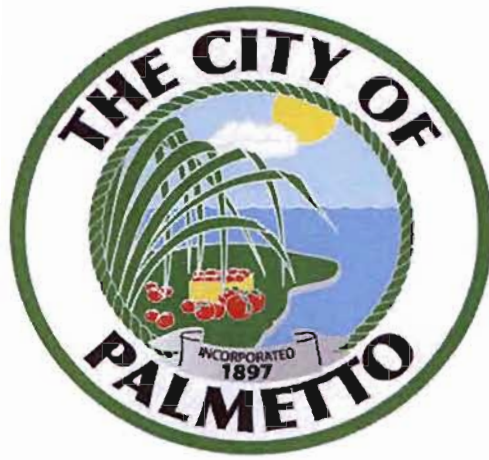


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PERSONNEL POLICY MANUAL

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CITY OF PALMETTO
PERSONNEL POLICIES MANUAL

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GENERAL PROVISIONS

PURPOSE:

In accordance with Chapter 22, entitled Personnel, City of Palmetto Code of Ordinances, it is the purpose of this personnel policy manual to establish procedures which will serve as a guide to employee conduct and administrative actions concerning the various personnel activities and transactions.

POSITIONS COVERED:

This Personnel Policy Manual shall apply to all employees in the municipal government, except that the Mayor and City Commission are exempt. Department heads are excluded only where specifically indicated.

ADMINISTRATION:

Where a question arises concerning whether or not any activity conforms to the Code of Ethics, the Mayor, with advice from the Human Resources Director and the City Attorney, as needed, shall decide the question.

1. The Human Resources Director shall present to the Mayor thru the City Clerk such changes to the manual as are necessary for the effective administration of the personnel system. The responsibility for maintenance and revisions of this manual will be held by the City Clerk through the actions of the Human Resources Director.
2. Amendments, changes or revisions to this policy manual shall be recommended by the Mayor to the City Commission for final approval.
3. Department heads may put into effect appropriate rules and regulations to regulate operating practices and procedures in the respective department provided the prescribed rules and regulations do not conflict with or allow for a lesser standard than that imposed by the City Commission in this manual or other rules and regulations enacted by the Commission.
4. It is the responsibility of department heads and supervisors to provide guidance to their employees. They are obligated to be fair, to be knowledgeable in their responsibilities and to be sensitive to the needs of the individual and of the City.

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- | 5. Department heads and supervisors have an obligation to make the best use of the abilities and skills of their employees where practical and to operate their departments economically, efficiently and effectively.

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ARTICLE 1. MANAGEMENT RIGHTS

Section 1.01: Standards of Services

The City has the right to set standards of services to be offered to the public and exercise control and discretion over its organization and operations. It is also the right of the City to direct its employees and take disciplinary action as provided herein.

| Section 1.02: Operations

It is the right and obligation of the City to manage and conduct the operations of the City and its primary obligation is to provide sound governmental operations for the citizens of Palmetto. It is the right, obligation and duty of the City of Palmetto and its designated officials to put into effect rules, regulations, directives and orders from time to time as deemed necessary. The City officials and employees are subject to the laws of the State of Florida, federal regulations and orders of state and federal governmental agencies.

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ARTICLE 2. EMPLOYMENT PRACTICES

Section 2.01: Equal Employment Opportunity

It is the policy of the City of Palmetto to recruit, hire, train and promote employees without discrimination because of race, religion, color, political affiliation, marital status, physical or mental disability, national origin, sex or age. This policy applies to all levels and phases of personnel administration such as recruitment, testing, hiring, training, promotion, transfer, leave practice, rates of pay, selection of supervisory positions and employee benefit programs.

The City adheres to this policy to maintain and build an organization of the highest quality that provides equal employment opportunities to all persons on the basis of individual merit.

Full-time employee: Full-time employees are those who are regularly scheduled to work thirty-two (32) hours or more per week. Such employees are eligible for paid vacation, sick leave, retirement benefits, holidays, and other benefits.

Part-time employee: Part-time employees are those who are scheduled to work less than thirty-two (32) hours per week. Such employees are not eligible for health and life insurance, paid vacation, sick leave, retirement benefits, holidays, or other benefits except workers compensation. They may be laid off or terminated at any time without notice or use of the grievance procedures. If a part-time employee becomes full-time, they are immediately eligible for such benefits at the time of attaining full-time status.

If the part-time employee becomes full-time in the same position during his or her initial probationary period, the probationary time served to the date of achieving full-time status will be credited toward the probationary requirement of the full-time position.

Temporary employee - An employee hired for a specified term. This term does not include an employee contracted through a temporary staffing agency. A temporary employee whose position with the City becomes a budgeted position shall use all time spent at temporary status as credit toward fulfilling the probationary period. A temporary employee who is selected to fill a budgeted position which becomes vacant while the employee is working in a temporary position shall serve the required probationary period.

Section 2.02: Recruitment

The City of Palmetto seeks to employ the most qualified persons available. In this effort, the City conducts an active job information and recruitment program. When possible, the City shall attempt to fill vacancies by promotion or transfer within the organization. If this does not yield a suitable candidate, applications from other sources shall be considered. The administrative procedure shall be as follows:

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- A. Upon notification of a vacancy the department head will immediately notify the Human Resources Director. A job announcement shall be prepared, stating the position title, minimum training, experience requirements, salary range and application procedures. This announcement shall be posted on all employee bulletin boards in City departments for a period of no less than 5 working days. Announcements may concurrently be advertised in local and/or area-wide newspapers. Educational institutions, employment agencies, trade journals and publications, professional organizations, state job services and veteran's organizations may also be utilized as advertisement sources. The Human Resources Director and the department head shall select appropriate recruitment sources.

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- B. Nothing in this Manual or any other policy of the City of Palmetto should be construed to form a contract of employment between the City and, an employee.

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Section 2.03: Selection

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All persons seeking employment with the City of Palmetto shall complete an employment application. In addition, depending on the nature of the job, one or more of the following selection criteria may be required of the applicant: performance tests, written examinations, oral interviews, background investigations and reference checks.

- A. All applications shall be reviewed by the Human Resources Director. Only qualified applications will be forwarded to the appropriate supervisor. Qualified applications shall then be further reviewed for job related experience and specific criteria.

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- B. Interviews shall be scheduled with the selected qualified applicants. Appropriate testing and examinations shall be scheduled for the applicants (if applicable).

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- C. The department head or acting department head shall make the final selection.
- D. Successful applicants will be given a conditional offer of employment, and be required to pass a physical examination, drug test and class 2 criminal background check including finger printing.
- E. Background investigation and reference checks will be conducted on the top job candidate(s).
- F. Any employee who has previously been discharged from the City for cause will not be eligible for rehire for a minimum period of one year.
- G. Selected applicants will be required to provide any special license(s) which may be necessary for the position within the probationary period. See section 2.05 and 2.05.01
- H. Selected applicants will be required to provide proof of bondability, if applicable.
- I. Police officer applicants will be required to pass Florida Statute requirements including a polygraph examination, drug screen and psychological evaluation.

Section 2.04: Hiring

Upon the selection of a qualified candidate to fill a vacancy, the department head shall initiate the hiring process. The department head shall consult with the Human Resources Director if he/she plans to offer the applicant more than the entry level pay for the position. Note: Any offer other than the minimum starting step must be within the pay plan guidelines. This must be done prior to the final offer of employment. A Personnel Action Form shall be completed by the Human Resources Department and sent to the department head, then resubmitted to the Human Resources for proper retention prior to the beginning date of employment. No employee can begin work until the Personnel Action Form has been processed.

In addition, all employees are required to meet successful applicant conditions. It shall be the responsibility of the department head to schedule an appointment with the Human Resources Director so that the new employee can be signed up for payroll and insurance purposes. See section 2.03 D

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Section 2.05: Probationary Period

All new employees hired to fill a full time position shall serve an initial probationary period. Probationary periods are defined below:

Section 2.05.01: Initial Probationary Period

Police Officers - ~~Six (6)~~ month probationary period.

All other employees - Six (6) month probationary period.

During the initial probationary period or any extensions thereof, the employee's performance will be evaluated in writing. If it does not meet the standards for the job position, the employee may be terminated at any time without notice, cause or recourse to any procedural processes set forth in this Manual.

During the initial probationary period, new employees shall accrue annual leave. However, annual leave may not be used during the first six (6) months of employment. Sick leave will accrue and may be used during the probationary period. Employees separated during the initial probationary period will not be paid for annual leave credits upon separation from the City.

Section 2.05.02: Promotion, Demotion or Transfer Probationary Period

Promoted, demoted and transferred employees will serve a required probationary period in the new position as defined under section 2.05 and 2.05.01. The probationary period may be extended if deemed necessary by the department head to give a better opportunity to evaluate the employee.

Section 2.06: Promotion

It is the policy of the City of Palmetto to employ and promote the most qualified individual available for any given position. Promotion from within the organization is desirable when possible and practical.

Vacancies shall be advertised in accordance with the policies and procedures delineated in the recruitment and selection sections of this Manual. Preference may be given to applications from existing personnel who meet the qualifications of the position.

Employees must serve an initial probationary period of 6 months for general employees and 6 months for sworn officers in the new

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position. The probationary period may be extended if deemed necessary by the department head to give a better opportunity to evaluate the employee. This will be documented using the City's current evaluation system.

Section 2.07: Transfers

Transfer opportunities shall be available to employees as vacancies occur or as special requests and circumstances warrant. Transfer is defined as the change of an employee from one position to another position of equal or lesser rank and status. Every attempt shall be made to transfer the employee to a position having a pay grade equal to or consistent with the employee's current earnings. If a transfer results in a lesser rank, the grade and step will reflect the new rank accordingly. Transfers shall be made only with the agreement of all the department heads involved. Employees who do not successfully complete the required probationary period will be subject to reversal of transfer if a position is available. If a position is not available said employee will be dismissed.

Section 2.08: Demotion

Demotion means a reduction in pay for disciplinary purposes. Demotion does not mean a change in job duties or job title or a reduction in pay associated with reduction in force or reorganization. Demoted employees must serve a 12 month disciplinary probationary period and successfully complete their performance improvement plan, which will be prepared at the time of discipline in conjunction with the supervisor.

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Section 2.09: Nepotism: Employment of Relatives

In compliance with Section 112.3135, Florida Statutes, no appointing official shall appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement in or to a position in City of Palmetto government in which the appointing official is serving or over which the appointing official exercises jurisdiction or control any individual who is a relative of the appointing official. An individual may not be appointed, employed, promoted, or advanced in or to a position in City of Palmetto government if such appointment, employment, promotion or advancement has been advocated by an appointing official, serving in or exercising jurisdiction or control over the organizational unit, who is a relative of the individual.

Relative is defined for the purposes of this section as: father, mother, son, daughter, brother, sister, grandfather, grandmother, granddaughter, grandson, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother,

stepson, stepdaughter, stepbrother, stepsister, half-brother or half sister.

Any individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay; and money may not be paid to an individual so appointed, employed, promoted or advanced.

No employee shall serve in a position in the City of Palmetto which is under the authority of a relative as defined in this section.

Should two employees of City of Palmetto government marry or become relatives within the definition of this section and become subject to the provisions of this section, one employee shall be assigned to another organizational unit if an opening at or below the employee's class exists or the employee may resign from employment with the City of Palmetto. Action to eliminate the conflict with the requirements of this section shall be accomplished within ninety (90) days from the date the employees become subject to these provisions.

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Section 2.10: Dual Employment

The work of the City of Palmetto shall take precedence over any other occupational interests of its employees. All outside employment for salary, wages or commission services and all self-employment must be reported in writing to the appropriate department head and approved in advance. Any department head seeking dual employment shall get approval from the Mayor. Each change in dual employment shall require separate approval.

Approval shall not be granted in the following situations:

- A. When such dual employment conflicts or interferes, or is likely to conflict or interfere, with the employee's service to the City.
- B. When such dual employment is incompatible or creates a conflict of interest with an employee's official duties.

Approval may be withdrawn if the employee's performance deteriorates.

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Section 2.11: Interview Expenses

If prior authorizations are granted by the City Commission and budgeted funds are available, reimbursement may be made for travel

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and subsistence expenses incurred by applicants for employment interviews with the City. The rate of reimbursement shall be the same as those established for City employee travel and subsistence.

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ARTICLE 3. PERSONNEL RECORDS

Section 3.01: Florida Statue Chapter 119

Pursuant to the provisions of Chapter 119, Florida Statutes, employment applications and employee personnel records shall be open for personal inspection by any person. Exempt from this policy are the social security numbers of all employees of the City, which are contained in employment records and certain records of law enforcement, code enforcement, and code inspection officers, as set forth in Section 119.07(3) (1) Florida Statutes, as amended from time to time. Documents relating to complaints of discrimination are kept separate from individual personnel files until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

The Human Resources Director is the sole official custodian of all personnel records for employees of the City of Palmetto and such records shall reside in City Hall.

The Human Resources Director shall maintain an individual personnel file for each employee. The official personnel file shall include, but not be limited to a copy of the following documents, for a period as prescribed by Law.

- A. Employment application.
- B. Background investigation reports, if applicable.
- C. A signed record reflecting each original appointment, reinstatement, promotion, demotion; transfer, separation, layoff, reduction in pay, change in the employee's status; change in the employee's rate of pay; change in the employee's class title; leave of absence without pay, educational leave with pay; and any other personnel transactions pertinent to the employee's employment record.
- D. A copy of any correspondence directly related to the employee's record.
- E. A copy of the Oath of Loyalty signed by the employee.
- F. A copy of the Immigration and Naturalization Service's Form I-9 documenting eligibility to work in the United States.

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- G. A copy of the certificate signed by the employee indicating that he has received a copy of the official employee handbook or personnel policy and a copy of the Electronic and Computer Systems Policy, and is expected to abide by all of its terms and conditions.
- H. A copy of the certificate signed by the employee indicating that he has received a copy of the City of Palmetto Drug free Workplace Policy and agrees to abide by its terms.
- I. A copy of all performance evaluations, performance and disciplinary documentation, exclusive of exceptions as provided by law.
- J. A copy of any exit interview report, if applicable.

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Section 3.02: Rebuttals

An employee may include in his or her personnel file a rebuttal of any material he/she considers to be detrimental.

Section 3.03: Employee Responsibility

Each employee shall promptly notify the Human Resources Department of any change of information or status reflected in the personnel file. Employees must immediately notify the Human Resources Department of all changes of home address or telephone number.

ARTICLE 4. EMPLOYEE CONDUCT

Section 4.01: Code of Ethics

The City Commission of the City of Palmetto affirms its commitment to the Code of Ethics for Elected Officers, Department Heads and Employees as set forth in Part III of Chapter 112, Florida Statutes, and specifically endorses the following declaration of policy:

- A. It is essential to the proper conduct and operation of government that public officials and employees be independent and impartial and that public office or employment not be used for private gain other than the compensation provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.
- B. It is also essential that government attract those citizens best qualified to serve. Thus, policies against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.
- C. It is hereby declared to be the policy of the City that no officer or employee shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity, or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.
- D. It is declared to be the policy of the City that public officers and employees are agents of the people and hold their positions for the benefit of the public. Such officers and employees are bound to observe, in their official acts, the highest standards of ethics regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

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E. No City employee or member of the employee's family shall accept gifts of any type, or size with a total value exceeding \$50.00 from any person or firm doing business with the City, or any person who intends to do business with the City, that would reasonably tend to influence the employee in the discharge of the employee's official duties or give the appearance of the employee being improperly influenced.

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F. All employees shall behave in a completely ethical, truthful, and honorable manner in all dealings with the public and other City employees.

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G. No employee acting in his official capacity shall either directly or indirectly purchase, rent or lease any realty, goods, or services for the City from any business entity in which he or his spouse or any of the children, parents, grandparents or grandchildren of the employee or his spouse is an officer, partner, director, or proprietor or in which the employee or his spouse or any of the children, parents, grandparents or grandchildren of the employee or his spouse, or any combination thereof, has a financial interest.

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H. No employee, acting in a private capacity, shall rent, lease, or sell any realty, goods, or services to the City without approval of the City Commission.

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I. No employee or his spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when the employee knows, or with the exercise of reasonable care should know, that it was given to influence any action in which the employee was expected to participate in his official capacity.

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J. Employees of the City shall refrain from engaging in conduct unbecoming a public employee.

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K. No employee shall use or attempt to use his position, or any property or resource which may be within his trust, to secure special privileges, benefits or exceptions for himself or others.

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L. No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with the City.

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M. No employee shall have or hold any employment or contractual relationship that will create a continuing or

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frequently recurring conflict between his private interests and the performance of his public duties, or that would impede the full and faithful discharge of his public duties.

N. No employee shall accept employment or engage in any business or professional activity which he might reasonably expect would require or induce him to disclose confidential information acquired by him by reason of his official position.

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O. No employee shall disclose or use information not available to members of the general public and gained by reason of his official position for his personal gain or benefit or for the personal gain or benefit of any other person or business entity.

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P. No employee shall transact any business in his official capacity, or advocate or advise any other City employee to transact business, with any business of which he is an officer, director, agent or member, or in which he owns a financial interest.

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Q. No employee shall have personal investments in any enterprise which would reasonably create a conflict between his private interests and the public interest.

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R. No employee shall hold direct or indirect ownership of more than 5% of the assets or capital stock of any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, or trust, whether fictitiously named or not, which is subject to the regulation of, or which has business transactions or commitments with the City of Palmetto.

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Section 4.02 Employee Disclosure Requirements

A. Any employee who is, or becomes, an officer, director, partner, proprietor, associate, or general agent or member of, or who owns or acquires a financial interest in any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, trust or other business entity which is subject to the regulation of, or which has business transactions or commitments with the City, shall file a statement to this effect with his or her department head within five (5) working days of the effective date of this subsection, or within five (5) working days after becoming affected by this section. The statement shall disclose the nature and extent of the relationship and financial interest the employee holds with the entity.

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B. An employee who submits an application for employment or enters into a contractual relationship for remuneration with an individual or firm doing business with or subject to regulation by the City, shall report such application to his or her department head in writing within five (5) working days of having made application.

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C. Any employee who accepts an offer of employment or enters into a contractual relationship for remuneration from an individual or firm doing business with or subject to regulation by the City, shall report such offer in writing to his or her department head within five (5) working days of such offer.

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D. Any employee who accepts a gift as described in paragraph 4.01 E of this policy, from any individual or firm doing business with or regulated by the City, shall report such offer in writing to their department head and the Human Resources Director within five (5) working days of such offer.

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Section 4.03 Administration of the Code of Ethics

- A. Any employee wishing to determine whether a proposed activity would be prohibited may document the circumstances of the proposed activity and request an opinion from the Human Resources Director. Copies of the request and resulting opinions shall be provided to the department head, the Mayor and City Commission prior to engaging in the activity.
- B. Employees who violate the Code of Ethics, as described herein, or in Chapter 112, Florida Statutes, shall be subject to disciplinary action up to and including dismissal from City employment, and, in the event found guilty of violating Chapter 112, FS, civil penalties not to exceed \$5,000.

Section 4.04: Political Activity

- A. No person shall be appointed to, demoted, or dismissed from any position in City of Palmetto government, or in any way favored or discriminated against with respect to employment in City of Palmetto government service because of political opinion or affiliations.
- B. Any City employee must resign before running for any political office in the City of Palmetto. Any city employee seeking public office outside the City shall formally notify the Mayor and Commission.
- C. No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure for any person an appointment or advantage in appointment to a position in City of Palmetto government service, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person, or for any consideration; provided, however, that letters of inquiry, recommendations and references by public employees or public officials shall not be considered political pressure unless any such letter contains a threat of intimidation, or irrelevant, derogatory or false information.

Deleted: Where a question arises concerning whether or not any activity conforms to the Code of Ethics, the Mayor, with advice from the Human Resources Director and the City Attorney, as needed, shall decide the question.

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D. No person shall directly or indirectly give, render, pay, offer, solicit, or accept any money, service, or other valuable consideration for or on account of any appointment, promotion or proposed promotion to, or any advantage in a position in the City of Palmetto government service.

E. As an individual, each employee retains all rights and obligations of citizenship provided in the Constitution and Laws of the State of Florida and the Constitution and Laws of the United States. However, no employee of the City of Palmetto shall:

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1. Take any active part in a political campaign while on duty or within any period of time during which they are expected to perform services for which they receive compensation from the City.

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2. Use the authority of his position to secure support for or oppose any candidate, party or issue in an election or affect the results thereof.

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3. Use any promise of reward or threat of loss to encourage or coerce any employee to support or contribute to any political issue, candidate or party.

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4. Display on his/her person or vehicle used for official business while on duty or in his/her workplace any button, sign, decal or other symbol of support for any political party or candidate for public office.

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F. Any City employee violating this section shall be guilty of improper conduct and shall be subject to disciplinary action, up to and including discharge.

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G. No City employee shall be required to contribute any money or anything of value to any candidate for nomination or election to any office, or to any campaign or political committee, or take part in any political campaign.

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Section 4.C5: Standards of Conduct

- A. Standards of conduct are established for the benefit of the public and employees of the City of Palmetto. Employees may expect an agreeable place to work and supervisors may expect orderly and proper conduct from employees. It is also necessary that orderly, safe and efficient service be provided to the public.

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To the extent that these Standards of Conduct are inconsistent with the written directives governing conduct of sworn members of the police department, these Standards of Conduct shall take precedence over all members of the police department.

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- B. The standards of conduct outlined in this section are intended to provide employees of the City of Palmetto with guidance on proper conduct. They are not intended to restrict the privileges of anyone. The standards are designed to assure the rights and safety of employees and quality services to the public.

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- C. Employees of the City of Palmetto are expected to conduct themselves in a manner which will favorably reflect upon the City and themselves.

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- D. It is the policy of the City of Palmetto to provide a work environment that is free from any form of harassment.

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- E. When employees are on City property, they shall be subject to the City's standard of conduct regardless of whether or not they are on duty.

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- F. Employees representing the City at a location other than their normal place of work shall comply with the standards of conduct.

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- G. No employee shall engage in conduct which creates a hostile or offensive working environment.

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- H. No employee shall engage in violence, fighting and threatening or intimidating behavior aimed at or involving other employees or the general public at any time while on duty.

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- I. No employee shall use threatening, profane or abusive language toward fellow employees or other persons while engaged in the performance of official duties.

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J. Employees are prohibited from revealing confidential information in City records to unauthorized persons.

K. Every employee has the responsibility to protect and safeguard property, equipment or materials of the City and other employees. No employee shall be in unauthorized possession of any property, regardless of value, of the City or its employees, or attempt to remove such property from the premises, without prior authorization from the appropriate authority.

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L. The use of City telephone services, including SUNCOM, shall be limited to official City business, consistent with the applicable city policy.

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M. Gambling of any kind is forbidden on City premises or at any other job-related work site during working hours.

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N. Employees shall notify their immediate supervisors or designees of any anticipated absences or unanticipated absences as soon as possible.

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O. The Florida Computer Crimes Act, Chapter 815, Florida Statutes, provides that the introduction of fraudulent records into a computer system, the unauthorized use of computer facilities, the alteration or destruction of computerized information, the stealing of data from computer files, and unauthorized access to any computer, computer system or computer network is prohibited. Computer crimes are a violation of the City's disciplinary standards and may also result in felony criminal charges. Employees who work with computers or have access to computer information shall become familiar with Chapter 815, Florida Statutes, and the City of Palmetto's Use of Electronic and Computer Systems Policy and seek any needed clarification from their supervisors or department heads. Consistent with the Use of Electronic and Computer Systems policy. This policy applies to the entire City workforce, which includes the City's elected officials, professional staff, appointed officials, committee members, its contractors and volunteers. The purposes of this policy is to ensure that all users comply with Florida's Public Records Law, Chapter 119, Florida Statutes, when using any City owned electronic computer system.

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P. Employees shall not knowingly omit or cause to be omitted information or submit or cause to be submitted inaccurate or false information for, or on, any City record, report or document.

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Q. The welfare and safe conduct of employees and members of the public are of utmost importance to the City. Disregard for rules and regulations designed to assure health and safety cannot be condoned. Employees are expected to report promptly any injury or illness to the appropriate supervisor.

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R. Activities prohibited by State law such as a slowdown of work; abstinence, in whole or in part, by any employee or group of employees from performance of their duties; a mass call-in alleging sickness, and work stoppage shall not be tolerated. Such personal conduct on the part of employees constitutes insubordination, willful violation of rules and regulations, and conduct unbecoming a public employee or misconduct.

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S. Solicitation or distribution of any materials for any purpose by non-employees in City work areas is prohibited at all times.

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T. Employees are responsible for all City-owned vehicles, equipment used in their work and are responsible for their proper use and maintenance. Any defects noted should be reported to the employee's supervisor as soon as possible. Daily maintenance checks shall be made by the employee assigned to a vehicle and if damages occur as a result of gross neglect, the negligent employee(s) will be held directly responsible for the costs. The use of tobacco products of any kind in city vehicles is prohibited.

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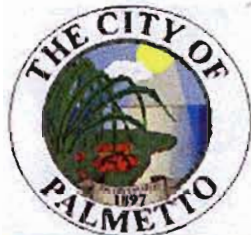
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U. Unauthorized personal or private use of City-owned vehicles or equipment will result in disciplinary action.

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V. Each employee shall be held responsible for knowing and understanding these standards of conduct. Any questions should be referred to the immediate supervisor

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CITY OF PALMETTO

Attachment 6

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DRUG FREE WORKPLACE POLICY

The City of Palmetto is committed to maintaining a workplace that is free from the presence and effects of drugs and/or alcohol, providing the highest level of service to its citizens, and minimizing the risk of accidents and injuries.

The City prohibits employees from using, selling, dispensing, distributing, possession, or manufacturing illegal drugs and/or alcoholic beverages while on City premises, work sites, or in a City vehicle. In addition, employees are prohibited from off-premise use of alcohol and possession, use and/or sale of illegal/prescription drugs, when such activities adversely effect job performance, job safety, or interferes with the City's ability to carry out its mission.

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An employee must report any criminal drug statute conviction, or a finding of guilt whether or not adjudication is withheld, or the entry into a diversionary program in lieu of prosecution to the Human Resources Director, in writing, no later than three (3) business days after such occurrence. Any employee who fails to notify the Human Resources Director will be subject to disciplinary action, up to and including termination.

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Pursuant to Drug Free Workplace regulation, The City of Palmetto conducts the following types of drug and/or alcohol tests:

- Pre-employment
- Reasonable suspicion,
- Post accident
- Routine fitness for duty and follow up

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Safety sensitive and special risk positions are also subjected to random drug/alcohol tests.

An employee will be subject to corrective action, up to and including termination, for

violation of this policy.

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A. EMPLOYEE ASSISTANCE PROGRAM

The City will maintain an Employee Assistance Program (EAP) to be administered by Human Resources.

Section 4.07: Harassment Policy

A. Policy

1. The City of Palmetto is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The City will not condone or tolerate illegal discriminatory behavior. This policy specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, gender, marital status, age or disability.
2. Employees shall not engage in conduct which violates this policy at any time during working hours or on City premises while off duty.
3. All administrative and supervisory personnel are expected to abide by the City's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.
4. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints. The City's general Complaint Procedure shall not be used to address such complaints, except that an adverse result under this section may be the basis of a grievance which will proceed according to Article 6.

~~Deleted: Drug Free Workplace Program §~~

~~<#>PURPOSE§~~

~~§
<#>As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug free community, the City of Palmetto has established this policy on the use or abuse of alcohol and drugs by its employees. This policy is set up pursuant to the Drug Free Workplace Program under Florida's Workers' Compensation Law. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services ... [4]~~

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~~*A laboratory shall not report a specimen positive for methamphetamine only. The specimen must contain amphetamine at a concentration equal to or greater than 200 ng/mL by the confirmation test. If this criterion is not met, the specimen shall be reported as negative for methamphetamine. §~~

~~** Tests for 6-Acetylmorphine when the morphine concentration exceeds 2000 ng/mL. § ... [5]~~

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~~Deleted: K. INVESTIGATION§~~

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1. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right to search all vehicles, containers, lockers, or other items on City property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon City request. §~~

~~§
2. Searches will be conducted only where th ... [6]~~

B. Definitions

1. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital status, age, or disability, and that for a reasonable person:
 - a. has the effect of creating an intimidating, hostile, or offensive work environment; or
 - b. has the effect of unreasonably interfering with an individual's work performance; or
 - c. otherwise adversely affects an individual's terms and conditions of employment.

Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to race, color, religion, gender, national origin, marital status, age or disability, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.

2. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's gender, when:
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - b. submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 - c. such conduct has the effect of unreasonably

interfering with an individual's work performance or creating an intimidating or offensive work environment.

3. Example of conduct which may constitute sexual harassment may include, but are not limited to, the following:
- a. unwelcome sexual advances, flirtations, or propositions;
 - b. actual or implied demands for sexual favors in exchange for favorable treatment or continued employment;
 - c. unwelcome jokes or remarks of a sexually oriented nature;
 - d. verbal abuse of a sexual nature;
 - e. unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency;
 - f. any display in the workplace of sexually suggestive objects, pictures, posters, or reading material;
 - g. a coerced sexual act or assault;
 - h. uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person;
 - i. uninvited leering, whistling, or gestures of a sexual nature.

C. Procedure

- 1. Any employee who believes that he or she is being or has been illegally discriminated against or harassed should file a complaint in a timely manner with the Human Resources Director.
- 2. Departmental directors, managers and supervisors are responsible for bringing any allegations or concerns related to potential cases of illegal discrimination or harassment to the immediate attention of the Human Resources Director.

3. The Human Resources Director will be responsible for evaluating all complaints under this policy and making the determination on whether or not an internal investigation is warranted. In cases where the decision is made to not investigate, that decision will be reviewed by the Mayor (or in his absence the Vice Mayor). In cases where such an investigation is determined to be warranted, the Mayor (or in his absence the Vice Mayor) will designate an appropriate person or persons who shall be responsible for conducting a prompt, thorough and objective investigation.
4. All employees who are questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an internal investigation, shall be subject to disciplinary action up to and including termination.
5. Once an internal investigation has been concluded, the Human Resources Director will review the investigator's written report with the Mayor (or in his absence the Vice Mayor) and appropriate senior staff, to include the department head(s) at-interest and a representative of the City Attorney's Office. This panel will determine the remedial action to be taken, if required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.
6. Once an investigation has been concluded, it shall be the responsibility of the department head at-interest to implement the remedial actions, which were determined by the review panel to be appropriate. The Human Resources Director shall be

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responsible for monitoring the workplace situation, and should be contacted by the complainant or other affected parties if they at any point feel that either retaliation is taking place or the illegal behavior is continuing.

7. The internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations.
8. The City recognizes that certain matters of concern to employees may involve his immediate supervisor and be of such a private or personal nature that employees may not wish to discuss them with certain supervisors or other members of management. In such cases, an employee may by-pass the appropriate step in the procedure and bring the problem directly to the next level in the procedure.

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ARTICLE 5 - DISCIPLINE

Section 5.01: Statement of Policy

- A. Department heads may discipline, up to and including dismissal, any employee for documented inefficiency or substandard performance of assigned duties, insubordination, failure to carry out assigned duties, violation of the Code of Ethics, standards of conduct, or any other of these policies or laws or departmental rules, or for any action considered to be counterproductive to effective and efficient operations and the delivery of services to the public. Non probationary employees may be terminated only for cause.
- B. Infractions of City policies or departmental rules and regulations which occurred more than 24 months prior to a current offense or deficiency shall not be considered when imposing discipline for the current infraction.
- C. After an initial probationary period a full-time employee who believes he has been improperly disciplined may appeal such action to his department head, consistent with the procedure set forth in this policy.
- D. In addition to City rules and regulations certified police officers will be responsible for the written directives of the Police Department and subject to the standards established by the Florida Criminal Justice Standard and Training Commission. All discipline proceedings involving certified police officers will conform to the Police Officers Bill of Rights as outlined in Florida Statutes. Any policy or procedure of the Police Department, that is less stringent than the policies and procedures in this ordinance, are hereby superseded by this ordinance.

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Section 5.02: Pre-Disciplinary Procedure

If an employee is recommended for termination, demotion or suspension without pay of 5 days or more he is entitled to a hearing before the department head prior to such action being taken, according to the following procedure:

- | A. Written notice of the charges and time for hearing shall be given to the employee at least 48 hours prior to the time of the hearing.
- | B. The grounds for dismissal and an explanation of the evidence against the employee shall be included in the notice.
- | C. An opportunity to present the employee's side of the story.

The employee may be accompanied in the hearing by a person of their choice. The accompanying person will be an observer only and may not speak for or otherwise advocate the employee's position.

The employee may waive their right to a pre-disciplinary hearing, and their right to an accompanying person, and must do so in writing. Forms for notice of the hearing and waiver shall be developed by the Human Resources department and shall be used in all appropriate cases.

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ARTICLE 6 - EMPLOYEE GRIEVANCE PROCEDURE

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Section 6.01: Policy

All employees of the City have the right to express concern over working conditions, City employment policies and other personnel problems. Employees also have the right to a review of all disciplinary actions. To encourage employees to seek resolution of issues concerning working conditions, City employment policies and other personnel problems and disciplinary actions, the following procedure is established.

For purposes of this Article, the following definitions apply:

Dismissal means termination of employment and cessation of all pay and benefits.

Demotion means a permanent reduction in pay for disciplinary purposes. Demotion does not mean a change in job duties or job title or a reduction in pay associated with reduction in force or reorganization.

Employee does not include appointed department heads.

Suspension without pay means suspension of pay and duties for disciplinary purposes. Suspension does not mean layoff or other temporary non-punitive cessation of pay and duties.

Workday means Monday through Friday.

Appeals of disciplinary action for dismissal, demotion or suspension for more than five (5) days without pay will be administered in accordance with Section 6.03. Appeals for lesser disciplinary actions and hearings for issues concerning working conditions, City employment policies and other personnel problems (a grievance issue) will proceed under Section 6.02.

Section 6.02: Administrative Review Procedure

A. Step One:

Within five (5) working days of the imposition of discipline, or the raising of a grievance issue, the affected employee may request a meeting with and review of the grievance issue with his immediate supervisor. The supervisor shall review the grievance issue and any relevant information, verbal or written, submitted by the affected employee and within three (3) working days after the meeting, inform the employee of his decision in the matter. Supervisors are encouraged to consult their department head or other appropriate member of management to give information or assistance that will aid in reaching an equitable decision.

B. Step Two

If the grievance issue is not resolved by the supervisor to the satisfaction of the affected employee, the employee shall, within three (3) working days of the supervisor's decision, inform the department head in writing that he wishes to have the problem reviewed.

The department head will endeavor to meet with the employee within three (3) working days of receipt of the request for review to discuss the grievance issue. After meeting with the employee the department head shall conduct an appropriate investigation in a timely manner and inform the employee of his decision on the grievance issue within five (5) working days of conclusion of the investigation. The investigation shall not extend beyond thirty (30) days from the receipt of the request for review, unless the time has been extended by the Mayor and communicated to the employee.

C. Step Three

If the grievance issue is still not resolved to the satisfaction of the employee, the employee may appeal the decision of the department head to the Mayor, or in his absence, the Vice Mayor. The employee shall notify the Mayor in writing, within three (3) working days of the department head's decision that he wishes to have the grievance issue reviewed. The Mayor, will endeavor to meet with the employee within five (5) working days of receipt of the employee's notice. After meeting with the employee, the Mayor shall conduct an appropriate review of the grievance issue in a timely manner and inform the employee of his decision. The investigation shall not extend beyond forty-five (45) days from the date of the employee's notice, unless extended by the Mayor in his reasonable discretion to effect a full and complete investigation. If neither the Mayor nor Vice Mayor is available to handle the employee's appeal, the proceedings shall be suspended until such time as the Mayor or Vice Mayor is available.

A signed written memorandum of the decision shall be given to the employee and a copy shall be placed in the employee's personnel file. No further administrative review or appeal is available for this grievance issue.

Section 6.03: Hearing Board Review of Disciplinary Action

There is hereby established a hearing board (hereinafter Board), for the purpose of providing a forum for the presentation and consideration of any disciplinary action for any dismissal, demotion or suspension of more than five (5) day without pay. The Deputy City Clerk - Administration shall be the clerk of the Appeals Board. This procedure is not available to appeal lesser disciplinary action. Any request for review shall be initiated within thirty (30) days after such personnel action (including the appeal process) has been taken in respect to an employee under Article 5 Section 2.

Section 6.03.01: Composition of Personnel Board

The Board shall consist of seven members. However, only five members shall be convened to hear an appeal, pursuant to the procedures set forth below.

- A. Regular Members. There shall be five "regular members," one each appointed by Palmetto City Commissioners, for terms that shall run concurrently with the appointing commissioner. Regular members shall be a residence of the City or own a business in the City.
- B. Ad Hoc Members. There shall be two *ad hoc* members appointed when an appeal has been filed. One such member shall be appointed by the Mayor and the other appointed by the appealing employee for purposes of that one appeal. *Ad hoc* members shall be either employees of the City; residents of the City; or own a business in the City, provided, no such appointee shall be an attorney, or a Palmetto City Commissioner, or an appointed department head of the City, or the City Human Resources Director, or the Deputy Clerk/Administration. Any employee selected will be required to sit on the board unless excused by the Mayor for extraordinary circumstances.

Section 6.03.02: Convening the Board.

When the Mayor receives the appeal notice set forth in Section 6.02 above, he shall notify the clerk of the board who shall notify three regular members, in alphabetical rotation, of the time and date of the hearing. If a member is unable to attend the hearing, the next member shall be selected in alphabetical order. When *ad hoc* members have been chosen, the clerk shall notify them of the time and date of the hearing.

Section 6.03.03: Authority of the Board.

The Board shall determine if the discipline imposed on the employee is supported by "just cause." In making this finding, the Board shall determine whether the City has shown, by a preponderance of evidence presented in the hearing that the employee engaged in the conduct for which he was disciplined. If the Board finds just cause, it must sustain the action taken. The Board shall not have discretion to reduce the discipline. If the Board finds that there was not just cause, it shall not sustain the action taken.

The Board shall issue or cause to be issued, written findings of fact and conclusion of law that support its finding within five (5) days of the hearing.

- A. Regular Members. There shall be five "regular members," one each appointed by Palmetto City Commissioners, for terms that shall run concurrently with the appointing commissioner. Regular members shall be a residence of the City or own a business in the City.
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The Board shall issue or cause to be issued, written findings of fact and conclusion of law that support its finding within five (5) days of the hearing.

Section 6.04: Appeal Hearing

The Hearing must be held within 30 days of the selection of the fifth member of the Board. The employee shall be provided written notice by Return Receipt mail of the time and place of the hearing. Continuances may be granted for good cause shown on written application of either party to the Chairman of the Board.

Section 6.04.01: Conduct of hearing; rules of evidence

- A. The Board will elect a Chairman by majority vote. The Chairman shall preside over the hearing. After convening the hearing he shall announce the purposes of the hearing.
- B. The parties shall not communicate with the Chairman or any Board member or submit any documents or other evidence, prior to the hearing, unless requested by the Board through the Chairman.
- C. An Independent legal counsel shall represent the Board and shall advise the Board as necessary.
- D. The City department involved in the appeal may be represented by the department head or his designee, or by such independent counsel as it may choose. The appealing employee may be represented by counsel or other representative of his choosing.
- E. The City department will present the facts of the case which led to the disciplinary action. The City may present documentary or testimonial evidence in support of its case. The employee may cross examine any witnesses called by the department. Upon completion of the City's case, the employee will present evidence in defense, subject to cross examination by the City. The Board may question witnesses solely to clarify testimony. The Board may not consider any evidence or testimony unless presented by the parties during the hearing.
- F. During the hearing, upon objection of a party, the Chairman, will rule on the admissibility of evidence in the interests of fairness to all parties, without strict regard for the rules of evidence used in judicial proceedings. Both parties should be allowed to argue for and against admission of evidence before the Chairman

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makes a ruling.

- G. At the conclusion of the hearing, the Board shall consider the case and render a decision. Within five (5) days of the decision, the Board shall cause to be issued, a written Order, containing findings of fact and conclusions of law supporting its decision. The Order shall constitute the Final Order of the City regarding the disciplinary action taken.

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- H. In those instances where there is a tie vote on an appeal of termination or other disciplinary action, the ruling shall be in favor of the City.

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Section 6.05: Compensation During Grievance Proceedings.

An employee who loses pay and benefits through a disciplinary suspension, demotion or dismissal shall have a full restoration of all lost salary (plus interest at the then current Judicial rate) and benefits if the discipline imposed on the employee is reversed at any level of the appeal process.

ARTICLE 7 - COMPENSATION

Section 7.01: Classification and Compensation Plan

A. It is the policy of the City of Palmetto to compensate its employees on the basis of tasks they perform; the knowledge, skills and abilities the performance of the tasks requires; and excellence with which the tasks are performed.

B. The Classification System reflects the classified positions at the City. Each position has a job description, stating job duties, examples of work, required knowledge and skills, and minimum training and experience.

C. All employee status changes including employment, changes of classification and pay adjustments will be processed and approved by the department head and the Human Resources Director.

D. All classes shall be designated by the Human Resources Director as exempt or non-exempt from the provisions of the Fair Labor Standards Act (FLSA).

If any position that has been allocated to a class designated as exempt is found not to meet the FLSA requirements for exemption, that position shall be reallocated to a class that is designated as non-exempt.

E. The Human Resources Director will conduct periodic reviews of the Pay Plan to determine the need for competitive pay range adjustments. Adjustments to the salary schedule will be based on:

1. the value of classifications of similar skills in the labor market;
2. an equitable pay relationship within the various classifications of employees;
3. pay rates and practices of public and private employers who are competing for similar types of skills;
4. the experience and ability of the City to attract and retain qualified personnel; and
5. availability of salary funds.

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F. The responsibility for the development, maintenance and administration of the position classification and pay plan and of the rules governing the application of the pay plan for all personnel is assigned to the Human Resources Director.

G. Each pay grade shall be structured in such a way that minimum and maximum base rates of pay are established. The minimum of each pay grade shall be no less than the minimum rate of pay required by the Fair Labor Standards Act (FLSA). As a guide, the City will use entry and maximum level ranges from the current and approved Comprehensive Salary Survey. All pay ranges shall be increased as required and all steps shall be increased on the anniversary of the employee, by the amount City Commission awards for Cost of Living Increases (COLA).

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H. Employee Credit for Education, Training and Experience

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In general, employment will be offered at the starting salary for any position. The following guidelines are offered, however, to guide starting salary negotiations, when necessary because of the exceptional education and or experience of an applicant. No individual will be hired at a salary that exceeds the following guidelines, without specific justification to and approval of the City Commission.

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New hires without any previous work history or a questionable work history that must be overcome during probation, Shall receive entry level salary.

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Promoted employees or new hires with a stable work history, but without relevant experience may receive up to Step III for the position.

Promoted employees or new hires with a stable and relevant work history may receive up to Step V for the position.

Promoted employees or new hires with an associate's degree in any area may receive up to Step V for the position.

Promoted employees or new hires with a bachelor's degree in any area may receive up to Step VII for the position.

Promoted employees or new hires with a master's or higher degree in a relevant field may receive up to Step IX for the position.

The above educational and experience credits are not cumulative, i.e., the employee may only receive credit for the highest level he or she has attained.

A promoted employee or new hire with a certification relevant to the employee's position (and not required for the position) may receive up to Step V for the position, based upon the relevancy of the certificate and the effort needed to obtain the certificate.

Should an employee earn a degree or certification they may be considered for an increase based on the relevancy of the degree or certification to their current position held with the City.

I. Pay for Satisfactory Performance

Performance increases shall be dependent upon satisfactory evaluations and the completion of any probation. Satisfactory employees will receive a performance increase of one (1) step on the anniversary of the employee.

Performance evaluations will be done using the HRN Management Group, Inc. Evaluation Software System.

Employees whose evaluations reflect the need for improvement or a score of less than 2.0 will develop, with their supervisors, performance improvement plans. Supervisors will monitor and evaluate progress regularly. The employee may be reconsidered for the receipt of the performance increase after six months.

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Department Heads, based upon their own observations or the recommendations of Supervisors, may submit the names of exceptional employees to the Mayor between November 1st and November 15th of each year for consideration as Employees of the Year.

Recommendations must take into account three prior, consecutive Employee Evaluations. Nominations must be supported with detailed documentation of the employees' continual performance above and beyond their normal job requirements. All employees are to be encouraged to strive for this honor.

Those employees selected by the Mayor as Employees of the Year will be recognized at a City Commission Meeting and presented within budgetary limits a monetary incentive in December.

There will be no more than three, (3) employees selected annually for this honor. (one from each department with the CRA being grouped with City Hall).

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Demotions - The rate of pay upon demotion shall be determined by the reason for the demotion and the employee's status at the time of demotion.

Promotions - An employee shall be eligible for a pay increase upon promotion in accordance with the pay plan principles.

J. Longevity pay will be as follows:

Longevity will be equivalent to 3% of annual salary, payable annually only when an employee reaches the maximum wage for his position.

Longevity will be paid in a lump sum and will not add to the employee's base pay.

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K. Overtime

1. Work schedules for each full-time position shall be established by the department head and consist of a total of 40 regular hours weekly for non-sworn employees and up to 86 hours per pay period for sworn employees.

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2. Departments are expected to plan their work schedules in such a manner as to minimize the amount of overtime worked.

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3. Overtime work shall consist of work time rendered by an employee at the direction of a department head or designated supervisory staff.

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4. Overtime must be authorized in advance, except in cases of emergency. Employees creating liability for unauthorized overtime shall be subject to disciplinary action.

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5. Only those employees filling non-exempt positions as defined by the Fair Labor Standards Act are eligible for payments for overtime hours worked.
6. Overtime payment shall be computed at a rate of one and one half times the employee's regular hourly rate of pay for hours worked in excess of 40 during the workweek.
7. Whenever practicable, overtime should be equitably distributed among all employees within a department who are working in the position class affected by the overtime.
8. In the event of an emergency situation, overtime assignments shall be made without regard to previous overtime assignment record.
9. Those employees in administrative, executive and professional positions as defined in the Fair Labor Standards Act are exempt from the overtime compensation provisions of these policies.
10. In calculating overtime, time taken as holidays or civil leave, shall be considered as time worked.

D. Compensatory Leave in Lieu of Payments for Overtime

1. The City may allow non-exempt employees to accrue compensatory leave in lieu of overtime pay for hours worked in excess of 40 hours during the workweek. This election shall be in writing and shall be retained in the Human Resources department for record keeping and audit purposes.
2. Compensatory leave in lieu of payment for overtime hours worked shall be accrued at a rate of one and one-half hours of compensatory leave for each hour of overtime. Non-sworn employees may accrue compensatory time up to a total of 80 hours and sworn employees, up to 240 hours. After this time payments for overtime will be made. When compensatory time off is taken, the employees will be paid for such time at the regular rate of pay earned at the time the leave is taken. Upon termination, the employees will be paid for such leave at the final regular rate of pay.

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M. Dual Employment

No employee shall be compensated for other employment during those working hours for which the employee is scheduled to be performing duties for the City.

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N. Call-back Pay

A non-exempt employee who is off duty and required to return to his or her workplace on an unscheduled basis shall be credited for actual hours worked at a minimum of 2 (two) hours.

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O. Effect of Leave of Absence Without Pay

An employee shall not be eligible for pay increases or lump sum awards while on leave of absence without pay and shall not accrue sick or vacation time.

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Section 7.02: Pay Periods

The City of Palmetto shall issue payroll checks and notices of direct deposit bi-weekly; on every other Friday. The pay period covers a two-week period. Should a pay day fall on an official holiday, pay checks and notices of direct deposit shall be issued on the last working day before the holiday. Salary advancements will not be issued to any employee. Pay checks will be issued to employees at their respective work sites or on certain occasions the Human Resources Department. Employees are encouraged to utilize the direct deposit option, that is, available.

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Section 7.03: Payroll Deductions

The following payroll deductions are mandatory from each employee's salary:

- A. social security
- B. Medicare
- C. federal income tax
- D. retirement contribution (if applicable)

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Optional payroll deductions are limited to those programs of general interest and benefit in which all employees can participate without joining or affiliating with an outside organization.

Section 7.04: Budgetary Limitations

- A. All provisions of this section relating to payment of salaries are contingent upon funds being available in the department's approved budget and in compliance with applicable law.
- B. Any deviation from paying employees in accordance with these policies because of budgetary limitations must be approved by the Mayor after review by the City Clerk and the Human Resources Director.

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Section 7.05: Exempt Work During Emergencies and Natural Disasters

Under certain occasional emergency conditions, work which is normally performed by non-exempt employees and which is non-exempt in nature will be directly and closely related to the performance of the exempt functions of management and supervisors, and will therefore be exempt work. A supervisor or department head who is exempt under the Wage and Hour Law and who performs work of a normally non-exempt nature on rare occasions because of the existence of a real emergency will not, because of the performance of such emergency work, cease to be exempt when conditions beyond control arise which threaten the safety of employees or create a cessation of services to the public, or serious damage to City property. Any manual or other normally non-exempt work performed in an effort to alleviate the emergency condition will be considered to be exempt work and is not included in computing the percentage limitation in determining whether the supervisor or department head meets the requirements of exempt status.

The payment of overtime to exempt employees who are required to work beyond their normally scheduled hours during a natural disaster is authorized where federal disaster funds are available to fund such payment of overtime. The payment of overtime to exempt employees will only occur during such time as the exempt employee is considered essential personnel as defined in the City's Hurricane Preparedness Plan and is performing special or emergency duties in attempting to alleviate the effects of the natural disaster.

ARTICLE 8 - ATTENDANCE AND LEAVE

Section 8.01: Policy

- A. Each employee shall be required to be present at his or her assigned duty station during the employee's scheduled work hours unless absence from duty is authorized by the immediate supervisor or other appropriate supervisory authority.
- B. All absences shall be properly recorded and charged to appropriate categories of leave as provided in this section.
- C. A leave of absence is any authorized absence from duty during an employee's regularly scheduled work hours that has been approved in advance by the immediate supervisor or other appropriate supervisory authority. Leave may be authorized with or without pay. An employee shall not be paid for any period of unauthorized absence.
- D. Attendance at training courses shall be considered as hours worked, within the limits provided by the Fair Labor Standards Act.
- E. Travel between an employee's home and regularly assigned headquarters shall not be considered hours worked.

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Section 8.02: Hours of Work

- A. The work schedule for full-time City employees shall consist of 40 scheduled regular hours during each weekly period.
- B. Department heads are authorized to adjust day to day schedules as needed to accomplish work objectives and to minimize overtime.

Overtime may be authorized by department heads in emergency or extraordinary situations and shall be compensated as provided in Article VII. Emergency or extraordinary situations for purposes of this section are defined as:

- A. Where an established post of duty must be covered 24 hours per day, and an employee is not available to cover that post on a given shift.

B. When danger to life, health or well being of the public could occur, or where damage to property could be imminent if an employee is not required to be on duty.

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C. Other situations where the department head determines that the direct or indirect responsibilities of the department or division cannot be accomplished unless overtime is authorized.

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D. Deductions from Exempt Employee Wages

Scope of Policy

It is the policy of the City of Palmetto to pay exempt employees under the Fair Labor standards Act (FLSA) on a "salary basis" such that exempt employees will regularly receive each pay period a predetermined amount that is not subject to variation due to the quality or quantity of the work performed. The purpose of this policy is to provide exempt employees with a general understanding of what it means to be paid on a salary basis and to communicate the mechanism by which an exempt employee may raise any questions regarding any deductions from the employee's salary.

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Deductions from Pay

Although exempt employees generally will receive a predetermined salary amount each pay period, the FLSA permits that salary to be reduced under certain circumstances:

An exempt employee who does not perform any work for an entire work week is not entitled to be paid his or her salary for that week, although the employee may be permitted to use accrued benefits under the City's vacation or sick leave policy.

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An exempt employee who is absent from work for one or more full days in a work week for personal reasons may have his or her pay for that week reduced proportionately. The employee may be permitted to use accrued benefits under the City's vacation or sick leave policy to make up for this reduction in pay.

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An exempt employee who is absent from work for one or more full days in a work week because of sickness or disability may have his or her pay for that week reduced proportionately, unless he or she has and uses accrued benefits under the City's vacation or sick

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leave policy to make up for this reduction in pay.

An exempt employee who is absent from work during any work week because of jury duty, involuntary attendance as a witness at a trial or other legal proceeding, or temporary military leave will be entitled to receive his or her full salary for that week, provided the employee performed some work during that week.

An exempt employee may be suspended without pay for one or more full days for violations of workplace conduct rules.

An exempt employee in his or her initial or final week of employment may receive a reduced salary for that week proportionate to the number of days the employee actually worked.

An exempt employee who takes leave under the Family and Medical Leave Act during a given work week may receive a reduced salary for that week proportionate to the number of days the employee actually worked.

Complaint Procedure

The City is committed to fully complying with the salary basis requirements of the FLSA. If an exempt employee believes the City has improperly reduced his or her salary for a The City is committed to fully complying with the salary basis particular work week or weeks, the employee should use the following procedure to seek correction of any potentially improper reduction:

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Notification procedure. Any employee who believes that the City has improperly reduced his or her salary for a given week should notify the Human Resources Director, in writing, immediately. Such notice should identify the payroll date or period when the reduction occurred, the amount of the reduction, and the reason (if any) for the reduction as indicated on the pay-stub.

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Investigation of Complaint. The Human Resources Director will investigate all reports of improper salary reductions and will determine whether the salary reduction in question was justified. The Human Resources Director will communicate the results of this investigation to the employee in writing within a reasonable time after receiving the complaint. If the Human Resources Director determines that the City has

improperly reduced the employee's pay, the City will pay the employee the full amount improperly deducted, less applicable payroll taxes, and will take all reasonable steps to ensure that such improper deduction does not occur again.

Non-retaliation. Neither the City nor any of its employees will take any action to retaliate against any employee who complains about an allegedly improper salary reduction or who assists or cooperates in the investigation of any such complaint. Notwithstanding the foregoing, any employee who knowingly makes a false complaint or provides false information regarding any such complaint may be subject to disciplinary action, up to and including termination of employment.

The City is committed to ensuring that all of its employees receive all of the pay to which they are entitled and that no employee's pay is reduced without proper justification under the FLSA. All complaints will be taken seriously and will be fully investigated. If you have any questions, please contact the Human Resources Director.

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Section 8.03: Work Breaks

- A. A department head may allow employees one work break during the first half of the daily work period and one work break during the second half of the daily work period, provided that:
1. No single work break shall exceed 15 minutes absence away from the employee's duty station.
 2. An employee shall not accumulate unused work breaks.
 3. Neither work break time nor lunch time shall be authorized for covering an employee's late arrival on duty or early departure from duty.
- B. Work breaks are based upon workload and may be discontinued at the discretion of the immediate supervisor or department head.

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Section 8.04: Overtime

- A. Overtime for non-sworn employees is time worked in excess of 40 hours during the work week. Overtime for sworn officers is time worked in excess of 86 hours in the pay-period.
- B. The department head or designee shall attempt to arrange the work schedule of each work unit so as to reduce to a minimum the necessity for overtime except in emergency or extraordinary situations. Unless specifically authorized by the immediate supervisor or other appropriate supervisory authority, employees shall refrain from arriving at work early, leaving work late, working through lunch periods or taking work home.
- C. All overtime shall be authorized or directed in advance by the department head or authorized supervisor.
- D. In the event of an emergency situation, overtime assignments shall be mandatory at the discretion of the department head.
- E. Notwithstanding the foregoing, all employees shall keep records that reflect the actual amount of time they performed work for the City whether authorized or not. Employees should be aware that working overtime without authorization could result in disciplinary action up to and including discharge.

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Section 8.05: Controlling Overtime

- A. Time off is an adjustment to the regular work schedule in order to avoid overtime by limiting the number of hours worked in a work week to 40 for non-sworn and 86 in a pay-period for sworn. Time off will not be counted as time worked for purposes of determining overtime for that week.
- B. Time off during the Pay week may be directed by the department head or authorized supervisor in order to limit total hours worked during that workweek to 40 for non-sworn employees, 86 per pay-period for sworn officers or 80 for exempt employees, whichever is appropriate.
- C. Department heads shall, to the extent practicable, use time off to avoid overtime situations.

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Employees who request the use of time off shall be allowed to take the time off within a work week, provided the time off does not unduly restrict the operations of the employee's department. This determination will be at the sole discretion of the department head.

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Employees who request time off in the form of flex-time (time off hour for hour) during a single week for non-sworn or pay-period for sworn in lieu of accruing compensatory time or overtime shall be allowed to take the time off within the work week provided the time off does not unduly restrict the operations of the employee's department. This determination will be at the sole discretion of the department head. If the flex time is not given in the same week it shall be converted to comp time at time and one half.

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Section 8.06: Authorized Leave

Employees may be authorized a leave of absence by the department head with pay in accordance with the following procedures:

A. Administrative Leave.

1. Court Appearances. An employee who is subpoenaed as a witness on a scheduled work day in a case not involving his or her personal litigation, shall be granted administrative leave upon presentation of a subpoena. Any witness fees awarded shall be retained by the employee.
2. An employee subpoenaed as a witness or defendant on behalf of the City shall be considered to be on duty and be paid his or her regular salary and travel expenses, if applicable. Any fees awarded shall be returned to the City.
3. An employee who appears as a witness, plaintiff or defendant due to personal litigation or criminal charges, or whose appearance is voluntary, shall be required to use annual leave, compensatory leave or leave without pay for such absence.
4. An employee who attends court for a portion of a scheduled work day shall report to work after being released by the Court.

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B. Death In the Immediate Family

1. An employee may, upon request, be granted up to three days administrative leave on the death of any member of the immediate family, as defined in this section. For a funeral outside of the State of Florida, the employee may be granted an additional two days of administrative leave, at the discretion of the department head.

Immediate family members for purposes of this section are defined as grandparents, parents, spouse, siblings, aunts, uncles, nieces, nephews children, grandchildren, stepchildren and stepparents of either the employee or the employee's spouse. Compensatory, annual or sick leave use will be required for all other family or non-family members.

2. An employee requesting administrative leave due to death in the immediate family shall provide a statement to the immediate supervisor giving the name of the deceased and his or her relationship to the employee. The Human Resources Director may require proof of such family death such as a published obituary in a recognized newspaper upon the employee returning to work.

C. Job Connected Leave With Pay

1. An employee who sustains a job connected disability or injury that is compensable under the Workers' Compensation Law shall be carried in full pay status for a period not to exceed three (3) calendar days immediately following the day of the injury, up to a maximum of 40 hours, without being required to use accrued leave credits. For the remaining three (3) days, if unable to return to work, the employee may be required to use accrued leave credits for up to an additional 3 days.
2. If the employee is unable to resume work at the end of the six (6) day period following the day of the injury, the employee may:
 - a. Elect to use accrued sick, compensatory, or annual leave benefits which may be designated Family Medical Leave as defined in Section 8.06 N.2.b., in an amount necessary to receive a combined payment with workers' compensation

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benefits equal to the salary received prior to the occurrence of the disability or injury.

- b. Elect not to use accrued leave, in which case the employee shall be placed on leave without pay and shall revert to workers' compensation benefits.
- c. Alternate Duty. When the City's workers' compensation carrier has advised that the employee is entitled to receive a temporary partial disability benefit or a temporary total disability benefit, and there is a medical certification that the employee cannot perform the duties of the employee's regular position, but the employee can perform some work beneficial to the City, the department head, may return the employee to alternate duty at his or her regular rate of pay to perform such duties as the employee is capable of performing, subject to the following conditions:

The employee shall be advised, in writing, of the alternate duties to be performed, hours of work, and the period of the alternate assignment. A copy of the notice shall be placed in the employee's personnel file.

3. Under no circumstances shall the employee be allowed to continue performing the alternate duties once maximum medical improvement has been reached unless appointed to another position, the duties of which are within the employee's restrictions.

4. Employees who refuse alternative work may be disciplined, up to and including discharge.

D. Jury Duty.

1. An employee who is called for jury duty on a regularly scheduled workday shall be granted administrative leave upon presentation of a summons. Any fees received for jury duty shall be retained by the employee.
2. The City shall not reimburse an employee for any meals, lodging, travel or other expenses incurred while serving as a juror.

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E. Military Duty.

1. Pursuant to Chapter 115.07, Florida Statutes, an employee who is a member of the United States Armed Forces Reserves, including the National Guard, shall, upon presentation of a copy of the employee's official orders, be granted administrative leave during periods in which the employee is ordered to active duty for training.

Whether continuous or intermittent, such leave with pay shall not exceed 17 working days in any twelve (12) month period. Any absence in excess of 17 working days may be covered by accrued annual or compensatory leave credits. Any leave without pay taken for this purpose shall not advance an employee's anniversary date.

3. Examinations for Military Service. An employee who is ordered to report for a physical examination with the Selective Service System shall, upon presentation of official orders, be granted administrative leave for this purpose which is separate from the 17 days granted for active duty.
4. Other Military Leave With Pay. With approval of the Mayor, the department head may grant administrative leave not to exceed 30 days for purposes not otherwise covered in this section.

F. Annual Leave.

The purpose of annual leave is to provide employees assigned to established positions an opportunity to be absent from work for approved absences without loss of pay or benefits. Approved "vacations" are beneficial to employees and to the City. Each employee is encouraged to take annual leave in sufficient increments as to allow sustained time away from normal work activities.

1. Award of Annual Leave.

The rate of accrual for full-time employees is based on the annual number of budgeted regular hours. Accrual is calculated at an hourly rate and credited on a bi-weekly basis based on hours paid during the pay period, not to exceed the number of

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regular hours budgeted. Full-time employees shall be awarded annual leave as follows:

<u>Continuous Service</u>	<u>Hours Awarded per Year</u>
Up to 60 months	96
60 to 120 months	120
Over 120 months	144

2. An employee who has been reemployed by the City is considered to be a new employee for purposes of earning annual leave credits. After a reemployed employee has been continuously reemployed for a period of 12 months, the employee shall be credited with continuous and creditable service with the City prior to the break in service.

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3. Annual leave awarded during any pay period shall be credited to the employee on the last day of that pay period or, in the case of separation, on the last day the employee is on the payroll.

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G. General Provisions Governing Annual Leave.

1. The time for taking annual leave is a matter to arrange with an employee's immediate supervisor and depends on the department's work schedule and fairness in allocating time off to all department employees. All requests for annual leave shall be approved in advance by the employee's department head or authorized supervisor.
2. Use of annual leave shall not be authorized prior to the time it is earned and credited to the employee.
3. Upon reasonable notice, a department head may require any employee to use any part of the employee's accrued annual leave for vacation purposes.
4. Each department head should make every effort to ensure that awarded annual leave is used on a current yearly basis in order to provide employees with vacation and proper rest and relaxation. By following this practice, employees will not normally accrue annual leave in excess of that earned each year.

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H. Payment for Unused Annual Leave.

1. Non-probationary full-time employees who separate from City service shall be paid for any unused annual leave not to exceed 360 hours regardless of time accrued.
2. In the event of the death of any employee, payment for all unused annual leave at the time of death shall be made to the employee's beneficiary, estate, or as provided by law. Any unused annual leave shall not exceed 360 hours regardless of time accrued.

I. Paid Holidays.

The following holidays shall usually be observed by the City of Palmetto. The City of Palmetto will observe the County Holiday schedule with the exception of Presidents Day. The City of Palmetto will observe Good Friday.

New Years Day
Martin Luther King, Jr.
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Thanksgiving Friday
Christmas Eve
Christmas Day

1. If any of these holidays falls on a Saturday, the preceding Friday shall be observed as a holiday. If any of these holidays falls on a Sunday, the following Monday shall be observed as a holiday.
2. Full-time employees who are in any pay status the work day previous to a holiday shall be credited with eight hours of holiday leave for each of these holidays, regardless of the days or hours the employee is scheduled to work during that week.
3. Holiday leave shall not accrue and shall be paid in the workweek in which it is credited.

J. Payment for Work on Holidays.

1. A non-exempt employee required to work on a holiday-

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shall be credited with 4
hours of holiday leave.

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shall be compensated at one and one-half times the employee's hourly rate for all hours worked on the holiday.

2. An exempt employee who is required to work on a holiday may be given another day off during the same pay-period in which the holiday falls.
3. Employee's who are on approved leave with pay when holiday's are observed shall not have such days charged against their leave.

K. Accrual of Sick Leave

1. Full-time employees shall accrue 96 hours of sick leave per year.
2. Sick leave accrued during any pay period shall be credited to the employee at the end of the pay period.
3. Sick leave can be accumulated up to a maximum of 960 hours. When an employee's accrued sick leave balance is in excess of 960 at the close of the calendar year, all such accrued sick leave in excess of 960 hours shall be canceled.

L. General Provisions Governing Sick Leave.

1. Notification of absence due to illness, injury or exposure to a contagious disease shall be given to the appropriate supervisor by the employee as soon as possible on the first day of absence. Failure to notify appropriate supervisory personnel as required may be considered grounds for denial of sick leave.
2. Use of sick leave may be used to care for the illness of any immediate family member but shall not be authorized prior to the time it is credited to the employee and shall only be used with the approval of the department head or authorized supervisor.
3. Sick leave is to be used only for the purposes for which it is intended. Any employee who abuses sick leave will be subject to discipline up to and including discharge. Any employee who is on sick

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leave for three or more consecutive days may, at the sole discretion of the Human Resources Director, be required to obtain a certificate from a licensed medical doctor stating that the employee is unable to perform his regularly assigned duties. The certification should indicate a date by which the employee will be fit to return to work. Medical certification may be required for shorter periods of absence, if the employee's department head or authorized supervisor determines the employee has abused sick leave. Nothing in this section should be construed to interfere with any rights conferred under any employment law.

4. An employee who becomes ill while on approved annual leave or compensatory leave may be allowed to use accrued sick leave credits to cover the period of illness; however, an employee who is on any other type of leave, with or without pay, shall not be allowed to use sick leave credits while on such leave.

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M. Sick Leave Buy-Back.

1. Subject to available budgeted funds, it is the intent of the City Commission to buy back unused sick leave as an incentive for the employee to come to work on a regular and consistent basis, while retaining the availability of this benefit. Accordingly, this buy-out will be used on the following basis:
- a. The employee must have accumulated at least 240 hours of sick leave as of June 30 of each year.
- b. The employee must have used no more than 24 hours of sick leave in the prior year from July 1 to the following June 30.
- c. Up to one-half (48 hours) of the amount accrued (96 hours) but not used during the period set forth above may be bought at the employees pay rate in effect as of the date of payment and the hours bought will be deducted from the employee's sick leave balance.
- d. Payment will be made as part of a payroll following the close of the fiscal year,

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generally at the first payroll period in December.

e. In the event of the retirement or death of an employee eligible for sick leave buy back, payment shall be made to the employee or to the employee's beneficiary, estate or as provided by law.

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2. For purposes of this subsection, the term "subject to available funds" shall mean such amounts, if any, budgeted for buy back of sick leave as may be appropriated by the City Commission in its annual budget process.

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3. Upon termination of employment for any reason except retirement or death, any accrued sick leave credits become void. Upon retirement or death, an employee will be paid for one-half of his accrued sick leave up to a maximum of 480 hours. Payment shall be at the base hourly rate of pay of the employee at retirement or death. Any vested employee leaving employment with the City and leaving his pension money in the fund to collect at a later date, shall be considered retired and shall be entitled to one-half of the accrued balance of sick leave. If a vested employee returns at a later date and wishes to withdraw his money from the fund, all monies paid for accrued sick leave must be paid back to the city.

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N. Family and Medical Leave Policy

1. General Policy

The City supports the objective of a Family and Medical Leave Policy that assists our employees in balancing the demands of the workplace with the needs of the family. Under this policy, eligible employees are entitled to a total of twelve (12) weeks of unpaid leave in a twelve (12) month period. (A rolling twelve (12) month period measured forward from the date an employee uses any Family and Medical Leave is used for determining the twelve (12) month period in which the twelve (12) weeks of leave entitlement allows). Employees on any Family Medical Leave other than intermittent leave will not accrue vacation and sick leave until returning to work. All employees will receive and sign for a copy of the Operating Policy and Procedures.

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<#>Eligibility

To be eligible for leave under this policy an employee must have been employed by the City at least twelve (12) months in total, and must have worked at least 1,250 hours during the twelve (12) months preceding commencement of the leave.

&

<#>Entitlement to Leave

An eligible employee is entitled to leave for the following:

&

<#>for the birth of the employee's child; for the placement of a child with the employee for adoption or foster care;

&

<#>when the employee is needed to care for a child, spouse or parent who has a serious health condition.

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<#>for the serious health condition of the employee.

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<#>Definitions

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Health Care Provider:

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<#>A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices;

or

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<#>Any other person

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O. DOMESTIC VIOLENCE LEAVE POLICY

As part of its commitment to safeguard the employees, to provide a safe place for its employees to work, to promote a violence free community and in accordance with Florida Statutes 741.313, the City of Palmetto has established a Domestic Violence Leave Policy.

Upon request, employees who have been employed for 3 or more months are entitled to take up to 3 days of unpaid Domestic Violence Leave in a 12 month period if the employee or a member of the employee's family or household is the victim of domestic violence.

An employee's use of Domestic Violence Leave is limited to the following activities:

- To seek an injunction against domestic violence
- To obtain medical care or mental health counseling for the victim of domestic violence
- To obtain services from a victim-services organization
- To make the employee's home secure from or to escape from the perpetrator of the domestic violence
- To seek legal assistance or attend court proceedings related to the domestic violence

Except in cases of imminent danger, the employee must provide The City of Palmetto with advanced notice of the need for Domestic Violence Leave in compliance with the City of Palmetto's general leave policy. The City of Palmetto will also require that the employee provide documentation of the act of domestic violence for which the leave is needed. Due to the sensitive nature of domestic violence issues, the City of Palmetto will keep confidential all information relating to an employee's Domestic Violence Leave.

An employee must first exhaust all annual or sick leave before being entitled to Domestic Violence Leave.

The City of Palmetto will not interfere with, restrain, or deny an employee's attempt to exercise any rights provided by the Domestic Violence Leave Law.

The City of Palmetto will not discharge, demote, suspend, retaliate against, or in any manner discriminate against an employee for exercising any rights provided by the law.

P. Other Leave Without Pay.

Based on a recommendation from the department head and comments by the Human Resources Director, the Mayor may authorize an employee leave without pay for reasons other than those provided in this section for a period of not to exceed six calendar months.

Q LAYOFF POLICY

- It is the intent of the Mayor and City Commissioners to provide stable employment to members of the City of Palmetto Government. However, there may be occasions which necessitate a reduction in the City work force.
- A reduction of work force shall be among the last options implemented. It may be instituted in cases of bona fide budget reduction, lack of work, lack of funds, program or grant discontinuation, technological replacement, or any condition of serious financial distress that may be determined or declared at any time in the future. When such conditions exist, the department head may, after coordination with the Human Resources Director and approval by the Mayor, proceed to lay off an employee or employees.
- A reduction in work force may be made by function and /or by job classification and/or by pay grade within the affected department.
- The duties previously performed by a laid-off employee may be reassigned to other employees already working in positions in appropriate job classifications.
- When options are available as to which job areas(s) to select for reduction, the department head will select area(s) where such reductions will have the least amount of negative impact on the vital

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programs or functions of that budgetary unit, in addition to the least amount of negative impact upon the equal employment gains of the unit. The Human Resources Department shall review plans prior to such layoff action(s).

LAYOFF PRIORITY

- In accordance with Chapter 295, Florida Statutes, certain veterans and spouses of certain veterans may be eligible for preference in retention when layoffs are necessitated.
- City employees who are scheduled for layoff shall not have "bumping rights" to other positions in any City department. However, where the City is able to forecast a layoff in advance, the City may establish a time period wherein employees subject to a pending layoff will be permitted to apply for open positions. During this period, such employees shall, when being considered by interviewing departments, receive preference in hiring where they are otherwise equally qualified with other candidates. Nothing herein, however, is intended to require the hiring of any such employee by a department where another candidate is clearly more qualified for the position.
- Employees scheduled for layoff may, if offered by the City, elect to accept transfer to vacant City positions for which they are qualified. Such transfer offers may be made at the discretion of the City and must be accepted by the employee within 3 days of receipt of the written offer. The employee's pay rate would be adjusted in accordance with Policy for any other City employee changing positions with the City. The Human Resources Department shall ensure Employee Health Benefits is made aware of any layoffs to ensure proper COBRA notices are provided.

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REINSTATEMENT

- Laid-off employees have priority for reinstatement, in jobs within their classifications at the time of separation for twelve (12) months following the effective date of layoff. Laid-off employees reinstated to those classifications within the twelve (12) month period shall have their previous dates of hire restored (including vacation and sick leave accrual rates and any unpaid sick leave balances in effect at the time of layoff). At the end of the twelve (12) month period, all laid-off employees' rights associated with reinstatement are concluded.
- The City will offer reinstatement to laid-off employees by certified mail to the last known address. (Note: It is the laid-off employee's responsibility to keep the Human Resources Department notified of any change of address, if he/she is interested in reinstatement.)
- Reinstatement is offered to laid-off employees provided they are qualified (medical certification may be required) to perform the essential duties of the job and are in compliance with the City's Drug Free Workplace Program. A laid-off employee, who is temporarily unable to accept an offer of reinstatement due to medical certification, may request a delay in starting work, not to exceed thirty (30) calendar days.
- The return to work date for a laid-off employee, who is qualified to return to work under the City's physical and Drug Free Workplace Program guidelines, is determined by the City's requirements, but the employee must be available for work no later than two (2) weeks following notice or the offer will be forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.
- If the employee fails to report to the Human Resources Director within three (3) business days after receipt of the certified notice or if the employee does not meet the then-existing

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pre-employment requirements including Drug Free Workplace Program criteria, the offer is forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

- Employees who are scheduled for layoff do not have the right to enter formal grievance charges in regard to layoff action, except for reasons of alleged violation of these policies and procedures governing such reduction of work force, or for alleged acts of illegal discrimination. The Mayor and City Commission may elect to offer separation agreements to employees subject to layoff. In such cases, no agreement may be offered prior to legal review by the City Attorney's Office.
- Employees who are scheduled for layoff should contact Human Resources to discuss their medical coverage and other health benefits.
- The Human Resources Department, with approval by the Mayor may provide assistance to laid-off employees in the form of career counseling, guidance, assistance in job searches (in and out of City government), assistance in resume preparation, and other related activities.

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ARTICLE 9 - HUMAN RESOURCE DEVELOPMENT

Section 9.01: Statement of Policy

- A. The City of Palmetto recognizes the value of developing its human resources to their fullest potential. It is the policy of the City of Palmetto to make available to employees the opportunity for training, career development, and advancement consistent with individual, performance and City goals.
- B. Employee education and training to enhance job-related skills is a useful tool in increasing productivity. Department heads may, within budget limitations, approve City participation in the costs of job-related education and travel expenses, including conferences and short courses to develop and enhance the employee's skills.

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9.02 EMPLOYEE RECOGNITION PROGRAM

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PURPOSE - To establish procedures for recognizing long-term commitments, exemplary employee accomplishments, and outstanding contributions to the City of Palmetto, Department of Public Works.

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POLICY

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- A. The Employee Recognition Program (ERP) shall recognize employees through the presentation of awards consisting of framed plaques or certificates, pins, paperweights, or other suitable tokens of recognition to eligible employees of the City of Palmetto.
- B. All employees assigned to established positions shall be eligible for consideration of recognition and awards. To be eligible, an employee's accomplishments or contributions must be directly related to the City of Palmetto operations or functions, and clearly and significantly exceed normal expectations.

C. The bestowing of recognition and the granting of awards under the ERP shall be based upon employee achievements or service without regard to the individual's political affiliation, race, sex, color, national origin, religion, disability, age or marital status.

OBJECTIVES

A. To encourage employees to improve services for the citizens of the City of Palmetto.

B. To develop and retain motivated employees.

C. To recognize and reward exemplary employee accomplishments, contributions, and continuous employment which lead to improvements in City services and operations.

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PROCEDURE

A. The Mayor shall develop an Employee Recognition Program Committee (ERPC) consisting of senior staff.

B. Each Division must be considered by the ERPC.

C. The terms of the ERPC representatives shall be at the will of Mayor.

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RESPONSIBILITIES – The overall responsibility for the direction and coordination of the ERP rests with the Mayor who may be assisted by the ERPC and the Human Resources Department.

A. EMPLOYEE RECOGNITION PROGRAM COMMITTEE

The ERPC shall assist the Mayor in the recommendation, development and implementation of employee recognition programs within the Department. Specific

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responsibilities shall include:

1. Promote employee recognition programs among the workforce in the Department.
2. Provide guidance and assistance as required to implement recognition programs.
3. Recommend to the Mayor ways of increasing participation in employee recognition programs.
4. Make recommendations to the Mayor for revisions to policies and procedures pertaining to the recognition program.
5. Offer suggestions for, and participate in, the planning of award presentations including ceremonies and high visibility affairs.
6. Authority to select recipients of the Employee of the Month (EOM), Employee of the Year (EOY), Team, Safety, and Heroism awards is delegated to the ERPC.

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EMPLOYEE OF THE MONTH (EOM) AWARDS

A. Award

- i. A framed certificate will be presented to the EOM during the first regularly scheduled Commissioners Meeting in the month following their selection, when possible. The certificate will be presented by the Director or Designated Representative.
- ii. A parking space will be reserved for the EOM.
- iii. A picture of the current EOM will be displayed in the lobby of the Office and on the City website..

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EMPLOYEE OF THE YEAR (EOY)

A. Nominating Procedures

1. In November of every year, 3 Employees will be chosen. There will be no more than one employee from each department selected annually for this honor. The departments consist of City Hall including CRA, Public Works and Police Department.
2. The EOY selection will be made by the Mayor with documentation regarding the employee of the month.
3. In the event that a member of the ERPC is nominated for EOY, he or she will be excluded from meetings when their name is eligible for a vote.

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B. Award

1. A personalized plaque will be presented by the Director at the first regularly scheduled Commission Meeting in December.
2. A \$1000.00 monetary award, less tax, will be included in the employee's paycheck during the pay period following the presentation.
3. A parking space will be reserved for the EOY for the month of December.
4. A plaque with a picture of the current EOY will be displayed in the lobby of the Office. The name of the EOY and accompanying picture will be posted on

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the City's web site.

Department Heads, based upon their own observations or the recommendations of Supervisors, may submit the names of exceptional employees to the Mayor between November 1st and November 15th of each year for consideration as Employees of the Year.

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Recommendations must take into account three prior, consecutive Employee Evaluation. Nominations must be supported with detailed documentation of the employees/ continual performance above and beyond their normal job requirements. All employees are to be encouraged to strive for this honor.

Those employees selected by the mayor as Employees of the Year will be recognized at a City commission Meeting and resented within budgetary limits a monetary incentive in December.

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Section 9.03: Tuition Reimbursement

The following Tuition Reimbursement Policy shall become effective October 1, 2009.

- A. Subject to available funds, set aside up to \$5000.00, as determined in the budgetary process in a non-departmental account for reimbursement of classes for employees to further their skills for the City of Palmetto.
- B. Applications will be date stamped. In the event that initial Fiscal Year applications exceed available funding, a lottery will be held to determine award distribution. All other fully qualified applicants will be maintained in a waiting list to be utilized in additional lotteries in the event that funding becomes available. Qualified applicants who are not funded will receive priority in the next funding cycle.
- C. The maximum reimbursement is the actual cost of the course, not to exceed an annually determined amount less any grants or financial aid received. This amount will not exceed the cost at the local, county or state college. Reimbursement will be limited to 1 course per session, and 3 courses per calendar year per person.
- D. Applications must be presented to Department Heads for submittal to Human Resources for review by the Tuition

Reimbursement Committee prior to the start of any course, with Supervisor and Department Head approval or comments attached. A record of training will be filled out and put in each personnel file with the appropriate approvals.

- E. The employee must receive a "C" or better to be reimbursed for the class. Proof of tuition payment must also be submitted.
- F. Part of the approval process will include acknowledgement by the employee that if they leave the City of their own accord within 2 years of reimbursement for a class, they will reimburse the City for the class. Reimbursement may be remitted by cash or check to the Human Resources Department or may be payroll deducted from the final paycheck.
- G. As indicated in the Personnel Policy Manual, only classes that are directly related to a job within the City will be reimbursed.
- H. An employee is not permitted to use any City personnel, time, or supplies as part of the course or program of instruction. The use of equipment may be specifically approved by the department head.
- I. An employee may not attend a tuition reimbursement program during assigned working hours, unless such time is covered by pre-approved annual or compensatory leave or leave without pay.

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Section 9.04: Employee Orientation

All new employees shall attend an initial orientation session conducted by the Human Resources Director designed to acquaint new employees with the benefits, policies and responsibilities of employment with the City of Palmetto. All new employees shall also attend safety orientation conducted by the Safety Director in order to protect the employees and citizens of the City and to insure that all employees are aware of the safety rules within the City.

ARTICLE 10 - INSURANCE AND RETIREMENT

Section 10.01: Health Insurance

Group health insurance coverage shall be available at City expense to full-time employees as defined in Section 2.01. Group coverage may be extended to members of the employee's immediate family at the expense of the employee. Specific provisions of the plan are provided in plan documents and are subject to change from year to year.

Section 10.02: Life Insurance

Life insurance, in amounts as may be determined by the City Commission, shall be available at City expense to full-time employees as defined in Section 2.01. The amounts and provisions of the coverage are provided in plan documents and may vary from year to year.

Section 10.03: Workers' Compensation

Employees disabled as a result of injuries arising out of and in the course of employment, and compensable under the provisions of the Workers' Compensation Law, shall be afforded the coverage prescribed in that law.

Section 10.04: Retirement

Full-time employees as defined in Section 2.01 shall become members of the City of Palmetto General Employees' Retirement System or the City of Palmetto Police Officers' Retirement System. Department Heads may opt out of the City retirement system for a 457 plan. All provisions governing these retirement systems are established by City ordinance and are subject to change from time to time.

ARTICLE 11 - SEPARATIONS

Section 11.01: Resignation

An employee who resigns from City employment should provide written notice in advance to his immediate supervisor. If an employee resigns verbally and does not submit a written resignation, the department head or his designee shall finalize the resignation by providing a written acceptance to the employee within two (2) working days of the verbal resignation. The original notice of resignation, or written acceptance of a verbal resignation, shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

Section 11.02: Disability

- | A. A department head may require a medical examination at City expense, to be performed by a physician selected by the City, at any time an employee displays evidence of a problem related to job performance or safety or when an employee's continuing fitness for duty in a physically demanding job reasonably appears to have been impaired.
- | B. Any employee who is prevented from performing the essential functions of his or her job because of a disability (as defined in the Americans with Disabilities Act) will be afforded a reasonable accommodation to the disability. Such accommodation may, but not necessarily be, reassignment, retraining, modifying work schedules, job re-structuring, etc. If a reasonable accommodation cannot be made, the affected employee may be reassigned, with a corresponding reduction in pay; or placed in part-time status with reduction in pay; or terminated. In the case of termination, the Human Resources Director will assist the employee in applying for a disability retirement under the City of Palmetto Retirement System, provided the employee is otherwise qualified for such retirement.
- | C. A reassignment or separation for reasons of disability shall not be considered disciplinary action.
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- D. The Mayor, appropriate department head and the Human Resources Director may authorize reinstatement of an employee previously separated for disability reasons upon receipt of acceptable, written, medical evidence that the employee can perform the essential functions of the position to which the employee is being reinstated, or that a reasonable accommodation to the disability can be made.

Section 11.03: Dismissal

- A. Department heads may dismiss any employee for inefficiency or substandard performance of assigned duties, insubordination, failure to carry out assigned duties, violation of the code of ethics, standards of conduct, or any other of these policies or laws or departmental rules, or for any action considered to be counterproductive to effective and efficient operations and the delivery of services to the public.
- B. An employee shall have the right to appeal a dismissal in accordance with this policy.
- C. An employee discharged for cause will not be rehired.

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Section 11.04: Death

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

Section 11.05: Inquiries about Former Employees

- A. Information provided in response to inquiries concerning former employees shall be confined to documented factual information such as dates of employment, positions held and rates of pay.
- B. Letters of recommendation shall be confined to documented facts regarding the employee's job performance and shall not contain unqualified assessments of the employee's character or non-job related qualities. The Director of Human Resources shall answer inquiries about former employees.

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ARTICLE 12 - UNIFORM POLICY

Section 12.01: Policy

The intent of this policy is to make the City of Palmetto employee work attire consistent and uniform and to clarify the usefulness and necessity to wear clothing for work functions within a uniform standard. A standard uniform will help with identification of the City's employees by the public, create staff unity, and present a more professional appearance.

Personnel performing maintenance, operational supervision and labor functions will be issued uniforms (shirts and trousers) consistent with their functional area of responsibility. These will be professionally maintained. Each employee will be issued shirts and trousers selected by the department head. The City emblem will be sewn on the left breast pocket area of the shirt.

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Personnel performing professional, semi-professional and administrative functions of customer service and contact with the public will be issued shirts annually consistent with their functional area of responsibility. The shirt style will be selected by the department head. The City of Palmetto emblem shall be embroidered or sewn on the left breast pocket area.

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Personnel performing law enforcement functions, in a sworn officer capacity, will be issued uniforms consistent with the current police department policy. If a uniform becomes unserviceable, it must be returned to the Supervisor.

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All employee work attire purchased, rented, maintained and issued under this policy shall be funded through the budgets of the corresponding departments.

Upon termination of employment with the City of Palmetto an employee under the "uniform plan" will return all issued uniforms. Any missing uniforms or uniform damage due to negligence or abuse must be paid for by the employee. If the employee does not reimburse the City for the above, the costs will be deducted from any final pay check.

ARTICLE 13 - SHOE/BOOT POLICY

SECTION 13.01: General

The following guidelines are developed to establish a comprehensive policy for authorization, purchase, and use of Personal Protective Safety footwear for employees of the City. Employees required by the City to wear safety footwear will be reimbursed at the rate of up to \$100.00 per year depending upon the need for puncture resistant footwear. Employees not required by the City to wear safety shoes or boots will not be reimbursed. For more detailed information reference Public Works Department Personal Protective Equipment Safety Footwear (PPESF) adopted by City Council June 11, 2001.

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Applicants for appointment as police officers must be at least nineteen (19) years of age.

The department head or acting department head shall make the final selection.

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Drug Free Workplace Program

PURPOSE

As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug free community, the City of Palmetto has established this policy on the use or abuse of alcohol and drugs by its employees. This policy is set up pursuant to the Drug Free Workplace Program under Florida's Workers' Compensation Law. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. We have established this policy to prevent the use and/or presence of these substances in the workplace and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with the following guidelines.

As mentioned above, we are implementing this policy pursuant to the Drug Free Workplace Program under the Florida Workers' Compensation Act. This provides that an employee, who is injured

in the course and scope of his employment and tests positive on a drug or alcohol test, forfeits his eligibility for medical and indemnity benefits under Florida's Workers' Compensation. (Refusal to take a drug or alcohol test will result in the employee forfeiting his eligibility for medical and indemnity benefits under Florida's Workers' Compensation Law and automatic termination of the employee.)

The purpose of this policy is to communicate our position on drugs and alcohol in the workplace and provide guidance for the implementation of related programs.

Page Break

SCOPE

All employees are covered by this policy and as a condition of employment, are required to abide by the terms of this policy.

Because of state or federal laws and regulations, certain employees may be subject to additional requirements.

DRUG FREE WORKPLACE POLICY DISSEMINATION

The City will give a general one-time notice to all employees that it is a condition of employment for employees to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and that a drug-testing program is being implemented. Sixty days will elapse between the notice and the actual drug testing.

Prior to testing, all employees or job applicants for employment will be given a summary of the Drug free Workplace policy, a summary of the drugs which may alter or affect a drug test and a list of local employee assistance programs and local drug rehabilitation programs.

A notice of drug testing will be included with all vacancy announcements for those positions where drug testing is required (want ads, job postings, etc.). A conspicuous location on

city premises and copies of the policies will be made available for inspection during regular business hours by the employee or job applicant in the city personnel office.

DEFINITIONS

The definitions of words and terms as set forth in Florida Statutes, § 440.102 (1993), the Florida Workers' Compensation Drug Testing Rules (Fla. Adm. Code, Chap. 38F-9) and the Florida Agency for Health Care Administration, Drug free Workplace Standards (Fla. Adm. Code, Chap. 10E-18) will apply to the terms used in this policy.

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ALCOHOL USE PROHIBITIONS

The consumption of alcohol on city property or while on duty is prohibited and will result in disciplinary action, up to and including discharge.

Off-duty abuse of alcohol, which adversely affects an employee's job performance or adversely affects or threatens to adversely affect other interests of the City is prohibited and may result in disciplinary action up to and including discharge.

The personal possession (i.e., on the person, or in a desk or locker) of alcohol on City property or on duty will result in disciplinary action, up to and including discharge.

The possession of alcohol in a personal vehicle or city-assigned vehicle on city property is not prohibited provided such possession is in compliance with this policy as well as federal, state, and local laws.

It is against City policy for an employee to report to work or to work under the influence of alcohol.

For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum proof

of alcohol usage.

An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The City will take further action (i.e., removal from service, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely with the City.

Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in disciplinary action, up to and including discharge.

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Employees arrested for an alcohol-related incident must immediately notify their supervisor, the City Clerk, or the Mayor of the arrest if the incident occurs:

During scheduled working hours, or

While operating a city vehicle on city or personal business, or

While operating a personal vehicle on City business. Failure to notify an appropriate City official may result in disciplinary action, up to and including discharge.

The City may suspend employees without pay under this policy pending the results of an alcohol test or investigation.

DRUG OR ALCOHOL USE PROHIBITIONS

The use, sale, purchase, possession, manufacture, distribution, or dispensation of drugs or alcohol on City property or during working time is against City policy and is cause for immediate discharge.

It is also against City policy to report to work or work under the influence of drugs or alcohol.

This includes prescription drugs, which induce an unsafe mental or physical state. Employees who violate this policy are subject to disciplinary action up to and including discharge.

For the purpose of this policy, an employee is presumed to be under the influence of drugs or alcohol if a urine test, blood test or other accepted testing procedure shows a forensically acceptable positive quantum of proof of drug usage.

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

Refusal to submit to or efforts to tamper with a drug or alcohol test will result in discharge.

The City may suspend employees without pay under this policy pending the results of a drug test or investigation.

G. TESTING

1. Testing of Applicants

- a. Applicants considered final candidates for a position will be tested for the presence of illegal drugs as a part of

the application process. (Job applicant packet)

- b. The City may elect to only test applicants who apply for certain classifications or job positions based on a reasonable classification basis. A list of classifications will be developed by the City and kept on file in the office of the City Clerk.
- c. The City may allow the job applicant to begin work pending the results of the drug test. If the test result is positive the applicant will be subject to immediate discharge.

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- d. Any job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with the test, or fails to pass the pre-employment drug test will be ineligible for hire.

2. Reasonable Suspicion Drug Testing

- a. Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. "Reasonable-suspicion testing," means drug testing based on a belief that an employee is using or has used drugs in violation of the City policy, drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - 1. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
 - 2. Abnormal conduct or erratic behavior while at work, or a significant deterioration in work performance.
 - 3. A report of drug use, provided by a

reliable and credible source.

4. Evidence that an individual has tampered with a drug test during his employment with the City.
 5. Information that an employee has caused, contributed to, or been involved in an accident while at work. An accident is when there is injury, which requires a report to the Division of Workers' Compensation or a third party injury requiring medical treatment.
 6. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on City premises or while operating the City vehicle, machinery, or equipment.
- b. If a supervisor believes reasonable suspicion exists, the supervisor should report his or her findings and observations to the City Clerk. Upon approval by the City Clerk or an officer of the City, the employee will be asked to submit to a drug test and sign a form acknowledging his or her consent. (Employee packet). Factors, which substantiate cause to test, should be documented by the supervisor on the Substance Abuse Investigation Report Form. This must be done as soon as possible but no later than 7 days after the employee has been drug tested. A copy of this report will be given to the employee upon request and the original documentation will be kept confidentially by the City and retained for at least 1 year.

3. Random Testing

- a. Employees in "sensitive" positions will be required to submit to drug testing on a random basis. A list of those job classifications determined to be "sensitive" will be developed by the City

and kept on file in the office of the City Clerk and will be periodically updated as needed. Covered individuals will be informed in writing that they are subject to random testing due to the sensitive nature of their jobs.

- b. Selection of employees for random testing will be conducted through the use of a random number generator or other neutral selection process.
- c. When an employee is selected for random testing, both the employee and the employee's supervisor will be notified on the day the test is scheduled to occur.
- d. Testing may be postponed only when an employee's supervisor and the City Clerk agree that there is a compelling need for deferral (i.e., the employee is out on leave or traveling).

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- e. An employee whose random drug test is deferred will be subject to an unannounced test within sixty days.

4. Routine Fitness-for-Duty

An employee will submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of the City established policy or that is scheduled routinely for all members of an employment classification or group, and approved as a prerequisite by the City.

5. Follow-up Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or an alcohol or drug rehabilitation program, the employee must submit to unannounced drug testing as a follow-up to such program, at least once a year for two years after completion of the program. Advance notice of follow-up testing will not be given to the employee being

tested. If an employee voluntarily enters a program, the City, at its option, may not require follow-up testing.

6. Return to Duty Testing

An Employee who does not pass a drug test cannot return to work unless:

- a. The City, at its sole discretion, permits the employee to return to work.
- b. The employee passes a drug test administered under this rule.
- c. The employee agrees to participate in and successfully complete any alcohol or drug evaluation, counseling or rehabilitation program required by the City.
- d. The employee agrees to submit to periodic, unannounced drug tests at least once a year for a two (2) year period after completion of the program.

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- e. Participation in a treatment program, be it either voluntarily or pursuant to this section, will not excuse work rule violations or poor performance and an employee may be disciplined or discharged for such offenses or failure to perform.

7. Additional Testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations or as deemed necessary by the City.

8. Refusal to Test

Employees who refuse to submit to a drug test forfeit their eligibility for all workers' compensation medical and indemnity benefits and will be terminated from employment or otherwise disciplined as provided in this policy.

H. TESTING PROCEDURE

1. The City may test for any or all of the following drugs:

Alcohol	(booze, drink, distilled spirits, wine, malt beverages, beer, intoxicating liquors, alcoholic beverages, etc.)
Amphetamines	(Binhetamine, Desoxyn, Dexedrine) ²
Cannabinoids	(marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)
Cocaine	(coke, blow, nose candy, snow, flake, crack)
Phencyclidine Methaqualone	(POP, angel dust, hog)
Opiates	(opium, dover's powder, paregoric, parepectolin)
Barbiturates	(Phenobarbital, Tuinal, Amytal)
Benzodiazophines	(Ativan, Azene, Klonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
Methadone	(Dolophine, Methadose)
Propoxyphene	(Darvocet, Darvon N, Dolene)
Methamphetamines	(Meth, Crank, Ice, Crystal, Crystal Meth)
Metabolites of any substances listed above.	

2. Job applicants and employees required to submit to drug or alcohol testing will be asked to sign a Consent to Testing form.
3. Because of the potential adverse consequences of positive test results on employees, the City will employ a very accurate testing program. Urine and blood samples will be analyzed by a highly qualified independent laboratory, which has been selected by the City and approved by the Agency for Health Care Administration or the U.S. Department of Health and Human Services.
4. Applicants and employees will be given an opportunity prior to and after testing to

provide any information to the Medical Review Officer (MRO) which they consider relevant to the test including listing all drugs they have taken recently, listing prescribed drugs and explaining the circumstances of the use of these drugs in writing or other relevant medical information. This medical information is confidential and should be given only to the MRO. The applicants and employees will also be provided with a notice of the most common medication by brand name or common name, as well as the chemical name, which may alter or affect a drug test. Finally, applicants and employees will receive a summary of this policy and a list of local employee assistance programs and local drug rehabilitation programs.

5. An employee injured at the workplace and required to be tested will be taken to a medical facility for immediate treatment of injuries. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility under the procedures set forth in this policy and transported to an approved testing laboratory.
6. No specimens will be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must release to the City the results of any tests conducted for the purpose of showing the presence of alcohol or drugs.
7. Body Specimens

Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used as both the initial and confirmation test for alcohol. The physician will have the discretion to determine whether drawing a blood sample will threaten the health of the injured employee or if the employee has a medical condition unrelated to the accident which may preclude the drawing of

the necessary quantity of blood for a testing specimen. Under these circumstances, no inference or presumption of intoxication or impairment will be made.

8. Cost of Testing

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

9. Collection Site

a. The City will utilize a collection site designated by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, chain-of-custody procedures, temporary storage and shipping or transportation of urine and blood specimens to an approved drug testing laboratory. The City may also utilize a medical facility as a collection site, which meets the applicable requirements.

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b. Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen, and transportation of the specimen to the laboratory will meet state and federal rules and guidelines. If the laboratory is certified by Florida Agency for Health Care Administration, Drug Testing/Chain-of-Custody/HRS Form 1806 will be used for each employee or job applicant tested. (See last four pages of Section 6.) If the laboratory is certified by the United States Department of Health and Human Services it will use the chain-of-custody form designated by the Department of Health and Human Services.

10. Collection Site Personnel

A specimen in an amount sufficient for two (2) drug tests will be taken or collected by:

- a. A physician, a physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of the accident for the purpose of rendering emergency service or treatment; or
- b. A qualified person employed by a licensed or certified laboratory who has the necessary training and skills for the assigned tasks.

11. Testing Laboratory

- a. The laboratory used to analyze initial or confirmation drug specimens will be either licensed and approved by the Agency for Health Care Administration using criteria established by the Agency in its Drug free Workplace Standards (Fla. Adm. Code Chap. 10E-18), or the laboratory will be certified by the United States Department of Health and Human Services using criteria established by the Department of Health and Human Services.

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- b. All laboratory security, chain-of-custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration and reporting of results will be in accordance with state laws and rules established by the Florida Agency for Health Care Administration or the United States Department of Health and Human Services.
- c. The laboratory will provide assistance to the MRO, the employee or job applicant for the purpose of interpreting any positive confirmed test results.

12. Initial Test

The initial screen for all drugs shall be an immunoassay except the initial test for alcohol shall be an enzyme oxidation methodology.

Levels on initially screened urine specimens, which are equal to or exceed the following shall be considered to be presumptively positive and then submitted for confirmation testing.

Amphetamines	1000 ng/mL
Cannabinoids (11 -nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)	50 ng/mL
Cocaine (Benzoylecgonine)	300 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	300 ng/mL
Opiates	2000 ng/mL
Barbiturates	300 ng/mL
Benzodiazepines	300 ng/mL
Methadone	300 ng/mL
Propoxyphene	300 ng/mL

The only specimen for alcohol testing shall be blood and the initially screened specimen shall be considered presumptively positive and submitted for confirmation testing if the level is equal to or exceeds 0.04g/dL.

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13. Confirmation Tests

All specimens identified as presumptively positive on the initial test shall be confirmed using mass spectrometry/mass spectrometry (MS/MS) or gas chromatography/mass spectrometry (GC/MS), except that alcohol will be confirmed using gas chromatography. All confirmations shall be done by quantitative analysis. Levels on confirmation testing for urine specimen's, which are equal to or exceed the following shall be reported as positive:

Amphetamines (amphetamine, methamphetamine)*	500 ng/mL
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Cannabinoids	15 ng/mL
(11 -nor-Delta-tetrahydrocannabinolcarboxylic acid)	
Cocaine (benzoulecgonine)	150 ng/mL
Phencyclidine	25 ng/mL
Methaqualone	150 ng/mL
Opiates	
Codeine	2000 ng/mL
Morphine	2000 ng/mL
6-Acetylmorphine **	10 ng/mL
Barbiturates	150 ng/mL
Benzodiazepines	150 ng/mL
Methadone	150 ng/mL
Propoxyphene	50 ng/mL

* A laboratory shall not report a specimen positive for methamphetamine only. The specimen must contain amphetamine at a concentration equal to or greater than 200 ng/mL, by the confirmation test. If this criterion is not met, the specimen shall be reported as negative for methamphetamine.

** Tests for 6-Acetylmorphine when the morphine concentration exceeds 2000 ng/mL.

The alcohol level on confirmation testing for blood, which is equal to or exceeds 0.04g/dL, shall be reported as positive.

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I. TEST RESULTS

1. Reporting Results

- a. The laboratory will report all test results (both positive and negative) to the Medical Review Officer (MRO) within seven working days after receipt of the specimen at the laboratory. The Medical Review Officer is employed by the City and not the drug testing laboratory.
- b. The laboratory will report as negative all specimens, which are negative on the initial test or negative on the confirmation test. Only specimens

confirmed positive on the confirmation test will be reported positive for a specific drug. A report will not disclose the presence or absence of any drug other than a specific drug and its metabolites listed in this policy.

- c. The laboratory will transmit results in a manner designed to ensure confidentiality of the information. The laboratory and MRO will ensure the security of the data transmission and restrict access to any data transmission, storage and retrieval system.
- d. The MRO will verify that positive and negative test results were properly analyzed and handled according to the Agency for Health Care Administration or U.S. Department of Health and Human Services rules. The MRO will have knowledge of substance abuse disorders and shall also be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall evaluate the drug test result(s), which is reported by the lab, verify by checking the chain-of-custody form that the specimen was collected, transported and analyzed under proper procedures, and determine if any alternative medical explanations caused a positive test result. This determination by the MRO can include conducting a medical interview with the individual, review of the individual's medical history or the review of any other relevant bio-medical factors. The MRO shall also review all medical records made available by the tested individual. The MRO may request the laboratory to provide quantization of test results.
- e. The MRO will contact the employee or job applicant of a confirmed positive test result and inquire as to whether prescriptive or over-the-counter medications could have caused the positive test result. The MRO will follow the procedures set forth in the Workers'

Compensation Drug Testing Rules and the Agency for Health Care Administration, Drug free Workplace Standards or the rules established by the U.S. Department of Health and Human Services for providing the applicant or employee the opportunity to present relevant information regarding the test results. After following the appropriate procedures, the MRO will notify the City of any verified, confirmed positive test results.

- f. Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or job applicant in writing of such positive test results, the consequences of such results, and the options available to the employee or job applicant, including the opportunity to contact the MRO and the right to file an administrative or legal challenge.
- g. The City will provide to the employee or job applicant upon request a copy of the test results.
- h. Unless otherwise instructed by the City in writing, all written records pertaining to a given specimen will be retained by the drug testing laboratory for a minimum of five years. The drug testing laboratory shall retain (in properly secured refrigerated or frozen storage) for a minimum period of one
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year, all confirmed positive specimens. Within this one year period the City, employee, job applicant, MRO or the Department of Health and Rehabilitative Services may request in writing that the laboratory retain the specimen for an additional period of time. If no such request is received, the laboratory may discard the specimen after one year of storage.
- i. Within seven days for all tests based on reasonable suspicion, the City will

detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of the report will be given to the employee upon request. The original report will be kept confidential and retained by the City for at least one year.

2. Challenges to Test Results

- a. Within five working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the MRO explaining or contesting the test results, or to the City explaining why the test result does not constitute a violation of this policy. The employee or job applicant will be notified in writing if the explanation or challenge is unsatisfactory. The written notice will be given to the employee or job applicant within fifteen days of receipt of the explanation or challenge, and will include why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results. All such documentation will be kept confidential and will be retained for at least one year.
- b. When an employee or job applicant undertakes an administrative or legal challenge to the test results, he or she will be responsible to notify the City and laboratory in writing of such challenge and such notice shall include reference to the chain-of-custody specimen identification number. After such notification, the sample shall be retained by the laboratory until the case or administrative appeal is settled.
- c. The Agency for Health Care Administration, the City or the MRO detecting a false positive error shall immediately notify the laboratory and the Department of any such error.

3. Employee Protection

- a. During the 180-day period after written notification of a positive test result, the employee will be permitted by the City to have a portion of the specimen retested, at the employee's expense. Any additional tests, however, must be conducted on the same specimen as the original test. The retesting must be done at a Florida Agency for Health Care Administration (HCA) or United States Department of Health and Human Services licensed and approved laboratory. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory, which performed the test for the City, will be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain-of-custody for such transfer.
- b. The drug testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.
- c. The City will not request or receive from the testing facility or the MRO any information concerning the personal health, habit or condition of the injured employee including, but not limited to, the presence or absence of HIV antibodies in the injured worker's body fluids.
- d. The City will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test and by a Medical Review Officer.

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- e. The City will not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the

City, for a drug-related problem, if the employee has not previously tested positive for drug use, entered an employee assistance program for drug-related problems, or entered an alcohol and drug rehabilitation program. The City retains the right to select an EAP or drug rehabilitation program when the City pays the cost of the employee's participation in the program.

- f. All authorized treatment of an injured employee prior to reasonable notice of the denial of benefits will be paid to the health care provider by the carrier or self-insurer. Prior to denying medical and indemnity benefits based upon a positive test result, the City workers' compensation carrier or self-insurer will give reasonable notice to all affected health care providers that payment for treatment, care and attendance provided to the employee after a future date certain will be denied.

J

K. INVESTIGATION

- 1. To ensure that illegal drugs and alcohol do not enter or affect the workplace, the City reserves the right to search all vehicles, containers, lockers, or other items on City property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon City request.
- 2. Searches will be conducted only where the City has reason to believe that the employee has violated the City substance abuse policy.
- 3. Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to City premises.
- 4. Searches of an employee's personal property will take place only in the employee's

presence. All searches under this policy will occur with the utmost discretion and consideration for the employee involved.

5. Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.
6. Because the primary concern is the safety of its employees and their working environment, the City will not normally prosecute the employee in matters involving illegal substances. However, the City will turn over all confiscated drugs to the proper law enforcement authorities. Further, the City reserves the right to cooperate with or enlist the services of proper law enforcement authorities in the course of any investigation.

L. ARREST OR CONVICTION FOR DRUG-RELATED CRIME

1. If an employee is arrested for or convicted of a drug-related crime, the City will investigate all of the circumstances; and City officials may utilize the drug-testing procedure if cause is established by the investigation. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:
 - a. During investigation, an employee may be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension or the employee may be reinstated depending upon the facts and circumstances;
 - b. If convicted of a drug-related crime, an employee will be terminated;
- c. If an employee has been suspended and the case has been dismissed or otherwise disposed of, the City will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is

authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to 2 years;

- d. Because of the seriousness of such situations, the City reserves the right to alter or change its policy or decisions on a given situation depending upon its investigation and the totality of the circumstances.

2. As a condition of employment, an employee will notify the City Clerk of any criminal drug statute conviction for a violation, which occurred on City premises. The employee must give notice to the City within five days of such conviction.

M. CONFIDENTIALITY

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the City as a part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the City will not release such information without a written consent form signed voluntarily by the person tested. This right to confidentiality does not apply when the information is used by the City as a defense in a civil or administrative matter.

N. RECORDS AND TRAINING

1. The City will maintain a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organizations designed to assist employees with personal or behavioral problems. The City will inform employees and new hires about various employee assistance programs that the City may have available. The information shall be made available at a reasonable time convenient to the City and shall be discreetly reviewed by the employees.
2. The City will provide an annual education course to assist the employees in identifying

personal and emotional problems which may result in the misuse of alcohol or drugs. This course will also include a presentation on the legal, social, physical and emotional consequences of the misuse of alcohol or drugs.

O. CONCLUSION

The City drug free workplace policy has been prepared so as not to conflict with public policy and, further, not to be discriminatory or abusive. A drug free workplace should be the goal of every employer in America. Drug and alcohol testing is only one of the several steps that must be taken to achieve this objective. When incorporated into a comprehensive anti-drug effort, testing can go a long way in combating drug and alcohol abuse in the workplace.

THIS POLICY SUPERCEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE EMPLOYER RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE.

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<u>Operating Policy and Procedure</u>		

Eligibility

To be eligible for leave under this policy an employee must have been employed by the City at least twelve (12) months in total, and must have worked at least 1,250 hours during the twelve (12) months preceding commencement of the leave.

Entitlement to Leave

An eligible employee is entitled to leave for the following:

for the birth of the employee's child;
for the placement of a child with the employee for adoption or foster care;

when the employee is needed to care for a child, spouse or parent who has a serious health condition.

for the serious health condition of the employee.

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Definitions

Health Care Provider:

A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the state in which the doctor practices; or

Any other person determined by the Secretary of Labor to be capable of providing health care services.

Others "capable of providing health care services" include only:

Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation

as demonstrated by X-ray to exist)
authorized to practice in the State
and performing within the scope of
their practice as defined under
State law;

Nurse practitioners and nurse-midwives
who are authorized to practice under
State law and who are performing
within the scope of their practice
as defined under State law; and

Christian Science practitioners listed
with the First Church of Christ
Scientist in Boston, Massachusetts.

Where an employee or family member
is receiving treatment from a
Christian Science practitioner, an
employee may not object to any
requirement from an employer that
the employee or family member submit
to examination (though not
treatment) to obtain a second or
third certification from a health
care provider other than a Christian
Science practitioner.

Serious Health Condition - an illness,
injury, impairment or physical or mental
condition that involves:

any period of incapacity or treatment
with or consequent to inpatient care
in a hospital, hospice or
residential medical care facility;

any period of incapacity requiring
absence from work, school or other
daily activities of more than three
(3) calendar days that also involves
continuing treatment or supervision
of a health care provider;

Continuing treatment by or under the
supervision of a health care
provider for a chronic or long-term
condition that is incurable or if
not treated could result in a period
of incapacity of more than three (3)
calendar days.

Reduced or Intermittent Leave Schedule - A leave, when medically necessary, that reduces the number of working hours per week, or hours per day.

Parent - The biological parent of an employee or an individual who stands in place of a parent.

Son or Daughter - A biological, adopted or foster child, a stepchild, a legal ward or a child of a person standing in the place of a parent who is (a) under 18 years of age; or (b) 18 years of age or older and incapable of self-care because of a mental or physical disability.

Leave Requirements

Eligible employees covered by other paid employment leaves (vacation, sick time and compensatory time) will be required to take the paid leave as part of the twelve (12) weeks of leave which the employee is entitled to under this policy, to the full extent permitted by regulations issued by the Department of Labor.

Advance Request of Leave

A minimum of thirty (30) days advance notice of leave is required where practicable for:

the expected birth of a child; or
the planned medical treatment for a son, daughter, spouse or parent with a serious health condition.

NOTE: In the event that family leave is required as the result of an unforeseen incident or illness, or is required at a date earlier than anticipated, notice shall be given as soon as possible. Employees requesting leave for planned medical treatment of a son, daughter, spouse or parent should make a reasonable effort to schedule treatment so as not to disrupt unduly their department work schedule, consistent with the requirements of the health care provider.

Eligible employees anticipating the need to request an unpaid leave should submit a written request to their supervisor accompanied with a Medical Certification from a health care provider. The supervisor will forward the request to the department head for his approval. The request will be forwarded to Human Resources for further approval and processing. A copy of the approved request will be returned to the requesting employee.

(1) If both spouses work for the City, they are limited to a total of twelve (12) weeks in a twelve (12) month period between them for the birth or adoption of a child or for a parent with a serious health condition.

(2) If only a portion of the entitled leave is used for the above (1), then each employee is entitled to the additional time up to twelve (12) weeks in a twelve (12) month period of a spouse who is ill and unable to work, or a child with a serious health condition.

Medical Certification

An employee's request for leave to care for a seriously ill spouse, child or parent must be supported by a Medical Certification from a health care provider on a form issued by the Human Resources Department. Leave may be denied until the required certification is provided.

Intermittent or Reduced Work Schedules

If a leave is sought on an intermittent or reduced schedule because of an employee's serious illness or to care for a sick family member, the certification must contain additional declarations from the health-care provider stating that intermittent or reduced schedule leave is medically necessary and the amount of time that will be needed.

NOTE: The City reserves the right to require the employee to obtain the opinion of a City approved second health-care provider at City expense. If the first and second opinions differ, the City at its own expense may require the binding opinion of a third health-care provider, approved jointly by the City and the employee.

Intermittent or reduced schedule leave may be taken when medically necessary for the serious illness of an employee or to care for the employee's eligible family member. An employee requesting intermittent or reduced leave may be temporarily transferred to an alternative position for which the employee is qualified with equivalent pay and benefits, and which better accommodates recurring periods of leave.

Return to Full Work Status

As a condition of returning to work, the City requires the employee to notify his/her supervisor in writing, on a bi-weekly basis, of his status and intention to return to work, with a copy to Human Resources.

An employee taking leave because of a serious health condition of an eligible family member must, on a bi-weekly basis, submit subsequent recertification of the medical condition to the City.

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Employees returning to work from an unpaid leave of absence under this policy shall be restored to the same or equivalent position with equivalent employment benefits, pay and all other terms and conditions of employment.

Employment restoration rights may be denied if an employee performs the duties of a highly specialized nature, which cannot be performed by other employees, is paid by salary, sets policy on behalf of the City or directs the activities of a major organizational segment of the City and is

necessary to prevent "substantial and grievous economic injury to the City."

Maintenance of Health Benefit

Any employee who is granted an approved unpaid leave of absence under this policy must continue to pay his portion of premium contributions (if applicable) during the period of unpaid absence. The employee should contact Human Resources to determine how payments are to be made. If payment is not made within thirty (30) days of due date, coverage will cease at the end of the thirty (30) day period.

FAILURE TO COMPLY WITH ANY REQUIREMENTS LISTED IN THIS POLICY MAY RESULT IN DENIAL OF FAMILY OR MEDICAL LEAVE.

Any questions concerning the Family and Medical Leave Act should be directed to Human Resources.