnel Action Form.

It is the responsibility of the Department Director to ensure that the temporary salary adjustment does not continue beyond the temporary duty or acting/interim assignment and to ensure that this compensation is not given unilaterally or provided indefinitely to employees perceived to be performing duties of a higher classification and/or while the department/division is fully staffed. This compensation is solely for temporary work assignments in the absence of an employee in an authorized budgeted position as outlined above.

4.10 ADVANCEMENT WITHIN A GRADE SCHEDULE

Advancement within a grade schedule shall be in accordance with the guidelines issued by the City Manager in conjunction with the direction of City Council through the annual budget process. This applies to both probationary and non-probationary employees. Wage increases for represented employees shall be in accordance with collective bargaining negotiations.

4.11 PAY UPON SEPARATION

An employee who separates from the City will receive his final paycheck on the next regularly scheduled payday following the date of separation. Final paychecks shall include payment for any unused leave which may be due the employee as provided in these policies. Final paychecks may also have deductions included from monies owed to the City by the employee.* All City issued equipment, radios, I.D.'s and keys must be turned in prior to receiving final paychecks.

**Note: Deductions made from a non-exempt employee's final paycheck cannot result in the employee receiving less than minimum wage.*

4.12 WAGES DUE TO A DECEASED EMPLOYEE

In the event of the death of an employee, his named beneficiary shall receive all wages, including leave benefits, which may be due the employee. This payment will be processed through the payroll system.

4.13 OTHER SALARY INCREASES

The City Manager may grant salary adjustments, as deemed necessary, for purposes of equity or as determined to be in the best interest of the City.

The City Manager may announce from time to time approved annual increases that have been adopted by the City Council through the budget process for City employees.

4.14 OTHER COMPENSATION/BENEFIT PROGRAMS

Depending upon employee status (i.e., full-time, part-time, represented, non-represented, etc.), the following types of compensation and/or benefit programs may be authorized pursuant to current City rules or a collective bargaining agreement:

- Employee and Dependent Health, Dental, Vision and Life Insurance
- Short-term/Long-term Disability Insurance if offered
- Internal Revenue Code Section 125 (Cafeteria) Plan
- Retirement Plan
- Educational Assistance
- Uniforms or Clothing Allowance
- Certification/Specialty Pay/Incentive Pay Programs

4.15 CERTIFICATION/INCENTIVE PAY PROGRAMS

Certified Fire Department and Police Department employees are eligible for educational incentive monies, in accordance with the provisions of Florida Statutes, Sections 633.422 and 943.22, respectively. Incentive payments are in accordance with the eligibility criteria and amounts outlined in the Florida Statutes.

Other non-public safety employees may also receive incentive payments for certifications and work required classes per department policy after their date of hire as approved by the City Manager. Incentives shall be paid as follows:

- If the employee earns an Associate's Degree an incentive of thirty dollars will be paid per month;

- If the employee earns a Bachelor's Degree an incentive pay of forty dollars will be paid per month in addition to any other combination of incentive pay as long as the total amount paid per month does not exceed one hundred fifty dollars;
- If the employee earns a Master's Degree an additional incentive pay of fifty dollars will be paid per month in addition to any other combination of incentive pay as long as the total amount paid per month does not exceed one hundred fifty dollars;
- If the employee earns a Doctorate an additional incentive pay of sixty dollars will be paid per month in addition to any other combination of incentive pay as long as the total amount paid per month does not exceed one hundred fifty dollars.

If an employee earns any certifications needed for the performance of the job, an incentive of fifty dollars will be paid per month in addition to any other combination of incentive pay as long as the total amount paid per month does not exceed one hundred fifty dollars.

If an employee completes any advanced or career development training courses totaling eighty hours or more a year, an incentive of thirty dollars will be paid per month in addition to any other combination of incentive pay as long as the total amount paid per month does not exceed one hundred fifty dollars.

The maximum incentive pay per month regardless of degree, certification or training is one hundred fifty dollars.

4.16 EMPLOYEE PAYCHECKS

City employees receive their paychecks on a bi-weekly basis.

Mandatory And Voluntary Deductions

The City is required by law to make the following mandatory deductions from each employee's paycheck:

- Social Security and Medicare tax are legally established percentages of salary up to a certain dollar amount of salary earned in a calendar year;
- Federal Income Tax (Withholding tax): the amount deducted is based on annual earnings and the number of exemptions claimed;
- Retirement Contribution: a percentage of an employee's compensation (as defined by the retirement plan of which the employee is a member) is deducted each pay period on a pre-tax basis for contribution to the Police, Fire, or General Employees' retirement plans;

- Other: Internal Revenue Service (IRS) levy, child support/alimony payments pursuant to an Income Deduction Order, or other statutorily required deductions (e.g., reimbursement of a student).

The City of New Port Richey will make any of the following voluntary deductions for specific programs from employee paychecks provided the employee submits written authorization for each deduction:

- Additional withholding tax;
- Labor union dues for certified bargaining units if requested;
- Health, dental, and life insurance;
- Other voluntary insurances offered by the City;
- "Cafeteria" plan products/programs, if applicable;
- Deferred compensation program contributions.

Voluntary deductions, such as payment of City water bill, lien assessments, alimony/child support deduction submitted by the employee rather than via the Clerk of the Court, etc., for the convenience of employee's personal debts/obligations, are prohibited.

Issuance of Paychecks/Direct Deposit

Employee paychecks and the pay notifications associated with Direct Deposit are released by the Accounting Division to each department representative and will then be released only to the employee. If an employee is not available to receive his paycheck, he must submit a written statement authorizing its release to a person designated in the statement.

All employees hired after the effective date of this policy manual are required to use Direct Deposit for their paychecks. (Direct Deposit is the electronic deposit of funds directly into a bank account as a form of payment.) Direct Deposit assures that an employee's net pay is deposited in their bank account(s) on payday even if they are sick, on vacation, etc. The procedures regarding Direct Deposit are governed by the City's Accounting Division and will be available to all employees.

Paychecks and pay notifications are issued to employees on their regularly scheduled payday.

SECTION 5 RECRUITMENT, APPLICATIONS, AND EMPLOYMENT

5.01 RECRUITMENT

All appointments to City positions, either at the entrance or promotional level, shall be made on the basis of merit and fitness to be determined as far as practical and possible by a competitive process. Applications for City positions shall be active and considered by the Human Resources Division for a term of one year from date the application is filed, unless the application becomes void by virtue of some other rule. The Human Resources Division will be responsible for the retention of all applications for employment with the City.

Job applications will normally be valid for one year. When there is an urgent need for eligible candidates and past experience or knowledge of the labor market conditions indicates a probable scarcity of qualified candidates, applicants may be examined and certified as received, provided that there is a good reason to believe that all qualified persons who apply will have the opportunity for consideration for appointment. This procedure shall be known as Continuous Recruitment Process. Notice of continuous examinations shall be posted on the appropriate bulletin boards and advertised periodically.

When a vacancy occurs in a budgeted position, the department submits a Personnel Action Form (for employee who is separating from service) and a Vacancy Approval Request Form to the Human Resources Division to initiate recruitment of a replacement. Requests for personnel should be submitted as soon as official notice of impending openings is received or need for a position is known.

The Human Resources Division prepares recruiting notices to publicize vacancies/solicit candidate applications. The following procedures apply:

All positions will be posted internally for City employees for a minimum of five days. Positions may also be advertised/posted externally concurrent with internal posting. If a position becomes vacant and was advertised within the past six months, the posting/advertising may be waived and the position filled from the existing applicant pool. Postings can be made for a specific time with a closing date or can be posted "open until filled."

Job notices may be announced using a variety of media sources, including, but not limited to, the City's website, professional association

websites and/or newspaper/professional journals/internet job listings. The decision regarding the means by which a position is advertised is based on the availability of funding for advertising, the criticality of need to fill the position, and the input and approval of the Department Director and Human Resources Specialist. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions.

If it is deemed necessary to secure the services of an employment agency or professional recruiter to fill a key management/professional position, the City Manager must approve the services. The Human Resources Specialist will be assigned to ensure that the employment agency/professional recruiter is retained in accordance with City policy and will serve as liaison in this regard.

The City Manager, at his discretion, reserves the right to waive the internal posting and/or external advertising and directly appoint a Department Director.

Whenever vacancies exist or are contemplated, the Human Resources Specialist, in conjunction with the appropriate Department Director, shall decide on the appropriate competitive process. It will be decided whether the position should be open to only City employees or open to non-City applicants. The process selected to be used will be designed to fairly test the merit, fitness, aptitude, experience, and other qualifications of an applicant. These may consist of any combination or all of the following:

- Written test;
- Oral test or interview;
- Performance test;
- Physical or medical evaluation;
- Evaluation of training and experience-skills and abilities;
- Length of time in present classification;
- Any other applicable criteria which will fairly measure the relative abilities of individuals competing in the process.

Promotional:

Vacancies in higher positions in the City shall be filled by promotion from lower classes whenever it is in the best interests of the City to do so. These positions will be posted for five days on all departmental bulletin boards for the information of all City employees.

Promotional processes may be held for specific classes or occupations when it is in the best interest of the City. The term "promotional process" signifies a fitness test to determine the relative standing of applicants for positions in the specific

class. Promotional processes may produce eligibility lists for positions and exist for a stipulated period of time where the department can only choose for that position off of the eligible applicants or employees on that list. The typical time for such a list is one year and examples of such are in the Police and Fire Departments for represented employees regarding promotions within the bargaining unit. On a continuous recruitment list, departments may choose from a list that continuously adds and subtracts people from a list. Promotional processes where the filling of a position is not predicted to occur frequently will only result in a promotion of an applicant and not the creation of a standing eligibility list.

When there are less than three potentially qualified employees (internals) for a promotion, the Human Resources Specialist may direct either that the competitive process for such positions be open not only to current employees, but also to all other qualified persons.

When it is determined that there will be a promotional process, the Human Resources Specialist, after consultation with the department head concerned, shall designate the lower class or classes from which the promotion is to be made and shall establish the required period of service in these classes.

Classification Date and Probationary Period:

Promotions shall establish a new classification anniversary date. Employees shall be eligible for consideration for a merit salary increase (subject to City Council or City Manager approval of a merit/evaluation process) one year following the effective date of the promotion.

Promoted employees shall serve a promotional probationary trial period of six months in accordance with these rules.

Postponement or Cancellation

Any process may be postponed, canceled or re-announced at the direction of the Human Resources Specialist. Each applicant shall be notified of the postponement or cancellation.

5.02 EMPLOYMENT APPLICATIONS

Filing of Applications

Applications are accepted from candidates who are not currently City employees only after a position vacancy is posted externally or for positions for which recruitment may be continuous (i.e.- sworn law enforcement and certified firefighter personnel).

No individual will be denied the right to file an application for employment in any job classification in the City for which there is a vacancy, in accordance with the rules established for internal/external posting and advertising.

Rejection of Applications

The Human Resources Division may reject or remove from consideration any application or applicant when it has been determined that any of the following apply:

The application was not received on or before the closing date established for receiving applications.

The applicant lacks any of the required qualifications set forth in the position vacancy announcement.

The applicant falsified or failed to complete the Employment Application.

The applicant has been convicted of a felony which was related to or has bearing on the employment sought.

The applicant was previously employed by the City and was dismissed for cause, did not resign in good standing, or is otherwise ineligible for re-employment.

The applicant previously applied for a position and failed a drug test within the past calendar year.

5.03 INTERVIEWS AND BASIS OF EMPLOYMENT

The Human Resources Division will refer to the hiring manager/supervisor qualified applicants for interview. The manager/supervisor to whom the position reports is responsible for scheduling interviews, interviewing qualified candidates, and selecting the candidate who best matches the position requirements. In making this determination, the manager/supervisor shall consider each

candidate's merit and ability, as evidenced by training, education, experience, certification, skills, etc., based on valid minimum standards/requirements outlined in the position description. Additionally, Veterans' Preference requirements shall apply in this process.

A member of the Human Resources Division may participate in the interview process for all positions. Human Resources involvement should be discussed with each hiring authority and the Human Resources Division to determine the extent of involvement.

Following completion of interviews, the hiring department completes the designated form regarding candidate selection and returns the form and all applications to the Human Resources Division for further action.

5.04 CANDIDATE NOTICE

The candidate who is selected will receive notice of his selection for the position from either a representative of the department where the position will be located or the Human Resources Division.

5.05 EMPLOYMENT PROCESS

Upon receipt of the designated form recommending an offer to a candidate the following steps are initiated by the Human Resources Division:

The Human Resources Specialist reviews/approves in consultation with the Finance/Human Resources Director the completed Personnel Action Form from the department, discusses salary offer with hiring department and checks personal and business references for designated applicant. The Human Resources Specialist shall forward the completed Personnel Action Form to the City Manager/designee for approval.

Once the City Manager/designee has approved the Personnel Action Form, the Human Resources Division, upon securing satisfactory personal references and background check, approves extending a conditional job offer verbally to the candidate. If accepted by the candidate, the conditional job offer is then sent to the candidate for their signature by the Human Resources Division. All conditional job offers are contingent upon the successful completion of post-offer employment examinations and background checks by the Human Resources Division as described below:

- Arranges for the post-offer employment examinations, which may include physical, psychological, and/or polygraph examination, and drug screening, based upon position requirements. The purpose of any of

these examinations is to certify the fitness and ability of the applicant selected to perform the essential functions of the position. Examinations will be performed by an officially designated medical authority/facility;

- Informs the candidate (full-time, part-time, seasonal, temporary) of the timeframe for the testing of the presence of controlled substances and narcotic drugs as allowed under current applicable law. A candidate with a “positive” drug screen test result will not be hired;
- In addition, the Human Resources Division may also conduct comprehensive/background investigations, including verification of previous employment, driving record checks, police records checks, and other investigations as deemed necessary, based on position requirements;
- Issues the final release to the hiring department to start the selected candidate, provided all examination and background investigation results are satisfactory. The Human Resources Division also establishes the date of hire, rate of pay and schedules the employee’s orientation;
- The hiring department secures the signatures of the employee, Department Head, Finance/Human Resources Director and the City Manager on the Personnel Action Form and submits the completed form to the Human Resources.

It must be noted that a candidate who has falsified information on the Employment Application or whose background, references, work history, driving record, etc., are not satisfactory will not be hired.

New employees to the Police and Fire Departments have a slightly different employment process which is provided by each department respectively however all employment offers are to be extended solely by the Human Resources Division.

5.06 EMPLOYEE ORIENTATION/NEW HIRE PROCESSING

The Human Resources Division and/or the hiring department conducts new hire processing and orientation for new employees within the first week of employment. These programs include:

- Completion of all required employment forms;
- Receipt of position description for concurrence by employee of his understanding of job requirements and ability to perform same;
- Information regarding position status: exempt, non-exempt; represented by a bargaining unit or non-represented, etc.;
- Explanation of the salary and benefit programs for the employee’s position;

- Review of rules and regulations, policies and procedures, and standards of conduct; completion of all forms/documents required by law, City policy, and benefit programs for employment purposes;
- Certain safety information as required by City policy and/or statutory regulations;
- Receipt of City identification badge or other related security information;
- General overview of the municipal organization.

Each new employee receives various manuals, brochures and other supporting documents issued by the Human Resources Division for use as a general guide to the City's policies, procedures, employee benefits, and standards of conduct.

It is the responsibility of each department/division to inform a new employee of City and departmental policies and procedures as well as to train the employee regarding duties and responsibilities.

The Human Resources Division periodically conducts meetings regarding City benefit programs and will issue policy updates as necessary.

5.07 EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

The City of New Port Richey is committed to a policy of fairness and equity for all employees, in order to afford every employee the opportunity to achieve maximum potential as an employee.

The City recognizes the value of diversity and is committed to continue to recruit, hire, and promote persons in all position classifications without regard to race, color, religious creed, national origin, ancestry, age, gender, sexual orientation, family status (except as limited by Florida Statutes governing nepotism), or a disability which does not preclude the performance of the essential functions of the position, with reasonable accommodation(s) provided as necessary. Position descriptions will impose only valid educational, experience, and physical requirements which are necessary in order to perform the essential functions of the position

All employee actions, such as compensation, benefits, transfers, layoffs, return from layoffs, City-sponsored training, education, social, and recreational programs will be administered without regard to race, color, religious creed, national origin, ancestry, age, gender, family status, or disability.

Disabled persons shall be given equal and fair consideration for employment or promotion, in accordance with the provisions of the Americans with Disabilities Act (ADA), in positions where the disability does not interfere with the performance of essential requirements of the position, as defined in the position

description with or without accommodation (see also Section 16.16 regarding the City's Policy Statement Concerning Discrimination and All Forms of Harassment). "Disability" means (a) a physical or mental impairment that substantially limits one or more of the major life activities of an individual; (b) a record of such an impairment; or (c) being regarded as having such an impairment.

5.08 VETERANS PREFERENCE

In accordance with the provisions of Section 295, Florida Statutes, veterans and spouses of veterans who meet certain criteria are eligible for preference in employment or promotion provided the veteran or spouse possesses the minimum qualifications of the position as outlined in the position description. The type of preference given is determined by Florida Statutes depending upon the type of selection process used.

The following positions in public agencies are exempt from Veterans Preference:

- Elected officials and personal secretary of such officials;
- Members of Boards and Commissions;
- Temporary employees without benefits;
- Department Directors.

The position descriptions for such City of New Port Richey positions will state that the position is exempt from Veterans' Preference and position vacancy announcements will also include this information.

The Uniformed Services Employment and Reemployment Rights Act (USERRA) protects the job rights of individuals who voluntarily or involuntarily leave employment positions to undertake military service or certain types of service in the National Disaster Medical System. USERRA also prohibits employers from discriminating against past and present members of the uniformed services and applicants to the uniformed services. The protected rights may vary depending upon the circumstances; for additional information employees and applicants should refer to the poster in the Human Resources Division or visit <http://www.dol.gov/vets/programs/userra/poster.htm>.

SECTION 6 CODE OF CONDUCT

6.01 STANDARDS OF CONDUCT AND CODE OF ETHICS

The City of New Port Richey is committed to serving the public with the highest standards and ideals which will provide excellence in public service. Therefore, City employees and officials recognize their responsibility to serve the public with respect, concern, courtesy, and responsiveness, and to provide a safe, pleasant environment for employees and the public.

Each employee is a “good-will ambassador” whose duty it is to provide service in a manner to ensure the public will maintain confidence in the City and a favorable impression of its programs and policies.

Employees shall maintain a high standard of ethical conduct in which their behavior, including the appearance of their behavior, is beyond reproach. Accordingly, employees must avoid placing themselves in situations that create, or have the appearance of creating, a conflict of interest with their positions as public employees. City employees are expected to conform to the code of ethics outlined in Chapter 112, Florida Statutes, for public employees and as outlined in this Policy Manual.

Employees shall not provide to anyone any information (other than public information) that was obtained as a result of employment with the City in order to gain personal advantage for themselves or another. This rule shall not be construed to limit, hinder, or prevent the divulgence or use of information in the performance of official duties, but shall prohibit using or providing information that would place the employee or the recipient in a position of advantage over the general public, and thereby constitute a violation of public trust.

An employee who conducts himself/herself in a manner which reflects unfavorably on the City is subject to disciplinary action up to and including termination.

POLICY

This Code of Conduct establishes standards that must be adhered to by each employee of the City of New Port Richey. Every employee shall:

- Commit to and practice the ethical obligations inherent in public service. This obligation requires each employee to be aware of the potential ramifications of his conduct;

- Use the authority and resources of the City, which are entrusted to employees, to support and implement the policies and programs adopted by the City Council;
- Safeguard the ability to make objective, fair, and impartial decisions, avoiding any conduct that might undermine the public trust;
- Ensure that any anticipated personal action, business endeavor, or contractual relationship complies with applicable State statutes or the provisions of this Human Resources Rules and Regulations Manual. If an employee has a question he should submit a written request to the Finance/Human Resources Director for review, analysis, and an advisory opinion prior to engaging in the action.

All employees shall conduct themselves according to the following:

- Employees shall not act in any manner that may discredit the City, public officials, fellow employees, or themselves; however, employees shall have the right to report fraud, waste or abuse. The rights of employees outlined in "whistleblower legislation" shall be honored and respected;
- Employees shall avoid any conduct or speech that is subversive to good order and discipline. Employees shall treat each other and the public with courtesy and respect, and refrain from making any derogatory or demeaning remarks concerning one another;
- Sexual, gender, sexual orientation, racial or religious harassment or discrimination shall not be tolerated; employees who engage in this prohibited conduct shall be subject to disciplinary action up to dismissal;
- Employees shall avoid conduct and speech which unjustly or maliciously criticizes City departments, divisions, offices, officers, employees, or the policies, programs, or actions of the City, or ridicules or interferes with the reasonable supervision or proper discipline of personnel.

6.02 CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

The City of New Port Richey is considered the primary employer for full-time City employees. No employee of the City of New Port Richey shall participate in any employment or business relationship that will create a conflict of interest with the performance of his responsibilities as a City employee, as outlined in Section 112.313, Florida Statutes. Employees may accept, have, or hold any secondary employment or contractual relationship that does not constitute a conflict of interest; violate any applicable statutes; violate the provisions of this Policy Manual; and is otherwise consistent with these policies with the approval of the City Manager. Any employee who is involved in the regulation of any commercial operation or business may not seek employment with that entity since that is a direct conflict of interest.

An employee's outside employment shall not interfere with the employee's effectiveness in his City position or impede, be inconsistent with, or adversely affect the performance of his City employment.

Employees shall not use any equipment, supplies, facilities, vehicles, uniforms, or other property of the City to pursue or engage in outside employment. This prohibition shall include, but not be limited to, the City telephone service, photocopy machines, facsimile machines, etc.

Permission to engage in outside employment may be denied or withdrawn at any time by the Department Director upon a determination that such activity is interfering with or may likely interfere with the employee's efficiency or production, or which causes discredit, or is in conflict with the best interests of the department or the City.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City's Workers' Compensation Program.

Employees who participate in approving, recommending or preparing any part of a purchase or procurement request; influence the content of any specification or procurement standard; or render advice, investigate, audit or act in any other advisory capacity in the procurement process may not work for a person or entity seeking to provide or providing contractual services to the City.

Employees acting in their official capacities shall not, directly or indirectly, procure contractual services for the City or substantially participate in the procurement of contractual services for the City from any business entity in which a relative, as defined in Section 112.312, Florida Statutes, is an officer, partner, director, or owner or in which such member or his spouse, child, or any combination thereof has a material interest.

Employees are responsible for disclosing to their immediate supervisor whenever a family member is employed in any capacity in an organization or business entity which is being considered or has been approved to provide goods or services to the City of New Port Richey, in cases in which the employee will participate through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request by influencing the content of any specification or procurement standard; by the rendering of advice; by investigation; by auditing or by participating in any other advisory capacity in the procurement of contractual services or commodities.

Employees shall not use or attempt to use their positions or any City property or resource entrusted to them in an effort to obtain a special privilege, gain or benefit for themselves or others.

6.03 CONFLICT OF INTEREST REGARDING CONTRACTED CITY WORK AND/OR PURCHASE OF PROPERTY, MATERIALS OR SUPPLIES

Employees are prohibited from seeking business with, or submitting bids to, the City or having a material interest in any entity which seeks business with or submits bids to the City.

The term "material interest" is defined in Section 112.312, Florida Statutes, as "no direct or indirect ownership of more than five percent of the total assets or capital stock of any business entity, but indirect ownership does not include ownership by a spouse or a minor child of the employee."

6.04 DISCLOSURE OF INFORMATION

Employees shall not, in order to gain any personal advantage for themselves or for another, use or furnish any information to anyone which is not available to the public generally, and which was obtained as a result of City employment. This policy does not limit, hinder, or prevent the release or use of information in performing official duties.

Confidential or legally sensitive information obtained in the course of official duties shall not be released except by those employees specifically charged with this responsibility; provided, however, that it is the policy of the City to comply with the laws of the State of Florida relating to public records.

6.05 SOLICITATION/ACCEPTANCE OF GIFTS, GRATUITIES, BENEFITS, OR THINGS OF VALUE AND PROMOTING PRIVATE BUSINESSES

Employees shall not solicit or accept any gift, either directly or indirectly, from any person or entity doing business with, regulated by, or seeking to do business with the City, or from the agent or lobbyist of any such person or entity. Employees who have questions in this regard should request an advisory opinion from their Supervisor, Department Director, or the Finance/Human Resources Director. Any supervisor or Department Director may, in turn, seek guidance from the City Manager and/or City Attorney.

The term "gift" means any gratuity, benefit, or any other thing which is accepted by, or given to an employee or another person on the employee's behalf, either directly or indirectly, and includes by way of illustration and not limitation, the following:

- Real property and/or the use thereof;
- Tangible or intangible personal property (as defined in Section 192.001, Florida Statutes) and/or the use thereof;
- A preferential rate or terms on a debt, loan, goods, or services that is neither a government rate available to all other similarly situated government members or officials, or a rate which is available to similarly situated members of the public;
- Forgiveness of an indebtedness;
- Transportation, lodging, or parking unless on City business and the provision of same is disclosed on a travel voucher;
- Food or beverage for employee;
- Membership dues;
- Entrance fees, admission fees, or tickets to events, performances, or facilities;
- Services provided by persons pursuant to a professional license or certificate;
- Other personal services for which a fee is normally charged by the person providing the services;
- Any and all other similar goods or services having value not already provided for in this definition.

The term "gift" does not include:

- Salaries, benefits, services, fees, commissions, or expenses associated with the employee's employment with the City or outside employer;
- Contributions or expenditures reported pursuant to Section 106, Florida Statutes; campaign-related personal services provided without compensation by volunteers or any other contribution or expenditure by a political party;
- An honorarium or an expense reimbursement related to an honorarium event paid to individuals and/or family members; however, disclosure of same shall be made, in writing, to the Finance/Human Resources Director. An award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service;
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization;
- The lawfully permitted use of a public facility or public property for an authorized and approved public purpose;
- Candy, food products, or plants which are generally distributed during holidays as an act of courtesy or benevolence; however, such items shall be placed in an area which allows and encourages all employees and the public to partake of such items;

- Promotional items such as office supplies, caps, t-shirts, etc. which have nominal value and are normally given away and distributed to employees;
- Discounts offered to all employees (e.g., theme park discount cards) that are normally offered to other groups of employees;
- Winning a prize through a chance drawing at a conference from a vendor even when the city paid for the employee's registration and attendance.

Exceptions Regarding Gifts:

- When an employee's duties and responsibilities include attendance (such as a speaker or program participant) at business, industry or public luncheons or dinner meetings with public, industry, or business committees, organizations, or associations and these meetings are related to City business, employees may participate. When a meal is provided at the function, the employee is authorized to accept the meal;
- Employees authorized to attend meetings, seminars, conventions, etc., sponsored by professional organizations are free to participate in the social functions that are part of the meetings or sanctioned by the host.

It may be appropriate for employees to attend social functions sponsored by members of an industry, business, or profession for a broad spectrum of community groups (such as legislators, businesspersons, and local officials). However, in deciding to attend such functions, employees should be careful to avoid any appearance of impropriety.

If an organization is promoting an event, such as a concert, in the area and delivers a few tickets to the City as a courtesy, the employee who receives the tickets or invitations shall notify the Finance/Human Resources Director immediately who will advise the employee as to the disposition of the gift.

Employees are prohibited from promoting private businesses while on City time and from engaging in political activity, on behalf of themselves or others while on City time.

In the event that a gift, other than for general consumption, is received by mail or "dropped off" for an individual employee, the employee shall notify the Finance/Human Resources Director immediately upon becoming aware of the gift. The Finance/Human Resources Director will advise the employee as to the disposition of the gift.

6.06 BRIBERY

An attempt to bribe an employee is a flagrant attack on the integrity of the City and all of its employees. A bribery attempt occurs when an offer is made to give anything of value to an employee with the intention that the employee will do something or fail to do something relating to the performance of the employee's duties. Whether the action or inaction would have taken place anyway is not pertinent to whether a bribery attempt has occurred.

Bribery offers are often made subtly rather than in direct fashion. Employees must be perceptive and alert to solicitations to accept gifts of money or anything else of value in return for acts or omissions involving their official functions and shall promptly report suspicious offers in order that the facts can be evaluated and investigations initiated when required. Any employee who has reasonable grounds for believing that a bribery attempt has occurred or will occur shall immediately report the matter to his Department Director; and cooperate fully in any investigations.

6.07 ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR EMPLOYEES WITH REGULATORY RESPONSIBILITIES

Regulatory responsibilities are duties or responsibilities assigned to an employee which involve direct responsibility for determination of whether or not an entity or the property of an entity is in compliance with Federal, State or local statutes, ordinances, laws, rules, or regulations, or for determinations or recommendations as to whether any license, authority to conduct business, or other certificate of authority issued by the City should be issued to an entity, be revoked, be canceled, or be suspended; or direct responsibility for the approval of purchases by the City from an entity.

An entity shall mean any individual, partnership, association, corporation (profit or non-profit), utility, or other organization, whether public or private, doing business with or subject to regulation by the City.

Each employee exercising regulatory responsibility shall, within five working days of making application for employment with a person or entities doing business with or subject to the regulation by the City, report to his Department Director, in writing, that such application has been made. The term "application" means a verbal or written communication whereby an employee seeks employment or for a contractual relationship for remuneration.

Each employee exercising regulatory responsibility that receives an offer of employment or an offer for a contractual relationship for remuneration from any person or entity doing business with or subject to the regulation by the City shall

report such offer, in writing, to his Department Director within five working days of receipt of such offer.

Offer shall mean a verbal or written communication in which a person or entity states an interest in retaining or employing the employee.

Any employee exercising regulatory responsibility who has or who obtains a financial interest in an entity doing business with or subject to the regulation by the City shall report such fact to the appropriate Department Director within five working days of the acquisition of such financial interest.

Financial interest shall mean any arrangement whereby an employee acquires an ownership or material interest or the right to acquire an ownership of material interest, in an entity.

6.08 ADDITIONAL ETHICAL CONDUCT REQUIREMENTS FOR REPORTING INDIVIDUALS AND PROCUREMENT EMPLOYEES

A reporting individual means any employee who is required by law, pursuant to Section 112.3145, Florida Statutes, to file full or limited public disclosure of his financial interests (financial disclosure). A procurement employee shall file financial disclosure pursuant to Section 112.3145, Florida Statutes.

A procurement employee" means any employee who participates through decision, approval, disapproval, recommendation, or preparation of any part of a purchase request; by influencing the content of any specification or procurement standard; by the rendering of advice; by investigation; by accepting quotes, by auditing or by participating in any other advisory capacity in the procurement of contractual services or commodities.

A reporting individual or procurement employee shall report the receipt of expenses relating to any honorarium event from a political committee or committee of continuous existence, as defined in Section 106.011, Florida Statutes, from a lobbyist who lobbies the City directly or indirectly, or from the partner, firm, employer, or principal of such lobbyist.

6.09 POLITICAL ACTIVITY/PARTICIPATION

The City of New Port Richey recognizes the citizen rights of its employees; however, no employee is permitted to engage in political activity which would conflict with his employment with the City. Employees may participate in political activities so long as such participation is not on City time, premises, property, vehicles, or in a City uniform. The City Manager may designate an escort to accompany candidates through City facilities for the purpose of

introduction, with minimal disruption to City operations. Each employee is required to use his best judgment in determining when other political participation may conflict with the performance of his duties. It is the intent of this section to permit meaningful, constructive political participation, but not in those areas where the effectiveness of the employee or the City organization as a whole would be harmed.

City employees shall not take any active part in political management or in political campaigns in an election for a City Office while on duty or within any period of time during which he is expected to perform services or to be available to perform services for which he receives compensation from the City. Among other things, a public endorsement of any candidate in such an election shall be construed as taking an active part.

City employees, officials, or other persons shall not solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party or candidate from any City employee during hours of duty, service, or work with the City.

Nothing in these Rules will be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinion on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

Any employee who wishes to accept or seek election to a City office shall submit a letter of resignation or leave of absence request effective immediately from City employment upon indicating such intention by formal declaration or other evidence of candidacy.

City employees shall not take part in any radio, TV, or video commercial for a political candidate where it is stipulated that the employee is a New Port Richey City employee or the employee can be identified as a New Port Richey employee.

This section shall not apply to members of the City Council, any other elected City official, or to a member of any City board, commission or committee.

6.10 EMPLOYMENT OF RELATIVES (NEPOTISM POLICY)

PURPOSE

The purpose of this regulation is to restrict the employment of relatives within City departments and to prohibit preferential treatment or favoritism which such relationships may cause.

POLICY

In accordance with Florida Statutes, the City policy regarding employment of relatives is as follows:

City employees may not appoint, employ, supervise, promote, or advance, nor advocate for appointment, employment, promotion, or advancement in or to a position in the department/division in which he is serving or over which he exercises jurisdiction or control, any individual who is a relative of the City employee.

All persons currently employed by the City who have existing relationships which would otherwise prevent their employment by the City, are not affected by the above prohibition.

All employees who are protected by the exception above are subject to the following restrictions and conditions on their continued employment:

If any of the relatives are subject to promotion or advancement, or a raise in pay or status other than cost-of-living/general increases, the City Manager reserves the right to evaluate the proposed changes to ensure that there was no influence on the part of a relative before the promotion, advancement, or raise becomes effective.

If any of the relatives are not presently in the same department or division, no such transfer to the same department or division shall take place in the future.

If two City employees change their relationship by marriage, adoption, or other means, so as to come in conflict with the employment prohibitions of this article, the restrictions and conditions outlined above apply.

Any variance to this policy requires the approval/authorization of the City Manager.

6.11 USE OF CITY PROPERTY

GENERAL EQUIPMENT

The equipment and facilities that are provided for use by City employees are to be used to conduct official City business only. Employees shall not request or permit the use of City-owned vehicles, equipment, material, or property for personal convenience except when such services are approved by the City or are available to the public generally. Conducting personal business with City equipment/facilities or removing any property/equipment off-site for personal use is prohibited.

The operation, use, or occupancy as a passenger, of a City vehicle by any City employee while that City employee is consuming alcoholic beverages, is under the influence of alcoholic beverages, to the extent that his or her normal faculties are impaired, or is using any cannabis or controlled substance as defined in Chapter 893, Florida Statutes, or is under the influence of any such cannabis, controlled substance or narcotic to the extent that his or her normal faculties are impaired, is strictly forbidden.

Any City employee who has knowledge of the violation or use of City property by any other City employee should report such violation promptly to the City Manager, or to such employee's immediate supervisor.

Employees have no personal privacy rights when using City equipment, facilities, lockers, etc. in order to discourage the use and/or distribution of illegal drugs at any time or alcoholic beverages in the workplace, upon reasonable suspicion, searches for alcohol, illegal drugs or paraphernalia may be conducted on City property or work sites, of employee's personal property stored on City property, including but not limited to any box, bag, or other container.

COMMUNICATIONS EQUIPMENT:

The City encourages the full use of the communications systems to provide the best possible service to employees and our citizens, in accordance with the correct and permissible use of the system, as outlined below.

Office equipment used as a basis for communications is described as, but not limited to, computers, laptops, tablets, telephones, cell phones, voice mail, beepers/pagers, and other new technology that arises.

The use of all City telecommunications equipment is limited to legitimate City business purposes. Personal use of telecommunication equipment should be kept to a minimum. Under no circumstances shall City communications

equipment be used for any commercial promotional purpose, or to communicate any material of a political, religious, obscene, or derogatory nature.

Voice, text messaging and electronic mail are provided for City business communications only. However, incidental and occasional personal use may be permitted. Abuse of this privilege will be subject to disciplinary action.

Management and systems administrators may, from time to time, have a requirement to review employee voice, electronic or text messages for any of the following purposes:

- To retrieve lost messages;
- To recover from system failures or monitor system performance;
- To comply with investigations into suspected criminal acts;
- To ensure that City systems are being used for business purposes only, and in conjunction with City policy;
- To comply with a public records request submitted to the City pursuant to Section 119 and Section 257, Florida Statutes.

EXAMPLES OF INAPPROPRIATE USE OF CITY PROPERTY (THE FOLLOWING ARE PROHIBITED):

- Use of the City mail system to receive personal mail or use of the City's postage meter for personal mail;
- Use of official letterhead stationery for personal correspondence;
- Use of obscene or profane language on City computers, laptops, tablets, cellular telephones, mobile, or desk unit radios;
- "Borrowing" or taking City equipment from City premises for personal use;
- Use of City computers, electronic mail, or on-line services for personal business and use of software that is not owned or licensed by the City;
- Use of City equipment involving pornography and sexually oriented material;
- Inappropriate or excessive use of equipment where focus was oriented towards personal interest other than the interests of the City;
- Excessive time on the internet on sites or using software or applications that have nothing to do with the employee's job;
- The City reserves the right to monitor the use of any City property, equipment, facilities, lockers, etc., to ensure compliance with this policy.

There should be no expectation on the part of the employee of privacy with City equipment including but not limited to, computers, laptops, tablets, telephones, cell phones, voice mail, beepers/pagers, and other new technology that arises. An employee who uses City property, equipment, or

facilities for personal reasons or personal gain shall be subject to disciplinary action up to and including termination.

USE OF OFFICIAL BADGE OF AUTHORITY

No official or employee whose duties involve the use of a City identification card, badge, or clothing insignia as evidence of authority, or for identification purposes, shall permit such card, badge, or insignia to be used or worn by anyone who is not authorized to use or wear same, nor to permit same to be out of his possession without approval of his Department Director or other authorized supervisor. Such badge, card, or insignia shall be used only in the performance of official duties of the positions to which they relate. Misuse of City badge of authority shall be cause for disciplinary action.

If an employee's City identification card, badge, or clothing insignia is lost or stolen, the employee shall report the loss/theft to supervision immediately.

USE OF CITY VEHICLES

Employees must possess and carry a valid Florida Operator's, Commercial Driver's License (CDL), Non-Commercial Driver's License, or Class "D" (Chauffeur's) license when operating a City vehicle or self-propelled machinery during work assignments as required by the position description.

Drivers and/or passengers of City vehicles must wear seat belts while the vehicle is in motion, in accordance with State law.

Smoking is prohibited in all City vehicles as a matter of policy as well as a courtesy to other employees who may ride in that vehicle.

If an employee is involved in an accident while operating a City vehicle, he must notify his supervisor, the Human Resources Division and contact a law enforcement agency immediately. If an employee receives a traffic citation as a result of the accident, payment of the ticket/fine shall be the employee's responsibility.

If an employee whose position requires a driver's license has his license suspended or revoked for any reason, it is the employee's responsibility to notify his supervisor as soon as he is aware of the suspension/revocation. The supervisor will review the circumstances involved. The employee may be placed on suspension, with or without pay, pending a review of the circumstances, or arrangements may be made to place the employee in a non-driving capacity depending upon the circumstances of the license suspension/revocation, employee's overall record, and operational requirements. A memorandum

outlining the circumstances will be forwarded to the Finance/Human Resources Director for concurrence prior to any decision being reached/communicated to the employee.

The Human Resources Division may monitor monthly, quarterly, or annual updates from the State of Florida Department of Highway Safety and Motor Vehicles regarding status of the driver's license of each employee whose job description requires possession of a valid Florida Driver's License. If such reports indicate that an employee's license has been suspended/revoked and the employee has failed to notify his supervisor as outlined above, and has operated a City vehicle without a valid driver's license, in violation of this policy and in violation of law, the employee will be subject to disciplinary action, including dismissal.

Individuals who are not employees, vendors, contractors, etc., of the City are allowed as passengers in City vehicles only upon prior approval of supervision and are not allowed to operate the vehicle.

City vehicles are to be used to conduct official City business. Personal errands and/or business are not to be conducted while on City time or while using a City vehicle. However, employees who are authorized a take-home vehicle or a vehicle during work hours are permitted the use of the vehicle for local transportation during designated meal periods or work breaks while on duty and also when in route to and from work. No personal use is allowed after hours or on non-work days unless for a City-sanctioned event.

Employees are not permitted to bring weapons into any City vehicle at any time (even if an employee has a valid concealed weapons permit), excluding sworn police officers who carry weapons in connection with their official duties. Employees are prohibited from carrying or having in their possession a weapon at any time while performing services on behalf of the City whether on or off City property, excluding sworn police officers who carry weapons in connection with their official duties.

Authorization for an employee to be assigned a take-home vehicle is in accordance with the City's Take-Home Vehicle Policy and is based on operational considerations of the department, subject to approval of the Department Director and the City Manager. Employees may be subject to reimbursement to the City for use of the vehicle.

Internal Revenue Code regulations govern the taxable or non-taxable status of take-home vehicles.

Failure to comply with this policy will result in disciplinary action, up to and including termination.

EMPLOYEE RESPONSIBILITY

Each employee who is provided City equipment, tools, supplies, or a vehicle shall exercise reasonable care in the safekeeping, use, and preservation of such City property and shall return the property in the same condition as the property was in when issued, except for normal wear and tear, upon separation from employment or upon request.

Employees shall promptly report, in writing, to their supervisor the loss, damage, or unserviceable condition of City property assigned to him or under his control. The immediate supervisor shall forward the report to the Department Director for appropriate action.

6.12 COMPLAINTS RECEIVED FROM THE PUBLIC AND INVESTIGATIONS OF COMPLAINTS

Any complaints regarding City services or employees by any citizen which are brought to the attention of any employee of the City shall immediately be relayed, through the supervisor, to the Department Director. The Department Director is responsible for advising the City Manager and Human Resources Division (in the case of complaints against City employees) of the complaint so that an investigation can be conducted, as deemed necessary and appropriate action taken. Investigations resulting from complaints regarding certified firefighters or sworn law enforcement personnel shall be conducted in accordance with the provisions outlined in Chapter 112, Florida Statutes, and elsewhere in this Policy Manual.

Employees shall cooperate in any official investigation, as directed by the Department Director/designee. Employees shall be required to appear for interviews, hearings, and/or inquires as directed and shall be required to answer truthfully and fully any questions related to the subject of the investigation.

6.13 STATEMENTS OF CITY EMPLOYEES TO ATTORNEYS CONCERNING CITY EMPLOYEES/BUSINESS

If a City employee is requested to make a statement to an attorney or law firm regarding litigation related to the City or has been issued a subpoena, the employee shall advise his Department Director immediately upon receipt of the request/subpoena. The Department Director will, in turn, advise the Human Resources Division, who will consult with appropriate legal counsel to determine the proper course of actions. Failure to comply with this rule may subject the employee to disciplinary action.

6.14 COMMUNICATION WITH CITY COUNCIL MEMBERS

The purpose of this rule is to ensure that all council members are afforded the same requisite information. It is not meant to be a “gag rule” for employees concerning casual conversation.

Except for the purpose of inquiry by a City Council member, all city business communication between employees and City Council shall be through the City Manager as outlined in the City Charter.

6.15 DRESS, GROOMING, AND PERSONAL APPEARANCE

City employees are expected to maintain high personal, moral, and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. No attempt is made to set specific standards. The important factor is the overall impression created. What is appropriate for employees in one department may not be appropriate for another. Work clothes and uniforms provided for any departments generally set the standards for their functions. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental policies.

All City employees shall maintain their dress, grooming, and personal hygiene in accordance with generally accepted contemporary professional standards. Employees are expected at all times to present an image appropriate to the work being performed and in accordance with the rules established in each department/work site. Casual dress days for employees may be allowed, as established by the City. The employee's supervisor is authorized to require an employee to modify dress or grooming when such dress or grooming would create a safety hazard to the employee or others, disruption in the workplace, or does not comply with established standards.

Any employee who does not meet the standards of this policy, or who fails to wear City-issued uniforms when required to do so, will be directed by his supervisor to take corrective action, which may include leaving the workplace. Any work time missed because of failure to comply will not be compensated, and repeated violations of this policy will be cause for disciplinary action.

Any employee who wears his City uniform while off duty to an establishment deemed inappropriate by City standards, (i.e. alcohol establishments, adult entertainment clubs or bookstores, casinos, etc.) or acts in an inappropriate manner which is inconsistent with a positive image for the City, will be subject to discipline pursuant to the City's Code of Conduct.

6.16 POLICY STATEMENT PROHIBITING DISCRIMINATION AND ALL FORMS OF HARASSMENT AND COMPLAINT PROCEDURE

All employees have the right to work in an environment free of discrimination based on race, color, religion, national origin, age, gender, sexual orientation, marital/family status, veteran status, disability or any other legally protected status. The City is committed to maintaining a discrimination-free workplace.

Discrimination includes, but is not limited to, unequal treatment or harassment on the basis of any legally protected status with regard to a term or condition of employment. Conduct of this nature is strictly prohibited.

Harassment, including sexual harassment, includes any unwelcome, unsolicited, personally offensive conduct based upon sex or any other legally protected status. Such conduct may be in the form of verbal or written comments, pictures, gestures or physical contact. Such conduct constitutes harassment when:

- Submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or
- Submission to or rejection of such conduct by the recipient is used as the basis for repeated and unwelcome physical, written, or spoken conduct by either a supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.

Employees who engage in such behavior, which can be illegal and/or in violation of the City's policy, shall be subject to disciplinary action, up to and including termination, and, as allowed by law, may be personally liable for any damages .

Examples of unacceptable behavior are listed below:

- Unwelcome or unwanted advances, including sexual advances. This means patting, pinching, brushing up against, hugging, cornering, kissing, fondling, or any other similar physical contact considered unacceptable by the other individual;
- Requests or demands for favors, including sexual favors. This includes subtle or blatant expectations, pressures of requests for any type of favor, including a sexual favor (this includes requests for dates), accompanied

by an implied or stated promise of preferential treatment or negative consequence concerning one's employment status;

- Verbal abuse or kidding that is oriented toward a prohibited form of harassment, including that, which is sexually oriented and considered unacceptable by another individual. This includes, for example, derogatory or extensive commenting about an individual's national origin, race, sexual orientation, ethnicity, disability, body or appearance where such comments go beyond mere courtesy; telling "dirty jokes" that are unwanted and considered offensive by others; or any tasteless sexually, or racially oriented comments, innuendo's or actions that offend others;
- Engaging in any type of sexually oriented conduct or other prohibited form of harassment that would unreasonably interfere with another's work performance. This includes extending unwanted sexual attentions to someone that reduces that person's productivity or time available to work at assigned tasks;
- Creating a work environment that is intimidating, hostile, abusive, or offensive because of unwelcome or unwanted conversations, suggestions, requests, demands, physical contacts or attentions, whether sexually oriented or otherwise related to a form of harassment as prohibited in the first paragraph of this section of the City's policy on harassment.

If an employee believes that he is being subjected to discrimination or harassment based upon any legally protected status, the employee is encouraged to report such occurrences to a Department Director, the Human Resources Division (who has responsibility for administration of this policy), or the City Manager (if the complaint is against a Department Director). Any complaint will be investigated promptly, under the direction of the Human Resources Division, Department Director, City Manager, and/or legal counsel, depending upon the nature of the complaint. Upon the conclusion of the investigation, appropriate action will be taken if it is determined that violations have occurred. The City does not permit retaliation against employees who make a complaint about discrimination, including harassment or sexual harassment, or those employees who participate in an investigation of a such a complaint. This does not preclude disciplinary action against an employee who knowingly provides a false complaint or untruthful information during an investigation.

It is incumbent upon supervisory personnel to report to their immediate supervisory or the Human Resources Division any conduct that they observe or that is reported to them that could be a violation of the prohibition against

discrimination and harassment. Failure to report such information may be grounds for disciplinary action.

6.17 POLICY ON DRUGS AND ALCOHOL (DRUG-FREE/ALCOHOL-FREE WORKPLACE)

GENERAL POLICY

The City's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or that adversely affect or might affect the effective operation of City operations. This policy has been implemented in accordance with Sections 440.101 and 440.102, Florida Statutes. The complete policy, including testing requirements, results, violations and reporting is available for review in the Human Resources Division.

PROHIBITIONS

Illegal Controlled Substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to manufacture, sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off City property. Illegal controlled substances are defined by applicable state and federal laws.

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

Testing. Employees are prohibited from refusing to undergo or cooperate in any alcohol or drug testing required by City policy.

DEFINITIONS

Mandatory Testing Position. Mandatory testing position shall mean a job assignment that requires the employee to:

Carry a firearm;

Work closely with an employee who carries a firearm;

Perform life-threatening procedures;

Work with heavy or dangerous machinery;

Work as a safety inspector;

Work with children;

Work with detainees in the correctional system;

Work with confidential information or documents pertaining to criminal investigations;

Work with controlled substances;

Job assignments that require an employee to undergo a security background check pursuant to Section 110.1127, Florida Statutes;

Work in job assignments in which a momentary lapse in attention could result in injury or death to another person; or,

Perform safety-sensitive job duties and responsibilities.

Special Risk Position. Special risk position shall mean a position that is required to be filled by a person who is certified under:

Chapter 633 of the Florida Statutes (Fire Prevention and Control); or,

Chapter 943 of the Florida Statutes (Law Enforcement).

LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS

The legal use of prescription and non-prescription drugs is often necessary. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription drugs. Employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner.

DRUG AND ALCOHOL TESTING

- A. Job Applicant Testing. Applicants for employment in special-risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the City.
- B. Routine Fitness-for-Duty Testing. Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.
- C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.
- D. Reasonable Suspicion Testing. An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:
- Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
 - Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
 - A report of drug use, provided by a reliable source;
 - Evidence that an individual has tampered with a drug test during his or her employment with the City;
 - Information that an employee has caused or contributed to an accident or injury while at work;
 - Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;

Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.

Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

- E. Random and/or Suspicionless Testing. Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicionless basis.
- F. Drug And Alcohol Testing Of Commercial Motor Vehicle Drivers. Employees who are connected with the operation of commercial motor vehicles are subject to drug and alcohol testing as required by the Omnibus Transportation Employee Testing Act of 1991, 49 U.S.C. § 31306, and pursuant to all applicable procedures and regulations promulgated by the Department of Transportation and the Federal Highway Administration, as well as any additional policy adopted by the City pursuant to those federal laws and regulations.
- G. Other Lawful Testing. The City reserves the right to conduct any other type of lawful drug or alcohol testing. The City also reserves the right to amend its policies as provided for in Florida Statutes and federal law.

DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS

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

- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (marijuana)
- Cocaine
- Methadone
- Methaqualone
- Opiates (heroin, morphine, codeine)

- Phencyclidine (PCP)
- Propoxyphene
- Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above

Common Medications Which Could Alter or Affect Test Results.

Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer (“MRO”). Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

<u>Drug</u>	<u>Medication Which May Alter or Affect Test</u>
Alcohol	Liquid medications containing ethyl alcohol (ethanol). For example many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol
Cannabinoids	Marinol (Dronabinol, Tetrahydrocannabinol (THC))
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose
Propoxyphene	Davocet, Darvon N, Dolene, etc.

TEST RESULTS

The following procedures will be followed if an employee or job applicant has a confirmed positive test result:

An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within (5) five working days. If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the City. The employee or applicant may contest a positive confirmed test result pursuant to this policy, Section 440.102, Florida Statutes, rules adopted by the Agency for Health Care Administration, or other applicable law. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved.

Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or applicant in writing of the test result, the consequences of the test result and any options that the City may elect to afford the employee or applicant in accordance with this policy. Within five working days after receiving notice of a positive confirmed test result from the City, the employee or job applicant may submit information to the employer explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the City determines that the explanation is unsatisfactory, the City will

provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

Employees who are covered under a collective bargaining agreement between the City and any certified labor organization may have the right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy, if said grievance is permitted to be filed pursuant to the collective bargaining agreement, and may have the right to appeal to the Public Employees Relations Commission or applicable court.

CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING OR TAMPERING WITH A TEST

An employee who has a positive confirmed test, who refuses to submit to a test or who tampers with a test is subject to disciplinary action up to and including termination, may forfeit eligibility for workers' compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

CONFIDENTIALITY

Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the City's drug testing program are confidential and exempt from the provisions of Chapter 119 of the Florida Statutes (Public Records Law) and may not be used or disclosed except as otherwise provided by Section 440.102, Florida Statutes or other applicable law.

EMPLOYEE ASSISTANCE PROGRAMS

Employee Assistance Programs (EAP) are available to assist employees who voluntarily self-report, prior to being requested to test, drug or alcohol related problems which have not yet adversely affected their job or City operations. Employees who voluntarily seek help, who have not had a positive drug test and who are not participating in EAP at the time or at any previous time, will not be subject to discipline. A list of EAP providers for employees with drug or alcohol related problems who wish to seek

voluntary assistance through the EAP is available from Human Resources and is listed in the City's full policy and procedures.

Employee Assistance Program
Baycare LifeManagement
1-800-878-5470

Employees and applicants who violate this Policy will ordinarily not be eligible to elect participation in EAP in lieu of disciplinary action. The City may permit exceptions to this provision where the City Manager determines, in his or her exclusive discretion, that the specific circumstances warrant. In such circumstances, the City may require that an employee in violation of this policy participate and successfully complete the EAP as a condition of continued employment.

Employees employed in a mandatory testing or special-risk position who enter into EAP, whether voluntarily or involuntarily, will be placed on unpaid leave until the successful completion of the EAP. An employee placed on unpaid leave may utilize his or her accrued leave, if any, otherwise the leave shall be unpaid.

REPORTING VIOLATION OF THE POLICY

It is the obligation of every employee to report violations of this Policy. Failure to report may subject employees to discipline up to and including termination of employment.

COORDINATION WITH THE HUMAN RESOURCES DEPARTMENT

All action taken by supervisors under this policy must be coordinated through the Human Resources Department to ensure compliance with all applicable laws.

REPORTING AND CONVICTION OF ARRESTS AND/OR ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

All employees must report to their supervisor any arrest, indictment, conviction, plea or pretrial interventions of any type, of a drug or alcohol-related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to report may result in immediate termination.

Upon conviction or withhold of adjudication of a crime involving illegal drugs, the employee will be immediately terminated.

Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether this policy has been violated. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee. The City shall not be obligated to await the outcome of any pending criminal or legal action prior to taking disciplinary action.

6.18 WORKPLACE VIOLENCE PREVENTION POLICY

OBJECTIVE

The City of New Port Richey is committed to preventing workplace violence and to maintaining a safe work environment. The City has adopted the following guidelines to deal with intimidation, harassment, or other threats of violence or acts of violence that may occur during business hours or on City premises. This policy applies to all employees, including temporary employees.

PROHIBITED CONDUCT

The City does not tolerate any type of workplace violence committed by or against employees or any other individual on City premises. Employees are prohibited from making threats or engaging in violent activities.

All employees shall be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Conduct that threatens, intimidates, or coerces another employee, a customer/vendor, or a member of the public will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based upon an individual's gender, sexual orientation, race, religion, age, or any characteristic protected by federal, state, or local law.

Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited on City premises without proper authorization, such as in the case of sworn police officers in connection with their official duties. Employees may keep a legally owned and lawfully possessed weapon inside their private vehicle in a parking lot in accordance with Section 790.251, Florida Statutes. Employees are not permitted to bring weapons into any City vehicle at any time (even if an employee has a valid concealed weapons permit), excluding sworn police officers who carry weapons in connection with their official duties. Employees are prohibited from carrying or having in their possession a weapon at any time while performing services on behalf of the City whether on or off City property, excluding sworn police officers who carry weapons in connection with

their official duties. Employees with a valid concealed weapons permit may carry a weapon in their vehicle, but under no circumstances is the employee allowed to bring the weapon into City buildings or display/remove it from their vehicle while on City premises.

The following list of behaviors, while not inclusive, provides examples of prohibited conduct:

- Causing physical injury to another person;
- Making threatening remarks; aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- Intentionally damaging employer property or property of another employee;
- Display or use of a weapon while on City premises or possession of a weapon at any time while performing services on behalf of the City (except sworn police officers in connection with their official duties or as allowed in accordance with Section 790.251, Florida Statutes); and
- Committing acts motivated by, or related to, sexual harassment or domestic violence.

REPORTING AND INVESTIGATION PROCEDURES

Any potentially dangerous situations and all threats of violence or acts of violence, both direct and indirect, must be reported immediately to any member of supervision/management or the Human Resources Division. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, the employee should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Employees are not to place themselves in danger by attempting to resolve a potentially violent situation without assistance. If an employee sees or hears a commotion or disturbance in his work area, the employee should not try to intercede or see what is happening. The employee should immediately contact supervision and/or the Police Department for assistance.

All reported incidents will be investigated promptly and thoroughly by the Human Resources Division in conjunction with the department in which the incident occurred and/or the Police Department. The identity of the City employee making a report will be confidential to the extent possible and in accordance with statutory provisions. In order to maintain workplace safety and the integrity of investigations, the City may suspend employees, either with or without pay, pending the conclusion of the investigation.

Anyone determined to be responsible for threats of violence, acts of violence, or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring any disputes or differences with other employees to the attention of supervision or the Human Resources Division before the situation escalates into potential violence. The City will assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

ENFORCEMENT

Any employee determined to have committed acts of workplace violence or other prohibited conduct outlined in this section will be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on City premises will be reported to the proper authorities, may be prosecuted for the offense(s) and trespassed in order to prohibit any future access by the non-employee(s) to City premises.

6.19 “WHISTLE-BLOWER ACT”

Employees are expected to report any violation of law by any City employee, official, or business entity with which the City is doing business if such violation creates a serious and specific danger to the public's health, safety, or welfare.

Employees are expected to report improper use of public office, waste of funds, or any other abuse or neglect of duty on the part of the City, a City employee, or a member of the City Council or any City board. An employee with knowledge of such actions or activities shall report this information to his immediate supervisor, other members of supervision, Department Director, Human Resources Division, or the City Manager for investigation and resolution. The investigation will be conducted by the City Manager, Human Resources Division, and/or Department Director/Police Department, depending on the nature and circumstances of the allegations. Information related to an ongoing investigation will be maintained on a confidential basis to the extent provided by Chapter 119, Florida Statutes.

Retaliation against an employee who reports any violation, abuse, or other improper action is strictly prohibited under Section 112.3187, Florida Statutes, and by City policy. Disciplinary action may be taken against an employee who knowingly files a false and/or malicious report.

6.20 NON-FRATERNIZATION POLICY

PURPOSE AND SCOPE

Romantic or sexual liaisons that develop among employees in the workplace may be potentially disruptive to the conduct of our business, may create perceptions of favoritism, and may expose the City of New Port Richey to significant legal liability. In romantic relationships between supervisors and their employees a conflict of interest immediately surfaces in the relationship with other employees in the unit. For this reason sanctions against romantic or sexual liaisons are significant.

POLICY

Supervisors and managers are expressly prohibited from dating or engaging in any kind of dating, sexual or romantic relationship with any non-management employee within his or her sphere of supervisory responsibility.

Personal relationships between non-supervisory co-workers are permitted provided they do not adversely affect the work performance of the parties involved or their co-workers.

Employees who have direct purchasing influence are also prohibited from dating or engaging in any kind of dating, sexual or emotional relationship with vendors or persons doing business with the City or from using any information obtained in the course of business to further a personal or social relationship.

Should prohibited dating, romantic or sexual relationships develop during the course of employment, the employees involved must report the relationship to their supervisor(s), Department Director or the Human Resources Division. This "disclosure provision" is essential in the City's ability to deal with any conflicts of interests created and in favoritism or the perceptions of favoritism.

In the event the supervisor or member of management becomes aware of such a relationship, the supervisor or member of management will intervene and discuss the romantic or sexual liaisons with the involved parties. The City may also take remedial measures, up to and including transfer to immediate discharge, when the City Manager decides that it is necessary to do so the protect the City's interests.

The City of New Port Richey will determine in its sole discretion what constitutes a "dating and/or sexual relationship."

The City of New Port Richey will vigorously enforce this policy in a manner that is consistent with all applicable laws. Any employee who engages in conduct in

violation of this policy will be subject to disciplinary action, up to and including termination of employment.

SECTION 7 GENERAL TERMS AND CONDITIONS OF EMPLOYMENT

7.01 EMPLOYEE FITNESS AND HEALTH

EMPLOYEE EXAMINATIONS

Any employee may be required to take an examination at City expense at any time to determine the employee's general fitness for employment based on the essential requirements of his position. Such examinations may include, but are not limited to, physical, psychological, psychiatric examinations, or any evaluation deemed appropriate. Failure to comply with an order to take an examination will result in disciplinary action, up to and including dismissal.

Subject to applicable law, as a part of any medical examination required by the City whether or not that medical examination is required by the DOT or any other local, state, or federal law or regulation, an employee shall be subject to mandatory testing for illegal controlled substances.

The reason(s) for requesting an examination must be submitted to the Human Resources Division for review to determine whether or not an examination is warranted. If an examination is deemed appropriate, the Human Resources Division will schedule or work with the department in scheduling the examination; prepare notification to the employee in conjunction with the employee's supervisor; and prepare the information for the examining physician, including, but not limited to, the essential job requirements/functions, as outlined in the employee's job description, which are of concern; on-the-job injury/vehicle accident history and circumstances; job performance concerns; health; etc. The report of the independent medical examination, conducted by a competent medical authority selected by the Finance/Human Resources Director, will be submitted to the Human Resources Division and will be maintained on a confidential basis, pursuant to statutory regulations. The Human Resources Division, in conjunction with the employee's supervisor/Department Director, will review the medical reports and determine appropriate actions as necessary.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking all employees not to provide any genetic information when responding to a request for medical information or doctor's note or release back to work. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received

genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

EMPLOYEE WELLNESS PROGRAMS

The City is committed to encourage its employees to develop and sustain healthy living habits. As an incentive for employees to participate in a healthy and active lifestyle, an employee may earn up to two hours of annual leave per month for participating in a wellness program that has been approved by the Human Resources Division. Programs include, but are not limited to, workouts at the City's recreation center or other approved locations, donating blood during one of the City sponsored blood drives and successful completion of a City sponsored tobacco cessation program. Employees may be permitted to participate in an approved wellness program during normal working hours subject to approval by their supervisor and/or Department Director.

7.02 EMPLOYEE PERSONNEL FILES, VERIFICATIONS, REFERENCE CHECKS

The Human Resources Division is the custodian of employee personnel records.

It is each employee's responsibility to ensure that his personnel file is accurate and is updated to reflect current information, including, but not limited to, the following:

- Name changes;
- Address, including actual place of residence and mailing address;
- Names, dates of birth, social security numbers for life insurance beneficiaries and for retirement beneficiaries;
- Telephone number;
- Emergency contact (name, address, and telephone number);
- Copies of education certificates, diploma(s), letters of commendation, awards, etc.;
- Payroll deduction authorization(s);
- Tax withholding forms.

All requests for employment verification regarding current or former employees shall be referred to the Human Resources Division (e.g., mortgage forms, reference checks, eligibility for rehire, confirmation of employment dates, etc.) so that any information released will be documented information only. It is the City's policy to provide neutral reference checks. To this end, the City will only confirm an individual's dates of employment, positions held and salary/hourly amounts for each position. Supervisors must refer all telephone calls of this nature to the Human Resources Division. Supervisors who release employment

information on their own authority, contrary to this policy, may risk personal legal liability.

7.03 SOLICITATION AND DISTRIBUTION

Solicitation for any purpose other than City business is not permitted on City premises/facilities without prior authorization of the City Manager.

To best serve the public, no personal or private business shall be conducted in working areas during working time.

City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any labor union, labor organization or employee organization, during working hours or the working hours of the employee sought to be solicited. City employees are prohibited from distributing literature which tends to promote any organization, including any labor union, labor organization or employee organization, during working hours in any area where City work is performed. Distribution of literature for any City sanctioned or sponsored programs, such as library or recreational activities, is not restricted by this rule.

7.04 BULLETIN BOARDS

The various bulletin boards of the City are to be reserved for the posting of official notices and activities of the City. Employees are permitted to post notices of personal items for sale. Other personal messages or business advertisements are prohibited, except by permission of the Department Director. Information relating to represented employees may be posted on bulletin boards pursuant to the provisions of the respective collective bargaining agreements. Represented employees may have specific conditions concerning bulletin boards enumerated in their collective bargaining agreements.

7.05 INVENTIONS/PATENTS/ROYALTIES

The City encourages and supports employment-related inventions and ideas; however, the City shall not pay any further compensation for inventions since the employees will be receiving adequate compensation for their employment.

Employees shall promptly disclose to a Department Director all inventions, discoveries, and improvements which the employee may make while on duty, either solely or jointly with others, while in the employ of the City. For a period of twelve months following separation of the employee from the City, the employee shall identify which inventions, discoveries, and improvements relate to products, systems, programs, or other developments manufactured,

developed, or sold by the City during the period of employment with the City, or the manufacture, development, or sale of which was in contemplation by the City. The employee agrees to transfer, assign, and convey to the City the employee's whole right, title, and interest in, including the employee's whole right, title, and interest in and to any domestic and foreign patent rights therein and any renewals.

In accordance with the City's financial contribution and the associated risk undertaken to demonstrate the practical utility of the invention, discovery, or improvement, each employee further agrees that during his period of employment with the City and any time thereafter, to execute any instruments, including without limitation, applications for letters, patents, and assignments thereof, or to comply with any directives which may be deemed desirable by the City to effectuate the provisions of this section. All expenses of filing or prosecuting any patent applications shall be borne solely by the City, but the employee shall cooperate in filing and/or prosecuting any such other application.

7.06 RULES REGARDING SMOKING IN CITY FACILITIES AND VEHICLES

The City strives to improve working conditions and protect the health of employees and the general public. In accordance with Chapter 386, Florida Statutes, it is the policy of the City to provide a healthy, comfortable, and safe environment in all respects by prohibiting smoking in all buildings and in all City vehicles. The City encourages employees to participate in a City sponsored tobacco cessation program.

City vehicles are City property and not an employee's personal property even if assigned a specific vehicle. Smoking is prohibited in all City vehicles as a matter of policy as well as a courtesy to other employees who may ride in that vehicle.

The City may designate smoking areas outside City buildings and facilities. Employees may not smoke while on duty. This includes the use of electronic smoking devices.

Any supervisor who observes an employee in violation of this rule should remind the employee of this policy. Continued violation(s) will subject employees to disciplinary action.

Any employee who notices a member of the general public not observing the "no-smoking" regulations should courteously inform the citizen of the City's policy.

Additional rules governing smoking/tobacco use by represented employees may be outlined in the collective bargaining agreements.

7.07 SAFETY PROGRAM

It is the policy of the City to comply with all applicable federal, state, and local health and safety regulations and to provide a work environment as free as possible from recognized hazards. Employees are expected to comply with all safety and health requirements whether established by Department supervision or by federal, state, or local law. All Department Directors, supervisors, and employees must recognize their responsibility to encourage City safety. Department directors shall appoint one employee to represent their department on the City Safety Task Force. The City Safety Task Force shall:

- Keep management advised of accident experiences;
- Keep injury records;
- Assist in maintaining interest in safety programs by special safety meetings, posters, and printed material;
- Establish an effective system for measuring supervisor safety performance;
- Review of accidents and make recommendations

Each department director is responsible for monitoring and establishing safety policies and procedures for their department and facility.

7.08 WORKPLACE SECURITY

The City of New Port Richey is committed to providing as much protection as possible for the security of our employees and the public, including security of City property/premises. Accordingly, certain items such as credit cards, keys/entry or access codes to City buildings and facilities, etc., will be issued only to employees whose responsibilities require them. Employees may be required to sign a form indicating receipt of a particular item and their understanding that it is the property of the City and is to be used for official business only.

Duplication of any restricted access item is prohibited.

Loss of any restricted access item must be reported to the issuing party as soon as the loss is discovered. An employee may be charged an appropriate fee for the replacement of any lost item.

7.09 RESIDENCY REQUIREMENTS

The City has no residency requirements per se for employment, except as required by the City Charter or as required for emergency response pursuant to an individual's job description.

7.10 TECHNOLOGY SOLUTIONS

Access to the computer systems and networks owned and operated by the City of New Port Richey impose certain responsibilities upon users, in accordance with City policy and local, state and federal law. Users accept the responsibility for utilizing services in ways that are ethical, that demonstrate integrity and respect for others who share this resource. Employees need to understand that there is no right to privacy for any materials stored on any of the City's computer systems and networks.

Because there are so many individuals who utilize this shared resource, respect for the rights and needs of others is central to this policy. To ensure access and service for all users, users must refrain from any action which interferes with the system, such as:

- Using computer or network services for commercial purposes;
- Sending excessive e-mail or messages locally or over the network such as chain letters, advertisements or solicitations;
- Knowingly installing or running a program that will damage or place an undue burden on the system;
- Knowingly acting in a manner that will disrupt normal operations of computers or the network;
- Knowingly using the computer to access sites that contain or may contain destructive software such as viruses and malware.

Unless authorized to do so, users are prohibited from:

- Using computer or network services in a way that violates copyrights, patent protections or license agreements;
- Gaining unauthorized access to information that is private or protected, or attempting to do so;
- Running programs that attempt to identify passwords or codes;
- Interrupting programs that protect data or secure systems, or attempting to do so;
- Monitoring or tampering with another employee's e-mail;
- Reading, copying, changing or deleting another employee's work;
- Using another employee's password or allowing others to use yours;
- Attempting to gain network privileges to which you are not entitled.

Computer systems and networks allow for a free exchange of ideas and information. This exchange serves to inform, enhance learning, teaching, critical thinking and research. While the constitutional right of free speech applies to communication in all forms, we encourage civil and respectful discourse. City policy and local, state and federal law do prohibit some forms of communication, to include:

- Obscenity;
- Defamation;
- Advocacy directed to incite or produce lawless action;
- Threats of violence;
- Disruption of the business environment;
- Harassment based on sex, race, sexual orientation, disability, religion, national origin, physical attributes or other protected status;
- Anonymous or repeated messages designed to annoy, abuse or torment.

Each employee who obtains a computer/e-mail account, or uses the computers and network resource made available by the City, must understand that he is accountable for these policies. Users assume responsibility for:

- Protection of passwords;
- Reporting any breach of system security;
- Reporting unauthorized use of your account;
- Changing your password on a regular basis, as required.

The Technology Solutions (TS) Department may access user files for the maintenance of networks, computers and storage systems. The TS Department may monitor usage patterns for both voice and data communications of all employees with the exception of library employees. Library employees are exempt from this section due to the patron confidentiality provisions pursuant to Chapter 257, Florida Statutes. Unsafe patterns may include a number called, a site accessed, or an email sent or received. Reasons for review include, but are not limited to: system problems or failure, cost analysis/allocation, legal actions against the City, probable cause to suspect a crime or violation of City policies, or job performance when the user is unavailable. Privacy or confidentiality of documents and messages stored on City owned equipment, other than City equipment installed in the library facility, cannot be guaranteed. Systems staff may also routinely monitor and log usage data, such as network connection times, CPU and disk utilization for each user, security audit trails, internet activity and network loading. Data collected may be reviewed and further investigated should evidence of violation of policy or law occur. If necessary, the TS Department may monitor the activities and files of specific users on their computers and networks.

It is a violation of the City's policy for any employee, vendor or person to install hardware/software or remove hardware/software from City owned technology equipment or attached unauthorized equipment to the City's network, including but not limited to computers, networking tools or any device without approval from the TS Department (excluding the library network which is separate from the City's network.)

SECURITY

The TS Department is responsible for ensuring that the system security is operable and up to date. All menu options, passwords, operators and automatic setup routines are to be monitored by the TS Department to ensure that conflicts or errors do not occur. All users are required to log out or lock their workstations when not in use for an extended period of time (more than 10 minutes). In addition, screensavers with passwords will be utilized to enhance system security. For security purposes:

- No employee shall divulge his network or e-mail password. Any person with knowledge of any password not their own shall report this to their supervisor immediately. The TS Department will have the password reset upon notification;
- No employee shall attempt unauthorized access to the City's network;
- Use of City-owned laptop/portable and handheld devices must be authorized by the TS Department and must be issued with software images developed and/or approved by the City. Only TS personnel shall install City-owned or approved software on such devices. All information contained within such devices is the property of the City of New Port Richey and is not considered personal information. Maintenance for these devices shall be performed by TS personnel;
- Only City-owned or TS approved devices shall be allowed to connect to the network infrastructure;
- Employees who have been issued portable devices shall be held responsible for the security of the device and for the security of the information contained on such devices. Portable devices are not to be left in plain sight in vehicles while vehicle is unoccupied for extended periods of time;
- The TS Department will install an anti-virus product on each workstation so that it runs full-time in the background. Once properly installed, there is no user action necessary to ensure that the system is protected. Tampering with this software could result in disciplinary action;
- Upon receipt of a report of a virus infection or notification by the user of an infection, the TS Department may notify all Department Directors and brief them on the likelihood of the virus spreading further and of the virus

infecting any files on the server. TS will oversee the effort to eradicate viruses from the City's networks.

ELECTRONIC MAIL

The City provides electronic mail to employees for business purposes. All electronic messages are the property of the City and therefore are not considered private. The following uses of the City's electronic mail system are prohibited:

- Use of the e-mail system to send chain letters, commercial advertisements, documents in violation of copyright laws and/or messages containing offensive, abusive, threatening, harassing, or other language inappropriate for the City;
- Use of the e-mail system to compromise the integrity of the City and its business in any way;
- Use of the e-mail system for political gain or advertising;
- Personal use of the City's e-mail system;
- Use of the e-mail system for the purpose of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others.

Under Florida law, all e-mail addresses are subject to public records law. Employees shall use caution and exercise good judgment with the content of the e-mail they are sending. Off-color humor in e-mail or voice mail is strictly prohibited. Moreover, humor, irony, and emotion are difficult to communicate in an e-mail message. Therefore, attempts at either may be misinterpreted by the reader or recipient.

When using group e-mail, users are required to use discretion and to exercise good judgment. For example, sending to the "ALL" group adds to everyone's workload and taxes the network; examples of such inappropriate use include announcements of leave time and solicitations.

INTERNET

The City's internet access is a privilege granted to employees to enhance their abilities and knowledge, increase their productivity and provide opportunities for professional growth. Please remember, when you are conducting business on the internet, you are representing the City of New Port Richey. All actions and communications should be conducted in a courteous and ethical manner.

The internet is a valuable resource tool. Employees are encouraged to use the internet in the performance of their duties, or to enhance their effectiveness.

Examples of appropriate use of the Internet would be:

- Performance of job functions;
- Communication in an efficient, timely manner;
- Resource and personnel coordination;
- Communication with outside organizations in order to perform job functions;
- Conduct job related research,

Examples of inappropriate use of the Internet would be:

- Illegal activities;
- Pirated software;
- Documents in violation of copyright laws;
- Use that compromises the City's integrity;
- Personal business (job searches, on-line dating, advertisements);
- Sexually explicit material;
- Political endorsements;
- Commercial activities;
- Creating or forwarding threatening or hate related material;
- Use that compromises or negatively impacts the City's network in any way.

NETWORK USER ACCOUNTS AND PASSWORDS

User IDs and passwords are necessary to maintain individual accountability for computer usage including Internet and e-mail, and must never be shared or revealed to anyone, regardless of the circumstances. To do so exposes the authorized user to responsibility for any actions the other party takes while using those credentials.

VOICE MAIL

The voice mail system is a user friendly, privileged communications system that digitally creates stores and forwards communications and data from one user to one or more users throughout the City.

Voice mail is to be used a last resort tool for recovering customer calls. It is not to be used as a substitute for employees answering the phone. All calls from our residents are to be answered first by an employee, and then by the voice mail system. Every attempt, whether departmentally or systematically, should be made to answer the call with a person. Voice mail is an option for the customer as a courtesy and as a backup to the employee's call path. Failure on an

employee's part to answer their or their department's calls and abuse the voice mail system could result in disciplinary action.

The City reserves the right to monitor voice mail messages and, with City Manager approval, to access and disclose the contents of any non-library employee's voice mailbox. Library employees are exempt from this section due to the patron confidentiality provisions pursuant to Chapter 257, Florida Statutes. Any contents properly obtained may be disclosed within the City without the consent of the employee, but only to those employees who have some reasonable need for access to the information. Incidental and occasional personal messages will be permitted within the City, but these messages will be treated the same as all other messages sent via the voice mail system.

REMOTE ACCESS

It is the responsibility of City employees with remote access privileges to the City's network to adhere to the same policies listed in this Policy Manual. Employees connecting remotely should do so using a city issued computer when available or use good judgment in the computer they use to access the City's network. General access to the internet for recreational use by immediate household members through the City's network is not permitted. The employee is responsible to ensure that no one other than the authorized user can gain access to the City's network. The City employee bears responsibility for the consequences should the access be misused.

7.11 FRAUD POLICY

POLICY

This Policy prohibits fraud or misuse of the City of New Port Richey's assets and sets forth specific guidelines and responsibilities regarding appropriate actions that must be followed for the investigation of fraud and other similar irregularities. The City of New Port Richey is committed to the deterrence, detection and correction of such misconduct and dishonesty. The discovery, reporting and documentation of such acts provides a sound foundation for the protection of innocent parties, the taking of disciplinary action against offenders up to and including dismissal where appropriate, the referral to law enforcement agencies when warranted by the facts, and the recovery of assets.

Department Heads are responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation, or concealment of a material fact for the purpose of inducing another to act upon it to his or her interest. Each member of the

management team will be familiar with the types of improprieties that might occur within his or her area of responsibility, and be alert for any indication of irregularity.

ZERO TOLERANCE

The City of New Port Richey has adopted a zero tolerance policy regarding fraud. No employee of the City shall remove any City of New Port Richey assets from the property without department approval, misuse any City assets for one's personal gain, or willfully misappropriate any City of New Port Richey asset. Any evidence supporting fraud, theft or embezzlement of City of New Port Richey assets and equipment may be subject to the following actions including but not limited to: termination, restitution and criminal charges. Any City of New Port Richey employee who is aware of fraud being committed against the City by anyone shall report such activity to the Human Resources Division.

PROHIBITED ACTS

Fraud is defined as an intentional deception, misappropriation of resources or the manipulation of data to the advantage or disadvantage of a person or entity. Some examples of fraud include:

- Falsification of expenses and invoices;
- Authorizing or receiving compensation for goods not received or services not performed;
- Theft of cash or fixed assets;
- Alteration or falsification of records;
- Failure to account for monies collected;
- Knowingly providing false information on any City application (job, insurance, etc.);
- Authorizing or receiving compensation for hours not worked;
- Embezzlement, bribery or conspiracy;
- Knowingly providing preferential treatment to yourself or another employee resulting in the non-collection of funds due to the City.

REPORTING OF FRAUD

Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective Department Head. If the employee has reason to believe that their Department Head may be involved, the employee shall notify the Human Resources Division directly. The Human Resources Division will immediately consult with the City Manager.

Supervisors shall:

- Communicate the provisions of this policy to all staff;
- Take no action without consulting the Department Head or Human Resources Division if there is an incident;
- Recommend appropriate disciplinary action to their Department Director when there is evidence of wrong-doing;
- Consult with the Human Resources Division as appropriate for the situation.

Department Heads shall communicate any suspected or known fraudulent act to the City Manager and Human Resources Division. The Human Resources Division and the City Manager may require the Police Department's involvement. The Police Department will keep the City Manager and Human Resources Division fully informed of each reported incident and abreast of the investigation.

All participants in the fraud investigation shall keep the details and results of the investigation confidential.

Any employee reporting an act of fraud; or assisting, testifying or participating in a fraud investigation, acting in accordance with the requirement of this policy, shall not be subject to any adverse employment action unless it is determined the employee is culpable for such action and/or made an allegation knowing it was false. Examples of adverse employment action include, but are not limited to, discipline, suspension, threatening to discipline or suspend, coercion, acts of intimidation and firing.

FALSE ALLEGATIONS

False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

DETERRING FRAUD AND CORRUPTION

The City has established internal controls, policies and procedures in an effort to deter prevent and detect fraud and corruption. All employees are subject to background investigations including a criminal background check(s). The City may also verify all applicants' employment history, education and personal references prior to making an offer of employment. City employees will periodically receive fraud and corruption awareness training

When necessary, contractual agreements with the City may contain a provision prohibiting fraudulent or corruptive acts and will include information about reporting fraud and corruption.

CORRECTIVE ACTION

Final determination regarding action against an employee, vendor, recipient or other person found to have committed fraud or corruption will be made by the City Manager or City Council (if the action involves the City Manager or City Attorney).

Offenders at all levels of the City will be treated equally regardless of their position or years of service with the City. Determinations will be made based on a finding of facts in each case, actual or potential damage to the City, cooperation by the offender and legal requirements.

Depending on the seriousness of the offense and the facts of each individual case, action against an employee can range from termination to legal action—either civil or criminal. In all cases, involving monetary losses to the City, the City will pursue recovery of losses.

SECTION 8 PROBATIONARY PERIOD

8.01 PURPOSE

The probationary period shall be used for evaluation of an employee's performance and suitability to the position; to secure the most efficient adjustment of a new or promoted employee to the position; and for determining whether or not an employee meets the desired standards of performance.

Every person who is employed in an established position in the City shall serve a probationary period as provided herein before such appointment is considered "regular status."

An employee who does not meet performance standards may be placed back on a probationary period of ninety days with their performance standards re-evaluated by their supervisor after the probationary period to determine whether or not the employee can return to a "regular status."

8.02 DURATION

The duration of new hire probation shall be for a period of twelve months for all employees, including certified firefighter and sworn law enforcement employees. Probationary periods extended beyond one year must be approved by the Department Director and the Human Resources Division; an extension, if approved, cannot exceed an additional three months.

Unless otherwise provided in these policies and procedures, an employee in a part-time, temporary, or seasonal position who is selected for a full-time position shall serve a probationary period in the same manner as any other new hire appointment.

An employee whose classification is covered by a collective bargaining agreement shall serve a probationary period in accordance with the terms of the agreement.

8.03 REINSTATEMENT

An employee who has been reinstated (i.e., to the same or similar position) upon return from lay-off may not have to serve a probationary period depending on the length of time between separation and rehire by the City and total years of service, the requirement of the hiring department, or other factors. Reinstatement without a probationary period is at the discretion of the Department Director, Human Resources Division and the City Manager.

8.04 RE-EMPLOYMENT

Employees re-employed within one year to the same position from which they resigned in good standing, may not have to serve a new probationary period unless so requested by the hiring authority; however, persons rehired to a different position will be required to serve a new probationary period.

8.05 PROMOTIONAL APPOINTMENTS

A non-probationary employee who is promoted shall serve a probationary period of six months in the new position.

A probationary employee who is promoted to a higher level position will be required to complete his original new hire probationary period, plus three additional months. A probationary employee may only be promoted after six months of employment with approval from both the Finance/Human Resources Director and the City Manager.

The length of the probationary period will be outlined, along with other conditions, in the notice of the promotion to the employee.

8.06 DEMOTIONS

Upon receiving a non-disciplinary demotion, including voluntary demotions requested by an employee, or demotions at the direction of the City, a non-probationary employee will not be required to serve another probationary period unless requested by the hiring supervisor and approved by the Human Resources Division.

A non-probationary employee demoted for disciplinary reasons shall be required to serve a probationary period of three months upon demotion.

The length of the probationary period will be outlined, along with other conditions, in the notice of the demotion to the employee.

8.07 EXTENSION OF PROBATIONARY PERIOD

The extension of a probationary period is discouraged. In unusual or unique circumstances, supervisors may request that the Human Resources Division authorize an extension of the established probationary period prior to ten days before the scheduled completion of the probationary period. The Human Resources Division may approve a probationary period extension for up to a maximum of three months beyond the end of the original probationary period.

Unusual circumstances might be an injury or illness that forced the employee to miss extensive time during his probationary period.

8.08 DISMISSAL DURING PROBATIONARY PERIOD

At any time during the original or extended new hire probationary period, an employee may be terminated with or without cause by a letter of termination. An employee removed during his new hire probationary period has no right to a pre-determination notice/hearing or to a post-termination appeal. No specific reason needs to be given to a probationary employee on why their services are no longer required.

8.09 RELEASE FROM PROBATION

Release from probation and appointment to regular status employment is not automatic upon expiration of the designated probationary period. A Performance Evaluation must be completed, indicating that the employee has successfully completed his probationary period and is recommended for regular status. The completed Performance Evaluation, including all required signatures/approvals, shall be timely submitted to the Human Resources Division for processing and inclusion in the employee's personnel file.

(See also Section 10.03, Demotions.)

SECTION 9 PERFORMANCE EVALUATIONS

9.01 PURPOSE

The employee performance evaluation process is designed to permit the evaluation of an employee's job performance and effectiveness as objectively and fairly as possible. It is a cornerstone of a merit system.

The primary purposes of the performance evaluation are as follows:

- To inform the employee of his/her strengths and areas for improvement on the job; serve as a basis for discussion as to how the employee can improve performance; establish goals and expectations for future evaluation; etc.;
- Evaluation of an employee's potential for promotion;
- Identification of areas of training needed;
- Basis for disciplinary actions;
- Determination of order of layoff;
- Determination of suitability for regular status at the conclusion of the new hire probationary period or at conclusion of a probationary period following promotion/demotion.

The Human Resources Division administers the performance evaluation system, including distribution of evaluation forms to departments in a timely manner for probationary and annual performance evaluations.

9.02 EVALUATION PERIODS

PROBATIONARY EVALUATIONS

New hire probationary employees' performance is to be monitored during their probationary period to determine whether or not employment should be continued. Supervision must conduct a performance evaluation supplied by the Human Resources Division for the probationary employees who are retained throughout the probationary period. The evaluation for a probationary employee who is recommended for regular status must be completed by the end of the probationary period, but no earlier than one week prior to expiration of the probationary period; discussed with the employee; signed and dated by supervisor and employee; approved by the Department Director, and forwarded to the Human Resources Division for inclusion in the employee's personnel file.

Promotional probationary evaluations are to be conducted to determine whether or not the employee is meeting the expectations of their new position.

The performance evaluation for a promotional probationary employee, who is recommended for regular status, must be completed by the end of the probationary period, but no earlier than one week prior to expiration of the probationary period; discussed with the employee; signed and dated by supervisor and employee; approved by the Department Director, and forwarded to the Human Resources Division for inclusion in the employee's personnel file.

ANNUAL PERFORMANCE EVALUATIONS

After successful completion of his/her new hire probationary period, an employee shall receive an annual evaluation on his/her anniversary date.

SPECIAL EVALUATIONS AND PERFORMANCE IMPROVEMENT PLANS (PIP)

A special evaluation may be conducted at any time when, in the opinion of supervision, the employee's performance has deviated from expected standards. Department directors may place an employee on a Performance Improvement Plan (PIP) to assist the employee in the improvement of their performance. The Human Resources Division will assist the Department Director and approve the plan.

9.03 EMPLOYEE COMMENTS ON PERFORMANCE EVALUATIONS

Employees are encouraged to comment on their evaluations. If an employee disagrees with the evaluation, he/she may submit a written statement which will be placed in his/her personnel file along with the performance evaluation.

SECTION 10 PROMOTIONS, TRANSFERS, DEMOTIONS, REINSTATEMENTS

10.01 PROMOTIONS

POLICY

In filling vacancies in all City positions, first consideration for interviews will be given to current employees who apply for and who meet the minimum requirements of the position. Determination of whether an existing employee has met the minimum qualifications rests with the Human Resources Division. Promotions are not guaranteed nor seniority based. In addition to length of City service, the employee's documented performance record will be considered by the hiring department. All employees who are in positions with the City (including temporary agency employees) are eligible to apply. Temporary employees will be considered only if there are no qualified City employees competing for the position vacancy or if, after interview, City employees are not selected by the hiring department.

NOTIFICATION OF PROMOTIONAL OPPORTUNITIES

Position vacancies, with the exception of Department Director positions (for which the City Manager may directly appoint) will be posted internally for a minimum of five work days. These notices will be distributed for posting on bulletin boards. The City reserves the right to advertise position openings externally simultaneously with internal posting, when it is deemed to be in the best interest of the City. Qualified internal candidates will receive interview consideration; however, this does not mean that every internal applicant is guaranteed an interview.

INTERNAL APPLICATION

Each employee who wishes to compete for promotion must complete the appropriate application and submit it to the Human Resources Division on or before the closing date specified in the position vacancy posting. Any temporary employee who wishes to apply for internally posted positions must complete a City Employment Application and submit it to the Human Resources Division on or before the specified closing date.

PAY RATE UPON PROMOTION

An employee who is promoted shall receive a salary increase as outlined in "Pay Rate upon Promotion" in Section 4, Compensation Plan.

A temporary agency employee who is selected for a promotional vacancy shall receive a pay rate in the same manner as any new hire ("Pay Rate upon Initial Hire" in Section 4, Compensation Plan.).

INTERVIEW PROCESS FOR PROMOTIONAL CANDIDATES

In order to be recommended for promotion, an employee must be interviewed by supervision/management or a review board in the hiring department or participate in a promotional process. The promotion must be approved by Human Resources prior to any announcement or discussion with the employee. Under normal circumstances, the department will interview a number of individuals for the position. In certain circumstances, where there are limited candidates, it is permissible to select from a few.

REVIEW OF PROMOTIONAL CANDIDATES' PERSONNEL FILES

The hiring department is encouraged to review the personnel files of internal candidates to evaluate their documented performance record, including performance evaluations, any disciplinary actions, commendations, achievements, attendance record, etc. The personnel files are available for review in the Human Resources Division.

10.02 TRANSFERS

An employee may request a lateral transfer to a position vacancy by completion of the appropriate form. If the employee is transferred, his pay rate will remain the same. Depending on the circumstances of the transfer (e.g., lateral transfer to a different position in a different department), the employee may be required to serve a six month probationary period. If a probationary period is required, the employee will be informed at the time of written notification of his selection for transfer.

In the interest of the City and/or the employee, the City may transfer an employee from one position to another position of the same classification or another classification in the same pay grade, if the employee meets the minimum qualifications of the other position. Such transfer will not change the employee's pay grade, pay rate, or status. If the employee is unable to perform the duties of the new position, with the approval of the City Manager and Human Resources Division, he may be transferred to another position for which

he is qualified, or he may be terminated. Involuntary transfers are at the discretion of the City and are not subject to the grievance procedure. The movement of an employee to a higher or lower classification in a different pay grade does not constitute a transfer and any such action must be accomplished in accordance with the procedure established for promotions or demotions.

10.03 DEMOTIONS

An employee may be demoted to an available position in a lower pay grade for which the employee is qualified, for any of the following reasons:

- As a disciplinary measure for violation of City or departmental rules;
- Inability to satisfactorily perform the required duties and responsibilities of his present position to which he was hired or promoted;
- In lieu of layoff during a reduction in force or reorganization;
- When the employee voluntarily requests such demotion;
- In the interest of the City.

An employee who is demoted, whether voluntarily or involuntarily, shall have his pay rate decreased as outlined in "Pay Rate upon Demotion" Section 4.07.

A requirement to serve a probationary period and the length of the probationary period, upon the demotion, is dependent upon the circumstances of the demotion (voluntary/involuntary), employee status (i.e., probationary, non-probationary), or other factors, as determined by the City.

If an employee is serving a probationary period as a result of a promotion, and is found to be unqualified to perform the duties of the higher position, every effort will be made to return the employee to the position and status held immediately prior to promotion, if the position is vacant. If the position is filled, the employee may be transferred to a vacant position with the same or similar level job classification, subject to the approval of the department head. If there are no vacancies and it is considered impossible or not in the City's best interest to create a new position, the employee will be released and placed at the top of the reinstatement eligibility list.

10.04 REINSTATEMENTS FROM MILITARY SERVICE

An employee of the City has the right to re-employment if he left that job to perform service in the uniformed service and:

- The employee has provided the City of advance notice of the service;

- The employee has five years or less of cumulative service in the uniformed services while employed by the City;
- The employee returns to work or applies for re-employment in a timely manner after conclusion of service; and
- The employee has not been separated from service with a disqualifying discharge or under other than honorable conditions.

The City complies with all aspects of the Uniformed Services Employment and Re-employment Rights Act (USERRA). An employee's rights under USERRA vary depending upon the circumstances; additional information about USERRA and employee rights can be found on the poster in the Human Resources Dept. or at <http://www.dol.gov/vets/programs/userra/poster.htm>.

Other information regarding leaves for military service is outlined in Section 14, Annual Leave & Other Leaves of Absence and Section 15, Sick/Medical Leave.

10.05 RE-EMPLOYMENT (PREFERENCE) FROM LAYOFF

Employees who are on layoff are eligible for preference for a period of one year from the date of layoff. Preference means that the person is considered over an external applicant with equal qualifications for a position vacancy which becomes available. The City reserves the right to deny re-employment preference where (1) the laid off employee has a City employment history that includes less than satisfactory performance reviews or a disciplinary action, or (2) the laid off employee's post lay off (non-City) employment record or other conduct would normally disqualify him from initial City employment. Eligibility for preference is to the same position or a similar position for which the former employee qualifies and previously held. However, preference does not apply to positions which are a higher or lower classification than the position from which the employee was laid off, nor shall greater preference be afforded from existing employees who may apply for the same position.

If more than one employee in the same classification has been laid off, the City will determine which employee has a higher preference based on the length of City service, evaluations and City employment history, including any disciplinary action.

At the time of layoff, it is the employee's responsibility to provide his current address and telephone number and to advise the Human Resources Division of his desire to be considered for his former position or similar position (not a promotional position) for which he is qualified.

Notice to a laid off employee regarding a vacancy in his former position or a similar position for which he may qualify shall be by mail to the last address

provided. If an employee so notified does not give written notice to the Human Resources Division of his intention to resume employment within ten work days of receipt of the City's notice, it shall be assumed that the individual does not want to be considered and the employee's name shall be removed from consideration. The only exception will be if the Post Office returns the mail to the Human Resources Division within fifteen days from the time mailed with no signed acknowledgment that the employee received the notice. If a laid-off employee refuses in writing to accept the job offered because it is a lower paying position than previously held, he shall not lose preference status within the one-year period.

Before returning to work, the formerly laid off employee must pass an employment physical examination and drug/alcohol screen if required by the position. For pension purposes, the employee is credited with seniority through the date of layoff, but does not receive service credit for the period of time not employed. The continuous service date will be adjusted to reflect the period of time on layoff. The City reserves the right to determine seniority status, vacation accrual rates and salary and wages of the formerly laid off employees when returning to employment with the City. Provisions for reinstatement of seniority for pension vesting purposes are subject to the provisions of the ordinance governing the pension plan of which the employee is a member.

Rules governing probationary period and rate of pay upon re-employment from layoff are outlined in Section 4, Compensation Plan and Section 8, Probationary Period.

SECTION 11 HOURS OF WORK and OVERTIME/STAND-BY/CALL-BACK COMPENSATION and ADMINISTRATIVE LEAVE

11.01 SCHEDULED HOURS OF WORK

Generally, the work week for full-time employees is forty hours per week, except for certain certified Fire Department and sworn Law Enforcement employees. Supervision will specify an employee's hours/days of work to ensure that departmental operational needs and public service requirements are met.

The work week for part-time employees varies depending upon position duties, operational requirements, and department to which assigned.

Work schedules, overtime, and pay computation for represented employees are governed by the respective collective bargaining agreements.

11.02 WORK SHIFT ASSIGNMENTS

Each employee is assigned a work shift in accordance with the particular operational requirements of his department/division. Any changes to those shifts, except where specifically noted otherwise, shall be at the sole discretion of the City. A twenty-four hour notice or more, whenever practical (i.e., non-emergency situations), may be provided in order to allow the employee time to make necessary personal arrangements.

11.03 OVERTIME WORK AND PAY FOR NON-EXEMPT EMPLOYEES

Position classifications are evaluated by the Human Resources Division to determine eligibility for payment of overtime in accordance with the Fair Labor Standards Act (FLSA). Employees whose positions are classified as non-exempt shall receive overtime pay at time-and-one-half the employee's rate for hours worked in excess of forty hours in the designated work week. Part-time employees who are scheduled to work less than forty hours per week shall not be paid at the overtime rate until they have worked more than forty hours in the designated work week.

An employee whose position is classified as non-exempt shall not commence his principal work assignments before the start of the assigned shift unless authorized by supervision. A non-exempt employee shall cease his principal work assignment at the end of his assigned shift unless authorized by supervision. Overtime work must have prior authorization of the employee's supervisor and/or Department Director. Overtime work will be authorized/approved when necessary to meet essential operating requirements or emergency situations. Authorized overtime work will be offered to employees or required in

accordance with the procedures established in each department, based upon operational needs. Employees shall be required to work overtime when assigned unless excused by the supervisor. Failure to comply with this requirement may result in disciplinary action. In the event any employee is assigned to work approved overtime, he/she will not be required to use annual leave and will not be placed in a "leave without pay" status during the basic work week in order to compensate or offset the overtime hours worked or to be worked.

An employee desiring to be excused from overtime work assignments for good and sufficient reasons shall submit, in writing, a request to the immediate supervisor. The written request, if approved, shall remain in force until rescinded in writing, by the employee to his/her immediate supervisor or until it becomes required and necessary to assign and schedule this employee to overtime work. The written request will be filed in the employee's folder in the Human Resources Division.

At the time overtime work is required and necessary, the work shall be performed by employees who have not requested, in writing, to be excused from such assignment. In the event overtime work is required and the department cannot schedule the required number of employees, those employees who have approved requests shall be assigned and required to work such overtime.

Department Directors/supervisors shall maintain accurate records of overtime; monitor overtime assignments to ensure that operational and service requirements are met; and monitor overtime costs in relation to budgeted funds.

Hours worked in excess of the forty hour work week or in excess of the tour of duty by a non-exempt employee will be recorded on the time keeping system with the appropriate pay code rate for payment at time-and-one-half the employee's regular rate.

For purposes of computing overtime of less than one hour, increments of .25, .50, and .75 will be used by rounding off time worked to the nearest quarter hour increment.

For purposes of overtime computation, annual leave, sick leave, bereavement leave, annual military leave, and other absences from duty on active pay status shall not be considered as "time worked." Only actual hours worked and holidays will count in determining the forty hour work week or tour of duty for computing overtime.

Provisions governing overtime work and overtime pay for represented employees are outlined in the Collective Bargaining Agreements.

11.04 STAND-BY, ON-CALL, CALL BACK PAY

Employees may be placed on stand-by/on-call status to ensure prompt response to operational needs which may occur “after hours.” Employees designated to serve in this status by supervision are not required to remain at their place of residence, but are required to be available (by telephone or other agreed upon method of communication) to respond as needed.

A designated number of employees in the City, including the Public Works/Utilities Department, are placed on “Standby Call Out” each work week. Compensation for “standby” status is as follows: Officially designated “standby” employees shall receive two hours regular pay between their normal weekday shifts. Officially designated “standby” shall receive three hours regular pay for weekends and holidays. Should an employee receive a “call out,” a two-hour minimum of overtime shall be paid to the employee. Should the employee receive another “call out” within the two hour time frame, then it will be considered working continuous and the employee will receive overtime for the time actually worked. Should the employee get called out at the end of their shift, then it will be considered working continuous, and the employee will be paid overtime for the time actually worked. “Call out” will only be recognized when the employee has finished his shift and left City property. The payment of overtime is pursuant to the City’s policy on overtime computation.

Employees scheduled for stand-by, on-call, call back pay but are unable to work that day due to approved leave (sick, vacation, personal day, floating holiday, etc.) are not eligible for stand-by, on-call or call back pay.

Stand-by, on-call, and call back time will be recorded on the City’s time keeping system using the appropriate pay code rate.

11.05 COMPENSATION DURING EMERGENCY SITUATIONS

In the event that the City closes administrative and other offices/facilities due to inclement weather (e.g., hurricane, civil disaster, or other emergency situations) compensation for employees regarding emergency work pay will be delineated in the current City Administrative Policy Manual. Both non-exempt and exempt employees who are told not to report to work during such situations shall receive straight time pay for the number of hours needed to bring the employee to a normal work week. In no event shall the leave granted for emergency situations cause the employee to receive pay in excess of the normally scheduled work week. During such emergency, if the City establishes temporary offices/facilities

or directs employees to report to work at a site other than the usual work site, the employees will be required to report to work.

11.06 BREAKS AND LUNCH

The City allows employees to take brief breaks from their daily work schedule. It is the responsibility of supervision to inform employees of break periods and to ensure that employees are provided time for the designated breaks. Such breaks are to be arranged in a manner that does not interfere with City business.

Employees are encouraged to take their daily lunch break. Employees who, on an occasional basis, must work through their lunch break must have prior authorization from the supervisor.

Employees are not permitted to work through their lunch period in order to accumulate time to leave early at the end of the day unless prior approval is granted by the supervisor on a non-recurring basis.

Non-exempt employees must take their lunch break away from their office/work area and are not to perform work during their lunch period.

11.07 EMPLOYEE ABSENCE FROM WORK AND TARDINESS

An employee requesting time off for vacation, personal leave, administrative leave, leave of absence, or similar planned absence, must obtain prior approval from his Supervisor to ensure that departmental operations will not be impacted and that a sufficient leave balance exists to cover the absence.

It is the responsibility of the employee's supervisor to verify requests for use of sick leave. The supervisor's responsibility in this process includes verifying that the employee has sufficient sick leave hours to cover the absence. If an employee does not have sufficient sick leave to cover an absence, the employee may be placed in a "no-pay" status. If this no-pay status results from misuse or abuse of sick leave, it is the supervisor's responsibility to take appropriate disciplinary action.

When an employee must be absent due to illness or circumstances beyond his control, it is his responsibility to notify the supervisor prior to the start of his shift, if possible, but not later than one hour after the start of his shift. In the event of an extended, verified illness, the employee's supervisor may modify the requirement for daily employee reporting. Extended absence (over one work week) due to the employee's illness or that of a family member must be reported to the Human Resources Division by the employee's supervisor to determine if Family and Medical Leave applies.

If an employee is going to be late for work, he must notify the supervisor prior to the start of his shift, or in accordance with the supervisor's direction.

Deviation from the applicable rules of this section due to an emergency or unusual circumstances may be made upon a Department Director's request and approval from the Human Resources Division.

11.08 APPROVAL OF TIME CARDS

Employees are required to fill out and sign their time sheets.

Corrections to an employee's time will be made by the supervisor when they are notified of the change.

All worked and compensated time (e.g., vacations, holidays, overtime, sick, personal, administrative, workers' compensation leave, etc.) must be entered on the time sheets and recorded under the appropriate pay code.

An employee's time shall be approved by the employee and the supervisor and the timesheet signed by the Department Director or designee in the Department Director's absence.

Supervisors are responsible for monitoring employee time worked/recorded, and verifying the authenticity and accuracy of employees' time. Employees should address all questions regarding pay and time to supervision.

Since exempt employees are considered salaried, sick and annual leave should not be charged in increments less than one regular shift. For example, if an exempt employee takes off two hours early for a doctor's appointment, they should not charge two hours against their sick leave balance. It is expected that exempt employees will work a minimum of forty hours each week.

SECTION 12 EMPLOYEE BENEFIT PROGRAMS

12.01 EDUCATIONAL ASSISTANCE PROGRAM

PURPOSE AND SCOPE

In order to maximize career potential of employees, the City encourages continued education through reimbursement for career-related courses. The intent of the educational reimbursement program is to provide encouragement for full-time, regular (non-probationary) employees; to improve their ability to perform their current jobs; to prepare them for positions of greater responsibility, and to enhance their commitment to their job and to the City. Full-time regular status employees are eligible to apply for educational assistance for college courses, training, or continuing education course(s), such as a certification program, correspondence course, or seminar, which will enhance an employee's present or future position with the City, in any career available in the City of New Port Richey. Tuition reimbursement is not intended to apply to every type of program or course.

The rules governing educational assistance for represented employees are outlined in the respective collective bargaining agreements.

FUNDING

The Human Resources Division is responsible for the Educational Assistance reimbursement program and budget. All approvals/reimbursements are contingent upon compliance with all requirements and availability of funds. Announcement of availability of funds will be made periodically to fully inform employees.

REIMBURSEMENT AMOUNTS/LIMITATIONS

Reimbursement maximum per employee each fiscal year is \$1,500.00 for courses in which the grade is "C" or better; or "Pass" on a course which is "Pass/Fail," depending upon availability of budgeted funds. If the demand for reimbursement exceeds the available funding, the City may ask the City Manager for additional funds to accommodate reimbursing more employees.

This program provides reimbursement for tuition fees, the cost of books, and required lab fees only. The cost of registration fees, late fees, health fees, etc., is not covered.

Reimbursement will be paid in accordance with Internal Revenue Code regulations.

REPAYMENT REQUIREMENTS

An employee who resigns his position with the City less than one year following the date of reimbursement for course(s), must repay the City the educational expenses reimbursed by the City in the preceding twelve months. If necessary, a deduction will be made from the employee's final paycheck. If the amount of the reimbursement exceeds the final check, a payment plan will be established for the separating employee.

PROCEDURE FOR APPLICATION AND REIMBURSEMENT

The appropriate form for Educational Assistance must be approved by the Department and submitted to the Human Resources Division for course approval no later than fifteen work days (Monday through Friday) prior to the date the class begins. A copy of the class registration showing employee's name, educational institution, and semester must be submitted with the form. The Human Resources Division will send a notice of approval/denial of the request for educational assistance within five work days of receipt. Incomplete applications, or applications not in compliance with the provisions of this policy, will not be approved.

Following completion of the course(s), but no later than ninety calendar days after course completion, a reimbursement request must be submitted by the employee to the Human Resources Division, including an itemized paid receipt and an official report of the grade(s) received. If all requirements are met, the reimbursement will be approved by Human Resources, processed by the Finance Department, and sent to the employee.

12.02 CONTINUING EDUCATION

In addition to the Educational Assistance Program outlined above, the City encourages employee training and development by budgeting funds for job-related courses for certification, licensure, etc. Regular status employees may be released from duty with pay as authorized by their supervisors to attend professional/technical training courses, seminars, professional association meetings, conferences, or similar training as may be determined to be in the best interest of the City. Authorization for probationary employees to attend training courses, conferences, or seminars is subject to prior approval by the Department Director. Authorization for employee travel and training is subject to prior approval of the Department Director and/or City Manager or designee. Out-of-state travel for City business by any City employee requires prior approval of the City Manager or designee.

Reimbursement for approved travel and training shall be in accordance with City Policy. Employees are required to complete the appropriate forms for prior authorization for travel related to City business and for travel advances and/or reimbursement of incurred expenses.

12.03 EMPLOYEE ASSISTANCE PROGRAM (EAP)

PURPOSE AND SCOPE

The City provides an Employee Assistance Program (EAP) to help regular status full-time and part-time employees and their family members return to and/or maintain healthy lives. The EAP provides outside counseling (at no cost to the employee/family members) by certified professional counselors in areas including, but not limited to, marital/family, financial, legal, or occupational problems; chemical (alcohol or substance) abuse; and emotional disorders.

If it is necessary for the employee or family member to be referred for more specialized treatment, the individual involved will be responsible for the additional expense incurred.

All consultation and follow-up services are provided to employees and family members on a confidential basis. No reference to EAP utilization will be made in personnel files. No information regarding services received by the employee/family member will be released by the EAP provider without written consent of the employee or family member, except as required by law.

Employees participating in the EAP are expected to meet City performance standards. The intent of the program is to provide the employee with the means to resolve personal problems. Nothing in the operation of the EAP should be construed as a waiver of the right of the City to take disciplinary action in the case of any unsatisfactory performance/behavior or misconduct that may result from a problem for which the employee has sought EAP services. Employees with drug or alcohol related problems who wish to seek assistance through the EAP may contact the EAP provider on a confidential basis. If the employee has a satisfactory job performance record, the City may grant that employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.

PROCEDURES FOR USE OF EAP SERVICES

Employees are encouraged to utilize the services of the EAP. Accordingly, employee appointments with EAP which occur during work hours may be charged to sick leave.

If an employee who is participating in the program desires that his supervisor be aware of his participation, the employee must sign a written authorization for any information to be released.

In evaluating unsatisfactory employee job performance or behavior, supervisors should take into account that personal problems may exist. When such a problem is known or suspected, supervisors are encouraged to inform the employee of the availability of the EAP. Additionally, depending upon the circumstances of an employee's unsatisfactory job performance or behavior, supervision, in conjunction with the Human Resources Division, may initiate a referral requiring the employee to be evaluated by an EAP counselor. If the EAP counselor recommends counseling, the Human Resources Division will monitor the employee's attendance at any required sessions with the counselor and/or other recommended treatment.

12.04 EMPLOYEE RECOGNITION, AWARDS AND RECREATION PROGRAMS

PURPOSE AND SCOPE

The City recognizes that its employees are its most valuable resource and has established a number of programs to demonstrate its commitment to employees, as follows:

- Recognition Programs;
- Employee luncheons;
- Recognition of special achievements and service awards by employees may be scheduled at City Council meetings;
- Other departmental or City-wide special events, such as City sports teams/leagues;
- Other programs as authorized by the City Manager and/or City Council;
- Annual service awards for regular status part-time and full-time employees.

USE OF CITY RECREATIONAL FACILITIES/PROGRAMS

Full-time, part-time regular status employees are entitled to complimentary individual memberships to the City's recreational facilities. Retirees with twenty or more years of service are also eligible for a complimentary individual

membership. Employees must comply with all required registration procedures/forms completion and pay applicable course fees in order to participate in the programs.

12.05 GROUP INSURANCE/BENEFITS PROGRAMS

PURPOSE AND SCOPE

The City may provide a variety of health insurance and benefit programs for full time, regular status employees. A current list of these programs will be listed on the City's website or on the City's internal "share" drive. The City will offer a City-sponsored health insurance program. Such program may periodically change both in benefit design and in premiums and available options. If an "Employee Health Waiver" exists with the City health insurance program, the employee may waive health coverage and be eligible for the waiver benefit.

FUNDING

The City provides regular status full-time employees group health and life/AD&D, although smokers are assessed a portion of the premium for health insurance. Additional optional and/or dependent benefits may be purchased by the employee by payroll deduction from the employee's paycheck on a pre-tax or after-tax basis.

COMMENCEMENT AND TERMINATION OF COVERAGE

Insurance coverage is effective on the first day of the month following completion of ninety calendar days of employment.

Insurance coverage terminates the last day of the month in which employment ends.

CONTINUATION OF GROUP INSURANCE (COBRA)

The City complies with the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985. As such, employees and their covered dependents are eligible to continue group insurance coverage if such coverage is lost due to certain qualifying events. Information regarding your or your dependent's rights under COBRA is provided upon loss of insurance.

12.06 RETIREMENT PROGRAM

The City provides retirement plans for all regular status full-time employees and regular status part-time employees as defined by the Florida Retirement System (FRS) regulations (and as defined in the respective retirement Plan Documents),

with automatic enrollment in the pension plan applicable to their position as of the date of employment, provided the employee begins their own contribution (pre-tax dollars) into the Plan. The retirement plans for sworn law enforcement and certified firefighter personnel are defined benefits plans. The retirement plan for all other employees is through the FRS pursuant to its rules and regulations. The retirement programs' provisions are in accordance with City ordinances, and applicable statutes and regulations (i.e., Florida Statutes, Chapter 175 and 185, for certified fire and sworn law enforcement employees, respectively; Chapter 112; and the Internal Revenue Code).

12.07 TRAVEL AND OTHER OFFICIAL EXPENDITURES

PURPOSE AND SCOPE

Employees may be required, from time to time, to incur expenditures during the course of conducting City business and/or to use their personal vehicles for official reasons. Information regarding reimbursements, along with certain policies governing other expenditures on behalf of employees by the City, is outlined in this section.

REGULATIONS

The information outlined in this section is subject to change, depending upon revisions to City Policies or Ordinances adopted by City Council and/or State of Florida or federal statutory changes.

The City may implement a Take Home Vehicle Policy with reimbursement from the employee that complies with the Internal Revenue Code as it pertains to employees who are assigned a "take-home" vehicle which is used for commuting to and from work.

If an employee uses his personal vehicle for City business, as approved by the Department Director (City vehicles are to be used for City business whenever possible), mileage/"wear and tear" reimbursement shall be in accordance with applicable City policy or ordinance. Reimbursement requests must be submitted on the appropriate form.

Employees who are authorized to travel to conferences or attend meetings/seminars shall be reimbursed as outlined in applicable City policy or ordinance. Reimbursement requests must be submitted on the appropriate form.

12.08 UNIFORMS/CLOTHING ALLOWANCE

PURPOSE AND SCOPE

In order to ensure that the dress of employees in certain departments of the City is appropriate to their duties, meets safety standards, and addresses interaction with the public, City-provided uniforms may be required attire. Specifically, certain positions determined by supervision in the Public Works/Utilities, Parks and Recreation, Police, and Fire Departments are provided such uniforms and employees are required to wear the uniforms. City-issued uniforms and equipment are provided for employees to wear while performing their job duties and conducting City business. Failure to comply with this requirement may result in disciplinary action.

CARE OF UNIFORMS

Employees are responsible for laundering their City-provided uniforms unless provided for by City approved departmental policy.

CLOTHING ALLOWANCE

Certain Police and Fire Department personnel receive reimbursement for clothing or a cleaning allowance per department policy or pursuant to a collective bargaining agreement.

RETURN OF UNIFORMS AT SEPARATION

Upon separation from City service, employees are required to return uniforms. However, when a sworn law enforcement officer retires (simultaneous with separation) from the City, the officer may be authorized retention of his badge and firearm. When a certified Fire Department employee retires (simultaneous with separation) from the City, the employee may be authorized retention of his badge and helmet.

Certification of return of uniforms is noted by the department in which the employee works on the appropriate check-out form, in conjunction with other separation paperwork. The cost of uniforms that are not returned at the time of separation, as outlined above, will be deducted from the employee's final paycheck.

12.09 Personal Property Reimbursement

Requests for reimbursement for the loss or repair of personal property are discretionary on the part of the Department Director and may be granted following these guidelines:

- Reimbursement is limited to a maximum of two hundred dollars per loss.
- The loss or damage was not due to the employee's negligence.
- The loss occurred while the employee was performing his/her duties for the City.

At the request of the Department Director, the City Manager may - with his sole discretion - authorize an additional reimbursement of up to one hundred twenty-five dollars.

SECTION 13 HOLIDAYS

13.01 OFFICIAL HOLIDAYS

The following days shall be official paid holidays:

- New Year's Day*
- Martin Luther King Birthday
- Spring Day/Good Friday
- Memorial Day
- Independence Day*
- Labor Day
- Veterans' Day
- Thanksgiving Day and the Friday after
- Christmas Day*

*The Human Resources Division publishes a holiday observance schedule each fiscal year, specifying the dates of holiday observances for the upcoming fiscal year. The City may authorize other holiday observances.

Employees on annual, medical, bereavement, military, or compensatory leave must use the holiday on the same day that it is earned. Holidays which occur during such leave will be charged against holiday leave.

13.02 ELIGIBILITY FOR HOLIDAY PAY

All regular full-time employees and part-time employees are eligible to receive holiday pay if the observed holiday falls on a regularly scheduled work day. Temporary or seasonal employees (full-time or part-time) are not eligible for holiday pay. Part-time employees with no set schedule, such as part-time firefighters, are not eligible for holiday pay.

Budgeted part-time employees will receive holiday pay for the amount of hours they would normally work on the scheduled holiday. For example, employees scheduled for 8 a.m. through 12:00 Noon, Monday through Friday, would receive four hours of holiday pay for a Wednesday holiday. Budgeted part-time employees who do not have a set schedule receive holiday pay in an amount equal to the number of hours worked per day.

An employee must work the day before or the day after a holiday, unless on a pre-approved block of vacation, to be eligible for holiday pay.

Vacation taken the day before a holiday and the day after a holiday must be scheduled in advance. In the event an employee is absent due to illness the day before or the day after a holiday, the employee may be requested to

furnish a statement from a physician to verify illness in order to receive holiday pay.

Employees on approved leave of any type with pay, including the paid portion of a Family and Medical Leave, but excluding paid Workers' Compensation leave, will receive straight time holiday pay for a holiday that occurs within any paid portion of the leave. No premium pay will be allowed for holidays while on paid leave.

Employees on any unpaid leave of absence, or who have received workers' compensation pay for the day of a holiday, are not eligible for holiday pay for any holidays occurring while in such status.

Employees separating from employment for any reason must work a regularly scheduled work day immediately following the holiday to be eligible for holiday pay (i.e., the date of separation cannot be extended to the date of the holiday for payment of the holiday unless expressly authorized by the City Manager.)

13.03 HOLIDAY PAY

Employees who are required to work on the official holiday shall receive their usual pay (normal hours per shift or day) plus a day's pay for the holiday worked. Employees covered by a collective bargaining agreement are paid according to the terms of their specific agreement.

An employee, who is scheduled to work on the day observed as a holiday and reports sick, will be charged with sick leave only and will receive no holiday pay for that day.

13.04 HOLIDAYS FALLING ON WEEKENDS

Holidays falling on Saturday will normally be observed on the preceding Friday. Holidays falling on Sunday will normally be observed on the following Monday, as approved by the City Manager. The City's Holiday Observance Calendar will set forth annually the days of observance for each holiday.

13.05 OTHER RULES GOVERNING HOLIDAYS

Floating Holidays

Each permanent full time employee (after one-year probation is complete) will be granted four additional floating holidays on their annual anniversary date of employment.

These floating holidays may be taken at the employee's discretion with the approval of the department head.

This leave may be used only after being earned. It shall not be granted in advance nor accrued beyond the employee's next anniversary date.

Department heads shall be responsible for the arranging of schedules and the reallocation of duties so as to cause no interruption in the delivery of City services.

An employee who terminates employment prior to usage of the floating holiday will not receive any payment for the floating holiday.

Floating holidays must be approved in advance by the employee's supervisor. Approval/disapproval of the date requested for the floating holiday shall be dependent upon operational requirements.

Each department is responsible for monitoring usage of floating holidays, in the same manner as other absences from work.

13.06 REPRESENTED EMPLOYEES

Holiday schedules and holiday pay for represented employees are outlined in the respective collective bargaining agreements.

SECTION 14 ANNUAL LEAVE & OTHER LEAVES OF ABSENCE

14.01 ELIGIBILITY

Each permanent full-time employee will be allowed annual leave with pay. Temporary part-time and seasonal employees shall not be eligible for annual leave. Paid annual leave may not be taken during the first six months of employment or re-employment, unless approved by the City Manager. Annual leave is a planned absence for rest and relaxation. Therefore, an employee must request and have prior approval from supervision to utilize vacation leave. Supervisory approval of vacation requests will be based on factors including, but not limited to, operational needs and workload; employee seniority; timeliness of request; etc.

Annual leave may be authorized for an entire shift, part of shift and will be charged in fifteen minute increments or more. Accrued annual leave may be authorized for extended absence for serious health conditions, if the accrued sick leave balance has already been exhausted, and other eligible reasons in accordance with the Family and Medical Leave. Annual leave cannot be authorized in lieu of sick leave to maintain an employee's eligibility for the medical incentive award.

It is the responsibility of an employee's supervisor to verify that the employee has sufficient annual leave for the requested period. Annual leave will not be approved in advance of accrual earned. Additional unpaid time off for vacation purposes impacts the operation of the City and shall be approved only in unusual and extenuating circumstances. Such approval is solely at the discretion of supervision with concurrence of the Department Director.

14.02 RATE OF EARNING

Annual leave will be accrued on a monthly basis and earned as follows:

Continued Employment	40 Hr/wk	56 Hr/wk
Up to 5 years	12 days per year	6 shifts per year
5 years	13 days per year	7 shifts per year
6 years	14.1 days per year	8 shifts per year
7 years	15 days per year	
8 years	16 days per year	
9 years	17.1 days per year	
10 + years	18 days per year	9 shifts per year

Annual leave is accrued as of the anniversary date of original appointment. Annual leave credits will not be made available to an employee on any leave of absence without pay.

14.03 REQUEST FOR ANNUAL LEAVE

The request for annual leave shall be submitted to the employee's department head. Annual leave may be taken only after approval by the department head. Department head annual leave may be taken only after approval by the City Manager.

Leave may be used only as earned. Annual leave with pay shall not be allowed in advance of being earned. It is not contemplated that vacation leaves will involve or necessitate the use of extra or "relief" employees. Department heads will arrange vacation schedules and reallocate duties on such a basis as to cause minimum interference with the normal functions and operations of the department and for any overtime hours that may occur due to a department employee's absence for annual leave.

14.04 USE

After completion of six months of continuous service, the employee shall be eligible to use annual leave as earned. Use of annual leave shall not be authorized prior to the time it is available to the employee. Annual leave will not be routinely approved by call-in in lieu of sick leave for the date of absence (i.e., to supplement all or part of a single day/shift for which the employee has an insufficient sick leave balance.)

Annual leave may be granted for the following scheduled purposes:

- Vacation leave;
- Absences for transaction of personal business which cannot be conducted during off duty hours;
- Religious holidays other than those designated by the City as official holidays;
- For uncovered portion of Family and Medical Leave, once sick leave has been exhausted;
- Any absences from work not covered by other types of leave provisions established by these Rules.

Annual leave may not be granted when it exceeds thirty work days/work shifts (except when such vacation is taken in conjunction with an approved Family and Medical Leave) unless approved in advance by the City Manager.

In no event shall an employee be allowed to take vacation leave in conjunction with separation (i.e., to extend the separation date.)

14.05 CARRY-OVER

Annual leave is to be used during the year following the year in which it is earned. Any carry-over of annual leave must be approved by the City Manager for reasons related to the convenience of the City. A list will be provided to department directors of affected employees who shall notify employees of their leave status. The employee can make this request through their Department Director to the City Manager by September 1st of the current calendar year for consideration of carryover into the next fiscal year.

The maximum number of annual leave hours which may be accrued shall be equal to the employee's rate of annual accrual. The accrual period shall be from October 1 to September 30 of the following year.

An employee shall not be paid for earned annual leave in lieu of taking such leave during any calendar year.

14.06 PAYMENT FOR UNUSED LEAVE

Employees leaving the City service will receive annual leave earned as of the date of termination. Payment for accrued annual leave does not apply to employees having less than six months of employment. All accrued annual leave of employees who die while in the City's service, shall be paid to the beneficiary or estate of the employee. For annual leave purposes, reinstated employees are considered new employees if rehired after one year. Reinstated employees rehired prior to one year will maintain their prior leave status. Employees placed on lay-off status will receive pay for all accrued annual leave up to the time of the lay-off.

14.07 BEREAVEMENT LEAVE

Upon approval of the department head, permanent, full time and budgeted, regular part-time employees may be granted time off with pay not to exceed three consecutive working days in the event of a death in their immediate family (see definition of immediate family for bereavement leave). Where a deceased immediate relative lives out of state, the employee may, at the discretion of the City Manager, be granted five consecutive working days with

the two additional days being subtracted from the employees accumulated annual or medical leave.

Bereavement leave shall not be charged to vacation or sick leave unless the approved leave exceeds three days.

The employee may be required to provide the department head with proof of death in the immediate family before compensation is approved.

In the event of the death of a current or retired City employee or elected official, the City encourages employees to attend local funeral or memorial services. An employee may be released by his supervisor to attend services if his absence will not impact routine work operations. The number of hours authorized to attend the service will be specified by his supervisor (generally not to exceed four hours, unless specifically extended by the Department Director) and is recorded as regular work hours. No overtime will be paid to attend these services.

Provisions governing bereavement leave for represented employees are outlined in their respective collective bargaining agreements.

14.08 DEATH IN FAMILY DURING VACATION LEAVE

When bereavement leave occurs within a vacation period, the vacation period can be extended to cover this period and such time charged to bereavement leave as authorized, or the vacation leave will be reduced accordingly, as requested by the employee (see also Section 15.10, Bereavement Leave).

14.09 PERSONAL LEAVE

Personal Leave shall be granted to all full-time (forty & fifty-six hour) employees on their anniversary date of employment (after the first year of employment):

one – four years	eight hours
fifth year and thereafter	sixteen hours (total)

Personal Leave hours will be subtracted from annual sick leave. In the event an employee does not have credited sick leave hours, he shall not be eligible for Personal Leave until sufficient sick hours are accrued.

Personal Leave shall not be accrued. Personal Leave must be used in the anniversary year in which earned or the hours will remain as credited sick leave hours.

14.10 COURT LEAVE

All regular employees summoned or subpoenaed to attend court as a witness for reasons connected with their official capacity as a City employee or for jury duty during their normal work day shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be considered leave with pay.

Employees attending court as a witness for reasons not connected with their official capacity as a City employee, or employees who become plaintiffs or defendants in personal litigation, are not eligible for court leave. Time used will be charged to earned annual leave, administrative leave, if eligible, or leave without pay.

Employees required to attend court in an official City capacity while on approved annual leave will be permitted to take additional leave with pay for that court time.

Employees who attend court for only a portion of a regularly scheduled workday must return to work and complete the remainder of their regularly scheduled hours when excused or released by the court.

Employees required to attend court on their day off for City-related items will be entitled to additional time off to compensate for the day off missed or overtime pay at the rate of time and one-half if the employee's supervisor or department director cannot adjust the employee's work schedule to accommodate the court schedule. Employees required to attend court on their day off for non-City-related items will not be entitled to extra time off.

All pay or fees received from the court for jury duty, City-related appearances, or non-County-related appearances shall be retained by the employee.

14.11 DOMESTIC VIOLENCE LEAVE

PURPOSE AND SCOPE

The City has adopted a Domestic Violence Leave Policy in compliance with Section 741.313, Florida Statutes, which provides for unpaid leave for employees in the event they or a member of their family or household are a victim of domestic violence.

As defined in Section 741.28, Florida Statutes, "domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any

criminal offense resulting in physical injury or death of one family or household member by another family or household member.

ELIGIBILITY

If you have been employed by the City for at three (3) or more months, you are eligible to take up to three work days of unpaid Domestic Violence Leave during any twelve month period and be restored to the same or an equivalent position upon your return to work. Available leave will be calculated on a "rolling" twelve month period measured backwards from the date Domestic Violence Leave commenced. Domestic Violence Leave is only available after you have exhausted all annual, vacation, personal, sick, or other paid time off leave.

You may request Domestic Violence Leave for the following specific activities:

- Seeking an injunction for protection against domestic violence, dating violence, or sexual violence;
- Obtaining medical care or mental health counseling or both for yourself or family or household member to address injuries resulting from domestic violence;
- Obtaining services from a victim services organizations such as a domestic violence shelter or rape crisis center;
- Making your home secure from the perpetrator of domestic violence or finding a new home to escape the perpetrator;
- Seeking legal assistance to address issues arising from domestic violence or attending or preparing for court related proceedings arising from the act of domestic violence.

The City prohibits any discrimination or retaliation against an employee for exercising any Domestic Violence Leave rights.

CONFIDENTIALITY

To the extent allowed by law, the City shall maintain the confidentiality of any employee requesting Domestic Violence Leave. All documentation relating to the employee's Domestic Violence Leave shall be maintained separately from the employee's personnel file and shall be confidential and exempt from public record for one year after leave has been taken.

RESPONSIBILITY OF EMPLOYEE

It is the employee's responsibility to request Domestic Violence Leave through their immediate supervisor. Appropriate documentation of the domestic

violence may be required. Except in cases of imminent danger, at least twenty-four hours advance notice of the need for Domestic Violence Leave must be provided. In cases of imminent danger, employees should contact their supervisor by telephone as soon as possible. Appropriate documentation for leave may include records of court proceedings; records of medical care, mental health counseling, or victim services; or records of legal assistance related to domestic violence.

RESPONSIBILITY OF SUPERVISOR

Supervisors must not interfere with, restrain, or deny an employee's attempt to exercise any rights provided by the Domestic Violence Leave law. Supervisors are required to notify the Human Resources Division when Domestic Violence Leave is requested.

RESPONSIBILITY OF THE DEPARTMENT DIRECTOR

Upon receipt of a request for Domestic Violence Leave, the Department Director should meet with the employee to attempt to determine whether a work safety issue exists. If there is a possibility of a work safety issue, the Department Director must take reasonable workplace precautions to ensure the safety of all employees.

RESPONSIBILITY OF THE HUMAN RESOURCES DIVISION

It is the Human Resource Division's responsibility to:

- Place any documentation of an act of domestic violence in the employee's confidential medical file;
- Assist in the temporary relocation of the affected employee, when needed;
- Assist in ensuring the safety of affected employees in the workplace, when needed.

14.12 COMPASSIONATE LEAVE

PURPOSE AND SCOPE

It is recognized that employees may be faced with a catastrophic illness or injury to themselves or an immediate family member (as defined by FMLA) that requires the use of more accrued leave than they have available. In those instances, the employee may request a catastrophic leave donation from other employees through the auspices of the City Manager as administered through the Finance/Human Resources Division. The City Manager must approve all

requests for a catastrophic leave donation and will consider each request on its own merits. The purpose of the program is to assist employees in maintaining salary and benefits during an illness or injury. This is intended for employees who are returning to employment. The program cannot be used to extend an employee's employment simply to extend years for retirement purposes.

ELIGIBILITY AND PROCEDURES

Requests will be made to the Human Resources Division by the Department Director for employees in their department who have not abused sick leave and meet the eligibility requirements.

Eligibility requirements are as follows:

- The employee has been with the City one full year and has successfully completed the probationary period;
- The request must be processed through the employee's department;
- The request must specify the amount of days; the City Manager may approve that amount or a lesser amount;
- The City Manager may approve multiple requests over time for an employee;
- The employee must have exhausted or nearly exhausted all sick and annual leave to be eligible. Sick leave donations will be accepted per payroll periods and will be processed on a first come basis. Donations that are in excess of what has been approved will not be processed or deducted from the donor's account.

ADMINISTRATION OF THE COMPASSIONATE LEAVE PROGRAM

The Human Resources Division will meet with the City Manager to review requests for Compassionate leave. If the request is approved, the Human Resources Division will send City employees the Compassionate Leave donation request form; upon completion, these donation forms will be returned to the Human Resources Division. The Finance/Human Resources Division will ensure that the appropriate employees will be either debited or credited sick leave days. Forms requesting the Compassionate Leave and Donor forms will be available to all employees on the City's Intranet or through the Human Resources Division.

14.13 OTHER UNPAID LEAVES OF ABSENCE

Other unpaid leaves of absence may be authorized, generally not to exceed three months, depending on factors including, but not limited to: circumstances involved, employee's tenure and overall work record, operational impact, etc. Such leaves, if granted following submittal of the employee's written request for leave, shall be solely at the discretion of the City and shall require the prior approval of the Department Director, Human Resources Division, and City Manager.

Health, dental, vision insurance, and other insurance coverage including any voluntary insurance benefits and life insurance, will be continued during the period of the leave at the same level as in force at the beginning of the leave. The employee is responsible for payment of his share of dependent health, dental, vision, and life insurance premiums and any voluntary insurance premiums. Continuous service credit will not accrue during an unpaid leave of absence granted under this section. Accordingly, upon return to work, the employee's service date will be adjusted to reflect the time off the payroll.

SECTION 15 SICK/MEDICAL LEAVE

15.01 SICK/MEDICAL LEAVE

Paid sick or medical leave is not considered an earned benefit or employee right and is subject to documentation. Illness is considered a legitimate reason for a supervisor to grant an employee permission to be absent with pay from official duties. Permission to use paid sick leave shall be granted for bona fide illness or injury and only for the time actually required. Any payment made to the employee pursuant to this procedure, will be subject to normal deductions.

15.02 ELIGIBILITY

Each regular, full-time employee will be allowed medical leave with pay. Seasonal, temporary, and part-time employees shall not be eligible for paid medical leave. Medical leave up to the amount earned may be taken during an employee's probationary period. However, in the event he/she resigns or is otherwise terminated before the end of the probationary period, any medical leave taken will be reimbursed to the City by deduction from the employee's final pay.*

**Note: Deductions made from a non-exempt employee's final paycheck cannot result in the employee receiving less than minimum wage.*

Frequent claiming of benefits under this rule will constitute grounds for the assumption by the department head that the physical condition of the employee is below the standard necessary for the proper performance of duties. Evidence of abuse of this benefit will constitute grounds for disciplinary action.

15.03 RATE OF EARNING

Medical leave will be earned as follows:

40 Hr Week	56 Hr Week
96 working hours per year	144 working hours per year (each work day 24 hrs)

15.04 USE

Medical leave may be granted for the following purposes:

- Incapacitation by reason of illness or injury, except for injuries incurred while on duty where worker's compensation benefits apply;
- Medical, dental, or optical examination or treatment;
- Jeopardizing the health of co-workers due to exposure to a contagious disease;
- Care of member of family. Sick leave may be granted an employee for care and attendance to a member of the employee's immediate family who has a bona fide illness or injury provided that no other person is available to care for said person(s). (A family member, for purposes of this policy only, shall be defined as a spouse, child, mother, father, or person for whom employee is guardian).

Note: Annual leave cannot be authorized in lieu of sick leave to maintain an employee's eligibility for the medical incentive award.

15.05 DOCTOR'S CERTIFICATE REQUIREMENT

The Doctor's Certificate requirement will be placed on any employee whose absences for personal or family illness exceed five work day equivalents within a one calendar year period (seventy-two hours for those employees working fifty-six hours per week). Doctors' certificates will be collected by the employee's department director.

Absences which are exempt from this requirement are as follows:

- Absences attributable to on-the-job injuries;
- Absences of three consecutive work days or more since Doctor Certificates are mandated in these instances;
- Absences that are approved based on medical certificates;
- Absences due to a death in the family;
- Family sick leave when documented by school or physician.

When placed on a Doctor's Certificate Requirement, the employee must submit a "Doctor's Note" for any absence due to personal or family illness in order to be paid for said absence. Further, if a Doctor's Note is not submitted for these absences, the absence is considered "unauthorized" and the employee will receive no pay.

A valid medical certificate should be a written, typed, or printed statement from the doctor specifying:

- The date(s) of visits/consultation with the doctor;
- The date employee is authorized to return to work;
- If there are any conditions/limitations imposed by the doctor; and
- Doctor certificates must be signed by the doctor or his/her designee.

A bill from the doctor is not a medical certificate. If the medical certificate does not meet these requirements, the Department may deem it unacceptable. In such an instance, sick leave pay is not provided and the absence may be considered unauthorized.

Employees shall remain in the Doctor's Certificate Requirement status during the calendar year their sick leave exceeds the criteria established and the following calendar year. If the employee uses less than the hours of sick leave in the following calendar year established to require a Doctor's Certificate, they will be removed from the program.

15.06 ACCRUAL

There is no limit on the amount of medical leave an employee may accrue. Medical leave is a protective benefit and not an entitlement. There is no cash payout or conversion for medical leave to any employee.

15.07 REQUESTS FOR LEAVE

To receive compensation while absent on medical leave, the employee shall notify their immediate supervisor or department head within thirty minutes after the time set for beginning the assigned shift. Such notification shall be required on a daily basis, unless excused by the supervisor.

Failure of the employee to secure this authorization shall be cause for denial of sick leave pay for the period of absence.

An employee in a unit operating on a twenty-four hour basis must notify the department within the time limit established by the department.

This provision may be waived by the department head if the employee submits evidence that it was impossible to give such notification.

An employee unable to return to work after a period of three consecutive work days shall make known to the supervisor the nature of the situation, as well as the name of the attending physician, if applicable.

The department head may request a physician's certificate to verify the reason for medical leave.

An employee, upon returning to work from absence due to illness or injury for a period of three consecutive work days or more, may be required to report to a physician of the City's choice for return to work medical clearance.

The City physician may require the employee to sign a medical release. Such release will permit the City physician to contact the employee's private physician for information. Failure of the employee to sign this statement when requested is grounds for disciplinary action up to and including dismissal.

If, and whenever, medical leave may appear to be abused, the employee claiming/requesting such leave may be required to furnish a physician's report to support the necessity for such absence. The City reserves the right in all cases of illness, or reported illness, to require the employee to furnish a physician's report. Abuse of medical leave privileges shall constitute grounds for disciplinary action.

15.08 MEDICAL LEAVE INCENTIVE PROGRAM

PURPOSE

To provide a sick leave incentive policy for City employees, except those provided for under collective bargaining agreements, who legitimately have not used any medical leave in a year.

ELIGIBILITY

Each regular full-time employee continuously employed for a period of one (1) year and who has accrued the following amount of medical leave is eligible for medical leave incentive at the end of the following medical leave award year. These mandatory balances are required in an attempt to adequately cover employees for periods of illness or injury.

40 Hr Week	56 Hr Week
96 working hours per year	144 working hours per year

FORTY HOURS PER WEEK EMPLOYEES

A Medical Leave Incentive program exists for those employees who use little or no medical leave during the course of a medical leave award year. The medical leave incentive award year starts on October 1st and ends September

30th. If an employee completes the entire medical award year without using medical leave, the employee may convert forty accrued medical leave hours to forty hours of pay based on the employee's normal regular hourly rate; or, at the employee's option, the medical leave award hours will remain as part of the employee's sick leave accrual balance. The amount of incentive award shall be reduced by a subsequent amount for every hour of medical leave used during the medical leave award year. Upon payment of the medical leave award the corresponding number of hours will be deducted from the employee's sick leave accrual balance.

FIFTY-SIX HOURS PER WEEK EMPLOYEES

A medical leave incentive program exists for those employees who use little or no medical leave during the course of a medical leave award year. The medical leave award year starts on October 1st and ends on September 30th. If an employee completes the entire medical award year without using medical leave, the employee may convert fifty-six accrued medical leave hours to fifty-six hours of pay based on the employee's normal hourly rate; or, at the employee's option, the medical leave award hours will remain as part of the employee's sick leave accrual balance. The amount of incentive award shall be reduced by a subsequent amount for every hour of medical leave used during the medical leave award year. Upon payment of the medical leave award the corresponding number of hours will be deducted from the employee's sick leave accrual balance.

MEDICAL LEAVE INCENTIVE PROGRAM PAYOUT

All medical leave awards shall be paid at the employee's normal hourly rate on a separate payroll check on or about December 15th. Any payment made to the employee pursuant to this procedure, will be subject to normal deductions.

15.09 MEDICAL LEAVE ABUSE

Frequent and/or excessive absences charged to sick leave without medical verification, or with medical verification but which hinders operations, impedes work flow, or creates other adverse operational impact; evidence of malingering; a pattern of sick leave usage (e.g., Mondays, Fridays); use of sick leave for false claims of illness or injury; falsification of proof to receive payment of sick leave; and/or failure to comply with rules and regulations governing sick leave; may result in denial of sick leave pay and/or disciplinary action, including dismissal. Supervision is responsible for determining that sick leave is properly authorized and used in accordance with these policies. Therefore, supervision is authorized to make any investigation of employee usage of sick leave benefits

deemed necessary and payment will not be made for claims not properly substantiated.

Sick leave does not accrue in any pay period that an employee is on an unpaid leave of absence, suspension, or other absence without pay for the entire pay period.

15.10 WORKERS' COMPENSATION/DISABILITY LEAVE

Purpose and Scope

The City provides workers' compensation coverage for all part-time and full-time employees, including probationary, temporary, and seasonal employees on the City's payroll, in accordance with Chapter 440, Florida Statutes. All cases of accident or injury occurring on the job shall be reported immediately to the employee's supervisor but in no case should the report be made later than twenty-four hours or the next scheduled work day after the incident. Medical treatment shall be authorized at facilities designated by the Workers' Compensation insurer for all injuries other than injuries requiring only first aid.

Any employee injured on the job who refuses to submit to a drug test, or has a positive confirmation test, in addition to other provisions of the policy, may forfeit his/her eligibility for all worker's compensation, medical, and indemnity benefits, depending on applicable law. There shall be no retaliation against any employee for filing a claim for a legitimate on-the-job injury.

An employee who is temporarily disabled in the line of duty may receive pay for the period of the disability, subject to the following conditions:

The disability resulted from an injury or an illness sustained directly in the performance of the employee's work, as provided in the state Workers' Compensation Act.

If incapacitated for his/her regular position, the employee may be given other duties with the City for the period of recuperation. Unwillingness to accept such an assignment as directed by the department head or the Human Resources Division will make the employee ineligible for disability leave during the time involved.

A physician selected by the City may be used to determine the physical ability of the employee to continue working or to return to work.

The department head shall be responsible for the investigation of all injuries reported by employees and shall report the findings and recommendations to

the Human Resources Division and the City Manager. The City Safety Task Force may also review these reported findings and recommendations,

Negligence, deliberately self-inflicted, or false reporting of an injury shall be grounds for disapproval of injury leave with pay and possible disciplinary actions. In those cases, the provisions of the Workers' Compensation law and other appropriate statutes shall apply.

For a period of time not to exceed ninety calendar days, the employee may choose to subsidize their Workers' Compensation pay with pay from their personal, sick or annual leave banks. The total amount paid to the employee (Workers' Compensation pay plus elected supplemental pay) will not exceed 100% of the employee's regular, gross pay at the time of the injury.

This type of leave shall not exceed ninety calendar days. If an employee is unable to return to work at the end of this period, the case shall be reviewed by a panel composed of the department head, a Physician, and the Finance/Human Resources Director. The review panel shall make a recommendation to the City Manager concerning the proper disposition of the case.

In the event the estimated return to full duty is beyond the ninety day period, a review board (department head, Finance/Human Resources Director and City Manager) will meet and render a decision that must indicate one of the following:

- At the end of the ninety day period the ability to subsidize the one third regular pay will be discontinued; and Workers' Compensation checks will continue to be mailed directly to the employee;
 - Seniority will continue to accumulate during the period of absence due to a workers' compensation injury. Continued employment is not guaranteed to employees on extended absence from work due to their injury/accident, other than pursuant to Family and Medical Leave provisions. Depending on the circumstances, medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame, operational impact of the continued absence and unavailability for work, the interest of the City, and other factors, a determination may be made that the City is unable to authorize continued leave, and the employee may be separated by the City, either through disability retirement, termination, or worker's compensation settlement. An employee may be authorized for modified duty is applicable.
- Prior to the City Manager's decision to carry the employee in pay status beyond the initial ninety day period, all remaining sick leave shall be used;

- When sick leave or vacation time is used by an employee injured on the job and the City Manager subsequently authorizes and approves an employee be carried beyond the initial ninety day period, the amount of sick leave time used may be restored to the employee's account;
- If it is decided not to carry the employee beyond the initial ninety day period, the employee may at his option use the accrued medical leave and earned compensation time. Following that, the employee will receive only normal Worker's Compensation benefits;
- No new medical or vacation leave shall be accumulated during the period an employee is off the job due to an injury caused by negligence, deliberate self-infliction, or false reporting of an injury. In those cases approved by the City Manager, the employee shall continue to accrue sick/vacation time;
- At any time during the period of disability, the case may, upon request, be reviewed by authorized City Physician who shall recommend retention, reduction, or separation, to the department head and Human Resources Division;
- Absence in excess of ninety days or more shall cause the length of service date to be deferred for an equivalent length of time.

15.11 PROCEDURES FOR TREATMENT OF INJURIES/EXPOSURES

Injuries that are considered an emergency situation should be reported immediately to the department head.

Injuries that are not considered an emergency situation, i.e., not requiring immediate medical attention or that is not life threatening such as bruises, sprains, muscle strains, minor lacerations and similar injuries, **and that take place DURING REGULAR BUSINESS HOURS** (8:00AM – 5:00PM, Monday through Friday) should be reported as follows:

- The injured employee should notify the immediate supervisor of the injury/exposure.
- Should the supervisor determine that medical attention is necessary, the employee will be referred to one of the City's designated medical providers.

If an accident occurs AFTER REGULAR BUSINESS HOURS (5:00PM – 8:00AM Monday through Friday or on a weekend) **and is NOT an emergency situation** (i.e., not requiring immediate medical attention or that is not life threatening such as bruises, sprains, muscle strains, minor lacerations and similar injuries), the employee should do the following:

- The injured employee should notify the immediate supervisor of the injury/exposure;
- Should the supervisor determine that immediate medical attention is necessary; the employee will be instructed to go directly to the Emergency Room at North Bay Hospital. Employees who receive treatment in a hospital setting will be advised to contact one of the City's designated medical providers the next business day (8:00 a.m. – 5:00 p.m.) Monday through Friday) for an appointment for follow-up care or contact the Human Resources Division at 727-853-1026;
- Should the supervisor determine that the employee's injury needs medical attention, but is not an emergency; the supervisor will instruct the employee to contact one of the City's designated medical providers the next business day (8:00AM – 5:00PM, Monday through Friday) for an appointment or contact the Human Resources Division at 727-853-1026.

15.12 MEDICAL CARE AND FOLLOW-UP TREATMENT

Once an employee has been seen by a physician, "Ability to Work Form" will be completed by the attending physician after each visit indicating the diagnosis of the injury, remarks, and a treatment plan, if necessary. The employee will be counseled by the physician regarding any restrictions and will be given the necessary follow-up care/light duty instructions.

It is the employee's responsibility to notify his/her supervisor of current work status immediately after each physician appointment, including outside referral physician appointments. Depending on the nature of the injury, the medical provider(s) designated by the City will determine whether or not the employee needs specialized treatment and will arrange for referrals. In cases where the employee is referred to a specialist, the medical provider(s) designated by the City will be considered the injured employee's primary care physician and will monitor all medical treatment and progress. Injured employees may be required to be examined by a medical authority, provided by the City, who shall determine the employee's condition and fitness for return to full-time, part-time, and/or restricted duty. The medical provider(s) designated by the City will be responsible for certifying that the injured employee is fit to return to work or light duty.

15.13 AUTOMATIC PLACEMENT ON FAMILY MEDICAL LEAVE

An employee who is unable to return to work after the end of fourteen consecutive calendar days, either regular duty or in a modified duty capacity, will be placed on Family Medical Leave.

15.14 MODIFIED DUTY (RETURN TO WORK PROGRAM)

OCCUPATIONAL MODIFIED DUTY (TEMPORARY ASSIGNMENT)

An employee will be returned to modified duty following an on-the-job accident in his own department or any department of the City, with no reduction in pay, based on medical verification of ability to perform the modified duty. The employee's salary while on modified duty will be paid by his department even if he is temporarily assigned to another department for the purpose of modified duty. An employee who is working on authorized modified duty will receive regular pay (i.e., no leave benefits will be charged) for absence of less than one workday for medical appointments related to the on-the-job injury provided the employee has submitted documentation of the necessity for the appointment, has arranged to be excused from work in advance by Supervision, and provided the employee is at work prior to and/or after the appointment.

An employee who is assigned to modified duty will continue the assignment until:

- he is released to return to unrestricted duty in his regular position;
- he has reached maximum medical improvement; or
- he has been determined to have a permanent total disability rendering him unable to perform the essential functions of his regular position.

15.15 NON-OCCUPATIONAL MODIFIED DUTY ASSIGNMENTS

PURPOSE AND SCOPE

The purpose of this policy is to clearly establish how the City will accommodate employees while they are recuperating from non-occupational injuries or illnesses.

A modification or adjustment in the employee's regular job duties which goes beyond a reasonable accommodation due to an injury or illness that occurs not in conjunction with their employment with the City of New Port Richey. The decision to grant such a request includes the following:

- The circumstances of the request;
- Medical verification of likelihood of return to full-time unrestricted duty within a reasonable time frame;
- Operational impact of the continued absence and availability for work;
- Availability of modified duty or reduced schedule (i.e., the department has no obligation to create a position); and
- Other factors as may pertain to the specific request.

CONDITIONS AND LIMITATIONS

It is recognized that there may be occasions when an employee is unable to perform his full-time and/or unrestricted duties due to a non-occupational (non-worker's compensation) illness or injury. The City, solely at its discretion, may authorize the employee to work in a "modified duty" status and/or a reduced work schedule, pending the employee's release to return to full-time, unrestricted duty.

Prior to the modified duty assignment taking effect, the employee must submit a written memorandum to the Department Director requesting work on a modified status or a reduced schedule. If approved by the Department Director, the employee should request a Modified Duty Form from the Human Resources Division if the reduced schedule or modified work assignment will be greater than one pay period. The form will enable the employee's treating physician to state the detailed job duty restrictions or the variance from their regular job description.

An employee's request to work on a modified duty or reduced schedule basis must be pre-approved by his Department Director and if it will be longer than one pay period then sent to the Human Resources Division for review and approval. Modified duty assignments that will extend more than one pay period shall not begin without prior approval by the Human Resources Division.

Generally, modified duty or reduced schedule assignments will not exceed three months (ninety calendar days).

Employees are required to provide weekly updates, or a frequency deemed reasonable by the supervisor, regarding their need for modified duty status to their direct supervisor. The update forms will be made available by the Human Resources Division. Failure to provide required updates may result in loss of modified duty status.

Prior to returning to full unrestrictive duty, the employee shall submit a modified duty update stating that they are able to return to full and unrestrictive duty to

their immediate supervisor. This modified duty update should be forwarded immediately to the Human Resources Division for the employee's personnel file.

The modified duty assignment may be revoked at any time at the sole discretion of the Department Director or the Human Resources Division and the employee given an alternate assignment, pursuant to the limitations of the treating physician.

15.16 FAMILY AND MEDICAL LEAVE

The City offers leaves of absences to employees in accordance with the provisions of The Family and Medical Leave Act (FMLA) of 1993 as amended. This type of leave provides certain employees with up to twelve weeks of unpaid, job-protected leave per year. It also requires that their group health benefits be maintained during the leave.

The City is in compliance with all laws and regulations related to FMLA pursuant to the Code of Federal Regulations (CFR), Title 29 (Labor), Part 825 (The Family and Medical Leave Act of 1993). It should be noted that periodically the provisions of the FMLA are modified, and the City will provide coverage in accordance with existing law.

The City will provide an eligible employee with up to twelve weeks of unpaid leave each year for any of the following reasons:

- The serious health condition of the employee;
- For the birth, adoption or foster care placement of child(ren) in order to care for such child(ren);
- To care for an immediate family member (spouse, child, or parent) with a serious health condition; or
- Because of a qualifying exigency arising out of the fact that the employee's spouse, child (any age) or parent is on active duty or has been notified of an impending call or order to active duty in support of a contingency operation; or
- To care for the employee's spouse, child (any age), parent or next-of-kin who is a military service member and is undergoing medical treatment, recuperation, or therapy, or is in outpatient status, or is otherwise on the temporary disability retired list for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces. (Note: Employees who apply for leave for this reason may be eligible for twenty-six weeks of leave in a single twelve month period.)

Employees are eligible for leave if they have worked for the City for at least twelve) months and have worked at least 1,250 hours during the twelve months preceding the request for leave.

Additional information regarding FMLA can be obtained from the Human Resources Division or from the Department of Labor at www.dol.gov.

SECTION 16 DISCIPLINARY ACTIONS-CODE OF CONDUCT

16.01 POLICY AND PURPOSE

It is the intent of the City of New Port Richey to avoid most matters which necessitate disciplinary action through effective supervision, coaching, counseling and good employee-employer relations. To accomplish this objective, the City encourages, to the fullest degree, employee behavior which is positive and supportive of the goals of the City. The purpose of the rules and associated disciplinary actions for violations is to ensure equitable treatment of all employees and to secure cooperation /order in the workplace.

It is management's responsibility, from the Department Director to the first-line supervisor, to ensure that all employees are informed of, and comply with, these policies.

Disciplinary action should be taken when cause occurs. Generally, employee misconduct should be dealt with by use of a progression of disciplinary actions. However, in recognition of the fact that each instance differs in many respects from somewhat similar situations, each occurrence should be treated on an individual basis.

All disciplinary actions should be discussed with the employee involved in a private setting. It is the responsibility of the employee's supervisor to counsel the employee and outline steps to correct the performance and/or behavior. The employee must be made aware of the seriousness of violating rules, regulations, and procedures and the need to conduct himself/herself in a manner which does not discredit the City.

The Human Resources Division is responsible for monitoring all disciplinary actions in the City to ensure that appropriate and consistent action has been taken. Supervisors must confer – when practical – with the Human Resources Division prior to issuing disciplinary action.

16.02 RULES, VIOLATIONS AND DISCIPLINARY ACTIONS

GENERAL INFORMATION

Causes for disciplinary action are divided into three categories: minor offenses, major offenses, and dismissal offenses. Disciplinary actions, depending upon the circumstances, may include, but are not limited to:

- Counseling/Coaching
- Verbal warning

- Written reprimand
- Suspension
- Termination

The disciplinary actions which follow are guidelines. It is understood that the guidelines are not all inclusive because circumstances may vary in individual cases. Consideration may be given to demotion and/or special probation depending upon the nature and circumstances of the issue and the employee's documented performance record. Management must give serious consideration to the nature of each offense and take appropriate disciplinary action. The examples listed below represent typical grounds for disciplinary actions leading up to and including dismissal, and are not intended to be all inclusive. Penalties for offenses not listed will be prescribed consistent with offenses of comparable gravity. Violations do not have to be identical in nature in order to proceed to the next level of progressive discipline. Any previous violation of policy, within a twenty-four month period of time is considered when determining the next step of disciplinary progression. Penalties for disciplinary offenses should normally fall within the suggested range; however, these ranges are merely guides and are not intended to limit the right of management to determine what constitutes an appropriate penalty. Depending on the nature of the offense, the past record of the employee, and/or extenuating circumstances, a more severe penalty, a lesser penalty, or a penalty outside of the range may be imposed. In the case of a dismissal offense, the minimum penalty for a first offense will be suspension without pay.

In making recommendations for discipline, the supervisor should consider the following:

- The seriousness and circumstances of the offense.
- The employee's past record and length of service, including past performance and any disciplinary actions.
- The lapse of time since the employee last received disciplinary action.
- The city and department practice in similar cases.
- Advance communication efforts made to advise the employee of the problem.
- Impact on the employee and implications for other employees.
- Available justification and objective documentation to support the action, given an appeal.
- Any extenuating circumstance which may exist.

The following lists do not include all reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct. Incidents that are not included in the following guidelines but are identified as unacceptable behavior and worthy of

discipline will be considered to be in one of the listed three categories and treated as a Minor, Major or Dismissal Offense. The determination of the appropriate category for the offense will be determined by the Human Resources Director.

RANGE OF PENALTIES FOR CLASS I MINOR OFFENSES

MINOR OFFENSES:

FIRST OFFENSE —VERBAL WARNING
SECOND OFFENSE —WRITTEN REPRIMAND AND UP TO THREE DAYS
SUSPENSION WITHOUT PAY
THIRD OFFENSE —SUSPENSION WITHOUT PAY FOR UP TO TEN DAYS
FOURTH OFFENSE —SUBJECT TO DISCHARGE

Class I Minor Offenses include, but are not limited to, the following:

- a.) Operating, using, or processing tools, equipment, or machines which the employee has not been assigned or performing other than assigned work.
- b.) Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
- c.) Washing up or changing clothes during working hours without specific permission.
- d.) Taking more than the specified time for meals, breaks or rest periods.
- e.) Demonstrating productivity or workmanship which is not up to required standards of performance.
- f.) Loafing or neglecting work during work hours.
- g.) Posting or removing any materials, signs, etc., on official bulletin boards or City property without authorization.
- h.) Subject to applicable law, distributing written or printed material of any description on City premises unless authorized.
- i.) Showing discourtesy to persons with whom the employee comes in contact while in the performance of duties.
- j.) Violating a safety rule or safety practices.
- k.) Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
- l.) Failure to notify supervisor of an unexpected absence within thirty minutes of the start of scheduled reporting time for work.
- m.) Failing to keep the department notified of property address and telephone number (if any).
- n.) Selling or soliciting, or distributing literature, on City property without prior authorization.

- o.) Careless work habits or negligence which results in minor damage to equipment and/or tools or which results in waste of materials and/or supplies.
- p.) Smoking in designated non-smoking areas.

RANGE OF PENALTIES FOR CLASS II MAJOR OFFENSES

MAJOR OFFENSES:

- FIRST OFFENSE — WRITTEN REPRIMAND AND UP TO THREE DAYS
SUSPENSION WITHOUT PAY
- SECOND OFFENSE —WRITTEN REPRIMAND AND UP TO FIVE DAYS
SUSPENSION WITHOUT PAY
- THIRD OFFENSE —SUBJECT TO DISCHARGE

Class II Major Offenses include, but are not limited to, the following:

- a.) Leaving the job during working hours without permission from supervision.
- b.) Absence without approved leave or failure to report to work after leave has been disapproved, revoked, or canceled.
- c.) Hindrance of operations because of frequent or excessive absenteeism or tardiness; pattern of sick leave abuse (e.g., taking sick leave one day at a time as it accumulates; sick leave taken prior to or following other authorized days off work; etc.); inability/failure to provide requested medical verification for absence charged to sick leave. This does not include authorized Family and Medical Leave or other approved leave for medical reason.
- d.) Frequent or excessive absence from work, with or without medical verification, which impedes work flow, inhibits operations, and/or creates other operational impact.
- e.) Failure to report for overtime work without good reason after being scheduled to work.
- f.) Failure to report a personal injury, equipment damage, or vehicle accident immediately to supervision.
- g.) Careless use of City property, equipment, tools, or vehicle resulting in personal injury to a co-worker or a citizen, or resulting in other than minor damage to property owned by the City, another employee, or a citizen.
- h.) Excessive number of personal injury or vehicle accidents or an accident resulting in injury, due to carelessness, neglect, or disregard of safety practices.
- i.) Continued or deliberate violation of safety rules resulting in personal injury, lost time, and/or equipment/vehicle damage or refusal to use required safety equipment (e.g., seat belts, protective devices, etc.).
- j.) Abuse or misuse of the grievance procedure by filing unjustified or frivolous grievances.

k.) Sleeping during working hours unless otherwise authorized, as in the Fire Department for certified personnel.

l.) Malicious mischief, horseplay, wrestling, or other undesirable conduct in the workplace where the lack of judgment on behalf of those involved can injure personnel, damage property, or otherwise be disruptive.

m.) Loss of or damage to City tools, supplies, equipment, or property through carelessness or negligence.

n.) Conduct which is considered disrespectful, or the use of insulting, abusive or obscene language to or about fellow employees or the public.

o.) Smoking in an area designated as non-smoking because of safety considerations.

p.) Operation of any City owned vehicle or equipment while under the influence of any legal drug/medicine which causes drowsiness or other physical or psychological impairment.

q.) Use of the City's postal mail system, copier, electronic devices or other City equipment to distribute non-work related material.

r.) Excessive time used on phone or internet applications where the abuse results in excessive time wasted and productivity lost.

s.) Violation of departmental rules, regulations, policies, or standard operating procedures, etc.

CLASS III DISMISSAL OFFENSES

An employee who is determined to have committed a dismissal offense shall be subject to dismissal. If it is determined that a lesser penalty is appropriate, the disciplinary action shall not be less than a suspension without pay.

A lesser discipline may be given with the approval of the Human Resources Division when considering an employee's past exemplary record with the City.

Class III Dismissal Offenses include, but are not to be limited to, the following:

a.) Fighting, threatening physical violence against an employee, supervisor, or a member of the public while on duty or on City premises, intimidating, coercing or otherwise interfering with the rights of other people or other conduct detrimental to morale and discipline in the workplace.

b.) Improper or unauthorized use or sale or misappropriation of City property, vehicles, and/or equipment for personal use, personal gain, or for any other reason.

c.) Failure to return to work upon expiration of approved leave of absence.

d.) Insubordination by refusing to perform assigned work or to comply with an official and legal supervisory directive, or by demonstrating an antagonistic, disrespectful, or belligerent attitude toward management.

e.) Violation of a safety rule, regulation, or policy resulting in someone's death or serious injury or which could have resulted in someone's death or serious injury.

f.) Deliberate falsification of official reports, documents, records, correspondence pertaining to the City including, but not limited to, employment application and credentials, time sheet, travel expenses, accident reports, or other documents; or violation of any other public trust.

g.) Commission or guilt of any felony crime or a misdemeanor involving immoral conduct.

h.) Engaging in an illegal strike, work stoppage, slow-down, or acts of sabotage or vandalism.

i.) Inability or unfitness to perform assigned duties due to gross or willful neglect, incompetence, or other reasons.

j.) Failure to report to management or Human Resources for review and consideration any condition (including, but not limited to, a physical limitation, medication, communicable disease, etc.), which could pose a danger to the health of the employee, other employees, or the public in the course of the employee's duties.

k.) Providing entrance or access to City facilities or property to unauthorized persons.

l.) Concealment or removal of City property or the property of another employee without proper authorization or theft of City property or property of another person.

m.) Demonstrated pattern of inefficiency or incompetence in the performance of assigned duties after repeated opportunities for correction

n.) Making false claims or deliberate misrepresentations in an attempt to obtain sick leave or injury benefits, workers' compensation benefits, or any other benefits.

o.) Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby policies.

p.) Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the City, or its operations in any media form to include the written media, radio, video, or posting on websites or on internet sites.

q.) Immoral or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community or raises obvious questions as to the employee's ability to maintain public trust.

r.) Providing false information to any supervisor or member of management, or lying under oath or lying in any official proceeding. This includes refusal to fully and truth fully cooperate in an investigation conducted by or at the direction of the City.

s.) Loss or suspension of a required license, certification, permit, or other credential required by an employee to perform the duties of his position.

t.) Deliberately falsifying racial or sexual harassment charges or "whistle-blower" claims.

u.) Failure to cooperate in an official investigation related to work.

Use of obscene or sexually explicit language or gestures directed at any customer/citizen of the City or another employee.

v.) Possession, use, consumption of, reporting for duty or being under the influence of intoxicating beverages while on official duty.

w.) Testing positive for illegal drugs or alcohol during any test administered pursuant to City policies.

x.) Solicitation or acceptance of any gift, gratuity, or other form of compensation of any value by an employee that is based on any understanding that the performance/ non-performance of any duties or responsibilities associated with employment by the City, or any official action or judgment of the employee, would be influenced by such gift, gratuity, or other form of compensation.

y.) Gambling on City property or while on duty.

z.) Creating, receiving or distributing offensive or disruptive materials through the City's internet, e-mail, postal mail system, copier, electronic devices or other City equipment.

aa.) Uploading or downloading copyrighted material, trade secrets, proprietary information, music or videos using the City's electronic devices unless for legitimate City purposes such as providing library services.

bb.) Personal use of the City's internet, e-mail, postal mail, copier, electronic devices or other City equipment which is so frequent that it interferes with productivity of the employee or co-workers.

Any combination of previous disciplinary actions within a two-year period and a new incident, which, when considered together on their merit, make it unwarranted to retain the employee.

16.03 LAW VIOLATION CHARGES

Any employee charged with and/or arrested for any crime shall notify his supervisor/ Department Director within twenty-four hours of the arrest, or as soon as practical, regarding the charges and his availability for work status.

When an employee is formally charged with criminal conduct which is job-related and/or which is not job-related but affects the public's trust and confidence in the employee and/or City government, supervision will render a preliminary determination to either:

- Allow the employee to continue to perform duties pending the outcome of the departmental investigation and final administrative determination.

- Reassign the employee to other, less sensitive duties pending the outcome of the departmental investigation and final administrative determination.
- Suspend the employee without pay pending the outcome of the departmental investigation and final administrative determination.
- Suspend the employee with pay pending the outcome of the departmental investigation and final administrative determination.

In making the preliminary determination, the following factors will be considered:

- The nature, weight, basis, and character of the criminal charges against the employee.
- Any explanation offered by the employee.
- Employee's willingness to undergo voluntary drug testing at employee's expense at a facility designated by the City at intervals specified by the City, in the case of arrests related to the possession, use, or sale of illegal drugs.
- Employee's willingness to enroll in Employee Assistance Program (EAP) if deemed necessary by the City.
- The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the public's trust and confidence in the employee and in the City government.
- The extent to which the criminal charges, alleged conduct, and surrounding circumstances may affect the employee's ability to carry out his duties and responsibilities effectively.
- The employee's documented work record and past performance;
- The interest of the City and/or other operational considerations determined by the City.

Following the preliminary determination, supervision will conduct a comprehensive investigation to determine what, if any, disciplinary action is appropriate. Although this investigation will be more thorough than the preliminary determination, it is not intended to establish the employee's guilt or innocence of the formal criminal charges. Any disciplinary action taken will take into consideration the same factors as were used in making the preliminary determination, and will not be dependent upon the outcome of the criminal charges through the legal system.

The City may terminate an employee based on unavailability for work due to continued incarceration. If the City's decision is to allow the employee to continue to work pending the outcome of the criminal charges, the employee will be advised in writing that he is responsible for notifying supervision within forty-eight hours of any change in status, required court appearance or

attorney appointments (chargeable to vacation, personal, or administrative leave if available, or will be unpaid); and that the City reserves the right to take additional disciplinary action, including dismissal depending on the outcome of the criminal charges.

Once resolution of the criminal charges has occurred, the following rules shall apply: a verdict of guilty; a plea of guilty; a plea of nolo contendere (no contest); or an adjudication of guilt after trial; or any other plea or adjudication based upon any admission of guilt to any charges shall be "prima facie" evidence of grounds for discharge. It shall be at the sole discretion of the City to consider continued employment based on the overall employment record and the circumstances of the outcome of the charges.

If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

16.04 COMPLAINTS AGAINST EMPLOYEES

If an external (non-criminal charge) complaint is made against a City employee, the supervisor, in conjunction with the Human Resources Division, will evaluate the nature of the charge/allegation and the interest of the City, and may take the following action:

- Suspension with pay;
- Suspension without pay;
- Administrative or other duty besides the employee's regular duties; or
- Transfer to another assignment/work site.

In such cases, no additional disciplinary action (i.e., suspension without pay) will be considered until the conclusion of the investigation when the circumstances/validity of the complaint is fully ascertained. Any manager may relieve an employee from a position, with pay, for a period not to exceed thirty calendar days, pending completion and final disposition of the investigation. Extension of the thirty days may be authorized with the City Manager's approval.

16.05 LAW ENFORCEMENT OFFICERS' RIGHTS AND FIREFIGHTERS' BILL OF RIGHTS

In cases in which a sworn law enforcement officer, other than the Chief of Police, is under investigation and subject to interrogation for reasons which

could lead to disciplinary action, demotion, or dismissal, the provisions Section 112.532, Florida Statutes, Law Enforcement Officers' Rights shall apply.

Whenever a certified Fire Fighter, including the Fire Chief, is subjected to interrogation for a formal investigation or formal administrative proceeding, such interrogation shall be conducted in accordance with the provisions of Section 112.82, Florida Statutes, Firefighters' Bill of Rights.

16.06 PRE-DETERMINATION HEARING

PURPOSE AND SCOPE

A pre-determination hearing is provided to all non-probationary employees (except Department Directors who may be dismissed or disciplined with or without cause and with or without notice) who are believed to have committed offenses that may result in discharge or suspension. This hearing provides a non-probationary employee the opportunity to present information in his behalf regarding the circumstances which led to the recommendation for dismissal/suspension.

NOTICE OF RIGHT TO REQUEST A HEARING

Upon awareness that a non-probationary (other than Department Directors) employee's actions may require suspension or termination, based upon the gravity of the offenses believed to have occurred, the employee will be advised in writing of the specific charges and a pre-determination hearing will be held within five work days (Monday through Friday) when practical.

Depending upon the circumstances and gravity of the allegations, an employee may be relieved from duty, with or without pay, pending an investigation and pre-determination hearing, if deemed to be in the best interest of the City.

CONDUCTING THE HEARING

The pre-determination hearing will be conducted by the Department Director/designee and may be tape recorded. The following procedure will apply during the hearing:

- Confirmation that the employee has a copy of the charges;
- Explanation of the charges and that dismissal/suspension is recommended;
- Opportunity for the employee to offer any contrary evidence, explanation, names of witnesses that may have further information for the Department Director's consideration, and/or comments in his behalf;
- Opportunity for the employee to make a verbal statement, or submit a written statement, for the purpose of refuting the charges.

At the conclusion of the pre-determination hearing, the employee will be advised that a written decision specifying the disciplinary action will issued within a specified time frame.

If the decision is to:

- terminate the employee, a termination letter, including information regarding final pay, insurance continuation, etc., will be prepared;
- suspend the employee, a letter detailing the number of days and if it will be paid or unpaid, and whether vacation leave can be substituted for unpaid days.

16.07 ACCIDENTS AND LOSS/DAMAGE TO CITY PROPERTY

NOTIFICATION OF OCCURRENCE

An employee involved in an accident with a City owned or leased vehicle, or involved in the loss and/or damage to City property, shall notify his immediate supervisor as soon as possible after the occurrence.

INITIATING AN INVESTIGATION

The employee's immediate supervisor shall be responsible for initiating the investigation under the following circumstances:

- Accidents involving City owned or leased vehicles when employee negligence may be a factor;
- Lost or damaged City equipment under the control of an employee when negligence may be a factor.

All accidents of City owned or leased vehicles will be investigated by the appropriate law enforcement agency for completion of a vehicle accident report.

Supervisors are responsible for investigating accidents or inquiries about loss/damage of City property and are required to complete a Property Loss Report form.

Supervisors will meet with the employee and review the investigation report. This meeting is an opportunity for the employee to provide any additional information that he wants the supervisor to consider prior to any possible disciplinary action.

Disciplinary actions should be issued to the employee only after a full investigation of the facts concerning the incident is made and a pre-determination hearing is held.

Accident Reviews

All accidents shall be reviewed by the City Safety Task Force to determine the circumstances of the accident or loss/damage and to make recommendations of possible steps that shall be taken to prevent future occurrences.

16.08 DISCIPLINE AND DISMISSAL NOTICES

Disciplinary Notice for Reprimand/ Suspension

When an employee is reprimanded or suspended, the written disciplinary notice must provide the following information:

- Specific charge of misconduct with reference to a violation of City or departmental rules, regulations, or policies, or a supervisory order and date of offense(s);
- Brief narrative description of offense and imposition of disciplinary action;
- Reference to previous disciplinary actions if relevant to the reason for the current disciplinary action;
- Warning regarding employee's failure to take corrective action will subject him to further disciplinary action, including dismissal;
- The signature of the supervisor and Department Director and the date that the disciplinary action notice is issued;
- Employee's signature and date to acknowledge receipt of the document. The employee's signature does not imply agreement and refusal to sign should be noted and witnessed.

Notice of Dismissal for a Probationary Employee

A probationary employee may be terminated at any time during the probationary period for the good of the City without the right to a pre-determination hearing or to a post-termination appeal. Approval of the department head must be obtained prior to taking such action.

Notice of Dismissal for a Regular Status Employee

A regular status employee may be discharged for cause after he has been given a pre-determination hearing, as outlined above. Approval of the department head and concurrence of the Human Resources Division must be obtained prior to taking such action.

Upon receiving written notice of discharge, the employee may file an appeal within five working days of receipt of the discharge letter. Appeals shall follow the guidelines outlined in Section 2-246, Chapter 2 – Administration, Article IX – Merit System, New Port Richey Code of Ordinances, as amended. Appeals may be made to the Civil Service Board or directly to the City Manager.

SECTION 17 EMPLOYEE APPEALS PROCEDURE

17.01 PURPOSE

The appeals procedure is established to provide a structured process for employees to express their grievances with personnel policies and/or actions that directly affect them, including disciplinary actions taken against them. It is the intent and desire of the City to resolve grievances informally and as quickly as possible. Supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be some grievances which will be resolved only by this formalized appeal system. The submittal of a legitimate grievance by an employee will in no way adversely affect the employee or his employment with the City. Only full-time, regular employees are eligible to file appeals under this procedure.

Represented employees will use the appeal/grievance procedure as outlined in their collective bargaining agreement.

17.02 RULES

For purposes of the appeals procedure the following rules apply.

Regular status full-time employees have access to the appeals procedure. Probationary employees and Department Directors do not have access to the appeals procedure.

Any disciplinary action may be appealed either to the City Manager or the Civil Service Board. The determination by the City Manager is final and binding. The Civil Service Board can only make recommendations about the appeal to the City Manager.

A grievance filed by an employee must be submitted on the designated form, filled out completely, signed, and dated.

Performance evaluations are not subject to appeal. (If an employee disagrees with an evaluation, he/she may submit a written statement which will be placed in his/her personnel file along with the performance evaluation.)

A grievance/complaint that is not appealed within the specified time limits shall be deemed permanently withdrawn and settled on the basis of the decision most recently given.

The appeals procedure steps and time limits shall be strictly enforced unless an extension is mutually agreed upon by the appellant and the City Manager. Failure of an employee to file or process and appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of the employee's appeal and waiver of the employee's right to a due process hearing.

The appeals procedure for represented employees is outlined in the respective collective bargaining agreements.

17.03 BASIS FOR GRIEVANCE

The appeals procedure is for an individual employee's use to resolve a problem relating to the human resources rules, regulations, and policies of the City or to appeal a disciplinary action.

17.04 MANAGEMENT PREROGATIVES

The following areas of administration are considered prerogatives of management and shall not be a subject of the grievance procedure:

- Scheduling and assignment of work, work hours, and work stations;
- Establishing work standards and quality;
- Size of work force and reorganizations;
- Reductions in the work force;
- Appropriations and budget;
- Scope of work within job classifications;
- Salary scales, salary increases, and rates of pay falling within officially established ranges;
- The right to discipline (not the specific discipline);
- The goals and objectives of the City.

Represented employees are covered by their bargaining unit contract.

17.05 APPEALS PROCEDURE STEPS

In order to assure employees that appeals are considered rapidly, fairly, and without reprisal, the following steps are provided for non-substance disciplinary actions (verbal and written reprimands), substance disciplinary actions (suspensions without pay and discharge from employment), and rule interpretations.

Contents of the Appeal

The appeal shall be in writing and must include:

- The date the grievance arose;
- The policy, rule, and/or procedure claimed to have been violated;
- A statement of the facts as seen by the employee;
- The relief requested;
- A statement whether the employee appeals to the Civil Service Board or directly to the City Manager.

Appeals to the Civil Service Board:

- The City Manager shall schedule a meeting before the Civil Service Board within a reasonable time after receipt of a timely appeal, at which the Board shall elect a Chairman for the appeal and schedule an informal hearing. The department head and employee will be notified of the meeting and may attend;
- Within five business days of its first meeting, the Civil Service Board shall conduct an informal hearing at which the department head shall present the reasons upon which the discipline was based and explain his position, and the employee may present any information verbally or in writing in response. The informal hearing may be scheduled at a later date with the agreement of the employee and the City Manager;
- Three members shall constitute a quorum. If a member is absent, the Chairman shall appoint the employee alternate to serve, and if unavailable, the Chairman shall appoint the City-appointed alternate to serve. Only Board members and alternate(s) appointed to serve in the absence of a Board member can vote;
- Non-employee Board members and alternates will not be paid, but may receive reimbursement for travel expenses in accordance with Florida law. Employee Board members and alternates will be paid at their normal rates of pay;
- The hearing will not be a full evidentiary hearing, and neither the department head nor the employee shall have the right to present witnesses or to cross-examine the other, but may present documentary materials for review if they wish, in which case the other party may present its position with respect to same;
- Members of the Civil Service Board may ask relevant questions of his choosing, but at his own expense;
- The employee may be represented by a representative of his choosing, but at his own expense;
- At the conclusion of the informal hearing, the Civil Service Board or its members, whichever applies, shall make a non-binding recommendation

or recommendations to the City Manager to sustain, modify or remove the disciplinary action:

- A Board recommendation shall be supported by a majority of the Civil Service Board members present. In the event there is no majority, each Civil Service Board member shall state his or her recommendation;
- Unless the department head and employee agree to an extension, before the hearing adjourns, the Chairman shall advise the employee, department head and City Manager, of the recommendation of the Board, or absent a Board recommendation, of the recommendation of each voting Board member by name.
- Within five business days of receipt of the recommendation(s), the employee may file a written appeal of the disciplinary action with the City Manager. Employees may obtain assistance from the Human Resources Division in filing his/her appeal. Failure to file a timely appeal shall constitute a waiver by the employee of the employee's right to a post-disciplinary due process hearing;
- If the employee files a timely appeal, the appeal will automatically proceed to the City Manager. If no timely appeal is filed, the department head's disciplinary action will automatically be referred to the City Manager, who shall make the final decision for the City.

Appeals to the City Manager:

- The City Manager shall schedule a due process hearing within thirty calendar days of receipt of the written appeal;
- The employee shall be entitled to a representative or counsel of his choice at his expense;
- The hearing will be recorded by the City;
- Any party desiring transcripts of the hearing shall be responsible for the preparation and expense of such transcripts;
- The Florida Rules of Evidence shall be applied liberally for the purposes of maintaining order, limiting evidence and testimony; provided, cross-examination shall not be limited to direct examination so long as it is relevant to the issues or the credibility of witnesses;
- The order of presentation shall be as follows:
 - Each party shall be entitled to present an opening statement stating the party's position and what the party believes that the evidence will show;
 - The department head shall then present his case;
 - The employee shall present its case after the department head has concluded his presentation;

- The department head shall be entitled to present rebuttal evidence after conclusion of the employee's case;
 - The employee and the department head shall have the right to present and cross-examine witnesses and to submit probative documentary evidence.
- At the conclusion of the case, each party shall be entitled to present a closing argument, summarizing the evidence and how the evidence supports such party's position;
- The burden of proof shall be on the department head to establish the discipline for just cause by a preponderance of the evidence;
- Within a reasonable time after the conclusion of the hearing, the City Manager shall issue his written decision, which shall include findings of fact and conclusions as to whether the disciplinary action was for just cause;
 - If the City Manager concludes the discipline was for just cause, the City Manager shall uphold, increase, or decrease the disciplinary action;
 - If the City Manager concludes there was no just cause for the disciplinary action, the City Manager shall reverse same.

The City Manager shall not be bound or constrained in any manner by the recommendation made by the Civil Service Board but may consider recommendation(s).

SECTION 18 SEPARATION FROM CITY EMPLOYMENT

18.01 RESIGNATION

A resignation is defined as any action whereby an employee voluntarily leaves the employment of the City, with or without giving notice. A written resignation is normally required and expected. A resignation in good standing is defined as a written resignation with at least two weeks' notice.

It is the responsibility of the employee to file a written resignation with his Department Director/supervisor at least two weeks prior to separation, stating the date of resignation. Failure to provide this advance notice may be cause for denial of re-employment eligibility, based on resignation without proper notice. However, the submittal of a written resignation with proper notice is not a guarantee of eligibility for re-employment. Other factors, including overall work record, are considered. Upon receipt of a written resignation, the supervisor/Department Director will note "resignation accepted," sign, and date the resignation. The original written resignation will be sent to the Human Resources Division for inclusion in the employee's personnel file.

An employee who fails to come to work and has three consecutive workdays of an unauthorized absence will be considered as abandoning their job and consequently resigning from the City.

18.02 LAYOFF/PREFERENCE

Layoff is defined as separation of an employee from a City position because of a reduction in work load, abolishment of a position, internal reorganization, or for other related causes. The City Council can authorize the layoff of an employee or employees when it is necessary by reason of shortage of funds or work; the abolition of the position(s), material changes in the duties of the organization, or for related reasons which are outside the employees' control and which do not reflect discredit upon the service of employees.

Whenever it becomes necessary to reduce the City's workforce, the City Council shall approve which departments and organizational units and classifications will be affected. The City Manager shall seek assistance and/or recommendations from the Human Resources Division and the Department Director of the organizational units and classifications to be affected for recommendation to the City Council. Employees shall be laid off without prejudice as layoff is not considered a disciplinary action.

When the Department Head believes that a certain permanent employee is essential to the efficient operation of the department because of special skills or abilities, and wishes to retain this individual in preference to a person with a higher rating he must submit a written request to the City Manager who shall submit the request to the City Council for approval or disapproval.

Any employee who is to be laid off will be given thirty working days notice or as much advance notice as possible depending upon the circumstances at the time.

Duties performed by any employee laid off may be reassigned to other employees already working.

Generally, any employee who is laid off shall be paid four weeks severance salary in lieu of or receive four weeks' notice from the City. Prior approval of the City Council is required prior to an employee being given a layoff notice.

Reasonable time off with pay may be granted the employee to assist in securing employment elsewhere. Arrangements may be made for clerical assistance, photocopying, resume preparation, etc.

For the purpose of this section, length of continuous service (seniority) means the period of time an employee has been employed in a classification in a department or, when appropriate, the City's service.

The layoff decision is a management right and is not subject to the City appeal process.

Determining Order of Layoff

It will first be determined whether the layoff will occur by classification in department, classification in a department's organization unit, or by classification across departments. Then, other factors, including, but not limited to, seniority, documented performance, operational impact, etc., will be considered in making the determination. The City retains the right to lay off employees in a manner deemed appropriate in the interest of the City.

Consideration Afforded Employees Prior to Layoff

An employee who is scheduled to be laid off may be offered a demotion to a lower level position if a vacancy exists within the office or department and the employee is qualified to fill the position.

Preference Rights

Employees are eligible for preference for re-employment for a period of one year from the date of layoff.

Provisions governing layoff/recall of represented employees are outlined in collective bargaining agreements.

18.03 RETIREMENT

Retirement is defined as separation from service in order to initiate the commencement of retirement benefits in accordance with the provisions of the ordinance or applicable rules governing the retirement plan of which the employee is a member. Employees covered by the Florida Retirement System must adhere to the Plan requirements defining retirement. Those covered by a 457 Deferred Contribution Plan must adhere to the Plan requirements defining retirement. Those covered by Police or Fire pension must adhere to those plan requirements.

18.04 MEDICAL TERMINATION

In the event it is determined, based on competent medical evidence, that an employee is unable to perform the essential functions and requirements of his position with or without accommodation, the employee's separation from service will be deemed a medical termination.

A medical termination will be without prejudice and the employee will receive payment of leave benefits in the same manner as an employee who resigns in good standing, as provided elsewhere in this policy manual.

An employee will be eligible for re-employment as his medical condition permits, or, depending on length of service and prognosis of condition, he may be eligible for disability retirement, as determined by the provisions of the pension plan of which the employee is a member.

18.05 TERMINATION OF TEMPORARY/SEASONAL EMPLOYEES

The City employs many temporary or seasonal employees in various departments. If a temporary or seasonal employee has no work activity for a period of three months, he will be terminated from the temporary assignment by the City and placed on inactive status in the payroll system. If the temporary employee wishes to be re-employed, he must update his application and other forms in the personnel file and will be required to undergo drug/alcohol screening and any other screening required by the Human Resources Division.

18.06 DEATH

All compensation due the employee as of the effective date of separation shall be paid to the beneficiaries, surviving spouse, or to the estate of the employee as determined by law or executed forms in the personnel file.

Unused vacation and sick leave benefits are payable in the same manner as for a resignation in good standing.

Depending upon the employee's age and years of service as of the date of death, and the governing pension plan provisions, survivor retirement benefits may apply.

18.07 RETURN OF CITY PROPERTY

At the time of separation and prior to receiving final monies due, all records, City identification card, books, uniforms, keys, tools, and other items of City equipment and property in the employee's custody shall be returned to his department or the Human Resources Division, as applicable. Certification to this effect shall be by the supervisor and/or the Human Resources Division on the appropriate form. It is the responsibility of the department of the separating employee to initiate the checklist procedure and collect all City property. Any monies due the City because of failure to return such items may be deducted from the employee's final paycheck.

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Personnel Rules and Regulations
Human Resources Policy Manual
Revisions

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