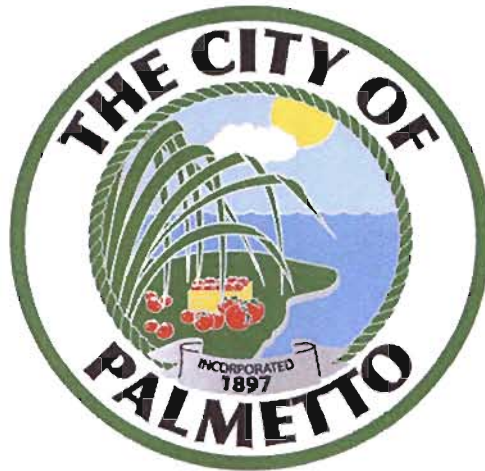


TAB 4



PERSONNEL POLICY MANUAL

ADOPTED BY ORDINANCE NO. 10-000

May 26 ~~APRIL 18, 2005~~, 2010

CITY OF PALMETTO
PERSONNEL POLICIES MANUAL

Section Index

General Provisions	1
Definitions	2

Formatted: Font: Not Bold

Formatted: Left

Formatted: Right

Formatted: Left

Formatted: Right

Formatted Table

Article 1 - Management Rights

1.01 Standards of Services	42
1.02 Operations	42

Article 2 - Employment Practices

2.01 Equal Employment Opportunity	53
2.02 Recruitment	64
2.03 Selection	65
2.04 Hiring	76
2.05 Probationary Period	86
2.06 Promotion	87
2.07 Transfers	97
2.08 Demotion	98
2.09 Nepotism - Employment of Relatives	98
2.10 Dual Employment	109
2.11 Interview Expenses	119

Formatted Table

Article 3 - Personnel Records

3.01 Florida Statue Chapter 119	120
3.02 Rebuttals	131
3.03 Employee Responsibility	131

Article 4 - Employee Conduct

4.01 Code of Ethics	142
4.02 Employee Disclosure Requirements	165
4.03 Administration of the Code of Ethics	176
4.04 Political Activity	176
4.05 Standards of Conduct	198
4.06 Drug Free Workplace <u>Program</u> program	221
4.07 Harassment Policy	3242

Article 5 - Discipline

5.01	Statement of Policy	3747
5.02	<u>Progressive Pre-Discipline</u>	37
5.03	<u>Suspension</u>	39
5.04	<u>Demotion</u>	39
5.05	<u>Dismissal</u>	4048
5.06	<u>Discipline Administrative Procedure</u>	40

Article 6 - ~~Employee Grievance~~ Procedures for Grievance or Appeals for Disciplinary Action:

6.01	Policy	49
6.012	Administrative Review Procedure	5049
6.023	Hearing Board Review of Disciplinary Action	5151
6.034	Appeal Hearing	5352
6.045	Compensation During Grievance Proceedings Administrative Rulings	5453

Article 7 - Compensation

7.01	<u>Budgetary Limitations</u> Classification and Compensation Plan	554
7.02	<u>Classification and Compensation Plan</u> Pay Periods	559
7.03	<u>Pay Periods</u> roll Deductions	6059
7.04	<u>Budgetary Limitations</u> Payroll Deductions	6060
7.05	Exempt Work During Emergencies and Natural Disasters	6160

Article 8 - Attendance and Leave

8.01	Policy	6261
8.02	Hours of Work	6261
8.03	Work Breaks	6362
8.04	Overtime	6362
8.05	Controlling Overtime	6463
8.06	Authorized Leave	654

Article 9 - Human Resource Development

9.01	Statement of Policy	7679
9.02	Tuition Reimbursement	7679
9.03	<u>Employee Recognition Program</u> Orientation	7780
9.04	<u>Employee Orientation</u>	78

Article 10 - Insurance and Retirement

10.01 Health Insurance
10.02 Life Insurance
10.03 Workers' Compensation
10.04 Retirement

~~7981~~
~~7981~~
~~7981~~
~~7981~~

Formatted: Left

Article 11 - Separations

11.01	Resignation	802
11.02	Layoffs	802
11.03	Disability	83
11.04	Dismissal	8483
11.05	Death	8483
11.06	Inquiries about Former Employees	8483

Article 12 - Uniform Policy

12.01	Policy	8684
-------	--------	------

Article 13 - Shoe/Boot Policy

13.01	General	8785
-------	---------	------

Formatted: Left

GENERAL PROVISIONS

PURPOSE:

In accordance with Chapter 22, entitled Personnel, City of Palmetto Code of Ordinances, it is the purpose of this ~~P~~ersonnel ~~P~~olicy ~~M~~anual 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, including the Community Redevelopment Agency. ~~except that~~ The Mayor and City Commission are not employees for purposes of this manual. ~~except.~~
~~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 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 or their designee ~~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.

5. Department ~~H~~heads or their designee~~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.

DEFINITIONS:

Full-Time Employees: Employees who are scheduled to work 32 hours or more per week.

Part-time Employees: Employees who work less than 32 hours per week.

Temporary Employees: Employees who are hired for a specified term of employment (This does not include employees hired through a temporary agency).

Recruitment: An effort on the part of the City to attract qualified applicants.

Probationary Period: A working test period for closely observing an employee's work.

Promotion: The advancement from one position to a position with greater responsibility at a higher grade of pay.

Transfer: The reassignment of an employee from one position to another position of equal or lesser rank and status.

Dual Employment: Holding any other job while employed by the City of Palmetto.

Ethics: The rules or standards of conduct governing the members of a group or profession.

Conduct: To behave or act in a given way.

Harassment: To annoy or torment repeatedly, including but not limited to: sexual harassment or discriminatory conduct based on race, color, national origin, religion, gender, marital status, age, or disability.

Progressive Discipline: A process for dealing with standards of behavior that do not meet expected and communicated behavior standards using increasingly formal efforts to provide feedback to the employee so he or she can correct a problem of conduct.

Grievance: The process by which an employee may air feelings of resentment due to a perceived wrong.

Dismissal: Termination of employment and cessation of all pay and benefits.

Demotion: 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.

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

Days: All days are in calendar days -unless otherwise noticed.

Formatted: Centered

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 ~~good~~ 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.

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, health insurance, life insurance, 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, ~~for~~ 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. If the part-time employee becomes full time in a different position during his/her initial probationary period they will serve a new 6 months probationary period in the new 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. ~~All vacancies shall be advertised.~~ The administrative procedure shall be as follows:

- A. Upon notification of a vacancy, the department head or his/her designee will immediately notify the Human Resources Director. A job announcement shall be prepared, stating the position title, minimum training, ~~and~~ 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 ~~w~~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.

Nothing in this ~~m~~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.

Section 2.03: Selection

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.
- B. Interviews shall be scheduled with the selected qualified

applicants. Appropriate testing and examinations shall be scheduled for the applicants (if applicable).

C. The department head or his/her designee shall make the final selection.

D. Reference checks will be conducted on the top job candidate(s). Successful applicants will be given a conditional offer of employment, and be required to pass following which a physical examination, and drug test and class 2 criminal background check, including finger printing.

~~will be required.~~

E. Police officer applicants will be required to pass Florida Statute requirements including a polygraph examination, drug screen and psychological evaluation.

~~D. Background investigation and reference checks will be conducted on the top job candidate(s).~~

~~G.F. Any employee who has previously been discharged from the City for cause will not be eligible for rehire for a minimum period of 10 years. rehire.~~

~~F.G. Selected applicants will be required to provide any special license(s) or certifications which may be necessary for the position within the probationary period.~~

~~G.H. Selected applicants will be required to provide proof of bondability, if applicable.~~

~~H. Police officer applicants will be required to pass Florida Statute requirements including a polygraph examination, drug screen and psychological evaluation.~~

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

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

Section 2.04: Hiring

Upon the selection of a qualified candidate to fill a vacancy, the department head or his/her designee shall initiate the hiring process. Note: Any offer other than the minimum starting step must be within the pay plan guidelines. See Article 7, Section 7.01 This

Formatted: Indent: Left: 0.5", Hanging: 0.5", Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", Outline numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

must be done prior to the final offer of employment. The department head shall consult with the Human Resources Director and the Mayor 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 department head and submitted to the Human Resources Department ~~Director~~ and sent to the department head, then resubmitted to 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 ~~full-time~~ employees are required to meet pre-employment conditions. ~~take a physical examination and a drug test prior to beginning work.~~ 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

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 ~~serve a - t~~Twelve (12) month probationary period.

All other employees ~~serve a - s~~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. After 6 months of employment all full time employees shall be credited with 48 hours of accrued annual leave. 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 below. 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 12 months for sworn officers in the new 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 in writing 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 Department Head and the Human Resources Director~~supervisor~~.

Section 2.09: Nepotism: Employment of Relatives

In compliance with Section 112.3135, Florida Statutes, no city hiring appointing~~official~~ shall appoint, employ, promote, ~~or~~ advance, or advocate for appointment, employment, promotion, or advancement in or to a position in the City of Palmetto government any individual who is a relative of the employee. ~~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 the City of Palmetto government if such appointment, employment, promotion or advancement has been advocated by an city hiring appointing official, who is a relative of the individual ~~serving in or exercising jurisdiction or control over the organizational unit, who is a relative of the individual.~~

"Hiring Official" shall be defined for the purposes of this section as an employee of the City in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the City.

"Relative" is defined for the purposes of this section as: an individual who is related to the public official 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 the 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) calendar days from the date the employees become subject to these provisions.

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 lowers the efficiency of the employee.~~

~~C.~~

- ~~D. B.~~ When such dual employment is incompatible or creates a conflict of interest with an employee's official duties.

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

Formatted: Bullets and Numbering

Section 2.11: Interview Expenses

If prior authorizations are granted by the ~~Commission~~ City Council and budgeted funds are available, reimbursement may be made for travel and subsistence expenses incurred by applicants for employment interviews with the City. ~~The position vacancy must be for a department head position.~~ The rate of reimbursement shall be the same as those established for City employee travel and subsistence.

ARTICLE 3. PERSONNEL RECORDS

| Section 3.01: Florida Statutes 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, training, 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.

G. A copy of the certificate signed by the employee indicating that he/she has received a copy of the ~~official employee handbook or personnel policy manual~~ 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.~~

Formatted: Bullets and Numbering

~~I. H.~~ A copy of all performance evaluations, performance and disciplinary documentation.

~~J. I.~~ A copy of any exit interview report. ~~if applicable.~~

Formatted: Bullets and Numbering

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 as set forth in Part III of Chapter 112, Florida Statutes, 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 the City of Palmetto ~~government~~ attract those potential employees ~~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 the City of Palmetto ~~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/her 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.

E. No City employee or member of the employee's family shall accept gifts of any type, price or size 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 that discharge of the employee's official duties or give the appearance of the employee being improperly influenced.

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

G. No employee of an agency acting in his or her official capacity shall either directly or indirectly purchase, rent or lease any realty, goods, or services for his or her own agency ~~the City~~ from any business entity ~~of in~~ which ~~the employee or the employee's~~ his spouse or child is an officer, partner, director, or proprietor or in which such employee or the employee's spouse or child, or any combination of them, has a material interest. ~~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 of them, has a financial interest.~~ 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.~~ However, these provisions shall not apply to contracts entered into prior to October 1, 1975 or contracts entered into prior to the employee beginning employment with the City.

Formatted: Indent: Hanging: 0.5"

H. 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.

I. No employee shall, at any time, solicit or accept anything of value to the employee, nor shall any employee allow his/her spouse or minor child to solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or services, based upon any understanding, that the vote, official action, or judgment of the employee would be influenced thereby, or under circumstances which the employee should

reasonably know are intended to influence the vote, official action or judgment of the employee. 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.

- J. 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.
- K. No employee shall have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties, or that would impede the full and faithful discharge of his public duties.
- L. 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.
- M. 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.
- N. 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.
- O. No employee shall have personal investments in any enterprise which would reasonably create a conflict between his private interests and the public interest.
- P. 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 government.

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 ~~and the Human Resources Director~~ 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.
- B. An employee who submits an application for employment or ~~enters into for~~ 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 ~~and the Human Resources Director~~ in writing within five (5) working days of having made application.
- C. Any employee who ~~accepts~~receives an offer of employment or ~~enters into for~~ 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 ~~and the Human Resources Director~~ within five (5) working days of such offer.
- D. Any employee who ~~accepts~~receives ~~an offer of 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 ~~gift~~offer in writing to his/~~her~~his or her department head ~~and the Human Resources Director~~ within five (5) working days ~~of such offer~~.

Section 4.03 Administration of the Code of Ethics

- A. ~~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.~~ 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. ~~An~~No ~~employee who qualifies to run for office of the Mayor or City Commission of the City of Palmetto shall be placed on unpaid leave of absence until the day after the election provided, however, the employee may utilize any unused accrued leave before being placed on the unpaid leave of absence. If the employee is unopposed for the office as of the last day to qualify for election to that office, then the employee may return to work on the day following the last day to qualify for the office.~~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.
- C. 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.

D. 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:

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

E. Any City employee violating this section shall be guilty of improper conduct and shall be subject to disciplinary action, up to and including ~~discharge~~ dismissal from City employment.

F. 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.

Section 4.05: 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.

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.

- 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.
- C. Employees of the City of Palmetto are expected to conduct themselves in a manner which will favorably reflect upon the City and themselves.
- D. It is the policy of the City of Palmetto to provide a work environment that is free from any form of harassment.
- 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.
- F. Employees representing the City at a location other than their normal place of work shall comply with the standards of conduct.
- G. No employee shall engage in conduct which creates a hostile or offensive working environment.
- 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.
- I. No employee shall use threatening, profane or abusive language toward fellow employees or other persons while engaged in the performance of official duties.
- 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.
- L. The use of City telephone services, including SUNCOM,

__ shall be limited to official City business.

- M. Employees operating a City vehicle or any vehicle being used for City business are banned from participating in any activity while driving which will create a visual distraction (taking eyes off the road), cognitive distraction (taking mind off the road) or manual distraction (taking hands off driving controls). This specifically includes reading, initiating or responding to emails and text messages, adjusting global positioning systems and accessing the Internet. Driving while texting is prohibited under any circumstances. Employees are permitted to use Mobile Data Terminal and radios in performance of their assigned duties.
- N. Gambling of any kind is forbidden at all times on City premises or at any other job-related work site during working hours.
- O. Employees shall notify their immediate supervisors or designees of any anticipated absences or unanticipated absences as soon as possible.
- P. 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 purpose 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.
- Q. 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.

- R. 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 immediate appropriate supervisor.
- S. Activities prohibited by sState 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.
- T. Solicitation or distribution of any materials for any purpose by non-employees in City work areas is prohibited at all times.
- U. Employees are responsible for all City-owned vehicles, and are responsible for their proper use and maintenance. Any defects noted should be reported to the employee's immediate 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.
- V. Unauthorized personal or private use of City-owned vehicles or equipment will result in disciplinary action.
- W. Each employee shall be held responsible for knowing and understanding these standards of conduct. Any questions should be referred to the immediate supervisor

Section 4.06 Drug Free Workplace Program

Objective

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.

Directives

The City prohibits employees from consuming, using, selling, dispensing, distributing, possession, or manufacturing illegal drugs, narcotics 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 affect job performance, job safety, or interferes with the City's ability to carry out its mission.

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/injury
- Routine fitness for duty and follow up
- Random

Safety sensitive and special risk positions are subjected to random drug/alcohol tests. A list for Safety sensitive and special risk positions are on file and available in the Human Resources Office.

An employee will be subjected to corrective action, up to and including termination, for violation of this policy.

Section 4.06: Drug Free Workplace Program

A. PURPOSE

1. 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.
2. 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.)
3. 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.

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Bullets and Numbering

B. SCOPE

1. All employees are covered by this policy and as a condition of employment, are required to abide by the terms of this policy.
2. Because of state or federal laws and regulations, certain employees may be subject to additional requirements.

C. DRUG FREE WORKPLACE POLICY DISSEMINATION

1. 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.
2. 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.
3. 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.

D. 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.

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.5" + Indent at: 0.5", Tab stops: Not at 0.5"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

E. ALCOHOL USE PROHIBITIONS

1. ~~The consumption of alcohol on city property or while on duty is prohibited and will result in disciplinary action, up to and including discharge.~~
2. ~~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.~~
3. ~~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.~~
4. ~~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.~~
5. ~~It is against City policy for an employee to report to work or to work under the influence of alcohol.~~
6. ~~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.~~
7. ~~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.~~
8. ~~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.~~

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

~~9. 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.~~

~~a. During scheduled working hours, or~~

~~b. While operating a city vehicle on city or personal business, or~~

~~c. 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.~~

~~10. The City may suspend employees without pay under this policy pending the results of an alcohol test or investigation.~~

~~F. DRUG OR ALCOHOL USE PROHIBITIONS~~

~~1. 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.~~

~~2. 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.~~

~~3. 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.~~

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1.63", Hanging: 0.38", Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Tab after: 1.75" + Indent at: 1.75", Tab stops: Not at 1.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1.63", Hanging: 0.38", Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Tab after: 1.75" + Indent at: 1.75", Tab stops: Not at 1.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1.63", Hanging: 0.38", Outline numbered + Level: 3 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Right + Aligned at: 1.63" + Tab after: 1.75" + Indent at: 1.75", Tab stops: Not at 1.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 2 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 1" + Tab after: 2.31" + Indent at: 2.31", Tab stops: Not at 2.31"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.75" + Indent at: 0.75", Tab stops: Not at 0.75"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

~~4. 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.~~

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

~~5. Refusal to submit to or efforts to tamper with a drug or alcohol test will result in discharge.~~

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

~~6. The City may suspend employees without pay under this policy pending the results of a drug test or investigation.~~

Formatted: Indent: Left: 1", Hanging: 0.5", Outline numbered + Level: 4 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 2" + Tab after: 2.25" + Indent at: 2.25", Tab stops: Not at 2.25"

Formatted: Bullets and Numbering

~~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.~~

- 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).~~

- 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.~~

e. ~~Participation in a treatment program, be it either voluntarily or pursuant to this section, will not excuse work rule violations or peer 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	{Amphetamine, 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	{PCP, 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.~~

- 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.~~

- 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	50 ng/mL
(11-nor-Delta-9-tetrahydrocannabinol-9-carboxylic acid)	
Cocaine	300 ng/mL
(Benzoylecgonine)	
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.~~

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	500 ng/mL
(amphetamine, methamphetamine)*	
Cannabinoids	15 ng/mL
(11-nor-Delta-tetrahydrocannabinolcarboxylic acid)	
Cocaine	150 ng/mL
(benzoylecgonine)	
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.

~~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

~~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.~~

- 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. EMPLOYEE ASSISTANCE PROGRAM

~~The City will maintain an Employee Assistance Program (EAP) to be administered by the office of the City Clerk.~~

I. PURPOSE AND SCOPE

~~The purpose of the following section is to provide a written description of The City of Palmetto's Drug Free Workplace Program.~~

II. REFERENCES

~~Florida Statute, Chapter 440.102, Drug-Free Workplace Program Requirements, City of Palmetto Drug Free Workplace Policy (COP 4.06) (49 CFR Part 382; Section 316.302, Florida Statutes)~~

III. APPLICABILITY

~~This program applies to all employees of the City of Palmetto.~~

IV. DEFINITIONS

A. Drug - means alcohol, including distilled spirits, wine, malt beverages, and intoxicating liquors; amphetamines; cannabinoids; cocaine; phencyclidine (PCP); hallucinogens; methaqualone; opiates; barbiturates; benzodiazepines; synthetic narcotics; designer drugs; or a metabolite of any of the controlled substances.

B. Controlled Substances - means any substance, including its metabolites, as defined in Section 893.02(3), Florida Statutes or as defined by federal law.

C. Drug Test - means any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites. An employer may test an individual for any or all of such drugs.

D. Reasonable Suspicion - means a belief based on objective facts and the rational inferences which may be drawn from such facts, or based on direct or reported observations from a verifiable source that the particular employee is using or is impaired by drugs or alcohol.

E. Safety-Sensitive Position - means, with respect to a public employee, a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to perform life threatening procedures, or a position in which a momentary lapse in attention could result in injury or death to another person.

F. Employee Assistance Program (EAP) - means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employee's for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. In addition to the above activities, an Employee Assistance Program provides diagnostic and treatment services.

G. Medical Review Officer (MRO) - means a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures. MRO's also verify positive, confirmed test results and have the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

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

V. PROCEDURES

Formatted: Font: Not Bold

A. General Administration

1. All City of Palmetto employees are prohibited from using, selling, dispensing, distributing, possessing or manufacturing illegal drugs, narcotics or alcoholic beverages while on City premises, work sites or in a City vehicle. In addition, an employee is prohibited from off-premises use of alcohol, possession, use and/or sale of all illegal drugs including prescription drugs when such activities adversely affect job performance, job safety or interfere with the City's ability to carry out its mission. Such violations include, but are not limited to, possessing illegal and non prescribed drugs and narcotics or alcoholic beverages at work; being under the influence of such substances while working; using them while working; dispensing, distributing or illegally manufacturing or selling them on City premises, work sites or in City vehicles.

2. As a term and condition of employment, employees must refrain from taking drugs/alcohol that impair performance or are illegal on or off the job.

3. All employees are strictly prohibited from reporting for work or performing work while impaired by drugs and/or alcohol.

4. City of Palmetto conducts the following types of drug tests: pre-employment, reasonable suspicion, post accident/injury, routine fitness for duty, random and follow-up.

5. All applicants being considered for employment are subjected to a pre-employment physical and drug test. If an employee's job classification requires an annual physical, the employee will be required to submit to a drug test as part of the physical. All positions that require a commercial driver's license (CDL) will require annual random drug and/or alcohol testing.

6. An employee may be required to take a drug test at any time to determine the presence of drugs in accordance with the reasonable suspicion alcohol and/or drug testing provisions of this program.

7. An employee who is arrested for and charged with any criminal

drug and/or alcohol violation must report such arrest or charge to their supervisor and/or the Office of Human Resources within 72 hours. Failure to report this information may result in disciplinary action up to and including termination.

8. An employee's supervisor should report immediately (during that working shift) to his/her department head and/or Director of Human Resources any action by any employee who demonstrates an unusual behavior pattern. An employee believed to be under the influence of drugs and/or alcohol will be required to submit to a drug and/or alcohol test. The supervisor will arrange safe transit to the approved City collection site.

9. An employee who uses legal and/or prescribed drugs during working hours or has any reason to expect such use may affect their ability to perform their work must report this fact to their supervisor. A determination will then be made as to whether the employee will be able to perform the essential functions of the job safely and properly. Failure to report this information may result in disciplinary action up to and including termination.

10. An employee who is required to submit to a drug and/or alcohol test, who then states they have a problem with drugs and/or alcohol abuse is not exempt from disciplinary action, up to and including termination.

11. An employee who is experiencing work-related or personal problems resulting from drug and/or alcohol abuse or dependency may request to seek counseling under the Employee Assistance Program (EAP). City sponsored or required counseling will be kept as confidential as possible. Failure to cooperate with an agreed upon treatment plan may result in disciplinary action, up to and including termination. An employee will not be permitted to return to work until certification is presented to his/her supervisor that the employee is capable of performing their job. Participation in a treatment program does not protect an employee from the imposition of disciplinary action for violations of this or other City policies.

12. An employee will be subject to disciplinary action up to and including termination, for violation of the Drug Free Workplace Policy. Refusal to submit to a drug and or alcohol test will result in immediate termination.

13. An employee who is injured on the job who refuses to test or who receives a confirmed positive test will forfeit all rights to Workers Compensation medical and indemnity benefits.

B. Testing

1. Pre-Employment (Pre-Duty) Testing

a. For purposes of this section, the term "applicant" shall include City employees who have been selected for internal promotions to vacant positions or those that have been reassigned or transferred.

b. Job offers made to applicants (post-offer) are contingent upon the applicant successfully passing a drug and/or alcohol screening prior to commencing employment.

c. If the applicant fails to pass the pre-employment drug and/or alcohol screening, he/she will be disqualified from further consideration for employment and shall remain ineligible for employment with the City for six (6) months from the date of the initial positive test results. An applicant who fails to submit to the required pre-employment drug and/or alcohol test shall be denied further consideration for the position for which he/she applied.

2. Reasonable Suspicion Drug Testing

If required, all City employees, including those in safety-sensitive and special risk positions, will submit to a drug and/or alcohol test for reasonable suspicion of drug and/or alcohol use.

Reasonable-suspicion drug testing means drug testing based on a belief that an employee is using or has used drugs in violation of the City of Palmetto Drug Free Workplace Policy. An employee may be drug tested for reasonable suspicion based upon the following:

a. 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.

b. Abnormal conduct or erratic behavior while at work, which may include a significant deterioration in work performance.

c. A report of drug use, provided by a reliable and credible source (e.g. law enforcement).

d. Evidence that an employee has tampered with a drug test during their employment with the current employer.

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

f. For a reasonable suspicion drug test on an employee, the supervisor must complete the following steps:

(1) Complete a Reasonable Suspicion Observation Form, detailing specific observations as described above. The form requires the name and signature of two supervisors observing the questionable behavior.

(2) Report the incident to the Department Director and the Office of Human Resources.

(3) Remove the employee from the worksite immediately and escort the employee to the designated specimen collection site (City of Palmetto's authorized collection site) for a drug test.

(4) Present a completed Reasonable Suspicion Drug Test Form to the designated specimen collection site at the time of the test and forward a copy to the Office of Human Resources.

(5) Place the employee on administrative leave with pay status, until the confirmed test results are obtained.

3. Post Vehicle Accident Drug Testing

All employees, including safety sensitive employees, will be drug and/or alcohol tested immediately following a vehicle accident.

a. The supervisor or designee will escort the employee to the City of Palmetto authorized collection site immediately following the local authorities' completed crash investigation.

b. If an employee receives emergency medical treatment following a vehicle accident, the following time frames apply for post accident vehicle drug and alcohol tests:

(1) A post vehicle accident alcohol test needs to be administered as soon as practicable, but within four (4) hours following the vehicle accident. If the alcohol test is not administered within the four (4) hours, the supervisor will include information why the testing was not performed within the four (4) hour period on the City of Palmetto Property Damage Report - Supervisor Investigation.

(2) A post vehicle accident drug test needs to be administered as soon as practicable, but within thirty-two (32) hours following the vehicle accident. If the drug test is not administered within the thirty-two (32) hours following the accident, the supervisor will include information why the testing was not performed within the thirty-two (32) hour period on the City of Palmetto Property Damage Report - Supervisor Investigation.

4. Routine Fitness for Duty/Follow-up Drug Testing

All employees who are afforded an opportunity to receive rehabilitation and complete a treatment program as a result of violating this policy will be required to successfully pass a re-test for drug and/or alcohol before returning to their job duties.

Follow-up testing will be randomly conducted for a one year period after completion of the program. Advance notice of a follow-up testing date will not be provided to the employee.

5. Safety-Sensitive and Special Risk Drug Testing

Safety-sensitive and special risk, describe positions in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position in which a momentary lapse in attention could result in injury or death to another person.

City of Palmetto's safety-sensitive and special risk positions require a pre-employment physical and drug test. The employee, as a part of pre-employment process, will proceed to the designated specimen collection site. Employment with City of Palmetto is contingent upon successfully passing the pre-employment physical and drug test.

a. Safety-sensitive and special risk positions are subject to a random drug and/or alcohol test annually after pre-employment (e.g., CDL & police positions).

b. Special risk positions are subject to a physical, drug and alcohol test annually after pre-employment e.g., (Police position).

If an employee in a safety-sensitive or special risk position enters an Employee Assistance Program or drug rehabilitation program of their own free will and not as a result of an injury/accident or reasonable suspicion, the employee will be assigned a position other than a safety-sensitive or special risk position or, if such position is not available, the employee will be placed on leave while the employee is participating in the program. The employee shall be permitted to use his/her accumulated annual and sick leave credits before leave may be ordered without pay.

6. Random Drug Testing

Employees whose safety-sensitive position requires a Commercial Drivers License (CDL) must comply with an annual random drug and/or alcohol test. Each calendar year, the City will randomly select and test 50% of the total number of safety-sensitive employees for drugs, and 25% for alcohol.

a. The selection of employees for random alcohol and/or drug testing shall be made by a purely random method, such as a computer-generated random number table. Each employee shall have an equal chance of being tested each time selections are made. The random program will generate two (2) lists of numbers, a primary list and a secondary list.

b. Human Resources will match the primary number list to a corresponding list of safety-sensitive employees (positions requiring a CDL). The secondary number list is used only if the employee on the primary list is not available within three (3) calendar days of the generation of the random numbers list.

c. Human Resources Department will provide a Notification for Random Drug and/or Alcohol Testing Form containing the name of the employee to be tested to their supervisor. After being contacted by the supervisor and presented a copy of the Notification for Random Drug and/or Alcohol Testing Form the employee will be escorted to the City's designated specimen collection site immediately for the drug or alcohol testing.

d. The designated specimen collection site will be informed of the names to be tested by Human Resources. The employee will present the Notification for Random Drug and/or Alcohol Testing Form, his/her City I.D. or driver's license to the Drug Screen Coordinator upon arrival at the designated specimen collection site.

e. Employees will not be given advance notice regarding the random drug and/or alcohol test. Any employee not available for a minimum of three (3) calendar days due to illness or annual leave shall be placed back into the pool and the next number (and corresponding name/person) from the secondary random list will be screened.

C. Designated Collection Site

All pre-employment physicals and alcohol and/or drug tests are conducted by City of Palmetto's authorized healthcare provider which acts as the collection site. Technicians are trained in the appropriate chain of custody procedures and can provide documentation if required. All test results are reviewed and verified by a Medical Review Officer (MRO) (Licensed Physician). Employees and job applicants should report the use of prescription or non-prescription medications to the Medical Review Officer. Every reasonable effort will be made to obtain the most accurate test results while affording the employee privacy during the collection process. Testing will be done in accordance with provisions of applicable law.

The Medical Review Officer is designated by the Healthcare Provider and functions independently of the City. The MRO's qualifications include a demonstrated knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate a combination of an individual's positive drug and/or alcohol test results and his/her medical history and other relevant biomedical information in order to make an accurate review and/or analysis of the drug test results.

1. If the designated specimen collection site is not open and after hours testing is required as a result of reasonable suspicion or post accident/injury, the supervisor will follow the established protocol:

a. Supervisor will complete the Reasonable Suspicion Observation Form and appropriate Property and Liability report(s) for post accident/injury testing, if applicable.

b. The supervisor is required to call the designated specimen collection site after hours phone number, and then immediately escort the employee to the designated specimen collection site's location.

c. Supervisor will inform the Department Director and the Office of Human Resources as soon as possible during normal business hours.

D. Over the Counter or Prescription Drugs

The employee must notify his/her supervisor if they have been prescribed a drug for a medical or other condition which could impair their ability to perform their job. If it is determined that the employee is unable to perform his/her job due to impairment caused by the medication, the employee should apply for appropriate leave or discuss alternative job duties that would not cause a safety concern with their supervisor. An employee and job applicant should confidentially report the use of prescription or non-prescription medications to the City's Medical Review Officer (MRO) when contacted by the MRO. This information will be interpreted in order to determine test results.

E. Positive Test Results

If the drug test of a City of Palmetto employee is confirmed as positive, the employer's Medical Review Officer (MRO) shall provide technical assistance to the employee for the purpose of interpreting the test result to determine whether the results could have been influenced by prescription or nonprescription medication taken by the employee.

1. Challenge Test Results

a. An employee or job applicant who wishes to challenge test results is responsible for notifying the City's designated specimen collection site of an administrative challenge or civil action brought pursuant to Florida Statute, Section 440.102.

b. An employee or job applicant may contest test results pursuant to the rules adopted by the Department of Labor and Employment Security.

c. Any additional laboratory testing resulting from a challenge to the test shall be at the employee's or job applicant's expense.

F. Confidentiality and Record Maintenance

The results of drug and/or alcohol tests shall not be included in an applicant's or an employee's personnel file but shall be retained by the Office of Human Resources in a separate medical file, exempt from public inspection.

G. Searches

Everyone is concerned about personal security and the security of the workplace. Workplace security is a responsibility shared by the City and all employees. The City may request the cooperation of an employee in agreeing to a search of personal property such as packages, briefcases, purses and similar containers as well as private vehicles parked on City property. City supervisory and managerial employees have the right to enter or search City property with or without notice, including desks, lockers, computers, phones and e-mail. Generally, there shall be no expectation of privacy while on any City property or of any property brought onto City premises. This delicate balance between privacy and security is something important to everyone and cooperation is needed from all employees.

H. Communication of this Procedure

All employees will receive a copy of this procedure. All employees shall sign an Acknowledgment and Consent Form stating that they have received a copy of this Drug Free Workplace program. The form will be placed in the employee's personnel file. The Office of Human Resources will be responsible for coordinating drug and/or alcohol awareness programs and shall be responsible for answering employee questions regarding the City's Drug Free Workplace Policy and Procedure. Employees are encouraged to discuss this policy with their supervisors and/or managers.

The City of Palmetto Drug Free Workplace Policy poster will be

posted on all work location bulletin boards.

I. Training

All new employees to City of Palmetto receive training on the Drug Free Workplace Policy and Procedures during New Employee Orientation. Drug Free Workplace training will be conducted annually to all current employees and supervisors.

VI. RESERVATION OF AUTHORITY .

The authority to issue or revise this Drug Free Workplace Program is reserved to the Mayor and City Commission.

Human Resources will prepare forms to carry out the provisions of this policy and program.

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.~~

~~I. 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.~~

~~9. 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.~~

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.

6. 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 of whether or not an internal investigation is warranted. In cases where the decision is made not to ~~not~~-investigate, that decision will be reviewed by the Mayor (or in his/her absence the Vice Mayor). In cases where such an investigation is determined to be warranted, the Mayor (or in his/her 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 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/her 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, anthe employee may bypass the appropriate step in the procedure and bring the problem directly to the next level supervisor level in the procedure.

ARTICLE 5 - DISCIPLINE

Section 5.01: Statement of Policy

- A. Department Hheads or their designee 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 as defined in this Article, 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.

An employee may be restricted from performing certain duties or functions as defined in these rules and regulations. The Department Head with prior recommendation of the Director of Human Resources and approval of the City Clerk, (for their respective employees), may impose such restrictions for the good of the city for a period of time deemed to be in the best interest of the City.

~~B. An employee discharged for cause will not be rehired. 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.~~

- B. After an initial probationary period, an full-time employee who believes he/she has been improperly disciplined may appeal such action to his/her Ddepartment Hhead, ~~to the Mayor or Vice Mayor, ce~~consistent with the procedure set forth in this policy.

- C. ~~In-~~ 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.

Formatted: Bullets and Numbering

Section 5.02 Progressive Discipline

Comment [J M1]: The progressive discipline section is all new.

Progressive discipline is the process of using increased sanctions or measures when an employee fails to correct a behavior problem after being given a reasonable opportunity to do so. For the purpose of this article, Progressive Discipline will consist of: Oral Instruction and Cautioning, Written Reprimand, Suspension, Demotion, and Dismissal.

- a. Instruction and Cautioning: An employee may be instructed and cautioned, as defined in these Rules and Regulations, by his/her supervisor, when that employee has violated any cause for dismissal, suspension, demotion or rejection as provided in Article 5.
- b. Reprimands: An employee may be reprimanded, as defined in these Rules and Regulations, by his/her supervisor, when that employee has violated any cause for dismissal, suspension, demotion or rejection as provided in Article 5.

Section 5.02.01 Pre-Determination Hearing, Pre-Suspension, Pre-Demotion or Pre-Dismissal Hearing:

In initiating a potential suspension, demotion or dismissal to an employee as provided in Article 5, the employee is to be given a Pre-Determination hearing by the Department Head in which the employee is allowed to explain the cause for the conduct/behavior.

- A. Procedure: The Pre-Determination hearing is to be informal and conducted by the Department Head at his/her location without extensive witnesses, court reporters or lawyers. Notes on the hearing are to be made and witnessed whenever possible.
- B. The Department Head shall give a copy of the specifications and charges of the violation to the employee prior to the Pre-Determination hearing and allow reasonable time for the employee to study the charges and prepare for conference, at which the employee shall have the right to representation of his/her choice.
- C. The Department Head shall conduct the Pre-Determination hearing and shall give due consideration to the comments of the employee before initiating the required personnel action papers. The Department Head shall inform the employee of the right of appeal under this Article. In

addition, where the personnel action papers will result in dismissal, suspension, or demotion and when the circumstances in question meet the criteria set forth in Article 5, the Department Head shall also give the employee notice that the employee has a right to request a Name-Clearing Hearing and may request that the appeal be used for that purpose, even though the employee does not choose to appeal the suspension, demotion or dismissal.

5.03 Suspension:

A Supervisor may suspend any employee and any such suspension shall be given in writing to the Director of Human Resources for recommendation and the approval of the Department Head before taking effect. The employee shall receive a copy of the notice of suspension. The reason or reasons shall be the same as the reasons for dismissals, demotions and suspensions as set forth by this Article. The employee shall be given a Pre-Determination hearing, in accordance with Section 5.02.01.

Such suspension shall be for a period not to exceed thirty (30) working duty days, except that extensions with pay may be made pending any investigation and/or hearing.

5.04 Demotion:

When the services of an employee are not satisfactory, the Department Head, for their respective employees, may demote the employee to a position in a lower class and grade and such employee shall be required to serve a class probationary or working test period of six (6) months in such position.

- A. The demoted employee may receive less compensation than the rate of compensation before demotion but not in excess of the maximum for the class of positions to which the employee has been demoted. The level of compensation is to be determined on the basis of the skill, knowledge and experience of the employee, giving adequate consideration to the pay structure for the proposed position and shall not be based on consideration of age, sex, race, creed, religion, national origin, marital status or physical disability, except where age, sex marital status and physical requirements are bona fide occupational qualifications.
- B. An employee may be granted a demotion upon his/her request and such demotion shall be termed and recorded as voluntary. The reason or reasons for any demotion shall

| be put in writing ~~on the form required~~ and shall be forwarded to the Director of Human Resources for recommendation and approval of the Department Head for their respective employees, before such demotion is put into effect. A copy of such form shall be provided to the employee, whether the demotion is voluntary or not. Such reason or reasons shall be the same as the reasons for dismissals, demotions and suspensions as set forth by this Article.

- C. The Department Heads, for their respective employees, may require that a demotion to a vacant position be made in lieu of a layoff where deemed to be in the best interest of the City. Any employee so demoted shall have his/her name placed on the Reemployment List for the classification from which demoted as provided in cases of layoff. No employee shall be demoted to a position for which he/she does not possess the minimum qualifications.

Section 5.05 Dismissal:

A supervisor may recommend removal of an employee at any time for cause, or for the good of the City, with prior recommendation of the Director of Human Resources and approval of the respective Department Head. The Department Head shall give the affected employee and the Director of Human Resources a written statement setting forth the reasons for such dismissals before the effective dismissal date. The employee shall be given a Pre-Determination hearing in accordance with Section 5.02.C¹ of this article and may appeal a dismissal as set forth in this article.

Dismissals are permanent termination of employment and requests for the approval of dismissals shall include a statement of the charges on the required Personnel ~~Status Request Action~~ Form. A copy of the approved Personnel Action Form shall be served upon the dismissed employee at the time of removal.

Temporary and probationary employees may be dismissed at any time by the Supervisor with or without cause upon notice to the Director of Human Resources on the required form and approval of the Department Head. The temporary or probationary employee may have a right to a Name-Clearing Hearing and notice of that right at the time of dismissal. The notice of the right to a Name Clearing Hearing must be given when the circumstances outlined in Section 6.04.03 are present. The Department Head shall give the employee notice, and the notice must comply with the requirements of Section 6.04.03.

Section 5.06 Discipline Administration:

A. Policy:

It shall be the policy of the City to be fair and uniform in the disposition of discipline to employees who do not comply with city administrative regulations, departmental policies and procedures, and personnel rules and regulations. The following, therefore, is to be viewed as the standard for the application of the disciplinary action described in this section:

B. Supervisor Responsibility:

Supervisors are responsible for monitoring the work conduct and job performance of their employees.

Department Heads are responsible for managing their supervisors in the formulation of conduct and job performance standards and the administration of discipline within their departments.

The Director of Human Resources is responsible for monitoring all employee disciplinary actions in the City and shall recommend to the Department Heads, for their respective employees, appropriate personnel action to ensure that basic employee rights are protected.

C. Progressive Discipline Administration:

Since each violation of a department work rule or City directive may differ somewhat from similar situations, each offense/occurrence shall be evaluated upon its individual merit. This rule as outlined herein, is not to be construed as a limitation upon the disciplinary action of the City, but is to be used solely as a guide for disciplinary administrative action.

Consideration shall be given to the severity of the violation/offense, the cost involved, the time interval between violations, the service record and the attitude of the employee towards management. Administrative disciplinary action shall be processed as provided in Article 5, Section 5.02.

(1) Group I:

First Offense	Oral Instruction & Cautioning
Second Offense	Written Reprimand

Third Offense	Written Reprimand or Suspension
Fourth Offense	Suspension without pay
Fifth Offense	Demotion
Sixth Offense	Dismissal

- a. Absence from duty without prior permission from the foreman or supervisor, except in case of illness or other cause beyond the control of the employee which prevents obtaining prior approval. When advance notice cannot be given, the employee should notify his/her department (prior to his/her shift start) of the reasons for his/her absence and the expected time or date of return.
- b. Leaving the working area at any time without permission from the supervisor.
- c. Neglect or carelessness in observance of official safety or departmental rules, or disregard for common safety practices.
- d. Malicious mischief, horseplay, wrestling or other undesirable conduct.
- e. Disregarding job duties by neglect of work or reading for pleasure during working hours.
- f. Tardiness.
- g. Failure to commence work at the beginning of the duty period or leaving work prior to the end of the duty period. All employees are expected to work from the beginning to the end of the duty period and neither arrive late nor leave early.
- h. Creating or contributing to unsanitary or unsafe conditions or poor housekeeping. (Examples are: Throwing refuse or objects on the floor or out of windows or placing or failing to remove hazardous objects from assigned work area; these examples do not limit the generality of the rules.)
- i. Use or possession of another employee's working equipment without that employee's consent.
- j. Willful failure to punch in or out if required or failure to report for scheduled duty on time or to make required time reports, or neglect or carelessness in punching in or out, or leaving the place of duty or assigned duty without proper

permission.

- k. Punching someone else's time card or having someone else punch your time card.
- l. Stopping work or making preparations to leave work, without specific prior authorization, before the lunch period, or for any official break in work, or before the specified quitting time. (Examples are: washing up or changing clothes before the official quitting time.)
- m. Distracting the attention of others, or causing confusion by unnecessary shouting, catcalls or demonstrations on the job.
- n. Failure to report any personal injury or equipment damage immediately to one's supervisor and department.
- o. Unsatisfactory work and/or failure to maintain required standards of performance.

(2) Group II:

First Offense Written Reprimand
Second Offense Suspension
Third Offense Demotion
Fourth Offense Dismissal

- a. Leaving the job during regular working hours without notice to and permission from his or her supervisor.
- b. Sleeping during working hours.
- c. Reporting for work or working while unfit for duty.
- d. Being in possession of alcoholic beverages on the job.
- e. The use of abusive or threatening language toward subordinates, fellow employees, or members of the supervisory force.

- f. Solicitation of City employees and the public without permission during working hours.
- g. Unauthorized use of City property for private work or performing private work on City time.
- h. Unauthorized posting of notices, or unauthorized removal of notices, or signs, from bulletin boards on City property.
- i. Distributing or posting written or printed matter of any description in work areas, unless permitted by the Department Head.
- j. Threatening, intimidating, coercing or interfering with employees or supervision of employees at any time.
- k. The making or publishing of false or malicious statements concerning any employee, supervisor, the City or its operation.
- l. Failure to report for overtime work without good reason after being scheduled to work according to departmental overtime policy.
- m. Failure to complete training.

(3) Group III:

First Offense	Suspension or Demotion
Second Offense	Dismissal

- a. Wanton or willful neglect in the performance of assigned duties or in the care, use or custody of any City property. Abuse or deliberate destruction in any manner of City property, tools, equipment, or the property of employees.

- b. Punching another employee's time card, altering another employee's time card, or unauthorized altering of his/her own time card.
- c. Falsifying testimony when accidents are being investigated; falsifying or assisting in falsifying personnel status or other records, including production of work performance reports; giving false information or withholding pertinent information asked for on your application for employment, except as modified under the application section.
- d. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits, worker's compensation, or unemployment compensation payments.
- e. Sale of tickets for pools or bookmaking, or gambling of a similar serious nature.
- f. Stealing or similar conduct, including destroying, damaging or concealment of any property of the City or of other employees.
- g. The use of narcotics or the sale of narcotics,
- h. Fighting or attempting injury to another employee.
- i. Carrying or possession of firearms, explosives or weapons on City property at any time, except for those authorized by the City to carry weapons.
- j. Knowingly harboring a communicable disease such as TB, which may endanger other employees.
- k. Conviction of a felony reasonably related to job duties.
- l. Misuse or removal of information such as blueprints, lists, City records or confidential information of any nature, or revealing such information without

Formatted: Font color: Green

prior written authorization from the City.

- m. Instigating, leading, participating in, or overtly preparing in any manner for participation in a "strike" as hereafter defined. "Strike" means the concerted failure of employees to report for duty; the concerted absence of employees from their positions; the concerted stoppage of work by employees; the concerted submission of resignations by employees; the concerted abstinence in whole or in part by any employee from the full and faithful performance of the duties of employment for the purpose of inducing, influencing, condoning, or coercing a change in the terms and conditions of employment or the rights, privileges or obligations of public employment, or participating in a deliberate and concerted course of conduct which adversely affects the services of the city.
- n. Permitting another to use one's City identification, or using another person's identification, or altering a City identification card.
- o. Commission of an act of dishonesty or any dishonest action. Some examples of what is meant by "dishonesty" or "dishonest action" are: theft, pilfering, opening lockers assigned to other employees, opening lunch boxes, tool kits, or other property of the City or of other employees; inserting slugs in vending machines or telephones or securing articles from vending machines without paying the proper change therein; making false statements to secure employment or to secure an excused absence or to justify an absence or tardiness; making or causing to be made, inaccurate or false reports concerning any absence from work; making or joining in a false statement to influence any official action by the City or making a false statement concerning any matter pertaining to work or employment. The foregoing are examples only and do not limit the term "dishonesty" or "dishonest action".
- p. Engaging in unlawful or improper conduct off the City premises or during non-working hours which affects or which tends to affect the employee's relationship to his/her job, fellow employees, supervisor or the City's products, property, reputation or good will in

the community.

- q. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force which the employee may be reasonably expected to perform.

- D. Past Record: Prior infractions of City or departmental rules which occurred more than five (5) years previously shall not be used by management when imposing disciplinary action on an employee, unless it is related to the current charge/violation.

Group IV:

First Offense - Suspension, Demotion or Dismissal

- a) Misrepresentation and/or falsification of employment application or any other records related to employment or employee benefits.
- b) Misrepresentation and/or falsification of any records of the City.
- c) Negligence in performance of duties.
- d) Incompetence, i.e., wanting in adequate skills, capability, or physical and mental qualifications to perform duties.
- e) Permanent or chronic physical or mental ailment or defect which incapacitates, after reasonable accommodation, the employee for the satisfactory performance of his/her duties.
- f) Service ratings falling below the minimum standards required for satisfactory job performance as a result of such causes as negligence, incompetence and inefficiency.
- g) Habitual or excessive tardiness or absence from duty.
- n) Willful violation of any of the provisions of the rules set forth in this Personnel Policy Manual. Attempt to commit or the commitment of any act or acts intended to hinder or nullify any of the provisions thereof.

- i) Violation of any lawful and reasonable order or regulation.
- j) Failure to obey an order or direction of a supervisor where a loss or injury to the City, persons or property in the custody of the City, or public, might or does result because of such failure to obey the directions.
- k) Conduct which is deemed to be disruptive to either fellow employees' or supervisors' on- the-job performance.
- l) Violation of rules, orders and policies issued and adopted by the City and/or Department.
- m) Insubordination.
- n) Offensive conduct towards the public, City Officials, or other employees.
- o) Conduct unbecoming an employee of the City which tends to reflect discredit upon the City.
- p) Conviction of an immoral or criminal act, reasonably related to job duties.
- q) Drinking alcohol, being intoxicated or under the influence of alcohol or drugs while at work.
- r) Participation in any political activity or campaign during duty hours in any way other than to exercise his/her right as a citizen or privately express an opinion or cast a ballot.
- s) Use of threats, or attempts to use or use of political influence to secure any favor whatsoever in any manner or in any way related to the City service.
- t) The taking of any valuable thing, regardless of its designation or description, in the course of work or in connection therewith for the personal use of the employee from any person, corporation, firm, partnership, or cooperative, whether or not such valuable thing is accepted with the understanding that the donor shall or does receive favors or services not customarily accorded to the general public.
- u) Carelessness or negligence in the care and handling of the property of the City.

- v) Stealing, misusing, or misplacing property, equipment, supplies, materials or any other things of value belonging to the City.
- w) Failure to develop or maintain the proficiency required for grade/position.
- x) Any other related prohibited activity or activities as set forth by this Personnel Policy Manual, State Statutes, and City Ordinances.

E. Disciplinary Action:

- (1) Supervisors and/or Department Heads shall be consistent in imposing disciplinary action on their employees.
- (2) Verbal warnings and written reprimands may be repeated when it is necessary so long as the discipline is commensurate with the offense.
- (3) Complete documentation of any offense and corrective action taken shall be made by the Department Head and a copy shall be furnished to the Department of Human Resources for file or as may be directed by the Department Head, for their respective employees.

ARTICLE 6 - Procedures for Grievance or Appeals for
Disciplinary Action:

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.

Appeals of disciplinary action for dismissal, demotion or suspension for more than five days without pay will be administered in accordance with Section 6.012. Appeals for lesser disciplinary actions and hearings for issues concerning working conditions, City employment policies and other personnel problems will be administered under Section 6.02.

Section 6.01 Administrative Review

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 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/her 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/she 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/her 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/her reasonable discretion to effect a full and complete investigation. If neither the Mayor nor Vice Mayor are available to handle the employee's appeal, the proceedings shall be suspended until such time as the Mayor or Vice Mayor are 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 6.02: PersonnelHearing— Board Review of Disciplinary Action

| There is hereby established a PersonnelHearing 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) days 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 5.02.

Section 6.02.01: 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 resident 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 6.02.02: Convening the Board.

When the Mayor receives the appeal notice set forth in Section 6.02 above, he/she 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 6.02.03: 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/she 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.

Section 6.03: 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 6.03.01: 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/she shall announce the purpose 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 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.
- 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.

Section 6.04: Administrative Rulings:

Section 6.04.01: Failure of Parties to Appear:

If the employee appealing shall fail to appear, the Board shall hear the evidence and render a decision thereon. If the Department Head fails to appear, and if no evidence is presented in support of the charges, the Board may render a decision by default or may hear the evidence offered by the employee appealing and render a recommendation or decision.

Section 6.04.02 Resignation Prior To Appeal Hearing:

The acceptance by the Department Head of the resignation of an employee who has appealed a dismissal action prior to final action on the part of the Board shall be considered a withdrawal of the appeal, and the separation of the employee concerned shall be recorded on the Personnel Action Form, and the proceedings shall be dismissed with prejudice and without recommendation.

~~Section 6.04.03 Name Clearing Hearing:-~~

~~All employees, regardless of the status of their appointment, are entitled to a Name Clearing Hearing upon request, where the conditions described herein are met, and the employee is entitled to notice of his/her right whenever he or she has been subject to disciplinary action resulting in suspension, dismissal, demotion, rejection, during the probationary period, or a coerced resignation. The employees who are entitled to these rights are probationary employees, trainees, temporary employees, promotional probationary employees and all non-probationary employees.~~

~~A Name Clearing Hearing is a hearing that provides a qualifying employee with the opportunity, to contradict a charge or accusation that has been made against the employee, in order to show the error in the charge or accusation. A Name Clearing Hearing is not a hearing that provides an opportunity to challenge the propriety of the City's decision to reject an employee during his or her probationary period, suspend, demote, dismiss or seek a coerced resignation.~~

Section 6.04.04 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 pay (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.

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~~

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.55" + Indent at: 0.55", Tab stops: Not at 0.55"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.55" + Indent at: 0.55", Tab stops: Not at 0.55"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.25" + Tab after: 0.55" + Indent at: 0.55", Tab stops: Not at 0.55"

Formatted: Bullets and Numbering

~~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.~~

ARTICLE 6 - EMPLOYEE GRIEVANCE PROCEDURE

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~~

Formatted: Bullets and Numbering

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.~~

~~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.~~

Formatted: Bullets and Numbering

~~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.~~

Formatted: Bullets and Numbering

~~C. An Independent legal counsel shall represent the Board and shall advise the Board as necessary.~~

Formatted: Bullets and Numbering

~~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.~~

Formatted: Bullets and Numbering

~~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.~~

Formatted: Bullets and Numbering

~~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 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.~~

Formatted: Left

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: Budgetary Limitations~~Classification and Compensation Plan~~

- 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.

Section 7.02: 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.
- ~~B-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-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.

- ~~D-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. ~~the availability of~~ budgeted salary funds.

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.

~~J.~~ 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).

~~K.~~ H. New Employee Credit for Education, Training and Experience

In general, employment will be offered at the starting salary for any position; ~~however, t—~~ 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.

~~New Entry level salary shall be for new hires without any previous work history or a questionable work history that must be overcome during probation~~ shall receive entry level salary.

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, subject to budget approval.

Performance evaluations will be done using the current ~~employeeHRN 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.

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, subject to budget approval.

There will be no more than threefourteen (314) employees selected annually for this honor. (one from each department with the CRA being grouped with City Hall.

Demotion Pays - 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.

Promotion Pays - 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.

K. Overtime

1. The 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.

2. Departments are expected to plan their work schedules in such a manner as to minimize the amount of overtime worked.
3. Overtime work shall consist of work time rendered by an employee at the direction of a Department Head or designated supervisory staff.
4. Overtime must be authorized in advance, except in cases of emergency. Employees creating liability for unauthorized overtime shall be subject to disciplinary action.
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 classified as eligible for 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.

Q-L. 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. All

compensatory time must be approved in advance of accrual.

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.

P-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.

Q-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 one (1) hour.

R-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, vacation.

Section 7.03: 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, and debit card options that are available.

Section 7.04: 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) (Department Heads may opt out)
See Section 10.04, Retirement

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.~~

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

Formatted: None

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1.44" + Indent at: 1.44", Tab stops: Not at 1.44"

Formatted: Bullets and Numbering

Formatted: Indent: Left: 0.5", Hanging: 0.5", Numbered + Level: 1 + Numbering Style: A, B, C, ... + Start at: 1 + Alignment: Left + Aligned at: 0.5" + Tab after: 1.44" + Indent at: 1.44", Tab stops: Not at 1.44"

Formatted: Bullets and Numbering

| 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 have 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.

Section 8.02: Hours of Work

- A. The work schedule for full-time non-sworn City employees shall consist of 40 scheduled regular hours during each weekly period or 80 hour pay-period. The work schedule for full-time sworn officers shall consist of 86 scheduled regular hours during each pay-period.
- B. Department Hheads 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.
- C. Other situations where the Ddepartment Hhead determines that the direct or indirect responsibilities of the department or division cannot be accomplished unless overtime is authorized.

Formatted: Indent: Left: 0", First line: 0"

Formatted: Indent: Left: 0", First line: 0"

Section 8.03: Work Breaks

- A. A Ddepartment Hhead 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 Ddepartment Hhead.

Section 8.04: Overtime

A. Overtime for non-sworn employees is time worked in excess of 40 hours during the workweek. Overtime for sworn officers is time worked in excess of 86 hours in the pay-period.

B. The Ddepartment Hhead 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 Ddepartment Hhead or authorized supervisor.

D. In the event of an emergency situation, overtime assignments shall be mandatory at the discretion of the Ddepartment Hhead.

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.

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 or 86 per pay-period for sworn officers whichever is appropriate.
- C. Department Heads shall, to the extent practicable, use time off to avoid overtime situations.

Employees who request the use of time off shall be allowed to take the time off within a workweek, ~~reasonable period of the request~~, 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.

Employees who request time off in the form of flextime (time off hour for hour) during a single week for non-sworn employees, or per pay-period for sworn officers in lieu of accruing compensatory time or overtime shall be allowed to take the time off within the workweek 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 flextime is not given in the same week, it shall be converted to comp time at time and one half.

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.

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's 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 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.

E. Military Duty.

1. Pursuant to Chapter 115.07, Florida Statutes, an employee who is a member of the United States Armed Forces or 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.

Formatted: Indent: First line: 0"

Leaves of absence granted as a matter of legal right under the provisions of this section shall not ~~whether continuous or intermittent, such leave with pay shall not exceed 17 working days in any one annual twelve (12) month period.~~ Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay or may be covered by accrued annual or compensatory leave credits and shall be granted without loss of time or efficiency rating.

2. ~~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.~~

Formatted: Bullets and Numbering

- 3.2. 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.

Formatted: Bullets and Numbering

- 4.3. 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.

Formatted: Bullets and Numbering

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 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.
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.

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. 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.
4. Upon reasonable notice, a Department Head may require any employee to use any part of the employee's accrued annual leave for vacation purposes

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.~~

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.

I. Paid Holidays.

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

New Years Day
Martin Luther King, Jr. Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veterans Day
Thanksgiving Day
Thanksgiving Friday
Christmas Eve Day
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 workday 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. ~~except that for the Christmas Eve holiday each full-time employee shall be credited with 4 hours of holiday leave.~~
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 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. Employees who are on approved leave with pay when holidays 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.

~~Sick leave will be used in no less than one (1) hour increments.~~

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 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.

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 employee's 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, 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.
- 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.
 - 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.

N. Family and Medical Leave Act of 1993 (FMLA)

1. General Policy

The City supports the objective of a Family and Medical Leave Act of 1993 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 is allowedallows).

2. Operating Policy and Procedure

Formatted: Bullets and Numbering

a. Eligibility

Formatted: Bullets and Numbering

~~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.~~

b. Entitlement to Leave

Formatted: Bullets and Numbering

~~An eligible employee is entitled to leave for the following:~~

~~1. or the birth of the employee's child; for the placement of a child with the employee for adoption or foster care;~~

Formatted: Bullets and Numbering

~~2. when the employee is needed to care for a child, spouse or parent who has a serious health condition.~~

Formatted: Bullets and Numbering

~~3. for the serious health condition of the employee.~~

Formatted: Bullets and Numbering

Formatted: Bullets and Numbering

3. Definitions

Health Care Provider:

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

Formatted: Bullets and Numbering

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

Formatted: Bullets and Numbering

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

Formatted: Bullets and Numbering

1. 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;

Formatted: Bullets and Numbering

2. 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

Formatted: Bullets and Numbering

3. 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.

Formatted: Bullets and Numbering

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

1. any period of incapacity or treatment with or consequent to inpatient care in a

Formatted: Bullets and Numbering

~~hospital, hospice or residential medical care facility;~~

~~2.ny 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;~~

Formatted: Bullets and Numbering

~~3.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.~~

Formatted: Bullets and Numbering

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

~~ParentThe 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.~~

4.Leave Requirements

Formatted: Bullets and Numbering

~~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:~~

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

Formatted: Bullets and Numbering

~~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.~~

~~a. 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.~~

Formatted: Bullets and Numbering

~~(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.~~

~~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.~~

6. Medical Certification

Formatted: Bullets and Numbering

~~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.~~

6.1 Intermittent or Reduced Work Schedules

Formatted: Bullets and Numbering

~~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 healthcare 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 healthcare 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 healthcare 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.~~

7. Return to Full Work Status

Formatted: Bullets and Numbering

~~a. 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.~~

Formatted: Bullets and Numbering

~~b. 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. 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.~~

Formatted: Bullets and Numbering

~~c. 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~~

Formatted: Bullets and Numbering

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

8. Maintenance of Health Benefit

Formatted: Bullets and Numbering

~~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.

O. DOMESTIC VIOLENCE LEAVE POLICY

As part of its commitment to safeguard the employees and to provide a safe place for its employees to work and 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.

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.

Section 9.02: Tuition Reimbursement

~~The following Tuition Reimbursement Policy shall become effective January 1, 2004.~~

- A. Set aside ~~an amount up to \$10,000.00~~ 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 stated above indicated in the Personnel Policy Manual, only classes that enhance jobare directly related skillsto 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 Deartment 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.

Section 9.03: Employee Recognition Program

PURPOSE:

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

Formatted: Indent: Left: 0.5", First line: 0"

OBJECTIVES

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

Formatted: Indent: First line: 0.5"

Formatted: Justified, Indent: Left: 0.5"

To develop and retain motivated employees.

Formatted: Justified, Indent: Left: 0.5", Tab stops: 0.56", Left + 0.63", Left + 0.75", Left

To recognize and reward exemplary employee accomplishments, contributions, and continuous employment which lead to improvements in City services and operations. Each Department Head will recommend an employee for his/her department.

Formatted: Indent: Left: 0.5"

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 the Ssafety Oerientation 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 and may be partially subsidized subject to budget constraints. 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 and scope of employment, and compensable under the provisions of the State of Florida 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 457B 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

To resign in good standing, an employee must give the Department Head at least (14) calendar days prior written notice, unless the Department Head shall, because of extenuating circumstances, agree to permit a shorter period of notice. 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/her 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.

The resignation of an employee who fails to give notice shall be reported to the Director of Human Resources immediately by the Department Head. Failure to comply with the notification requirement shall be entered into the personnel record of the employee and may be cause for denying future employment by the City.

An employee who voluntarily resigns and whose service has not been satisfactory or who fails to submit a written resignation or to comply with the administrative regulations, departmental policies and procedures, and personnel rules and regulations may forfeit any eligibility for future employment.

Section 11.02 Layoffs

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 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).

Section 11.02.01 LAYOFF PRIORITY

A. In the event of layoff, the order of layoff shall begin with temporary then probationary employees then part-time employees, as described in Article 2, Section 2.05 of the City of Palmetto Personnel Policy Manual. Full-Time employees will be evaluated for layoff after consideration has been given to temporary, probationary, and part-time employees. Departments Heads will be responsible for identifying any of the employees in the above mentioned categories for potential lay-off who will be laid off after considering factors such as performance, longevity, attendance and the specific need of the City.

Formatted: Bullets and Numbering

B. 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.

Formatted: Indent: Left: 0.5"

Formatted: Bullets and Numbering

C. 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.

Formatted: Bullets and Numbering

D. 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.

Formatted: Bullets and Numbering

Section 11.02.02 REINSTATEMENT

- A. Laid-off employees have priority for reinstatement, according to seniority, 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.
- B. 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.)
- C. 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.
- D. 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 his/her seniority will be forfeited and he/she is no longer considered eligible for reinstatement under the Layoff procedures.

- E. 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 pre-employment requirements including Drug Free Workplace Program criteria, his/her seniority is forfeited and he/she is no longer considered eligible for reinstatement under the layoff procedures.
- F. 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.
- G. Employees who are scheduled for layoff should contact Human Resources to discuss their medical coverage and other health benefits.
- H. The Human Resources Department, with approval by the Mayor and City Commission, 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.

Formatted: Font: Bold

Section 11.03: 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.

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 ~~for~~ the disability can be made.

| Section 11.04: 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 eligible for rehired for a minimum of ten (10) years.

| Section 11.05: 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 11.06: 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.

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 eleven shirts and eleven trousers selected by the Department Head. The City emblem will be sewn on the left breast pocket area of the shirt.

Personnel performing professional, semi-professional and administrative functions of customer service and contact with the public will be issued five 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.

Personnel performing law enforcement functions, in a sworn officer capacity, will be issued uniforms consistent with the current Police Department policy. ~~5 shirts (2 long sleeves and 3 short sleeves), 5 trousers and one pair of shoes.~~ If a uniform becomes unserviceable, it must be returned to the Supervisor.

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 policy" 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 ~~at~~ the rate up to ~~of \$50.00/\$60~~\$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.

This Policy manual adopted by Ordinance No. ~~05-846~~
on ~~April 18, 2005.~~