

RESOLUTION 2023-01

A RESOLUTION OF THE CITY COMMISSION OF POLK CITY, FLORIDA; REVISING THE CITY'S EMPLOYEE HANDBOOK; PROVIDING FINDINGS, REPEALING CONFLICTING RESOLUTIONS, AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City previously adopted an Employee Handbook; and,

WHEREAS, from time to time the City has revised its Employee Handbook in 2001, 2006, and 2018; and,

WHEREAS, the City Commission finds it necessary and in the public interest to revise its Employee Handbook as set forth below.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. FINDINGS. The City Commission hereby adopts the above Recitals as legislative findings and incorporates them into this Resolution.

SECTION 2. ADOPTION OF REVISED EMPLOYEE HANDBOOK. The City Commission hereby adopts the Revised Employee Handbook attached to and incorporated in this Resolution as Exhibit "A."

SECTION 3. REPEAL OF CONFLICTING RESOLUTIONS. All resolutions and previous versions of the City's Employee Handbook are hereby superseded and repealed by virtue of this Resolution.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect immediately upon its passage.

RESOLVED, PASSED, AND CERTIFIED AS TO PASSAGE THIS 21st **DAY OF**
February, 2023.

**CITY COMMISSION OF POLK CITY,
FLORIDA**

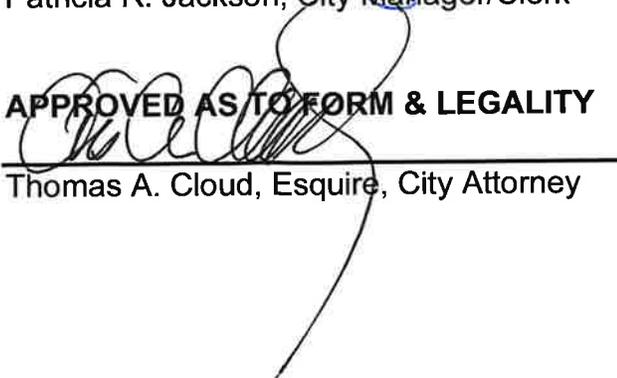

Joe LaCascia, Mayor

ATTEST:



Patricia R. Jackson, City Manager/Clerk

APPROVED AS TO FORM & LEGALITY



Thomas A. Cloud, Esquire, City Attorney



Polk City

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EMPLOYEE HANDBOOK

Revised January 2023

Welcome!

Welcome to Polk City. I am pleased that you have joined our team of professionals. To acquaint you with the City's personnel policies, procedures and benefits, this Handbook has been prepared for your use.

The City operates in accordance with its established Charter. The City has five (5) elected Commissioners with one of the Commissioners elected to serve as the Mayor and another to serve as the Vice Mayor. The Commission serve as the City's legislative body and perform the functions as authorized by the Charter. Under the Charter, the City Manager has overall responsibility for the administration of the City. The Charter also requires that all personnel matters regarding the City's officers and employees are handled by the City Manager who has responsibility for the direction and supervision over City employees. This Handbook provides guidance to City employees to assist them in their understanding of the City's established policies. If you have questions about any of the policies in this Handbook or other matters regarding your employment please reach out to me.

I hope that your employment experience here will be challenging, enjoyable, and rewarding. Please feel free to contact me at any time for assistance. Again, welcome!

Sincerely,

Patricia Jackson
City Manager

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101 Public Records Law

As an employee of the City you must comply with Florida's Public Records Law (Chapter 119, Florida Statutes), including its requirements for (1) record retention, (2) record disposition, and (3) record requests. All City records must be maintained and preserved in accordance with Florida law, and only disposed in accordance with applicable law. Employees are reminded that call logs, texts, or other messages or communications may be subject to dissemination under the Public Records Act. Nearly every email sent or received by an employee in the scope of their duties is likely to constitute a public record and be subject to disclosure, unless otherwise exempt. Public records created or received by an employee may be released in response to a records request without prior notification to the employee. If an employee has any questions about what is required, the employee should contact the City Manager Assistant City Manager. The City Manager is the person designated to guide the City regarding records management. If any City employee receives a request for the City's public records, the request must be immediately provided to the City Manager who will process the public records request in accordance with Chapter 119, Florida Statutes.

102 Nature of Employment

Employment with Polk City ("the City") is voluntarily entered into, and the employee is free to resign at will at any time, with or without cause. Similarly, the City may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law.

Policies and procedures set forth in this Handbook are not intended to create a contract for a term of employment, nor are they to be construed to constitute contractual obligations of any kind binding the City. The policies and procedures in this Handbook do set forth the expectations the City has for its employee's and they are expected to following the policies and procedures. Except for its policy of employment-at-will, changes or deletions may occur by the City Manager. As policies and procedures are revised or added, changes will be communicated to employees.

This version of the Handbook supersedes all prior versions and all prior policies that were adopted outside of this Handbook. The City reserves the right to change or modify the Handbook and its policies. The City Manager is responsible for the overall administration of the City's personnel policies and procedures.

103 Employee Relations

The City believes that the work conditions, wages, and benefits it offers to its employees are as competitive as possible with those offered by other employers in our area. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors or to the City Manager.

Our experience has shown that when employees deal openly and directly with management, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that the City amply demonstrates its commitment to employees by responding effectively to employee concerns.

The City Manager maintains an open-door policy. If at any time you feel you have not been listened to or a situation has not been resolved to your satisfaction, you are free to contact the City Manager who will listen to your views and concerns.

104 Equal Employment Opportunity

It is the policy of the City to select, develop and promote employees based on the individual's ability and job performance and to select the best-qualified candidates for the position. It has been and shall continue to be, the policy of the City to provide equal employment opportunity to all people in all aspects of the applicant and employer/employee relations without discrimination because of race, color, religion, sex (including pregnancy, childbirth and related medical conditions, sexual orientation), gender (including gender identity, transition, and/or expression), genetic information, national origin, ancestry, marital status, age, citizenship status, physical or mental disability, genetics, veteran status, or other basis that are prohibited by federal, state and/or local law and are applicable to the City.

The City also makes reasonable accommodations for qualified disabled employees so long as the City is not caused undue hardship. This policy affects decisions including, but not limited to, an employee's compensation, benefits, terms and conditions of employment, opportunities for promotion, training and development, transfer, termination, and other terms of employment. It has been, and shall continue to be, the City's policy to maintain a working environment free of discrimination, unlawful harassment (including by example racial and sexual harassment), and retaliation. The City's goal is to ensure that all team members are treated in a non-discriminatory manner and with respect and given the opportunity to contribute to our City's success.

Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of Human Resources or the City Manager. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

105 Disability Law Compliance, Reasonable Accommodations and GINA

The City is committed to complying fully with the Americans with Disabilities Act (ADA), and applicable Florida law, and ensuring equal opportunity in employment for qualified persons with disabilities. The City prohibits discrimination against a qualified individual with a known disability. This includes, but is not limited to, discrimination with respect to application, hiring, promotion, discharge, compensation, benefits, training, and all other aspects of employment. The City also complies with any requirement to make the workplace readily accessible to and usable to enable disabled employees to enjoy equal benefits and privileges of employment.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Post-offer medical examinations are required only for those positions in which there is a bona fide job-related physical requirement. They are given to all persons entering the position only after conditional job offers. Medical records will be kept separate and confidential, subject to compliance with Florida's Public Records Law

The City will reasonably accommodate qualified individuals with a known disability if necessary to enable an individual to perform the essential functions of the individual's job and/or to ensure the workplace is readily accessible to and usable by an employee. Such reasonable accommodation will be made unless it creates an undue hardship for the City. The individual

must make known to the City the need for a reasonable accommodation and is free to suggest an accommodation but there is no guarantee that the suggested accommodation will be provided. The individual must contact Human Resources if a reasonable accommodation is being requested and provide sufficient information for the request to be evaluated. When a reasonable accommodation is requested, the City will engage in an interactive process with the employee in order to assess the request and the City's business needs. Sufficient medical information/accommodation assessment will be required to support the request and need for an accommodation. Requests by qualified individuals with disabilities for reasonable accommodations will be considered by Human Resources and the City Manager and discussed with others on a need-to-know basis to determine the nature and scope of the accommodation to be made (if appropriate), after consideration of the particular circumstances, including any hardship to the City. Please refer to the City's policy addressing leave of absences, including the Medical Leave Policy, if the request for an accommodation includes a request for time off or an extended leave of absence. The City will work with the employee on a reasonable accommodation, but it may not be the accommodation that is being specifically requested by the employee. Employees with questions on this policy must direct those questions to the City Manager.

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 employees or their family members. In order to comply with this law, the City will not request, and asks that an employee not provide, any genetic information when responding to any request by the City for medical information. '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.

This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

106 Religious Accommodations

It is the policy of the City to offer equal employment opportunity to all persons, regardless of their religious beliefs and practices, or lack thereof, in compliance with all federal, state, and local laws. The City respects the religious beliefs, observances, and practices of all employees and embraces religious diversity. The City will make good faith efforts to reasonably accommodate an employee's sincerely held religious belief, unless such an accommodation would create an undue hardship for the City.

An employee whose sincerely held religious beliefs (or non-beliefs), observances, or practices conflicts with his/her job, work schedule, with the City's policy or practice on dress and appearance, or with other aspects of employment, and who seeks a religious accommodation, must submit a written request for the accommodation to Human Resources. The written request must include the type of religious conflict that exists and the employee's suggested accommodation. The request must contain sufficient information for the request to be properly evaluated and a determination made as to whether the City must make a religious accommodation as social, political, economic philosophies, and personal preferences generally speaking (and unless as provided under applicable law), are not "religious" beliefs or practices which must be accommodated. An accommodation may be a change in job, using paid leave or

leave without pay, providing a specific time and/or place to pray, allowing an exception to the dress and appearance code which does not impact safety or uniform requirements, or for other aspects of employment. Religious accommodation requests are considered on a case-by-case basis.

Human Resources, and as applicable, the City Manager, and the department director, will meet with the employee to discuss the request. The City Manager, who may consult with other managers, will determine the nature and scope of the accommodation to be made, after consideration of the particular circumstances, the type of conflict and suggested accommodation, including any hardship to the City and considering any work related matters that are permitted to be assessed. The employee will be informed of the decision on the accommodation to be provided and if no accommodation is able to be made that will be explained to the employee. If the employee accepts the proposed religious accommodation, the decision will be implemented. If the employee rejects the proposed accommodation, the employee will be provided with an opportunity to further discuss this situation with the City Manager to ensure the City had all available information when making the decision. The employee will be informed of the final decision.

Any department director or supervisor who becomes aware of any situation that may require the City to consider a religious accommodation must immediately notify Human Resources or the City Manager. Any Supervisor or other employee who has questions concerning the application of this policy, including the denial of a requested accommodation, must raise them with Human Resources or the City Manager.

An employee who is not requesting a religious accommodation, but who has a concern about a matter involving religion in the workplace, must bring those matters to the City's attention in accordance with the policy on Discrimination, Harassment and Retaliation.

There will be no retaliation against an employee who has requested a religious accommodation or who has made a good faith report of religious discrimination.

107 Business Ethics and Conduct

The successful business operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of the City is dependent upon our citizen's trust and we are dedicated to preserving that trust. Employees owe a duty to the City, its customers, and its citizen shareholders to conduct themselves in a way that will merit the continued trust and confidence of the public.

The City will comply with all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your department director and, if necessary, with the City Manager for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every City employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment as well as criminal charges.

108 Hiring of Relatives

The employment of relatives in the same area of an organization may cause conflicts or concerns with the appearance of favoritism and may effect employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by the City may be hired only if they will not be working directly for or supervising a relative or will not occupy a position in the same line of authority within the organization. This policy applies to any relative, higher or lower in the organization, who has the authority to review employment decisions. The City employees cannot be transferred into such a reporting relationship. If the relative relationship is established after employment, the individuals concerned will decide who is to be transferred. If that decision is not made within 30 calendar days, the City Manager with input from the department director and/or other management persons will decide. An employee transferred to a lesser paying position will not receive the same rate of pay received in the position held prior to the transfer.

The City will comply with the applicable provisions of §112.3135 Florida Statutes, which precludes a public official (as defined in the statute) from appointing, employing, promoting, or advancing or advocating for the appointment, employment, promotion, or advancement of certain relatives in or to a position in the City or department in which the public official is serving or over which he/she exercises jurisdiction or control.

For purposes of this policy, the City defines relatives in accordance with §112.3135, Florida Statutes, as:

- Father, Mother
- Son-in-law, daughter-in-law
- Son, Daughter
- Brother-in-law, sister-in-law
- Brother, Sister
- Stepfather, Stepmother
- Uncle, Aunt
- Stepson, stepdaughter
- First Cousin, Nephew, Niece
- Stepbrother, Stepsister
- Husband, Wife
- Half-Brother, half-sister Father-in-law,
- Mother-in-law

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment as determined by the City.

109 Employee Medical Examinations

To help ensure that employees are able to perform their duties safely, medical examinations may be required for employees in designated job categories, as allowed by law.

After an offer has been made to an applicant entering a designated job category, a medical examination will be performed at the City's expense by a health professional of the City's choice. The offer of employment and assignment to duties is contingent upon satisfactory completion of the exam.

Other medical examinations or documentation from an employee's treating licensed medical, or other approved health care provider, may be required to determine an employee's eligibility for certain benefits or to determine the employee's ability to perform the employee's job duties.

Information on an employee's medical condition or history will be kept separate from other employee information and maintained confidentially. Access to this information will be limited to those who have a legitimate need to know.

110 Immigration Law Compliance

The City is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the City within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Manager. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

111 Conflict of Interest

To avoid any misunderstandings and/or conflicts of interest that may arise, this policy must be followed by employees in addition to the provisions of applicable state law that govern the code of ethics for public employees (Chapter 112, Part III, Florida Statutes). In the event of any conflict between this policy and state law requirements, which are applicable to the City, the state law requirements must be followed.

Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which the City wishes the business to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of operation. Contact the City Manager for more information or questions about conflicts of interest.

Transactions with outside firms must be conducted within a framework established and controlled by the executive level of the City. Business dealings with outside firms should not result in unusual

gains for those firms. Unusual gain refers to bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit either the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gain require specific executive-level approval. The penalty for violation of this policy will be termination of employment with the City.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of the City's business dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.

No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the City Manager as soon as possible the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties. The employee must also file a sworn statement to this effect with the City Manager.

Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit or the gain or benefit of others with whom they have a relationship or affiliation of any sort.

Employees will not transact any business in their official capacity with any business entity of which they are an officer, director, agent or member, or in which they own a controlling interest, excluding civic, charitable, or religious organizations.

Employees shall not have personal investments in any enterprise which will create a conflict between their private interest and public interest.

Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

Any monetary gifts such as gift card from a vendor, customer, or member of the public, to be provided to one or more City staff persons requires the approval of the City Manager. No employee is permitted to accept a gift in the form of cash. Any nominal gift accepted must be in accordance with §112, Part III, Florida Statutes.

112 Outside Employment

Full-time employees of the City are expected to be available to fulfill their responsibilities and duties. Positions with the City are the principal and primary occupation of full-time employees and they are expected to devote their full energies to the performance of their duties. Employees may hold outside jobs as long as they meet the performance standards of their job with the City and the outside job does not create a conflict or a potential for a conflict of interest as determined by the City. All employees will be assessed by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

If the City determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be

asked to terminate the outside employment if the employee wishes to remain with the City.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs.

Any employee who intends to or obtains outside employment must promptly notify their department head, in writing of such employment. Department heads must then immediately notify the City Manager in writing.

113 Misinformation

The spreading of misinformation is damaging to the reputation and morale of the City. It is expected that employees will not engage in gossip or the spreading of rumors. Employees are not to discuss City business which is confidential outside the performance of their duties.

Employees are prohibited from discussing, disclosing or using confidential knowledge of official business which is acquired as a result of employment with the City. Divulging, discussion, or using such knowledge shall be subject to disciplinary action, up to and including termination of employment, even if they do not actually benefit from the disclosed information, consistent with applicable law.

114 Job Posting and Employee Referrals

The City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although the City reserves its discretionary right to not post a particular opening.

Job openings will be posted on the employee bulletin board and normally remain open for seven (7) calendar days. Each job posting notice will include the dates of the posting period, job title, department, location, grade level, job summary, essential duties, and qualifications (required skills and abilities).

To be eligible to apply for a posted job, employees must have performed competently for at least 180 calendar days in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

To apply for an open position, employees should submit a job posting application to the City Manager listing job-related skills and accomplishments. It should also describe how their current experience with the City and prior work experience and/or education qualifies them for the position.

The City recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the organization.

An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be

discussed.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

The City also encourages employees to identify friends or acquaintances who are interested in employment opportunities and refer qualified outside applicants for posted jobs. Employees should obtain permission from the individual before making a referral, share their knowledge of the organization, and not make commitments or oral promises of employment.

An employee should submit the referral's resume and/or completed application form to the City Manager for a posted job. If the referral is interviewed, the referring employee will be notified of the initial interview and the final selection decision.

115 Political Activity

City employees are encouraged to exercise their normal civic rights and responsibilities. They retain the right to vote and to freely express their opinion on all political subjects, to become or continue to be a member of any political party or to attend political meetings on their own time.

In accordance with Florida law, and as specified herein, municipal employees will not take any active part in any political campaign for the election of the City Commission for the City, Florida while on duty.

No employee will solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political candidate or political cause while on duty or otherwise if prohibited by Florida law.

Employees are prohibited from conducting or participating in any political activity while on work time. Employees shall not wear or display political badges, buttons, or stickers when on duty, when wearing a City insignia, riding in or on City equipment, or when in a City uniform.

All employees are subject to all legal restrictions on political activity as provided by state, federal, or local law. It is each employee's responsibility to familiarize themselves with any such restrictions or limitations before engaging in any political activity.

Nothing herein contained shall 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 maintain political neutrality, or to attend political parties after working hours.

116 Employee Debts

An employee's financial transactions are the employee's affair. The City will not act as a collection agency against an employee unless so ordered to carry out a garnishment by a court of competent jurisdiction or the United States Internal Revenue Service.

However, should complaints concerning an employee's failure to meet financial obligations result in interference with municipal service, the employee concerned will be so informed and appropriate action taken by the City Manager.

201 Employment Categories

It is the intent of the City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and the City.

Each employee is designated as either nonexempt or exempt from federal and state wage and hour laws. Nonexempt employees are entitled to overtime pay under the specific provisions of federal and, if applicable, state laws. Exempt employees are excluded from specific provisions of federal and state wage and hour laws. Employees will be notified of their exempt or nonexempt classification applicable for the position they hold. Only the City Manager has the ability to change a classification in accordance with the Fair Labor Standards Act.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in temporary or introductory status and who are regularly scheduled to work the City's full-time schedule. Generally, they are eligible for the City's benefit package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than the full-time work schedule, but at least 20 hours per week. Regular part-time employees are eligible for some benefits sponsored by the City, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 20 hours per week. While they do receive all legally mandated benefits (such as Social Security and workers' compensation insurance), they are ineligible for all of the City's other benefit programs.

INTRODUCTORY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the introductory period will be notified of their new employment classification.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the City's other benefit programs.

202 Access to Personal Files

The City maintains a personnel file on each employee. The personal file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Generally, only supervisors and management personnel of the City who have a legitimate reason

to review information in a file may do so.

Employees who wish to review their own file should contact the City Manager. With reasonable advance notice, employees may review their own personnel files in the City's offices and in the presence of an individual appointed by the City to maintain the files.

Personnel files are the property of the City, and as such, are a Public Record under Florida Law, unless an exemption applies. The City must comply with a Public Records request for an employee's personnel file.

203 Employment Verification Checks

The City conducts background checks on applicants for employment.

For current or former employees, the City will respond in writing only to those employment verification check inquiries that are submitted in writing and contain a signed employee authorization. The City's written response to such inquiries will confirm dates of employment, and position(s) held, unless the employee or former employee authorizes the disclosure of other information. Copies of any records will be provided only if there is a Public Records request.

204 Personnel Data Changes

It is the responsibility of each employee to promptly notify Human Resources of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishment, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify Human Resources.

205 Introductory Period

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or the City may end the employment relationship at will at any time during or after the introductory period, with or without cause or advance notice.

All new and rehired employees work on an introductory basis for the first 180 days the employee works after their date of hire. Employees who are promoted or transferred within the City must complete a secondary introductory period of 90 days with each reassignment to a new position. Any absences during an introductory period will automatically extend an introductory period by the length of the absence. If the City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period.

In cases of promotions or transfers within the City, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary introductory period. If this occurs, the employee may be allowed to return to his or her former job (if available) or to an available comparable job for which the employee is qualified, depending on the availability of such positions and the City's needs.

Upon satisfactory completion of the initial introductory period, employees enter the "regular" employment classification.

During the initial introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and social Security. They may also be eligible for other benefits provided by the City, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Employment status is not changed during the secondary introductory period that result from a promotion or transfer within the City.

An introductory period employee is subject to dismissal without the right of appeal at any time during his/her introductory period for failing to meet performance standards or for violation of any City policy as herein described. The appropriate supervisor shall make a written evaluation(s) during the introductory period using the City's established form.

206 Employment Applications

The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

207 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

The performance of all employees' is generally evaluated according to an ongoing 12-month cycle, beginning at the fiscal-year end.

Merit-based pay adjustments may be provided in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process, other performance matters, and the City budget.

301 Employee Benefits

Eligible employees at the City are provided a wide range of benefits. A number of the benefits (such as Social Security, workers' compensation, and reemployment assistance (unemployment) insurance) cover all employees in the manner prescribed by law. Benefits provided by a third party insurance carrier have eligibility requirements that employees must to qualify for the benefits. Some of the benefits are not sponsored by the City but are made available for

employees to voluntary purchase through a third party.

Other fringe benefits provided by the City have eligibility requirements dependent upon a variety of factors, including employee classification. Your supervisor or the City Manager can identify the benefits for which you are eligible. Whether benefits apply to a particular employee will be governed by this Handbook or by the particular benefit plan and its requirements. Additional information, including summary plan descriptions, which explain the details of the coverage and benefits, is available from the City. Employees should contact Human Resources if they have any questions about their eligibility. The actual plan document is the final authority and will govern in the event of any conflict between this Handbook and the plan. The City reserves the right to change or eliminate benefits at any time consistent with applicable law.

The following are available to eligible employees:

- Benefits Continuation - COBRA
- Dental Insurance
- Educational Assistance
- Health Insurance
- Holidays
- Life Insurance
- Long-Term Disability
- Membership Dues
- Personal Days
- Relocation Benefits
- Retirement Program
- Short-Term Disability
- Sick Leave Benefits
- Social Security
- Time off to Vote
- Unemployment Insurance
- Vacation Benefits
- Vision
- Witness Duty
- Workers' Compensation Insurance

Some benefits can be fully purchased by the employee and are not sponsored by the City. Other City sponsored benefits may require contributions from the employee. Some benefits are fully paid by the City.

302 Benefit Continuations (COBRA)

The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the City's group rates plus an administrative fee. The City provides each eligible employee with a written notice

describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance plan. The notice contains important information about the employee's rights and obligations.

303 Dental Insurance

The City's health insurance plan provides employees and their dependents access to dental insurance benefits for purchase by the employee. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- Regular full-time employees

Eligible employees may participate in the Dental insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact Human Resources for more information about health insurance benefits.

304 Educational Assistance

- A. Policy:** The City recognizes that the skills and knowledge of its employees are critical to the success of the organization. The educational assistance program encourages personal development through formal education so that employees can maintain and improve job-related skills or enhance their ability to compete for reasonably attainable jobs within the City. All course work is done voluntarily, outside the employee's regular work time, and is not being required by the City.
- B. Eligibility:** The City will provide educational assistance to any fulltime (working 40 hours per week) employees who have successfully completed six (6) months of employment and have completed their introductory period. To maintain eligibility employees must remain on active payroll and be performing their job satisfactorily through completion of each course. This program is based only on the annual funding in the Annual City Budget. Should funds not be appropriated for the program it would be suspended until the next fiscal year's budget. If the program were subsequently funded, retroactive payment would not be allowed.
- C. Conditions for Approval**
1. Prior to the start of the course, the employee must complete for approval the Educational Assistance Reimbursement Form. A separate application form must be used for each course submitted for approval.
 2. Reimbursement shall be made for coursework, books, fees and travel expenses when a town vehicle is not available for courses completed at only accredited public, business, or trade schools, colleges, or universities, or through accredited correspondence schools. The South Association of Schools and Colleges will determine accreditation. The City Manager will evaluate courses not accredited by this association.

3. Courses of study must be related to the maintenance and improvement of skills in the employee's present job or must be required course for a degree related to the employee's present job. The City has the sole discretion to determine whether a course relates to an employee's current job duties.
4. Reimbursements are provided following the course completion. The employee must present an official report of the grade. The reimbursable amount will not exceed the normal cost for credit hour of tuition at a state or public institution. Reimbursable percentage will be granted for the employee who receives the following applicable grades:

A	100%
B	80%
C	60%
D or lower	no reimbursement

The employee must also present an official school receipt or canceled check indicating the cost of tuition for the course. The reimbursed amounts will be processed and paid following the receipt of all required documents and forms (payments to generally be made within thirty (30) days).

5. The City shall not reimburse if the full tuition is paid by another source: e.g, G. I. Bill, scholarship, grant, etc., and for which the employee is reimbursed. If the tuition is partially funded by another source, the City shall reimburse the difference up to the normal current credit hour cost at state or public institutions.
6. The City shall not reimburse an employee for more than six (6) credit hours in one semester.

D. Reimbursement Requirements: The City invests in educational assistance to employees with expectation that the investment be returned through enhanced job performance. However, if an employee voluntarily separates from the City's employment within two (2) years of the last educational assistance payment, the employee will be required to repay 100 percent of all educational assistance payments made in the prior two (2) years. Employees must sign a reimbursement agreement and a promissory note each time an educational assistance payment is made which will be cancelled by the City once the employee meets the two (2) employment year requirement.

E. Time: Course schedules shall not conflict with the employee's normal work schedule.

F. No Entitlements: While educational assistance is expected to enhance employees performance and professional abilities, the City cannot guarantee that participation in formal education will entitle the employee to automatic advancement, a different job assignment, or pay increases.

305 Health Insurance

The City's health insurance plan provides employees and their dependents access to medical and dental insurance benefits. Employees in the following classifications are eligible to participate in the health insurance plan:

- Regular full-time employees

Eligible employees may participate in the health insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the City Manager for more information about health insurance benefits.

306 Holidays

The City will grant holiday time off to employees on the holidays listed below:

- New Year's Day (January 1)
- Martin Luther King, Jr (third Monday in January)
- Good Friday
- Memorial Day (Last Monday in May)
- Independence Day (July 4)
- Labor Day (first Monday in September)
- Veteran's Day (November 11)
- Thanksgiving (fourth Thursday in November)
- Day after Thanksgiving
- Christmas (December 25)
- Floating Holiday

The City will grant paid holiday time off to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classifications(s):

- Regular full-time employees
- Regular part-time employees

To be eligible for holiday pay, employees must work the last scheduled day immediately preceding and the first scheduled day-immediately following the holiday.

A recognized holiday that falls on a Friday or Saturday will be observed on the preceding Thursday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

If a recognized holiday falls during an eligible employee's approved prescheduled paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay, plus wages at their straight-time rate for the hours worked on the holiday (and overtime, if applicable).

In addition to the recognized holidays previously listed, eligible employees will receive one (1) floating holiday in each anniversary year. To be eligible, employees must complete 180 calendar days of service in an eligible employment classification. These holidays shall be scheduled by the City Manager.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

307 Life Insurance

Life Insurance offers you and your family important financial protection. The City provides a basic life insurance plan for eligible employees.

Employees in the following employment Classifications are eligible to participate in the life insurance plan.

- Regular full-time employees

Eligible Employees may participate in the life insurance plan subject to all terms and conditions of the agreement between the City and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact Human Resources for more information about life insurance benefits.

308 Long-Term Disability

The City provides a long-term disability (LTD) benefits plan to help eligible employees cope with an illness or injury that results in a long-term absence from employment. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

Employees in the following employment classifications are eligible to participate in the LTD plan:

- Regular full-time employees

Eligible employees may participate in the LTD plan subject to all terms and conditions of the agreement between the City and the insurance carrier. Details of the LTD benefits plan including benefit amounts, and limitations and restrictions are described in the Summary Plan Description provided to eligible employees. Contact Human Resources for more information about LTD benefits.

309 Membership Dues

The City recognizes that the membership in certain job-related organizations are beneficial to both the employee and the City. It is the policy of the City to provide to provide funding for these memberships through the budget process each year.

For questions or information on which memberships may be covered, contact the City Manager.

310 Relocation Benefits

When the City asks an eligible employee to locate to a new area, certain relocation benefits may be provided to facilitate the transition. Relocation may be available to any eligible newly hired employee who must relocate in order to reside within the city limits of the City, Florida. The employment position eligible for relocation benefits is:

- Full-time salaried administrative employees (City Manager)

For specific information regarding the terms and extent of relocation benefits, please contact the Mayor and City Commission.

Available forms of relocation assistance include:

- House hunting trips
- Sale of former residence
- Moving household goods
- Reemployment assistance for working spouse
- Temporary housing
- Furniture storage
- Mortgage assistance
- Rental assistance for non-homeowners.
- Utility hookups
- Services of relocation firm to coordinate move

An eligible employee must request relocation assistance for specific items in advance of the date the expenses are incurred. The City will reimburse expenses only if the employee has received advance approval, incurs reasonable expenses and submits satisfactory proof of the expense within 30 calendar days of the date the expense was incurred.

The City extends these relocation benefits in an effort to contribute to the success of an employee relocation. However, if the eligible employee separates from the City's service, for any reason, within one year of the relocation, 100 percent of the amount of the relocation reimbursement must be reimburse by the employee. The employee must sign a reimbursement agreement and a promissory note for the amount of the relocation expenses prior to any monies being reimbursed. The agreement and the promissory note will be cancelled by the City once the employee meets the one employment year requirement.

311 Retirement Program

The City is a member of the Florida Retirement System (a state agency) to provide employees the potential for future financial security for retirement.

To be eligible to join you must complete 30 days of service and be 18 years of age or older. Eligible employees participate in the plan subject to all terms and conditions of the plan.

The Florida Retirement System allows you to elect, at retirement, how you can tailor your own retirement package to meet your individual needs. The City contributes an additional matching amount to each employee's retirement contribution.

Because your contribution to the Florida Retirement System is automatically deducted from your pay before federal and state tax withholdings are calculated, you save tax dollars now by having your current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to state retirement plans.

Complete details of the Florida Retirement System plan are described in the Summary Plan Description provided to eligible employees. Contact the City Manager for more information about the Florida Retirement System plan.

312 Short-Term Disability Insurance

The City provides access for eligible employee to purchase short-term disability insurance which provides benefits for those who are unable to work because of a qualifying disability due to an injury or illness. Employees in the following employment classification are eligible to participate in the short-term disability plan:

- Regular full-time employees

Eligible employees may participate in the short-term disability insurance subject to all terms and conditions of the agreement between the employee and the insurance carrier. The short-term disability insurance is not a plan sponsored by the City.

Details of the short-term disability benefits plan including benefit amounts, when they are payable, and limitations, restrictions, and other exclusions are described in the Summary Plan Description provided to eligible employees. Contact Human Resources for more information about short-term disability benefits.

313 Sick Time and Sick Leave Bank

The City provides paid sick time to all eligible employees for legitimate health/medical purposes. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees

Eligible full-time employees can accrue sick time at the rate of 12 days per anniversary year (accrued each payroll period). Eligible part-time employees will accrue sick time on a pro-rata basis per anniversary year (accrued each payroll period on a pro-rata basis which is determined by the employee's regular part-time base schedule). Beginning on the first day of employment, sick time is accrued and earned over time during periods of active service. When an employee is on an extended unpaid leave of absence sick time will not continue to accrue as the benefits are earned based on active employment. Active employment includes when the employee is out on paid sick time or vacation time but not when the employee is using any sick leave bank or other banked leave (see vacation policy). Sick time will be pro-rated in any anniversary year where the employee does not work the employee's assigned schedule on a continuous active basis.

Paid sick time can be used in minimum increments of one hour. Eligible employees may use sick time for an absence due to their own illness or injury or that of a family member who resides in the employee's household and to meet medical or dental appointments or other sickness prevention measures. The City can require an employee to use available sick time, including

those from the sick leave bank for any medically related absences.

If an employee has contracted a contagious disease which may be passed on or carried from one person to another such as COVID-19, influenza, meningitis, chicken pox, etc., then for the health and safety of all employees and customers, the City has the right to condition the employee's ability to remain at work or to return to work from an absence, on the receipt of a statement from the employee's physician that the employee is no longer contagious/communicable and is able to reenter the workplace.

If a non-exempt employee exhausts all available earned sick time, unless they have available vacation benefits, or any sick or other leave bank benefits, the employee will be paid only for actual hours worked. Exempt employees will be paid, and deductions from pay made, as required and allowed by the Fair Labor Standards Act. A request for time off without pay will not be authorized unless the employee has used all earned paid time (sick time, vacation time, sick bank or other leave bank benefits).

Employees who are unable to report to work due to illness or injury must notify their direct supervisor before the scheduled start of their workday as soon as possible. For emergency and other unexpected situations, the employee must notify the direct supervisor of the absence as soon as possible. The direct supervisor must also be contacted on each additional day of absence, unless the employee has been approved in advance for an extended sick leave absence (such as for pre-scheduled surgery, etc.). If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the reason for the absence and its beginning and expected ending dates. Such verification may be requested for any other sick leave absences as well and may be required as a condition to receiving sick leave time. Before returning to work from a sick leave absence of three (3) or more consecutive working days, an employee must provide a physician's verification that the employee has been released to return to work, and if there are any work restrictions those must be explained as well, including the expected duration of the restrictions. To maintain the confidentiality of the medical information, for anyone outside of Administration, any documentation containing medical information must be provided to Human Resources or to the City Manager and is not to be provided to the direct supervisor.

Sick time and time in the sick leave bank will be calculated based on the employee's base pay rate at the time of the absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Earned unused sick time at the end of an employee's anniversary year will be allowed to carry into the employee's sick leave bank until the employee has accrued a maximum of 720 hours of banked sick leave. If the employee's sick leave bank reaches this maximum, no further accrual of any sick time will be allowed until the employee has reduced the employee's sick leave bank balance below the limit.

Sick time and the sick leave bank are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick time and sick leave bank has no cash value and unless the time is used, the sick leave benefits will not otherwise be paid to employees while they are employed or upon termination of employment.

314 Donation of Sick Time from an Employee's Sick Leave Bank

Employees who have time in their sick leave bank may confidentially donate some of their time to a specifically named and identified non-exempt employee to be used by that employee during the current calendar year. To be eligible for a sick bank donation, the recipient must be on an approved Medical Leave for their own personal illness/event or out of work for an illness that would qualify as a disability and must have exhausted all of their paid time hours (vacation, sick, sick leave bank). Sick leave bank time can be donated in whole day increments of 8.0 hours and will be paid to the recipient at the recipient's hourly rate. All recipient payroll deductions (i.e. Insurance premiums, tax withholdings, etc.) will apply to all donated sick leave bank hours. Donated sick leave bank hours must be used by the recipient during their qualified leave. If donated sick leave bank hours are not used by the recipient (the recipient returns to work before using the donated time) then the donated hours revert back to the donor. No employee may solicit a donation from another employee.

315 Social Security

All City employees are required to participate in the Social Security system. Both the employee and the City are required to contribute to Social Security. Employee and City contributions are determined by federal law and are subject to change.

316 Time Off to Vote

The City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the City will grant up to one (1) hour of unpaid time off to vote. Employees may use available vacation or personal time (in half day increments) to vote.

Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift whichever provides the least disruption to the normal work schedule.

317 Reemployment Assistance Benefits (Unemployment Insurance)

The City is registered with the State of Florida Bureau of Unemployment Compensation. Employees who voluntarily resign or are terminated for misconduct from employment with the City are not eligible for reemployment assistance benefits (unemployment compensation). Employees who are terminated from town employment, who file a claim and meet certain qualifications, may be eligible to receive unemployment compensation benefits.

318 Vacation Time and Leave Bank

Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Regular part-time employees

Except for the first year of employment, vacation time for the benefit year is credited to an employee on the employee's anniversary date and in advance of the vacation being accrued and earned for the current (upcoming) benefit year. Vacation time is accrued and earned incrementally each payroll period to be used during the employees current benefit year. The amount of paid vacation time employees are eligible to receive each year increases with the length of employment as shown in the following schedule:

- Employees will begin accruing vacation on their first payroll and employees may request the use of vacation after it is earned, so long as the employee has completed six (6) months of continuous service (full-time or part-time as applicable). In the first year of service, an employee is eligible to earn up to five (5) vacation days, to be used after 6 months of service.
- After one (1) year of eligible service, the employee is eligible to earn up to ten (10) vacation days each year.
- After five (5) years of eligible service, the employee is eligible to earn up to fifteen (15) vacation days each year.
- After ten (10) years of eligible service, the employee is eligible to earn up to twenty (20) vacation days each year.

The City is aware that exempt positions ordinarily work over and above the normal forty (40) hour workweek. In recognition of this, exempt positions within the City earn five (5) additional vacation days in addition to those prescribed above.

The length of eligible service is calculated based on the employee's anniversary date, which is also referred to as a "benefit year." An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.) Vacation time will be pro-rated in any benefit year where the employee does not work his or her assigned schedule on a continuous active basis. For example, when an employee is on an extended unpaid leave of absence vacation time will not continue to accrue as the benefits are earned based on active employment. Active employment includes when the employee is out on paid sick time or vacation time, but not when the employee is using any sick leave bank or other leave bank (see below). The City can require an employee to use available vacation time or leave bank time, for any absence from work.

Employees earn paid vacation time according to their employment classification and the above schedule and so long as they remain in their employment classification as an active employee. Employees can request use of vacation time after it has been credited even if not yet earned and so long as they have completed six (6) months of continuous service (full-time or part-time as applicable).

Paid vacation time can be used in minimum increments of one-half day. To take vacation, employees must request advance approval from the direct supervisor. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. No vacation time shall be approved if doing so adversely affects the essential services of the department.

Vacation time as well as the banked time is paid at the employee's base pay rate at the time of its use. The pay does not include overtime or special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

If a non-exempt employee exhausts all available earned vacation time, unless the employee has

available leave bank benefits, the employee will be paid only for actual hours worked. Exempt employees will be paid, and deductions from pay made, as required and allowed by the Fair Labor Standards Act. A request for time off without pay will not be authorized unless the employee has used all earned paid time (vacation time and leave bank benefits).

In the event that earned unused vacation time is not used by the end of the employee's benefit year, employees may carry over earned unused time to a leave bank up to a maximum of maximum of 240 hours. If the employee reaches the maximum of 240 hours in the leave bank then no further time can be added to the leave bank until the employee has reduced the leave bank below the hour limit. If at the end of the benefit year the employee has unused vacation time and the leave bank is at the maximum hours then any vacation time not taken in that benefit year is lost and has no cash or other value. Time in the leave bank can be used by the employee for vacation, sick (including that of an ill family member), extended leave of absence, or military leave.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work at 100%, and will be paid for any leave bank time at 50%, with all sums being paid at the base pay rate at the time of termination.

For any vacation time taken by an employee before the time has been accrued and earned, the payment of the vacation is considered a cash advance against future wages and is subject to repayment if the employee's employment ends and they have taken more vacation than has been earned as of the date of termination. At the time of termination the City will deducted from the employee's wages some or all of the balance remaining in the amounts as allowed by law, including the Fair Labor Standards Act (applicable to exempt and non-exempt employees) and the Florida Minimum Wage laws (applicable to non-exempt employees). Any deduction(s) made by the City will not reduce an employee's pay below any statutorily-required minimum wage or overtime premium that is due to a non-exempt employee. For exempt employees, deductions from salary, or other monies owed to the exempt employee, will be made only as allowed by law.

319 Witness Duty

The City encourages employees to appear in court for witness duty when subpoenaed to do so.

If employees have been subpoenaed or otherwise requested to testify as witnesses in a case where the City is a named party, they will receive paid time off for the day(s) they are testifying as a witness. Employees must return to work when their witness service is completed for the day (unless they are excused for duty within two hours of the end of the employee's normal workday).

Employees will be granted a maximum of eight (8) hours of paid time off to appear in court as a witness in a case where the City is not a party to the lawsuit. Employees will be paid at their base rate and are free to use any remaining paid leave benefits (such as vacation leave) to receive compensation for any period of witness duty absence that would otherwise be unpaid.

The subpoena must be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

320 Workers' Compensation Insurance

The City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. Failure to timely report the injury by an employee may result in the delay or the loss of the workers' compensation benefits. Supervisors must immediately report injuries to Human Resources.

Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by the City.

Employees in need of extended time off from work due to a work related injury must request a leave of absence per the Medical Leave policy.

321 Personal Days

Two (2) personal days off with pay are available to eligible employees to provide opportunities for personal pursuits. Employees in the following employment classification(s) are eligible to earn and use personal days as described in this policy:

- Regular full-time employees
- Regular part-time employees

The length of eligible service is calculated on the basis for a "benefit year." This is the 12-month periods that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any period of an unpaid leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter and eligible employment classification, they begin to earn personal days. After the 180-day introductory period, employees can request the use of personal days that accrued during the introductory period.

Paid personal days can be used in minimum increments of one-half day. To take personal days, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements. No time shall be granted if doing so adversely affects the essential services of the department.

Personal days are paid at the employee's base pay rate at the time of use. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

In the event that available personal time is not used by the end of the benefit year, employees

may carry unused time forward to the next benefit year to a maximum of ten (10) calendar days. Any remaining personal time will be forfeited and has no cash value.

Upon termination of employment, employees will be paid for unused personal days that have been earned through the last day of work.

401 Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee by using the City's designated time recording system. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees must accurately record the time they begin and end their work, as well as the beginning and ending time of each meal period. They must also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved before it is performed.

Altering, falsifying, tampering with time records, failing to record hours, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees are not to report to work or begin to work before their scheduled starting time nor stay after their scheduled stop time without expressed, prior authorization from their supervisor. Employees must be ready to work and begin work as soon as they are clocked in.

It is the employee's responsibility to review and electronically sign their time records through the electronic system to certify the accuracy of all time recorded. Employees on call out must complete their call out sheets to report the additional hours they worked so it can be entered into the system. Supervisors are to review all time record before it is submitted for payroll processing.

All hours worked by a non-exempt employee must be recorded. No employee has the authority to direct an employee to not record hours or to work "off the clock." If that occurs the employee must immediately report the situation to the City Manager, without fear of reprisal or retaliation.

402 Paydays

All employees are paid bi-weekly on Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

If a regular payday falls during an employee's vacation, the employee may receive his or her earned wages before departing for vacation if a written request is submitted at least one week prior to departing for vacation.

403 Employment Termination

Termination of employment is an inevitable part of personal activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most

common circumstances under which employment is terminated:

- Resignation - voluntary employment termination initiated by an employee
- Discharge - involuntary employment termination initiated by the organization
- Layoff - involuntary employment termination initiated by the organization for non-disciplinary reasons
- Retirement - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization

Since employment with the City is based on mutual consent, both the employee and the City have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some insurance benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

404 Pay Advances

The City does not provide pay advances on unearned wages to employees. The only exception is the crediting of vacation and allowing it to be used before it has been earned and accrued.

405 Administrative Pay Corrections

The City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, even if the error is in the employee's favor, the employee must promptly bring the discrepancy to the attention of the Finance Administrator so that corrections can be made as quickly as possible. If any improper deductions or other error was made, it will promptly be corrected.

406 Pay Deductions

The City endeavors to properly pay all employees and to make only proper withholdings from employees' paychecks. All employees must review their paychecks regularly to confirm that all payroll deductions are correct. It is not our intention to make improper deductions from an employee's pay (including from the salary of exempt employees) but if any improper deduction was made it will be promptly corrected.

If an employee that finds, or believes, that an improper deduction has been made from his or her paycheck the employee must immediately report the issue to Finance Administrator. All errors must be reported, even if the error is in the employee's favor. The City encourages and expects employees to use this complaint procedure. No employee will be retaliated against for reporting any suspected improper deductions. All complaints of improper deductions will be promptly investigated. If valid, the City will provide the employee with payment for the previously deducted amount. If there was an overpayment arrangements must be made to repay the monies.

In the event an employee has been paid in excess of what he/she has earned, the employee will need to return the overpayment to the City as soon as possible. No employee is entitled to retain any pay/compensation in excess of the amount he/she has earned according to the agreed-upon rate of pay/compensation. If a wage overpayment occurs, the overpayment will be regarded as an advance of future wages payable and will be deducted in whole or in part from the next available paycheck(s) until the overpaid amount has been fully repaid.

The City withholds from employees' paychecks all required deductions such as for federal, state or local taxes and other legal withholdings. The City may also take deductions from employees' paychecks for absences which are not covered by the City's vacation or sick leave policies or for other time off that is not covered by the City's policies for such time off. In accordance with applicable law, the City also reserves the right to take deductions from employees' paychecks for any other type of deductions that may be necessary or appropriate and that are not specifically related to an employee's absence.

Full time exempt employees who are absent for one or more full days due to personal reasons, or for sickness or disability without accrued sick leave or vacation leave or are absent for a personal reason (other than sickness or disability) are considered to have taken a personal day off and therefore will not be paid for the day(s) that the employee is absent. In addition, the City may take deductions from the pay of full time exempt salaried employees if the employee receives compensation for his or her absences under any of the City's sick leave or disability plans or policies. The City is permitted to offset any amounts received as payment for jury duty, witness fees or military pay. The City also does not pay the full salary of full time exempt employees in their initial or last weeks of employment (if the employee works less than a full workweek in those weeks).

If an employee violates any safety rules of major significance or any workplace conduct rules, disciplinary action may include unpaid disciplinary suspensions for a period of time. This applies to both hourly non-exempt and salaried exempt employees.

Deductions for the City's benefits coverage will be withheld upon receipt of appropriate authorization forms from the employee.

407 Salary and Wage Increases

Salary and wage increases, as a result of job performance or cost of living adjustment increases may be given on an annual basis in accordance with budget appropriations by the City Commission. No probationary employee will receive pay increases until their introductory period has ended. Successful completion of an introductory period is not a guarantee of a pay increase. Pay increases are effective as designated in the annual budget or as directed by the City Manager.

501 Safety

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program. This program is a top priority for the City. The City Manager has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

The City provides information to employees about workplace safety and health issues through

regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Each employee is expected to obey rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees must immediately notify the City Manager or the appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance workers' compensation benefits procedures.

502 Work Schedules

The normal work schedule for all regular fulltime employees is eight (8) hours a day, five (5) days a week. Regular part-time employees work schedules will vary depending on the position and requirements of the job. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

503 Expenditure Policy

From time to time a department may have the need to make a repair or incur an expense. Any expense to be incurred by a department in excess of \$500.00 MUST be approved in advance and in writing by the City Manager. Department Heads must provide the City Manager with sufficient information regarding the need for the expense (in excess of \$500.00) and the cost to be incurred, and any estimates that have been obtained. No such expenses can be incurred until the City Manager has approved the expense. Regardless of the amount of the expense all invoices received by a department are to be provided to the City Manager for final approval before the Finance Department is authorized to pay the invoice.

504 Use of Phone and Mail System

Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse the City for any charges resulting from their personal use of the telephone.

The use of the City paid postage for personal correspondence is not permitted.

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

505 Smoking/Tobacco/Vaping

In keeping with the City's intent to provide a safe and healthful work environment, the use of tobacco products, smoking and vaping is prohibited throughout the workplace and in City vehicles. This policy precludes the use of all forms of cigarettes or tobacco products, including cigars, pipes and chewing tobacco.

The City is a smoke-free workplace and complies with Florida law that prohibits both smoking and any vapor generating electronic devices in all indoor areas of a workplace and in all public buildings. This includes all buildings and public places owned or under the control of the City, Florida. This policy applies equally to all employees, customers, and visitors.

506 Rest and Meal Periods

Each workday, full-time nonexempt employees are allowed two (2) short rest periods when work schedules permit and the supervisor has approved the break. Supervisors will advise employees of the regular rest periods length and schedule (to be no more than 15 consecutive minutes). To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not abuse this privilege and may not take longer rest periods than 15 consecutive minutes. Employees will not be paid for time taken in excess of the approved 15-minute rest period.

All full-time nonexempt employees are provided with one unpaid meal period of either thirty (30) or sixty (60) minutes in length each workday, as determined by the City Manager. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Employees must record the meal period in the time recording system.

Breaks may be scheduled at staggered times to allow department coverage.

507 Overtime

When operating requirements or other needs cannot be met during regular working hour's employees will be given the opportunity to volunteer for overtime work assignments. All overtime work must receive the supervisor's prior authorization. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.

Failure to work scheduled overtime or working overtime without prior authorization from the supervisor may result in disciplinary action, up to and including possible termination of employment.

508 Use of City Vehicles and Equipment

City vehicles are not to be utilized for personal business. Employees are assigned City vehicles for work only. Employees are allowed to use the vehicle for transportation from home (if an employee has been explicitly permitted to drive a vehicle home) to the jobsite or office and return. Unauthorized passengers in City vehicles will not be permitted. This applies to transporting family member, picking up hitchhikers, friends, and personal pets. Vehicles must be locked when unattended. During working time an employee is permitted to get gas or pick up lunch from a store/restaurant if they are in the City's utility service area or City limits. For any employee permitted to take a vehicle home, the use of the vehicle will be taxed as a fringe benefit when required by IRS regulations. The City has the right to monitor all vehicles with GPS or another monitoring system. If a monitoring system is installed in a vehicle it is not to be removed or tampered with by the employee.

Each employee is responsible for any traffic citations. Drivers may have to be approved by City's insurance carrier and if so, must maintain the requirements imposed by the carrier to qualify for automobile insurance policy. Any employee who has a revoked or suspended driver's license must immediately notify their supervisor and discontinue operation of any and all vehicles. Supervisors must in turn immediately notify the City Manager. Failure by the employee or the supervisor to report the required information may result in disciplinary action, including dismissal. An employee who has a revoked or suspended driver's license or who has a poor driving record and who is required to operate a motor vehicle as part of their job with City may be terminated from the City on account of not having a driver's license or because of their driving record. There is no smoking, vaping, or using tobacco in any City vehicle.

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using city property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Employees must immediately notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job. The negligent, careless or unsafe use of City vehicles or other equipment may result in discipline, up to and including termination.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, will result in disciplinary action, up to and including termination of employment. If an employee should fail to return the assigned City vehicle/equipment, or should the City vehicle/equipment be returned in a broken or damaged condition as a result of the employee's carelessness or neglect, the City will take all appropriate legal action to recover the vehicle/equipment, the value of the City vehicle/equipment, and/or the cost to repair such City vehicle/equipment.

509 Emergency Operations

At times, emergencies such as severe weather, fires, power failures, hurricanes, or pandemics, can disrupt municipal operation. In extreme cases, these circumstances may require the closing of the work facility or extending the hours of operation.

Emergency closing during the workday will be announced by the City Manager to the various managers, who will be responsible for communicating the information to their employees. If emergency conditions develop during non-working hours, it is the employee's responsibility to make every effort to be in contact with their manager during these emergency situations to determine what the work schedule may be and if they are needed to report to work. Emergency contact information such as mobile phone numbers, emails and other means that may be used to communicate in an emergency situation must be provided to Human Resources (and updated as the information changes).

Except in the case of an emergency, the City expects employees to work their regular hours. If the City is open for business and an employee does not report to work, the time off will be unpaid, as allowed by law (or the City Manager may direct the employee to use available vacation) and you may be subject to disciplinary action. The City recognizes that depending on the reason for the business closure, some employees may need additional time off to repair extensive home damage, to address transportation to work, and a variety of other emergency situations. These will be assessed on a case-by-case basis and decisions will also be affected by the employee's job requirements. If you are unclear whether you should report to work due to any emergency situation, contact your manager for further instructions.

When operations are officially closed due to emergency conditions, the City Manager will notify employees whether the time off from scheduled work will be paid, and if so for how many days. Policies regarding overtime pay apply in these situations for all nonexempt employees. In addition, exempt employees are also eligible for additional pay due to the number of possible emergency hours worked when the emergency conditions are determined by a declaration of local, state, or federal agency.

Employees may request available paid leave times such as unused vacation benefits, however the City Manager has the right to deny the use of paid leave time during emergency situations.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay and for non-exempt employees the time will count as hours worked for purposes of determining overtime.

510 Business Travel Expenses

In accordance with the City Ordinance regarding Travel Expenses the City will reimburse employees for reasonable business travel expenses incurred while on assignment away from the normal work location. All business travel must be approved in advance by the City Manager.

Employees whose travel plans have been approved are responsible for making their own travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts.

Expenses that general will be reimbursed include the following:

- Airfare or train fare for travel in coach or economy class or lowest available fare.
- Car rental fees, only for compact or mid-sized cars.

- Fares or shuttle or airport bus service, where available; costs of public transportation for other ground travel.
- Taxi fares, only when there is no less expensive alternative.
- Mileage costs for use of personal cars, only when less expensive transportation is not available.
- Cost of standard accommodations in low to mid-prices hotels, motels, or similar lodgings.
- Cost of meals, no more lavish that would be eaten at the employee's own expense.
- Charges for telephone calls fax and similar services required for business purposes.
- Charges for one personal telephone call each day.
- Charges for laundry and valet services, only on trips of five or more days. (Personal entertainment and personal care items are not reimbursed.)

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor. The supervisor must immediately notify Human Resources. Vehicles owned, leased, or rented by the City may not be used for personal use.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee.

When travel is completed, employees must submit completed travel expense reports within fourteen (14) days. If there is a special circumstance that would delay the submission of the expense report the employee must notify the supervisor before the 14 days has expired to request an extension and receive an approval. Reports should be accompanied by detailed receipts for all individual expenses. Failure to timely submit the expense report may result in the expense not being reimbursed.

Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

511 Copier, Fax Machine, Computer and E-mail Usage

Photocopiers, facsimile machines, computers, computer files, the e-mail system, and software furnished to employees are the City's property intended for business use. Employees should not use a password, access a file or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.

The City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in way that are disruptive, offensive to others, or harmful to morale.

For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-

color jokes, or anything that may be construed as harassment or showing disrespect for others.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other no-business matters.

The City purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the City does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local networks or on multiple machines according to the software license agreement. The City prohibits the illegal duplication of software and its related documentation.

Employees are expected to notify their immediate supervisor or the City Manager upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

512 Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by the City to assist certain employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive internet usage. All internet usage is limited to job-related activities. Use of the Internet for non-business related purposes may be permitted if such use is reasonable, done during lunch or non-working time and does not interfere with an employee's work performance.

All internet data that is composed, transmitted, or received via our computer communications system is considered to be part of the official records of the City and, as such, is subject to public disclosure to third parties. Consequently, employees should always ensure that the business information contained in internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

The equipment, services, and technology provided to access the internet remain at all times the property of the City. As such, the City reserves the right to monitor internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

Data that is composed, transmitted, accessed, or received via the internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or other person. Examples of unacceptable content may include, but not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other characteristic protected by law.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the internet. Employees are also responsible for ensuring that the person sending any material over the internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the internet access provided by the City in violation of law or the City's policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the organization's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Violating Copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the organization or initiate unwanted internet services and transmissions
- Sending or posting messages or material that could damage the organization's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to access or break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the organization's electronic communications systems
- Sending or posting messages that disparage another organization's products or services
- Passing off personal views as representing those of the organization
- Sending anonymous e-mail messages
- Engaging in any other inappropriate or illegal activities

513 Workplace Monitoring

Workplace monitoring may be conducted by the City to ensure quality control, employee safety, security, and customer satisfaction.

Computers furnished to employees are the property of the City. As such, computer usage and files may be monitored or accessed.

While employees should have no expectation of privacy when using City equipment or systems, the City will endeavor to conduct workplace monitoring in a respectful manner.

514 Workplace Violence Prevention

The City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, the City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence

that may occur during business hours or on its premises.

All employees, including supervisors and temporary employees, should 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. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises or in any vehicle owned by the City.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. 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, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.

The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, the City may suspend employees, either with or without pay, pending an investigation.

Anyone determined to be responsible for threats of (or actual) 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 their disputes or differences with other employees to the attention of their supervisors or the City Manager before the situation escalates into potential violence. The City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns

515 Family and Medical Leave Act

As a governmental entity, the City is a covered employer under the Family and Medical Leave Act of 1993, as amended, and its implementing regulations (the "FMLA"). As a covered employer, the City is only required to provide unpaid family and medical leave, or military family leave to an "Eligible Employee" in accordance with the provisions of the FMLA. An "Eligible Employee" is an employee who: has worked for the City for at least twelve (12) months; meets the hours of service requirement in the 12 months preceding the commencement of the leave (i.e., worked at least 1,250 hours during the 12 month period preceding the commencement of the leave and/or was on a leave of absence from work due to or necessitated by USERRA-covered service); and is employed at a job site where there are 50 or more employees within a 75 mile radius. Employees are not eligible for FMLA unless they meet this definition of being an Eligible Employee. Unless the City employees 50 or more employees none of its employees will be "Eligible Employees" for FMLA. As the City is required to have a policy addressing FMLA even if it does not have any "Eligible Employees," all District employees are directed to review the Department of Labor Notice

to Employees referenced as "Employee Rights and Responsibilities Under the Family and Medical Leave Act" (WHD Publication 1420) included as Addendum 1 to this Handbook, and incorporated herein, which contains additional information on their FMLA entitlements, if any.

To address an employee's need for time off for certain qualifying situations, the City has looked to the FMLA for guidance and has adopted its own policies to provide both Medical Leave and Family Leave to those employees who meet the eligibility requirements under the policies. The City has not adopted all of the FMLA's requirements into its policies but has looked to the FMLA to determine who qualifies as a health care provider.

601 Medical Leave

The City provides medical leaves of absence to eligible employees who are temporarily unable to work due to their own serious health condition (including when due to a work related injury, or pregnancy), disability protected under the ADA, that prevents the employee from performing their job duties. Unless required by law the time off for medical leave is consecutive time. Employees must use all available earned paid time (sick, vacation and personal) during an approved medical leave. Once paid time is exhausted, the remainder of the time is unpaid, unless the employee has qualified for short-term or long-term disability benefits. For purposes of this policy, in determining whether an employee qualifies for a medical leave for a "serious health conditions," for guidance, the City looks to the FMLA's definition which requires inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. And in determining whether the employee has a disability, the City looks to the ADA's definition of who is a qualified individual with a disability for guidance.

Employees in the following classifications are eligible to request medical leave as described in this policy:

- Regular full-time employees

Eligible employees may request medical leave only after having completed 180 calendar days of service. Exceptions to the service requirement will be considered to accommodate protected disabilities in accordance with the Americans with Disabilities Act.

Eligible employees must make requests for medical leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. All supporting medical information is to be provided only to Human Resources and not to supervisors.

A treating health care provider's medical certification must be submitted to Human Resources, verifying the need for medical leave and its beginning and expected ending dates. Detailed medical information is not to be provided, however, the certification must clearly indicate that the employee has a medical condition (serious health condition or disability) requiring an absence from work and must certify that the employee is not able to perform their job duties during this time. The statement must also have a beginning and end date of the requested leave. If the medical leave is approved, any changes to employee's ability to qualify for the medical leave, or changes in the expected length of the leave must be promptly reported to Human Resources.

Eligible employees are normally granted leave up to a maximum of twelve (12) weeks within any twelve (12) month period. The 12-month period is measured backward from the date an employee uses any family or medical leave. Any combination of medical leave, family leave, or other approved leave may not exceed this maximum limit. Employees will be required to first use any

and all accrued paid leave time before taking unpaid medical leave. If the leave request is approved Human Resources will notify the employee and the notice will set out the employee's return to work date.

Employee leave of absences ("LOA") will run at the same time. Employees who sustain work-related injuries that are also serious health conditions, or a need for a qualifying family leave situation, and are in need of time off must request the time off under this policy. For example, an employee may incur a non-work related illness or a work-related illness or injury that also causes a "serious health condition" making the employee unable to perform the functions of his/her position. In such circumstances, any period of time covered by a short-term disability insurance policy, or time off for a workers' compensation injury will also count against the employee's 12 weeks of medical leave.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will continue in the same manner as if the employee remained at work through the last day of the month in which the medical leave ends, employees must continue to pay their dependent health insurance premiums to continue the spouse/family coverage during their medical leave. The maximum time period that the City will continue to pay for the employee's health insurance is for 12 weeks. For any leave that is longer than 12 weeks, the employee will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from medical leave, benefits will again be provided by the City according to the applicable plans, including any eligibility requirements.

All paid benefit accruals, such as vacation, sick leave, holiday, etc., will be suspended during the leave and will resume upon return to active employment.

Employees returning from medical leave must submit a health care provider's verification of their fitness to return to work and ability to perform the essential functions of the employee's position and noting any work limitations and the duration of those limitations. The fitness for duty form must be provided to Human Resources no later than two (2) business days before the employee's scheduled return date so the City has time to assess the information and determine if the employee can be returned to work. During the medical leave, an employee must promptly notify their supervisor and Human Resources if there is any change to their return to work date. When a medical leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

If an employee fails to return to work on the agreed return date, absent extenuating circumstances, the employee will be terminated for resigning their position.

602 Family Leave

The City provides family leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill family obligations for childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition (as defined by the FMLA). When the family leave is for a child, spouse, or parent with a serious health condition, a supporting health care certification form must be submitted to Human Resources, verifying the need for medical leave and its beginning and expected ending dates and the estimated time required. The City will only approve intermittent family leave if it is certified to be medically necessary. The City will use the Department of Labor's recommended Form WH-380-F, Certification of Health Care Provider for Family Member's Serious Health Condition under the Family and Medical Leave Act.

Employees in the following employment classification are eligible to request family leave as described in this policy:

- Regular full-time employees

Eligible employees may request family leave only after having completed 180 calendar days of service. Eligible employees must make requests for family leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events. Supervisors must immediately notify Human Resources when a request for family leave is made.

All other terms and conditions for medical leave also apply to family leave, including determining the 12 week period, continuation or discontinuation of health insurance, discontinuation of paid accruals, use of paid time, (however, only vacation and personal time may be used, not for a family members serious health condition), the provision of a certification to return to work if the family leave was due to the employee's serious health condition, etc. Please refer to the policy for Medical Leave for this information.

603 Military Leave

The City will comply with all applicable federal and state laws regarding military leave. Employees who are reserve members of the United States military or who are members of the Florida National Guard shall be entitled to up to thirty (30) days leave of absence per calendar year from their respective duties without loss of pay for such time as they are ordered to military service or field training status in accordance with federal and state laws, including Sections 115.07, 115.09 and 115.14, Florida Statutes.

The employee must submit an order or statement from the appropriate military commander as evidence of any such duty unless restricted by law. This must be submitted as soon as possible to the City Manager.

A regular full-time City employee who is a reservist or is mobilized for activation for a period of more than thirty (30) days will be granted military leave of absence and will continue to receive benefits as required by applicable federal and/or state law.

Upon honorable discharge from active military service, an employee who wishes to return to City employment must contact the City Manager within ninety (90) days from the date of military separation unless a more extended period is allowed by law. An employee requesting reinstatement with the City must submit to a medical examination to verify the employee's physical and mental fitness to perform the essential functions of the position, with or without reasonable accommodation.

An employee returning to City employment in his or her former position will start at the salary the employee would have received, including all adjustments, had he or she remained continuously employed with the City instead of entering the armed services.

If a position vacated by an employee who entered military service is reclassified or retitled during the period of military service, the employee will be reinstated in the new or revised position, unless the employee does not meet the job requirements or is not capable of satisfactorily performing the essential functions of the position, even with reasonable accommodation. If the former position has been abolished or if the employee is incapable of satisfactorily performing the essential

functions, the employee shall be reinstated to a position as nearly comparable as possible in salary and duties to the position vacated, providing a vacancy is available.

604 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member must notify their supervisor immediately and request the time off.

Paid bereavement leave (up to 3 days for in state and up to 5 days for out-of-state) will be provided to eligible employees in the following classification(s):

- Regular full-time employees

Bereavement pay is calculated based on the base pay rate at the time of the absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.

The City defines "immediate family" for this policy as the employee's spouse, domestic partner, parent, parent in law, child, stepchild, grandchildren, and grandparent.

605 Jury Duty

The City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request paid jury leave for either state or federal court proceedings.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees

If employees are required to serve jury duty, they will receive pay at their normally scheduled rate. Up to one week of paid jury duty leave will be provided (unless the federal Fair Labor Standards Act requires additional paid time for exempt employees). Any jury duty fees paid by the court shall be signed over to the City. Any expense payments provide by the court should be retained by the employee.

Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits. Proof of service must be submitted to Human Resources when the jury service has been completed.

The City will continue to provide health insurance benefits for the full term of the jury duty absence.

Vacation, sick leave, and holiday benefits will continue to accrue during paid jury duty leave.

606 Administrative Leave

Administrative Leave is used to account for an employee's time while away from the office. The absence maybe due to a number of work related factors such as training, travel, or some other circumstance that warrants that the employee be away from his/her work station with his employers acknowledgement. The City Manager has the right to place an employee on Administrative Leave.

Administrative Leave will be granted or directed by the City Manager on a case-by-case basis. The leave may be paid or unpaid at the sole discretion of the City Manager. Vacation, sick leave, and holiday benefits will continue to accrue during a paid administrative leave, but not an unpaid administrative leave if it lasts more than one (1) week.

607 Absence Without Leave

Any employee who is absent from duty without notifying his immediate supervisor in advance shall be deemed to be absent without leave and will be subject to disciplinary action. After two (2) consecutive days, the employee shall be determined to have voluntarily resigned and will be terminated.

701 Employee Conduct and Work Rules

To ensure orderly operations and provide the best possible work environment, the City expects to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The Table of Infractions in this handbook as well as the following, are some examples of conduct that may result in disciplinary action, up to and including termination of employment:

- Unsatisfactory, inappropriate or unbecoming behavior, performance or conduct
- Failure to meet performance expectations, including failing to notify the City Manager of safety and other operational matters impacting the City or the public.
- Theft or inappropriate removal or possession of property
- Falsification of timekeeping records
- Working under the influence of alcohol or illegal drugs
- Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- Fighting or threatening violence in the workplace
- Boisterous or disruptive activity in the workplace
- Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- Insubordination or other disrespectful conduct
- Violation of safety or health rules
- Smoking/vaping in prohibited areas
- Sexual or other unlawful or unwelcome harassment, discrimination, or retaliation
- Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace. The City complies with Section 790.251, Florida Statutes.
- Excessive absenteeism or any absence without notice
- Unauthorized absence from work station during the workday

- Unauthorized use of telephones, mail system, or other employer-owned equipment
- Violation of personnel policies
- Any personal use of City vehicles

Employment with the City is at the mutual consent of the City and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice. Employees should also refer to the Counseling and Discipline policy and the Table of Infractions set out in Appendix B.

702 Drug Free Workplace Policies

In accordance with Department of Transportation (DOT), Federal Motor Carrier Safety Administration (FMCSA) regulations, the City has established a drug-free workplace program designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. This drug-free workplace program applies to every employee who operates a commercial motor vehicle in the course and scope of employment. The details of this drug policy are set out attached and incorporated into this Handbook as **Appendix A**.

In a commitment to promote a healthy, safe, and productive workforce and to safeguard our employees and the working environment for employees, contractors, customers, and the like, the City has also established a Drug-free Workplace Program. This policy is implemented pursuant to the Drug-free Workplace Program requirements under §440.102, Florida Statutes, and its implementing rules. This policy applies to all employees (including those who operate a commercial motor vehicle) and certain job applicants of the City as set out in the detailed policy. The details of this drug policy are set out attached and incorporated into this Handbook as **Appendix B**.

Employees with drug or alcohol problems that have not resulted in, and are not the immediate subject of, disciplinary action may participate in a rehabilitation or treatment program through the City's health insurance benefit coverage.

An employee who performs work for a government contract, grant, or holds a CDL license, must notify the City of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.

To help ensure a safe and healthful working environment, job applicants for certain positions, as well as any employee, may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol as allowed by state and federal law.

Any employee with questions regarding the drug policies are encouraged to contact the City Manager for more information.

703 Discrimination, Sexual and Other Unlawful Harassment, and Retaliation

Purpose

The City does not and will not condone discrimination or unlawful harassment against employees on the basis of race, color, religion, age, sex (including pregnancy, childbirth, or related medical conditions, sexual orientation, or sexual stereotyping), gender (identity, expression, transition), national origin, genetics, physical or mental disability, marital status, veteran's status, pay, or

other legally protected classification under federal, state and/or local law ("Protected Characteristic").

It is the intent of the City to exclude unlawful discrimination, unlawful harassment in all forms, and retaliation, in all of its workplaces and working relationships. This prohibition covers discrimination harassment, or retaliation by anyone in the workplace to include but not limited to city employees, contractors, volunteers, or non-employees. All employees have the right to work in an environment free of discrimination any form of unlawful harassment, or retaliation.

Scope

This Policy applies to all city employees, volunteers, contractors, or non-employees in all the City locations. This Policy applies to individuals who report concerns as well as to individuals who may participate in the investigation of any reported concerns as investigators, witnesses, decision-makers, or other roles.

Conduct

To help ensure that no employee feels him/herself to be subject to discrimination or unlawful harassment, the City prohibits any offensive physical, written, or spoken conduct of a sexual nature, off-color jokes, racial, ethnic, or religious slurs or innuendos, whether in person, in writing, or by way of electronic media, or any other inappropriate or offensive conduct directed at a person(s) based on a Protected Characteristic (the "Conduct").

Sexual harassment is a form of unlawful sex discrimination and is prohibited by the City. Offensive Conduct of a sexual nature may constitute unlawful harassment when engaged in by someone employed by the City in a position to influence employment decisions when (1) submission to such conduct is made, either expressly or implicitly, a condition of the recipient's continued employment; or (2) submission to or rejection of such conduct by the recipient is used as the basis for employment decisions affecting the recipient. This includes gender and sex based harassment against a person of the same sex as the alleged wrongdoer. Any sexual advances or personal relationships between a Supervisor and a subordinate are prohibited.

All prohibited Conduct is unacceptable in the workplace and any work- related settings such as business trips and City-sponsored social events, regardless of whether the conduct is engaged in by a supervisor, co-worker, vendor, or other third parties.

The City's emphasizes that while this policy sets forth its goal of promoting a workplace that is free from the above-referenced Conduct. This Policy does not limit the City from taking corrective action for any workplace conduct that it determines is unacceptable, regardless of whether that conduct violates this Policy.

Definitions

Discrimination - Discrimination under this Policy means treating differently or denying or granting a benefit to an individual because of the individual's Protected Characteristic.

Unlawful Harassment - Unlawful harassment is not always capable of precise definition. For example, what may be unwelcome sexual harassment to one person could be nothing more than socializing, teasing, locker room banter, or flirtation to another person. Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Therefore, the City must treat all complaints seriously and admonishes all employees to guard against any conduct that tends to cause discomfort or harassment to another employee, even though one might not believe it to be offensive.

The following are examples of what may be considered sexual (regardless of the sex or gender of the persons involved) or other unlawful harassment, depending on the facts and circumstances:

1. Verbal Harassment: derogatory or vulgar comments regarding sex or demands for sexual favors, sexual jokes, epithets, slurs, and innuendo, racial or religious slurs, or the like.

2. Visual Harassment: distribution or viewing of written or graphic materials containing sexually explicit or sexually or racially demeaning pictures or language (including email messages with attached files).

3. Physical Harassment: unwelcome or unsolicited sexual advances or other physical conduct of a sexual nature, such as touching, pinching, or causing one to fear that they will be touched inappropriately.

These examples apply whether during working hours, outside working hours, in person, or by other means of communications such as phone or electronic communications (e-mail, text messages, tweets, blogs, social networking sites or other means).

Management Responsibilities

Any supervisor or department head who becomes aware of possible violation of this policy (whether personally observed, suspected or reported to the supervisor or department head) must promptly advise Human Resources or the City Manager, who will handle the matter in a timely, discreet and appropriate manner. All such situations and potential situations must be reported so the City can look into the situation. When a complaint has been brought to a supervisor or department head, it must be reported, even when the employee complaining asks the supervisor or department head to keep the allegation confidential and take no action. Supervisors and department heads should not undertake an investigation on their own. They must instead follow the required reporting process under this policy.

Supervisors or department heads who fail to report, who engage in or allow discrimination, harassment, or retaliation will be in violation of this policy and will be subject to corrective action which may include disciplinary action, up to and including discharge.

Reporting Procedures

If an employee believes that s/he is being subjected to any of these forms of harassment or believes s/he is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, s/he must promptly bring this to the attention of Human Resources or City Manager so the matter may be reviewed. Employees who believe others are being subjected to such behavior are likewise asked to inform Human Resources or City Manager about the situation. No one is authorized to discourage anyone from reporting what a person, in good faith, believes is or may be a problem under this policy or from participating in the City's investigation of a situation under this policy. Consequently, in order for the City to address the situation, employees must report such offensive Conduct. If it would be inappropriate to contact either Human Resources or the City Manager (e.g., the complaint is about that person or the employee is uncomfortable discussing it with that individual), the employee must immediately contact the other person, or the City Attorney.

Complaint Process/Investigation/No Retaliation

The person reporting the matter will be asked to provide a written statement of the date(s), times, location, and nature of the Conduct as well as the names of any witnesses. After a complaint has been received, the City will promptly investigate the allegations.

It is understood that any person electing to utilize this complaint resolution procedure will be treated courteously, and the investigation and resolution of the situation will be handled as quickly as possible. The registering of a valid complaint, nor the participation in an investigation (as a witness or investigator), will not be used or held against the employee, nor will it have an adverse impact on the complaining individual's employment status. Employees must also report any future occurrences of the complained of actions, or similar actions, and advise Human Resources or City Manager, if they feel there is any reprisal or if they feel that they are being retaliated against for reporting any action under this policy or participating in an investigation (as a witness, investigator, or otherwise).

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Retaliatory conduct is prohibited. Some examples of retaliatory conduct include: (i) threatening action or criticizing an employee for filing a complaint or providing information; or (ii) firing, demoting, disciplining an employee or taking any other adverse action against an employee because the employee filed a valid a complaint or participated in an investigation. Reports of retaliation will be investigated and appropriate action will be taken consistent with the findings of the investigation.

The City urges all employees who are involved in an investigation to respect the privacy of both the complaining employee and the alleged wrongdoer so as not to impair the careers or reputations of either or the integrity of the investigation. All parties must be aware of the seriousness of such complaints and the damage that can be done to everyone concerned.

Actions

Appropriate action will be taken consistent with the findings of the investigation. At the completion of the investigation the complainant will be informed of the outcome to the extent appropriate. An employee engaging in discrimination, sexual or other form of unlawful harassment, or retaliation, or failing to report Conduct will be subject to corrective action, which may include disciplinary action, up to and including discharge. False and malicious complaints may result in appropriate disciplinary action. No discipline will result, however, if a complaint is made in good faith, even if the City's investigation is inconclusive or determines no discrimination, harassment, or retaliation occurred.

Confidentiality

The reporting complaining employee must understand that complete confidentiality of the complaint involving the substance of the allegations cannot reasonably be expected due to the very nature and process of the investigation of the complaint. Nonetheless, due to the serious nature of such complaints, the City will make an effort to restrict the dissemination of the complaint to those having a need to know. At the conclusion of the investigation, any public records will be subject to disclosure under Florida's Public Records Act.

Employees' Responsibilities

As an employee of the City, it is the employee's responsibility to conduct his/herself in a manner that will minimize the possibility that someone else will regard the employee's conduct as discrimination, harassment, or retaliation. The City trusts that all employees will act respectfully and responsibly in maintaining a pleasant working environment free of discrimination, harassment, and retaliation.

As an employee of the City, do not assume that the City is aware of your problem. It is the employee's responsibility to bring this information to the City's attention so that the issue can be promptly investigated and resolved.

704 Attendance and Punctuality

Regular and punctual attendance by City employees is necessary to maintain a productive work environment. Attendance is an essential function of every position at the City. Tardiness and absenteeism negatively impact the quality, safety and delivery services and daily operations. To maintain a safe and productive environment, the City expects employees to be reliable and to be punctual in reporting for scheduled work and to work their scheduled hours. Absenteeism and tardiness place a burden on other employees and on the City. Employees are required to be present at their assigned jobs for the total hours in the established workday or work period unless, the department head authorizes the absence from duty. Employees who expect to be absent from work for any reason must request approval from their department head as much in advance as possible

In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they must notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.

Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

705 Remote Work Arrangements – Exempt Employees

In most circumstances, exempt employees are required to work at the City's business locations, as the City must have a work environment where the needs of its business operations and service to the public can be met. While there may be situations where the City can be flexible for limited time periods, to allow certain exempt employees to work remotely, when approved, remote work is not a right and may not be appropriate for all positions. This allows employees to be accessible to management and the public and permits collaboration among work teams. Remote work may be permitted on an "as needed basis" but not for all positions. In determining when a remote work situation will be permitted for an exempt employee the City will assess such factors as the job position, whether the duties can be properly and adequately performed remotely, the employee's accessibility to management and the public, whether collaboration among work teams can be maintained, the City's ability to properly protect its data and information that may be accessed from a remote location and the equipment that will be used to access the City information. All remote work arrangements are subject to approval by the City Manager. When a remote work arrangement has been approved the exempt employee must remain in Florida, must still attend all required meetings (including in person when required), must be readily accessible and responsive during the work day, and must report on work performed during the day. Employees may be required to enter into a remote work agreement as a condition of being approved for remote work to address other conditions for remote work. Remote will be provided as a reasonable accommodation for a qualified disabled employee as required by law.

706 Personal Appearance

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to customers and visitors

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, non-exempt employees will not be compensated for the time away from work.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

707 Return of Property

Employees are responsible for items issued to them by the City or in their possession or control, such as the following:

- vehicles
- equipment
- keys
- manuals
- pagers
- protective equipment
- tools
- cell phones
- uniforms

Employees must return all the City property immediately upon request or upon termination of employment. Where permitted by applicable laws, the City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The City may also take all action deemed appropriate to recover or protect its property.

708 Resignation

Resignation is a voluntary act initiated by the employee to terminate employment with the City. Although advance notice is not required, the City requests at least two (2) weeks' written notice of resignation from nonexempt employees and four (4) weeks' notice from exempt employees. Such resignation notice shall be submitted to the City Manager in writing.

Prior to an employee's departure, an exit interview may be scheduled to discuss the reasons for resignation and the effort of the resignation on benefits.

709 Security Inspection

The City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the City prohibits the possession, transfer, sale, or use of such materials on its premises. The City requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of the City. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative for the City at any time, either with or without prior notice. Personal locks are not to be used on any City property.

The City likewise wishes to discourage theft or unauthorized possession of the property of employees, the City, visitors, and customers. To facilitate enforcement of this policy, the City or its representative may inspect the desk and City vehicle assigned for use by an employee. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the City's premises.

710 Solicitation

In an effort to ensure a productive and harmonious work environment, persons not employed by the City may not solicit or distribute literature in the workplace at any time for any purpose.

The City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. Working time does not include lunch periods, work breaks, or other periods in which employees are not on duty.

Examples of impermissible forms of solicitation include:

- The collection of money, goods, or gifts for community groups
- The collection of money, goods, or gifts for religious groups
- The collection of money, goods, or gifts for political groups
- The collection of money, goods, or gifts for charitable groups
- The sale of goods, services, or subscriptions outside the scope of official organization business
- The circulation of petitions
- The distribution of literature not approved by the employer
- The solicitation of memberships, fees, or dues

In addition, the posting of written solicitations on company bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:

- City Commission Agenda and announcements
- Public Hearing and meeting notices
- Employee announcements
- Internal memoranda
- Job openings
- Organization Announcements
- Worker's compensation insurance information
- Unemployment insurance information

711 Counseling and Corrective Action

The purpose of this policy is to state the City's position on administering equitable and consistent discipline for unsatisfactory performance and/or conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

Although employment with the City is based on mutual consent and both the employee and the City have the right to terminate employment at will, with or without cause or advance notice, the City may impose corrective action at its discretion. Violations of City policies and/or engaging in unacceptable performance and/or conduct may result in counseling and/or corrective action, up to and including termination. When counseling and/or corrective action becomes necessary, the City will address each situation on a case-by-case basis and will assess the seriousness of the infraction, the past record of the employee, and the circumstances surrounding the matter. Nothing in this section shall be construed as altering the "at will" nature of employment with the City.

Corrective action may call for any of four steps - verbal warning, written warning, suspension with or without pay, or termination of employment - depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. A table of infractions is attached to this handbook as Appendix B and is a part of this handbook. The table intends to give examples of infractions and the City recognizes that not every circumstance can be covered here.

The City recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, terminations of employment, without going through the usual corrective action steps.

By using a corrective action process, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the City.

712 Problem Resolution

The City is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which employees receive a timely response from the City supervisors and management in response to job-related questions, problems and suggestions.

The City recognizes that its employees, from time to time, may have concerns and even problems which they feel should be addressed. Employees deserve the opportunity to express themselves on these matters and be heard by someone with the authority to take appropriate action in a fair and unbiased fashion. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If an employee has a concern, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a concern with the City in a reasonable, business-like manner, or for using the problem resolution procedure.

If a situation occurs when employees believe that a condition of employment or decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. Employee presents problem to the immediate supervisor within seven (7) calendar days, after incident occurs. If supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to the City Manager.
2. Supervisor responds to problem during discussion or within seven (7) calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
3. Employee presents problem to the City Manager within seven (7) calendar days, if problem is unresolved.
4. Employee presents problem to the City Manager in writing. The City Manager has full authority to make any adjustment deemed appropriate to resolve the problem.
5. City Manager reviews and considers the problem. The City Manager informs employee of decision within seven (7) calendar days, and forwards copy of written response to Human

Resources for the employee's file.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment.

This policy is not to be used to address complaints that fall under the policy addressing Discrimination, Sexual and Other Unlawful Harassment, and Retaliation. If the matter involves conduct that is of a discriminatory, harassing or retaliatory manner the complaint must be reported under the policy addressing Discrimination, Sexual and Other Unlawful Harassment, and Retaliation.

901 Appendix A - COMMERCIAL DRIVER'S LICENSE (CDL) HOLDER FEDERAL DRUG-FREE WORKPLACE POLICY

This policy outlines the City's U.S. Department of Transportation (DOT) mandated-policy regarding federal law and rules governing drug and alcohol testing for employees in safety-sensitive jobs. Safety-sensitive is defined as duties performed by employees who are required to hold a Commercial Driver's License (CDL). The City also maintains a separate drug testing policy outlining the rules governing the testing of non-CDL holders and providing for additional non-DOT testing of CDL holders. To the extent any information in this policy is not current with DOT requirements the DOT requirements will govern over this policy.

The policy is consistent with the federal drug testing requirements for operators of Commercial Motor Vehicles (codified at 49 USC § 31306 and 49 CFR Part 40 and Part 382) which prohibits the use of alcohol and drugs on the job and prior to reporting to work. It is the intent of this policy to assure compliance with Federal law and regulations regarding drug and alcohol testing of certain specified safety-sensitive employees.

Federal law mandates alcohol and drug testing for employees in positions requiring a Commercial Driver's License (CDL) and defined as safety sensitive. Employees in positions requiring a CDL and defined as safety-sensitive are subject to this policy and hereafter in this policy will be referred to as employee and/or employees. These rules require pre-employment, reasonable suspicion, post-accident, random, follow-up, and return-to-duty drug and alcohol testing.

POLICY:

1. Employees Subject to Testing

Federal regulations provide that safety-sensitive employees who operate vehicles requiring a CDL must be subject to drug and alcohol testing. A CDL is required of any person who operates a "commercial motor vehicle" as defined by the DOT.

2. Participation as a Condition of Employment

All employees in, or applicants for, positions defined as safety-sensitive above must participate in the drug and alcohol testing program prescribed by federal regulations as a condition of employment. Failure to participate and comply with program requirements may result in disciplinary action up to and including termination of employment.

3. Prohibited Behavior

- A. No employee shall use, sell, distribute, dispense, possess, or manufacture any alcoholic beverages or illegal drugs or any other intoxicating substance on a job site or the City property while on duty; or while in a the City vehicle, a vehicle leased for the City business, or a privately-owned vehicle being used for the City business during the employee's work hours.
- B. No employee shall report to work unfit for duty at the beginning of a shift or upon returning from any break, lunch, or rest period because of consuming alcohol, illegal drugs, or other intoxicant.

- C. Employee in a safety-sensitive position is further prohibited from the use of alcohol four (4) hours prior to performing job functions. No Supervisor having knowledge that an employee in such a position has used alcohol within four (4) hours shall permit that employee to perform job functions.
- D. It is the responsibility of an employee on prescription medication or over-the-counter medication, which has the potential to impair performance, to consult with his/her physician regarding its effects on their ability to perform their job functions. An employee may be required to have his/her physician certify that medication does or does not adversely affect the employee's fitness for duty. As marijuana remains an illegal controlled substance under federal law, the City strictly prohibits it, even if otherwise prescribed for a medical purpose under state law.
- E. Violation of these rules may result in disciplinary action up to and including termination of employment.
- F. Employees must also fully comply with all prohibitions set forth in the City's non- DOT drug testing policy, which is applicable to both CDL and non-CDL employees. When safety-sensitive CDL employees are being tested pursuant to this policy (i.e., the DOT-mandated policy), the testing procedures set forth below shall apply. When safety sensitive CDL employees are being tested pursuant to the non-DOT policy, the procedures set forth in that policy shall apply.

4. Circumstances for Testing

Federal regulations require that drug and alcohol tests be given to safety-sensitive employees (as defined above) in specific circumstances: pre-employment, reasonable suspicion, post-accident, random, return to duty, and follow-up. For employees to recognize the circumstances which may initiate these tests, the following definitions are provided:

- A. **Pre-employment Testing** – Federal regulations require that all applicants for employment in positions requiring a CDL or individuals being transferred into such positions must be given a pre-employment drug test. Applicants may not be hired or assigned to a safety-sensitive function unless they complete and pass the test. Prior to conducting the test, departments must inform the applicant or employee of the testing requirements. Vacancy announcements and job postings must stipulate that passing a drug test is a condition of employment. Further, applicants may be required to sign a document acknowledging that they know they are subject to testing.
- B. **CDL Acquisition** – Employees who acquire a CDL license while currently employed with the City will be tested prior to being transferred into a safety-sensitive position.
- C. **Reasonable Suspicion Testing** – Federal regulations require that an employee in a safety-sensitive position must be directed to undergo alcohol and/or drug testing when the City has reasonable suspicion to believe that the employee has used a prohibited drug or has misused alcohol in violation of federal law. The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable, observations concerning the appearance, behavior, speech, or body odor of the employee.
- D. **Post-Accident Testing** – Federal regulations provide that as soon as practicable

following an accident, tests for alcohol and controlled substances shall be administered to employees performing safety-sensitive functions if (i) the accident involved the loss of human life; or (ii) the driver receives a citation under State or local law for a moving traffic violation arising from the accident, and the accident involved either bodily injury to any person who receives medical treatment away from the accident or disabling damage to one or more motor vehicles occurred as a result of the accident. Drug tests must be performed within thirty-two (32) hours following the accident. Alcohol tests must be performed within eight (8) hours. If an alcohol test is not administered within two (2) hours following the accident, the department must still attempt to administer the test and must also prepare and maintain a record stating the reason(s) the test was not promptly administered. If an alcohol test is still not administered within eight (8) hours following the accident, the department shall cease attempts to administer an alcohol test and shall maintain the same record.

A safety-sensitive employee shall not use alcohol for eight (8) hours following an accident or until the employee undergoes a post-accident alcohol test, whichever occurs first.

The requirement to test for alcohol and drugs following an accident shall in no way delay necessary medical attention for injured people or prohibit a safety-sensitive employee from leaving the scene of an accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, an employee who is subject to post-accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

- E. **Random Testing** – Federal regulations require that safety-sensitive employees be subject to random drug and alcohol testing. The selection of employees for random alcohol and drug testing shall be made by a scientifically valid random number selection method. The selection process shall assure that each employee shall have an equal chance of being tested each time selections are made. The minimum annual percentage rate for random alcohol testing shall be 10% of the average number of CDL safety-sensitive positions and, for controlled substances testing, 50% of the average number of CDL safety-sensitive positions, or the then current rate established by the DOT. Selection shall be determined by the third-party organization employed to administer the alcohol and drug testing program.

The test dates shall be spread reasonably throughout the year with no established pattern. Testing will be unannounced as well as random.

Once the employee has been notified that he/she has been selected for random testing, the employee shall report immediately to the collection site. Employees shall be individually and discretely notified to report to the collection site, and they shall be assured that they have been selected for a routine test. Schedules shall be adjusted so that additional personnel may be available to substitute for employees being tested.

- F. **Return-to-Duty Testing** – Before any employee is allowed to return to duty to perform a safety-sensitive function following a verified positive drug test result, an alcohol result of 0.04 or greater, or a refusal to submit to a test, that employee must undergo a return-to-duty test. The return-to-duty alcohol test result must indicate an alcohol concentration of less than 0.02. The return-to-duty drug test result must indicate a

verified negative result for controlled substance use.

Before a return-to-duty test is performed, the employee must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee may need and shall determine whether the employee has followed recommendations by a substance abuse professional (SAP), including participation in any rehabilitation program.

Federal regulations require that all return-to-duty tests be conducted under direct observation.

- G. **Follow-up Testing** – Once allowed to return-to-duty, an employee shall be subject to unannounced follow-up testing for at least twelve (12) but not more than sixty (60) months. The frequency and duration of the follow-up testing will be determined by a substance abuse professional (SAP) as long as a minimum of six (6) tests are performed during the first twelve (12) months after the employee has returned to duty. Employees subject to follow-up testing must also remain in the standard random pool.

Federal rules require that all follow-up tests be conducted under direct observation.

5. Behavior that Constitutes a Refusal to Submit to a Test

The following actions or behaviors shall constitute a refusal to submit to a required test:

- A. Refusal to take the test.
- B. Inability to provide sufficient quantities of breath or urine to be tested without a valid medical explanation.
- C. Tampering with or attempting to adulterate the specimen or collection procedure or is reported by the MRO as having a verified adulterated or substituted test result.
- D. Failure to report to the collection site in the time allotted, or the failure to remain at the testing site until the testing process is complete.
- E. Failure to remain readily available for post-accident testing for eight (8) hours or until the employee undergoes testing, whichever occurs first.
- F. Failure to permit a direct observation test where such test is required.
- G. Failure to cooperate with any part of the testing process.

6. Testing Procedures

- A. **Drug Testing** - Drug testing is conducted by analyzing the employee's urine specimen. Specimens are collected in an off-site facility which must meet the "Procedures for Transportation Drug and Alcohol Testing Program" (49 CFR Part 40) requirements to assure privacy and the integrity of specimen collection. The employee provides a urine specimen, which is sealed and labeled by an authorized agent of the testing organization. A chain of custody document is completed, and the specimen is shipped to a certified laboratory. The specimen collection procedures and chain of

custody ensure that the specimen's security, proper identification, and integrity are not compromised.

Federal law requires that drug testing procedures for safety sensitive employees include split specimen techniques. Each urine specimen is sub-divided into two containers labeled as primary and split specimens. Both specimens are forwarded to a laboratory certified by the US Department of Health and Human Services (DHHS). Only the primary specimen is used in the urinalysis. The split specimen remains sealed and stored unless and until it is required for confirmation of a positive test.

An initial screening test is performed. If the test is positive for one or more drugs, a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation ensures that over-the-counter medications are not reported as positive results.

If the analysis of the primary specimen confirms the presence of controlled substances, the employee has seventy-two (72) hours to request that the split specimen be sent to another DHHS certified laboratory for analysis. The split specimen procedure provides the employee with an opportunity for a second opinion.

All drug test results are reviewed and interpreted by a physician, Medical Review Officer (MRO) before they are reported. If the laboratory reports a positive result to the MRO, the MRO contacts the employee and conducts an interview to determine if there is an alternative medical explanation for the presence of a controlled substance in the specimen.

If the employee provides appropriate documentation, and the MRO determines that there is a legitimate medical use of the prohibited drug, the test result is reported as negative. The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana."

Employees will be subject to drug testing for the detection of illegal drugs/drug groups, including but not limited to those listed below as well as others that may from time to time be declared illegal by state or federal law:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines and methamphetamines
- Opiates (opium and codeine derivatives including heroin)
- Phencyclidine (PCP)

B. **Alcohol Testing** - Federal regulations provide that alcohol testing is conducted using evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). The breath test must be performed by a breath alcohol technician (BAT) trained in the operation of the EBT and in the alcohol testing procedures prescribed by the rules.

Two breath tests are required to determine if a person has a prohibited alcohol concentration. Any result from the screening test is considered negative if the alcohol concentration is less than 0.02. If the alcohol concentration is 0.02 or greater, a confirmation test must be conducted. The employee and the BAT complete the alcohol testing form to ensure that results are properly recorded. The confirmation test must be conducted using an EBT that prints the results, date, time, in sequential test numbers, and the name and the serial number of the EBT to ensure the reliability of the results.

The EBT shall be conducted by BAT's employed by a drug and alcohol testing organization under contract with the City. The City employees shall not perform the breath alcohol test. Law enforcement officers will not conduct the tests as part of roadside inspections. Under certain circumstances, post-accident tests conducted by law enforcement personnel will be acceptable.

- C. **Confidentiality of Test Results** - Employee alcohol and drug testing results and records are maintained under strict confidentiality by the City, the drug testing laboratory, the alcohol testing facility, and the MRO. The results cannot be released to any other party except a substance abuse professional without the written consent of the employee.

Exceptions to these confidentiality provisions are limited to a decision maker in arbitration, litigation, or administrative proceedings arising from a positive drug test or other violation of these rules.

Reports are maintained by the City and its alcohol and drug testing provider.

7. Consequences of the Use of Drugs and the Misuse of Alcohol

- A. **Consequences of Alcohol Misuse** - Employees who engage in prohibited alcohol conduct must be immediately removed from safety-sensitive functions. The following circumstances constitute prohibited behaviors.
1. Employee has an alcohol concentration of 0.02 or greater, but less than 0.04, as determined by EBT results, when tested just before, during, or just after performing safety-sensitive functions.
 2. Employee has used alcohol within four (4) hours of performing safety-sensitive functions.
 3. Employee has used alcohol while performing safety-sensitive functions
 4. Employee has used alcohol during the eight (8) hours following an accident or until the employee has undergone a post-accident alcohol test.
 5. Employee refused to submit to a required alcohol test.
 6. Employee has an alcohol concentration of 0.04 or greater, as determined by EBT results when tested just before, during, or just after performing safety-sensitive functions.

An employee found to have violated any of these provisions shall be immediately removed from safety-sensitive duty for at least twenty-four (24) hours, and the incident shall be recorded. Further, the employee will be subject to disciplinary action up to and including termination of employment.

No employee who has engaged in any prohibited alcohol conduct shall be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing a safety-sensitive function, the employee must undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02. The employee shall be subject to the provisions for follow-up testing. Further, the employee will be subject to disciplinary action up to and including termination of employment.

- B. **Consequences of Use of Controlled Substances** - An employee who has a verified positive drug test result must be immediately removed from safety-sensitive functions. The employee who has a verified positive drug test result shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing safety-sensitive functions, the employee must undergo a return-to-duty substance test with a verified negative result. This test will be conducted under direct observation. The employee shall be subject to the provisions for follow-up testing.

An employee who has an initial verified positive drug test result will be subject to disciplinary action up to and including termination of employment.

- C. **Refusal to Submit to a Required Alcohol or Drug Test** - Refusal or failure to submit to a required alcohol or drug test constitutes a failed test resulting in immediate removal from safety-sensitive duty and appropriate disciplinary action as prescribed herein. The employee shall not be allowed to perform safety-sensitive functions until the employee has been evaluated by a substance abuse professional. Before an employee returns to duty performing safety-sensitive functions, the employee must undergo a return-to-duty substance test with a verified negative result. This test will be conducted under direct observation. The employee shall be subject to the provisions for follow-up testing.

8. Training for Supervisors

The City shall ensure that all supervisors and other persons designated to determine whether reasonable suspicion exists to require an employee to undergo testing must receive a minimum of sixty (60) minutes of training on alcohol misuse and a minimum of sixty (60) minutes of training on controlled substances use. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. The training shall include an overview of the program requirements, disciplinary procedures, confrontation and documentation procedures, and rehabilitation and treatment options which are available.

9. Training for Safety-Sensitive Employees

- A. Each department participating in the CDL Drug and Alcohol Testing Program shall ensure that all employees performing job functions deemed safety-sensitive shall receive a copy of this policy.

- B. Each department participating in the CDL Drug and Alcohol Testing Program shall ensure that all new employees performing job functions deemed safety-sensitive hired after the date of this policy being adopted shall receive a copy of this policy and the educational materials listed below:
1. The identity of the person designated by the employer (DER) to answer driver questions about the materials.
 2. Specific information concerning driver conduct that is prohibited by federal regulation and this policy.
 3. The circumstances under which a driver will be tested for alcohol and/or controlled substances under federal regulation and this policy, including post-accident testing under 49 CFR 382.303(d).
 4. The procedures that will be used to test for the presence of alcohol and controlled substances, protect the driver and the integrity of the testing processes, safeguard the validity of the test results, and ensure that those results are attributed to the correct driver, including post-accident information, procedures, and instructions required by this policy and 49 CFR 382.303.
 5. The requirement that a driver submit to alcohol and controlled substances tests administered in accordance with this policy and federal regulations.
 6. An explanation of what constitutes a refusal to submit to an alcohol or controlled substances test and the attendant consequences.
 7. The consequences for drivers found to have violated this policy and the federal regulations, including the requirement that the driver be removed immediately from safety-sensitive functions, and the procedures that can follow such removal.
 8. The consequences for drivers found to have an alcohol concentration of 0.02 or greater but less than 0.04.
 9. Information concerning the effects of alcohol and controlled substances use on an individual's health, work, and personal life; signs and symptoms of an alcohol or a controlled substances problem (the driver's or a co-worker's); and available methods of intervening when alcohol or a controlled substances problem is suspected, including confrontation, referral to any employee assistance program and or referral to management.
- C. Each department shall ensure that each driver is required to sign a statement certifying that he or she has received a copy of these materials described in this section. Each department shall maintain the original of the signed certificate and may provide a copy of the certificate to the driver.

10. Supervisory Responsibilities

- A. Supervisors are responsible for determining through direct observation whether an employee can perform his or her assigned duties. Determinations shall be based on specific, contemporaneous, articulable, reliable observations concerning the

appearance, behavior, speech, or body odor of the employee.

- B. Employees who are suspected of being unfit for duty because of alcohol or drug use will be required to undergo reasonable suspicion drug and/or alcohol testing in accordance with federal regulations and this policy. Supervisors should immediately bring their observations to the attention of their managers in order that arrangements for testing can be implemented as soon as practicable.
- C. Employees who are suspected of being impaired and unfit for duty may not remain at the workplace. Incidents and behavior described herein should be witnessed and documented immediately. The Supervisor's manager should be consulted and advised of the incident. An employee who is impaired should not be allowed to drive home from the workplace.
- D. An employee who has engaged in prohibited behavior and was not allowed to remain at work or was removed from safety-sensitive duties will not be considered to have a disciplinary suspension. After the employee is removed from safety-sensitive duties or removed from the workplace, supervisors and managers should discuss the specifics of the situation with Human Resources to review appropriate disciplinary action. Each situation will be evaluated on a case-by- case basis.

11. Responsibilities

- A. A drug and alcohol-free workplace shall be maintained through the efforts and personal example of management.
- B. Subordinate managers and supervisors who fail to perform their duties and responsibilities as outlined in this policy will be subject to disciplinary action up to and including termination of employment.
- C. Managers and supervisors are encouraged to discuss with employees any behavior or job performance factors that may indicate the use of drugs, alcohol, or other violations of this policy and to suggest, when appropriate, that employees seek assistance through the Employee Assistance Program (EAP).
- D. Managers shall direct employees in designated safety-sensitive positions to comply with the provisions for pre-employment, reasonable suspicion, random, post-accident, return-to-duty, and follow- up testing in accordance with federal regulations.
- E. Supervisors who make reasonable suspicion determinations must receive training on the physical, behavioral, and performance indicators of probable drug use and alcohol misuse. Supervisors shall be instructed on the principle of the "reasonable prudent individual" in reasonable suspicion decisions.

12. Random Pool Database Updating

Each department participating in the City Drug-Free Workplace Policy for Commercial Motor Vehicle Operators agrees to provide to the Designated Employer Representative (DER) on a quarterly basis, if necessary, any changes in CDL driving status.

13. Contact Information

The City's Designated Employer Representative (DER) is Human Resources. Questions regarding the drug and alcohol testing program and the policies and procedures required for compliance with federal law and rules shall be directed to the DER, the Supervisor or the City Manager.

14. Querying the FMCSA Clearinghouse and Reporting Violations

In accordance with federal regulations (49 CFR § 382.701), the City will query the FMCSA Drug and Alcohol Clearinghouse for any drug or alcohol information pertaining to CDL drivers and applicants, as follows:

- A. Full pre-employment queries will be conducted on applicants for any position which requires a CDL license. As a condition of consideration for employment, applicants will be required to provide the Clearinghouse with consent to allow the City to conduct a full query.
- B. For current employees who are employed in a position requiring a CDL, a limited query of the Clearinghouse will be conducted annually. As a condition of continued employment, employees are required to execute the required consent form permitting the limited query. If the limited query reveals that information about the CDL driver exists in the Clearinghouse, the City will conduct a full query within 24 hours. As a condition of continued employment, the CDL driver will be required to provide the Clearinghouse with consent allowing the City to conduct a full query.

In accordance with federal regulations (49 CFR § 382.705), the City (or its Service Agent if the City uses a Third-Party Administrator to administer its DOT drug testing policy) will report the following drug/alcohol information regarding CDL drivers/applicants to the FMCSA:

Reporting entity	When information will be reported to Clearinghouse
The City	<ul style="list-style-type: none"> • An alcohol confirmation test with a concentration of 0.04 or higher. • Refusal to test (alcohol) as specified in 49 CFR § 40.261.
	<ul style="list-style-type: none"> • Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191.
	<ul style="list-style-type: none"> • Actual knowledge, as defined in 49 CFR § 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	<ul style="list-style-type: none"> • Negative return-to-duty test results (drug and alcohol testing, as applicable)
	<ul style="list-style-type: none"> • Completion of follow-up testing.

Service Agent acting on behalf of the City (if the City uses a TPA)	<ul style="list-style-type: none"> • An alcohol confirmation test with a concentration of 0.04 or higher. • Refusal to test (alcohol) as specified in 49 CFR § 40.261.
	<ul style="list-style-type: none"> • Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191.
	<ul style="list-style-type: none"> • Actual knowledge, as defined in 49 CFR § 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance.
	<ul style="list-style-type: none"> • Negative return-to-duty test results (drug and alcohol testing, as applicable)
	<ul style="list-style-type: none"> • Completion of follow-up testing.

Human Resources is responsible for reviewing and updating this Policy. Any questions on the application or interpretation of this Policy should be directed to Human Resources. Compliance with this Policy will be monitored on an on-going basis.

Any questions, please contact the Human Resources Department.

15. Medical Marijuana

If an applicant or employee with a legal referral for marijuana (for the treatment of a medical condition) tests positive based on the substance limits for the drug test, it will be reported by the lab as a “positive drug test” and will be treated in accordance with all other positive drug tests.

Employees and applicants shall be given an opportunity to provide any information relevant to the test, including identification of currently or recently used prescription or non-prescription medications as well as any legal referral for marijuana use for the treatment of a medical condition.

There are no additional exceptions for applicants or employees with legal referrals for marijuana.

16. CDL Suspension for DUI Arrest or Conviction

A safety sensitive employee must notify the City Manager immediately (within 24 hours) of receiving a DWI/DUI. Any safety sensitive employee who has been arrested for DWI/DUI will be suspended or may be re-assigned to a non-safety-sensitive position, if available, for a maximum period of 90 days and will not be permitted to operate any City vehicle, under any circumstances. If the employees CDL has not been reinstated at the end of the 90 days the employee will be terminated.

902 Appendix B - DRUG-FREE WORKPLACE POLICY PER FLORIDA LAW

This policy outlines the City's Drug Free Workplace in accordance with workers' compensation provisions (Florida Statutes 440.101-440.102) and the Rules established by the State of Florida, Agency for Health Care Administration for Drug Testing (currently 59A-24 of the Florida Administrative Code). The City recognizes that an employee's health affects personal job performance as well as the performance and job safety of other employees. This policy was created to maintain a safe and healthy work environment for all employees and the public. To the extent this policy is inconsistent with any changes that are made to the referenced statutes, rules or subsequent court decisions, the City will follow the current legal requirements.

It is a condition of employment for employees to refrain from the abuse, illegal use or misuse of drugs, including prescription or non-prescription medications, controlled substances, or any illegal drugs, or being impaired by illegal drugs or alcohol, on the job. Possession of any illegal drugs and alcohol is also prohibited at all sites at which employees are providing services. All employees must report to work in appropriate mental and physical condition without any illegal drugs, controlled substances (except for medication prescribed for and being properly used by the employee) or detectable levels of alcohol in their bodies. As marijuana remains an illegal controlled substance under federal law, the City strictly prohibits it, even if otherwise referred for use for a medical purpose under state law.

SCOPE:

This policy applies to all employees of the City (including those who hold a CDL license) and for those applicants who are being considered for a mandatory-testing position. This policy will be made available to all employees and job applicants to review during regular business hours.

TYPES OF TESTING:

The City conducts the following types of drug testing:

1. Job Applicant. All job applicants seeking a mandatory-testing position (as defined in Section 440.102, Florida Statutes) who are given a conditional offer of employment must submit to a drug test. Refusal to submit to a drug test or a positive, confirmed drug test may be used by the City as a basis for refusal to hire the job applicant.

2. Reasonable Suspicion. All employees must submit to a drug test when requested by the City based on a belief that an employee is using or has used drugs in violation of the City's policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- a) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being impaired by an illegal drug.
- b) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c) A report of drug use, provided by a reliable and credible source.
- d) Evidence that an individual has tampered with a drug test during employment with the City.

e) Information that an employee has caused, contributed to, or been involved in an accident while working, if the accident results in lost time, personal injury requiring medical attention, or injury to property. This is the case whether not the employee was operating equipment or operating a City vehicle, or a personal vehicle for work purposes.

f) Evidence that an employee has used, possessed, sold, solicited or transferred drugs while working or while on the City's premises or while operating the City's vehicle, machinery, or equipment.

3. Routine Fitness for Duty. An employee must submit to a test for drugs if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the City's established policy or that is scheduled for all members of an employment classification or group.

4. Follow-up. If an employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol/drug rehabilitation program, the employee must submit to a drug test as a follow-up to such program (unless the employee voluntarily entered the program), on a quarterly, semi-annual, or annual basis for two years after completion of the program. Advance notice of a follow-up testing date will not be given to the employee to be tested.

5. Random Testing. The City has the right to require random drug testing for illegal drugs (includes illegally using lawful drugs) (excluding alcohol). These tests will be unannounced and may be given at any time. Each employee will have an equal chance to be selected each time a random test is performed.

COST OF TESTING:

The City will pay the cost of all drug tests, initial and confirmation, which the City requires of all employees and applicants. The applicant or employee shall pay the costs of any additional drug tests not required by the City.

REFUSAL TO TEST/CONFIRMED POSITIVE TESTS:

1. Refusal to Test. If a job applicant or an employee refuses to submit to a test for drugs or alcohol, he/she forfeits his/her eligibility for all medical and indemnity benefits and may be terminated from employment, not hired, or otherwise disciplined by the City.

2. Injury. If an employee is injured in the course and scope of their employment, and has a positive confirmation of a drug at a level described below, such an injured employee may forfeit their eligibility for medical and indemnity benefits under the Workers' Compensation Act upon exhaustion of the procedures provided in this policy titled "EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS," and may be terminated from employment.

3. Positive Drug Test and Employee Assistance. If an employee has a positive, confirmed drug test required by the City for Reasonable Suspicion, Routine Fitness for Duty, Random Testing (if implemented) or Follow-up testing, the employee will be considered to be in violation of this City policy. The City may (but is not required to) request or require the employee to seek help or rehabilitation from an employee assistance program or a community resource. A list of the names, addresses and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs is contained at the end of the policy. An employee who has a confirmed positive drug test will be disciplined up to and including termination from

employment.

CONFIDENTIALITY:

All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the City or produced through the drug testing program are confidential communications, exempt from the provisions of section 119.07, Florida Statutes and section 24(a) Article I of the Florida Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with applicable state statutes and rules or in determining compensability under Florida Statutes, Chapter 440.

Employers, laboratories, medical review officers, employee assistance programs, drug and alcohol rehabilitation programs, and their agents who receive or have access to information concerning drug test results must keep all information confidential. Release of such information under any other circumstance shall be solely pursuant to a written consent form signed voluntarily by the person tested, unless such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under Chapter 440, or unless deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:

- a) The name of the person who is authorized to obtain the information.
- b) The purpose of the disclosure.
- c) The precise information to be disclosed.
- d) The duration of the consent.
- e) The signature of the person authorizing release of the information.

Information on drug test results is not be released or used in any criminal proceeding against the employee or job applicant except as permitted under the Florida Drug Free Workplace provisions in Chapter 440 of Florida Statutes and the implementing rules and interpretations. Information released contrary to the provision of section 440.102 is inadmissible as evidence in any such criminal proceeding.

Nothing shall be construed to prohibit the City, agent of the City, or laboratory conducting a drug test from having access to employee drug test information when consulting legal counsel in connection with actions brought under or related to state statute or rule or when information is relevant to its defense in a civil or administrative matter.

LABORATORY PROCEDURES/DRUGS FOR WHICH THE CITY MAY TEST:

The collection of specimens and the performance of the drug tests are to be in accordance with the Florida Agency for Health Care Administration's Drug Testing Rules. The laboratory will be licensed by the Agency for Health Care Administration and is to comply with the provisions of Chapter 483, Part I of the Florida Statutes.

The City may test for any or all of the following drugs at the cut-off levels established by the United States Department of Health and Rehabilitative Services. All drug/alcohol tests are to be initially screened using an immunoassay except that the initial screen for alcohol shall be an enzyme oxidation methodology. All specimens identified as positive on the initial screen are to be confirmed using the Gas Chromatography/Mass Spectrometry methodology (GC/MS) or an

equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the United States Drug Administration, except that alcohol will be confirmed using gas chromatography. The cut-off levels for the drug-free workplace program for initially screened urine¹ specimens are:²

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Alcohol - (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol). Please read label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).	0.04 g/dL%	0.04 g/dL%
**Amphetamines - (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.	1,000 ng/mL	500 ng/mL
**Cannabinoids - 11 - nor - Delta - 9 tetrahydrocannabinol - 9 carboxylic acid) (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, THC).	50 ng/mL	15 ng/mL
**Cocaine - (benzoylecgonine) (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).	300 ng/mL	150 ng/mL
**Phencylidine - (PCP, angel dust). Not legal by prescription.	25 ng/mL	25 ng/mL
Methaqualone - (ludes, quaalude, optimil, parest, somnafac, sopor). Not legal by prescription.	300 ng/mL	150 ng/mL
**Opiates - (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, Tussi-organidin etc.	2,000 ng/mL	
Morphine	***	2000 ng/mL
6-Acetylmorphine	***	10 ng/mL
Codeine	***	10 ng/mL
Barbiturates - (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.	300 ng/mL	150 ng/mL
Benzodiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.	300 ng/mL	150 ng/mL

¹ Initial cut off levels and confirmation levels for hair specimens differ from urine specimens but the drugs to be tested remain the same. Alcohol testing is performed via a blood specimen.

² See Fla. Admin. Code R. 59A-24,006, <http://flrules.elaws.us/fac/59a-24.006>.

	<u>Initial cut-off</u>	<u>Confirmation cut-off</u>
Methadone - Dolophine, Metadose.	300 ng/mL	150 ng/mL
Propoxyphene - Darvocet, Darvon N, Dolene, etc.	300 ng/mL	150 ng/mL

**These substances are the only drugs to be included in federally regulated Drug Testing Programs (for example, DOT (NIDA) testing). If testing is required for additional substances another separate sample is to be collected.

***The initial cut-off for these substances is pursuant to the initial cut-off for Opiates.

All levels equal to or exceeding the Confirmation cut-off levels will be reported as positive to the Medical Review Officer (MRO). Laboratories are to report all quantitative alcohol results above 0.02% level to the MRO who shall be responsible for reporting results to the City, if appropriate.

MEDICAL REVIEW OFFICER WILL REVIEW RESULTS:

Results of all drug tests performed by the laboratory are to be sent directly to the City's Medical Review Officer for final verification and determination of the drug test. A list of "OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT THE OUTCOME OF A DRUG TEST" is provided at the end of this policy and will be given to each employee/job applicant subject to testing during the collection process. The employee/job applicant providing a specimen for testing should list any medications taken within the past 30 days on this form and should retain this form to be used as a "memory jogger" should the Medical Review Officer need to discuss the results of the test with the employee/job applicant. **THIS FORM IS NOT TO BE GIVEN TO THE CITY.** The City's designated Medical Review Officer will use the information provided to interpret any positive confirmed results.

An employee or job applicant who receives a positive confirmed test result may contest or explain the result to the Medical Review Officer within five (5) working days after receiving written notification of the test result. If an employee's or job applicant's explanation or challenge is unsatisfactory to the Medical Review Officer, the Medical Review Officer must report a positive test result back to the City. The employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

EXPLANATIONS/CHALLENGES TO DRUG TEST RESULTS:

Within five (5) working days after receipt of a positive confirmed test result from the Medical Review Officer, the City will inform the applicant or employee in writing of the positive test results, the consequences of such results, and the options available to the employee/applicant, including the right to file an administrative or legal challenge.

The City will provide to the employee or job applicant, upon request, a copy of the test results.

Within 5 working days after receiving notice of a positive confirmed test result, the applicant or employee will be allowed to submit information to the City explaining or contesting the test results. During the period following the positive confirmed test, the employee will be suspended without pay. If the explanation or challenge of the positive test results is unsatisfactory to the City, a written explanation as to why the applicant or employee's explanation is unsatisfactory, along with the report of the test results, will be provided by the City to the applicant or employee. All such documentation will be kept confidential by the City and will be retained by the City for at least one (1) year.

1. Documentation Based on Reasonable Suspicion. After testing based on

reasonable suspicion, the City will promptly detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation will be given to the employee upon request. The original documentation will be kept confidentially by the City and retained for at least one (1) year, or as otherwise required by the public records law, if applicable.

2. Additional Rights and Responsibilities of Employees and Applicants. During the 180-day period after written notification of a positive test result, the employee/applicant who has provided the specimen will be permitted by the City to have a portion of the specimen retested, at the employee's/applicant's expense. Such retesting is to be done as specified in the applicable Workers' Compensation Statute and Rules.

It is the responsibility of the applicant or employee to notify the laboratory of any administrative or civil actions brought pursuant to Chapter 440, Florida Statutes, Drug Free Workplace requirements.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

EMPLOYEE ASSISTANCE PROGRAM:

In addition to resources which may be available under the City's Employee Assistance Program (EAP), local telephone directories "Yellow Pages" and similar on-line resources (www.yellowpages.com) under "Drug Abuse and Addiction Information and Treatment," lists the names and locations of treatment centers. Also, the United Way, listed in the telephone directory White Pages (as well as www.whitepages.com), offers many confidential services at no charge. Any costs of outside services are the Employee's responsibility. This list is not exhaustive but provides some local resources for the employee to assess.

National Hotline numbers and national assistance groups.

<i>Assistance/information provider</i>	<i>Contact number</i>
<i>Substance Abuse and Mental Health Services Administration</i>	<i>1.800.662.4357</i>
<i>Alcoholics Anonymous</i>	<i>1.800.252-6465</i>
<i>National Cocaine Hot Line</i>	<i>1.800.262.2463</i>
<i>Veteran's Crisis Line</i>	<i>1.800.273.8255</i>

Local assistance groups

<i>Assistance/information provider</i>	<i>Address</i>	<i>Contact number</i>
<i>A New Start - Florida</i>	<i>1514 S Alexander St #202, Plant City, FL 33563</i>	<i>813-441-4757</i>
<i>WhiteSands Treatment, Lakeland</i>	<i>5135 US 98 North, Lakeland, FL 33809</i>	<i>863-209-7451</i>
<i>TriCounty Human Services, Inc. – Lakeland Outpatient Clinic</i>	<i>2725 Hwy 60 East, Bartow, FL 33830</i>	<i>863-701-7373</i>

**OVER-THE-COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT
THE OUTCOME OF A DRUG TEST**

(THIS LIST IS NOT INTENDED TO BE AN ALL-INCLUSIVE LIST)

<p><u>ALCOHOL</u></p> <p>All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contac Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).</p>
<p><u>AMPHETAMINES</u></p> <p>Obetrol, Biphedamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin</p>
<p><u>CANNABINOIDS</u></p> <p>Marinol (Dronabinol, THC)</p>
<p><u>COCAINE</u></p> <p>Cocaine HCl topical solution (Roxanne)</p>
<p><u>PHENCYCLIDINE</u></p> <p>Not legal by prescription.</p>
<p><u>METHAQUALONE</u></p> <p>Not legal by prescription.</p>
<p><u>OPIATES</u></p> <p>Paregoric, Parepectolin, Donnagel PG, Morphine, 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.</p>
<p><u>BARBITURATES</u></p> <p>Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.</p>
<p><u>BENZODIAZEPINES</u></p> <p>Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.</p>
<p><u>METHADONE</u></p> <p>Dolophine, Metadose</p>
<p><u>PROPOXYPHENE</u></p> <p>Darvocet, Darvon N, Dolene, etc.</p>

List prescription drugs taken within the past thirty (30) days. Provide any other information that you want the medical review officer to know in connection with this drug test. This is for your use only at this time. It should be given to the medical review officer if there is a positive confirmed test result. **DO NOT GIVE THIS FORM TO THE CITY.** In the case of a positive test result, this information should be provided to the medical review officer.

BY: _____

PRINT NAME: _____

DATE: _____

903 Appendix C - Table of Infractions

Table of Infractions

The list of infractions serves as a guideline. This list is not exhaustive. The City at all times has the right to determine the appropriate action to be taken for any infraction(s) that may arise. All employees remain employed on an at-will basis and the City may terminate the employment relationship at any time, with or without cause, or advanced notice,

<u>No.</u>	<u>Infraction</u>	<u>1st Offense</u>	<u>2nd Offense</u>
1.	Incompetence or inefficiency in performance of duty.	S-1	DD
2.	Carelessness or neglect in performance of duty	S-1	DD
3.	Bribery of, or acceptance of bribes from employees, board members, commissioners, contract agencies or members of the public for any reason whatsoever or attempts thereof		DD
4.	Being impaired by illegal drugs or alcohol while on duty	DD	-----
5.	Use of political pressure in connection with examinations, appointments, or other personal actions.	S-3	DD
6.	Failure to report absences of subordinates or self	DD	-----
7.	Outside employment or business activity which is incompatible with the duties and responsibilities or the position held with the City	S-3	DD
8.	Failure to report outside employment or business activity to Supervisor	S-1	DD
9.	Improper political activities as defined in the Charter, these rules or departmental regulations	S-5	DD
10.	Use of City equipment, supplies, or personnel without proper authority	S-3	DD
11.	Accepting gifts or remuneration from members of the public in connection with an employee's duties	S-3	DD
12.	Failure to make reasonable settlement of personal debts, reflecting adversely on the City	S-1	DD
13.	Conviction of a felony or misdemeanor, considered to make the employee's continued employment contrary to the best interest of the City	DD	-----
14.	Failure or unreasonable delay in carrying out any order, regulation or directive required by supervisor	S-1	DD
15.	Damage to City owned property, waste of City owned supplies, through negligence, deliberate action, misconduct, or other culpable action	S-3	DD

16.	Conduct unbecoming an employee of the City on or off duty	S-3	DD
17.	Absence from duty without permission	S-1	DD
18.	Refusal to obey a lawful order of a supervisor	S-1	DD
19.	Refusal to produce City records or other data lawfully requested by City Commission	S-3	DD
20.	Insubordination	S-5	DD
21.	Conspiring to overthrow the Government of the City, County, State or the United States	DD	-----
22.	Arrest and conviction on charges considered to be contrary to the best interests of the City	S-	DD
23.	Failure to report to work without notifying supervisor, or without reason acceptable to supervisor	S-1	DD
24.	Intoxication on duty or off duty in such a manner as to reflect adversely upon the City	S-1	DD
25.	Involvement in or causing a scandal public or private, reflecting adversely on City	S-	DD
26.	Any action contributing to the lowering of employee morale	S-3	DD
27.	Unexcused or habitual tardiness	S-3	DD
28.	Failure to report damage or loss of City property	S-1	DD
29.	Failure to report injuries on duty	S-1	DD
30.	Gambling on duty	S-1	DD
31.	Striking a City employee, or contributing to any disturbance or fracas on duty	DD	-----
32.	Offending, orally, by gesture, or by physical violence, any member of the public while on duty	DD	-----
33.	Concealing or attempting to conceal defective work, damaged equipment, or wasted supplies, or removing or destroying same without permission	DD	-----
34.	Unauthorized destruction or removal of official records, documents, supplies or equipment	DD	-----
35.	Sleeping while on duty	S-1	DD
36.	Making false or unfounded charges or statements	S-5	DD

	which slander or defame other employees or officials or the City Government, or which reflect adversely on the honesty, integrity, motives, character, or efficiency of such person		
37.	Theft, embezzlement, or unauthorized taking of City equipment, supplies, funds, or personnel	DD	-----
38.	Disrespectful conduct, use of insulting abusive, profane, obscene, or vulgar language to or about members of the City Government or the public while on duty	DD	-----
39.	Falsification of employment application or any official record of the City	DD	-----
40.	Soliciting or accepting remuneration of any kind in connection with appointments, examinations, or other personnel actions	DD	-----
41.	Illegal contract or financial interest as defined in the Charter	DD	-----
42.	Violation of any departmental regulation or lawful order from a supervisor	S-3	DD
43.	Unsatisfactory performance	SD	DG
44.	Falsification of records	DD	-----
45.	Personal use of a City vehicle or any other violation of the policy on use of City equipment or vehicles	DD	-----

Types of Disciplinary Actions

Symbols

Dismissal from duty.

DD

Suspension from duty without pay.

S-(Days)

Demotion in grade, title or work.

DG

Demotion within range, by lowering salary step.

SD

Written reprimand, duly recorded.

WR

Oral reprimand, duly recorded.

OR

Addendum 1 - Employee Rights and Responsibilities Under the Family and Medical Leave Act - (WHD Publication 1420)

EMPLOYEE RIGHTS UNDER THE FAMILY AND MEDICAL LEAVE ACT

THE UNITED STATES DEPARTMENT OF LABOR WAGE AND HOUR DIVISION

LEAVE ENTITLEMENTS

Eligible employees who work for a covered employer can take up to 12 weeks of unpaid, job-protected leave in a 12-month period for the following reasons:

- The birth of a child or placement of a child for adoption or foster care;
- To bond with a child (leave must be taken within one year of the child's birth or placement);
- To care for the employee's spouse, child, or parent who has a qualifying serious health condition;
- For the employee's own qualifying serious health condition that makes the employee unable to perform the employee's job;
- For qualifying exigencies related to the foreign deployment of a military member who is the employee's spouse, child, or parent.

An eligible employee who is a covered servicemember's spouse, child, parent, or next of kin may also take up to 26 weeks of FMLA leave in a single 12-month period to care for the servicemember with a serious injury or illness.

An employee does not need to use leave in one block. When it is medically necessary or otherwise permitted, employees may take leave intermittently or on a reduced schedule.

Employees may choose, or an employer may require, use of accrued paid leave while taking FMLA leave. If an employee substitutes accrued paid leave for FMLA leave, the employee must comply with the employer's normal paid leave policies.

While employees are on FMLA leave, employers must continue health insurance coverage as if the employees were not on leave.

Upon return from FMLA leave, most employees must be restored to the same job or one nearly identical to it with equivalent pay, benefits, and other employment terms and conditions.

An employer may not interfere with an individual's FMLA rights or retaliate against someone for using or trying to use FMLA leave, opposing any practice made unlawful by the FMLA, or being involved in any proceeding under or related to the FMLA.

An employee who works for a covered employer must meet three criteria in order to be eligible for FMLA leave. The employee must:

- Have worked for the employer for at least 12 months;
- Have at least 1,250 hours of service in the 12 months before taking leave;* and
- Work at a location where the employer has at least 50 employees within 75 miles of the employee's worksite.

*Special "hours of service" requirements apply to airline flight crew employees.

BENEFITS & PROTECTIONS

ELIGIBILITY REQUIREMENTS

REQUESTING LEAVE

Generally, employees must give 30-days' advance notice of the need for FMLA leave. If it is not possible to give 30-days' notice, an employee must notify the employer as soon as possible and, generally, follow the employer's usual procedures.

Employees do not have to share a medical diagnosis, but must provide enough information to the employer so it can determine if the leave qualifies for FMLA protection. Sufficient information could include informing an employer that the employee is or will be unable to perform his or her job functions, that a family member cannot perform daily activities, or that hospitalization or continuing medical treatment is necessary. Employees must inform the employer if the need for leave is for a reason for which FMLA leave was previously taken or certified.

Employers can require a certification or periodic recertification supporting the need for leave. If the employer determines that the certification is incomplete, it must provide a written notice indicating what additional information is required.

EMPLOYER RESPONSIBILITIES

Once an employer becomes aware that an employee's need for leave is for a reason that may qualify under the FMLA, the employer must notify the employee if he or she is eligible for FMLA leave and, if eligible, must also provide a notice of rights and responsibilities under the FMLA. If the employee is not eligible, the employer must provide a reason for ineligibility.

Employers must notify its employees if leave will be designated as FMLA leave, and if so, how much leave will be designated as FMLA leave.

ENFORCEMENT

Employees may file a complaint with the U.S. Department of Labor, Wage and Hour Division, or may bring a private lawsuit against an employer.

The FMLA does not affect any federal or state law prohibiting discrimination or supersede any state or local law or collective bargaining agreement that provides greater family or medical leave rights.



For additional information or to file a complaint:

1-866-4-USWAGE

(1-866-487-9243) TTY: 1-877-889-5627

www.dol.gov/whd

U.S. Department of Labor | Wage and Hour Division

