

**PERSONNEL RULES  
AND  
REGULATIONS**

FOR THE



**CITY OF**

**PORT ST. LUCIE**

**PERSONNEL RULES**

**AND REGULATIONS**

ADOPTED	July 31,	1987
SECOND PRINTING	November,	1988
THIRD PRINTING	October,	1990
FOURTH PRINTING	March,	1991
FIFTH PRINTING	October,	1994
SIXTH PRINTING	March,	1995
SEVENTH PRINTING	August 28,	2017
<u>EIGHTH PRINTING</u>	<u>June 14,</u>	<u>2021</u>

**AMENDMENTS**

1. **Ordinance 88 - 19** .....**February 29, 1988**  
Amends Section: 3.05.
  
2. **Ordinance 88 - 102**.....**November 21, 1988**  
Amends Section: 14.01.
  
3. **Ordinance 90 - 66**.....**October 1, 1990**  
Amends following Sections:  
  
2; 5.04; 9.01; 9.05; 9.06; 10.02; 10.03; 11.06; 13.10; 14.01;  
14.03; 14.04; 14.06; 16.07; 18.01; 18.02; 18.04; 18.06;  
18.07; and 19.06.
  
4. **Ordinance 91 - 9**.....**February 25, 1991**  
Amends following Sections:  
  
2; 8.01; 10.02; 14.04; 14.06; and 16.08.
  
5. **Ordinance 93 - 13**.....**April 12, 1993**  
Amends following Sections:  
  
8.05; 11.04; and 18.03.
  
6. **Ordinance 94 - 43**.....**September 26, 1994**  
Amends following Sections:  
  
2; 3.01; 3.02; 4.05; 5.01; 5.02; 6.02; 6.03; 8.02; 9; 11;  
13.07; 13.11; 14.01; 19.04; and 20.
  
7. **Ordinance 95 - 12**.....**March 10, 1995**  
Amends following Sections:  
  
9.08; 9.09; 10.04; 11.01; 11.02; 14; and 18.02.
  
8. **Ordinance 05 - 15**.....**February 24, 2005**  
Amends following Sections:  
  
2; 6.02; 6.03; 10; 11.01; and 11.02.
  
9. **Ordinance 17 - 55**.....**August 28, 2017**  
Amends Section: 3.05

10. Ordinance 21 - .....June 14, 2021

Amends following Sections:

Preface; 1; 2; 3; 4; 5; 6; 7; 8; 9; 10; 11; 12; 13; 14; 15; 16; 17;  
18; 19; 20.

Adds following Sections:

21.

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**“PORT ST. LUCIE  
IS A SAFE, BEAUTIFUL, AND  
PROSPEROUS CITY FOR ALL PEOPLE  
— YOUR HOMETOWN.”**



## MISSION

**Our mission is to provide Exceptional Municipal Services that are Responsive to our Community while Planning for Smart and Balanced Growth that is managed in a Financially Responsible Manner.**

## VISION

Port St. Lucie has **Great Neighborhoods**;  
excellent **Educational Opportunities** for lifelong learning;  
a **Diverse Local Economy** and Employment options;  
**Convenient Transportation**;  
unique **Natural Resources** including the **St. Lucie River**;  
and **Leisure Opportunities** for an **Active Lifestyle**

**THE CITY'S  
ORGANIZATIONAL VISION**  
“PORT ST. LUCIE IS RECOGNIZED  
NATIONALLY AS A LEADER  
PROVIDING SUPERIOR SERVICES  
THROUGH A DIVERSE, EMPOWERED,  
AND VISIONARY CITY TEAM.”

## VALUES

### ETHICS

We value ethics, integrity, and honesty as moral principles that are the foundation of public trust and confidence.



### ACCOUNTABILITY

We value accountability and believe transparency and fiscal responsibility are essential for citizen confidence in our local government.

### CUSTOMER SERVICE

We are committed to providing superior customer service to our community and organization.



### STEWARDSHIP

As stewards of the community, we strive to nurture our organization; maintain and enhance the natural and built environment; and, commit to responsible actions that sustain both present and future generations.

### DIVERSITY

We embrace diversity, promote inclusion, and respect the unique qualities of our city team and of our community.



### TEAMWORK

We are committed to working together as a team by respecting and supporting each other, and are dedicated to achieving our common goals.

THE CITY ORGANIZATION AND POLICY  
STATEMENT

INTRODUCTION

The City of Port St. Lucie operates under the Council-Manager form of government.

The City Council is the legislative or policy-making body of the City of Port St. Lucie. It consists of five council members, elected at-large by the citizens of the City. The Council's major functions include ~~are to~~ passing ordinances; adopting resolutions; adopting a budget; ~~employ~~ appointing a City Manager; and establishing personnel and compensation policies for City employees. The Council also makes appointments to various advisory boards and committees. The Mayor and City Council members are not employees of the City.

City employees shall immediately inform their Department Head, or designee, of any directives given to employees, either publicly or privately, by City Council members. Failure on the part of any employee to promptly inform the Department Head, or designee, may subject the employee to disciplinary action up to, and including, termination.

Department Heads shall be required to promptly inform the City Manager if City Council members give them directives as well as to inform the City Manager of any directives given to their subordinates. Furthermore, City employees, either directly or through third parties, are prohibited from discussing or communicating with City Council members on matters pertaining to their employment, except as it may relate to their role as labor representatives.

ADMINISTRATION OF THE HANDBOOK

The City Manager has overall responsibility for the administration of the Personnel Rules and Regulations. The City Manager, or designee, is responsible for clarification and interpretation of any of the policies and procedures contained herein. The City Manager may, at any time, interpret the Personnel Rules and Regulations and develop procedural rules and other personnel policies. Based on the circumstances, the City Manager may waive the requirements of a policy or procedure.

The City Council established the authority for the preparation and administration of these Personnel Rules and Regulations in Section 10.03 of the City Charter, which describes the powers and duties of the City Manager and personnel director.

Each department, subject to the City Manager's approval, may have a policy manual detailing operational procedures for the department. However, in the event there is a conflict between departmental policies and those in this handbook, the operational procedures contained herein shall prevail. Likewise, unless a contrary provision is negotiated as part of a collective bargaining agreement or individual employment agreement, the provisions of this handbook, and all appendices, shall apply to all employees. For all provisions of this handbook referencing Federal or State law, any changes thereto shall be incorporated herein.

The Human Resources Director is responsible for the overall administration of the City's personnel system while Department Heads, or their designees, are responsible for the proper and effective implementation of these rules and policies within their respective departments.

Failure on the part of any employee to follow these rules, policies and procedures will subject an employee to disciplinary action up to, and including, termination.

Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or to constitute a contract of employment between the City and the employee. The provisions of this handbook have been developed at the discretion of management and, except for its policy of employment-at-will, may be amended or canceled at any time, at the City's sole discretion.

~~Except for the purpose of inquiries relating to present or proposed legislation, the City Council members shall deal with all Department Heads and other employees of the City solely through the City Manager. No Council member shall imply or give directives to any of the subordinates of the City Manager, publicly or privately.~~

~~Department Heads and other employees of the City shall inform the City Manager of any directives to them, either publicly or privately, by City Council members, at the time the directive is made.~~

~~Failure to inform the City Manager shall be reason for disciplinary action.~~

~~Furthermore, City employees, either directly or through third parties, are prohibited from discussing matters pertaining to their employment status with City Council members. All employees of the City of Port St. Lucie shall follow all policies and procedures as contained in these rules and regulations. Failure on the part of any employee to follow the policies and procedures as contained in these rules and regulations shall be reason for disciplinary action, up to and including dismissal.~~



## SECTION 1

### GENERAL PROVISIONS

#### 1.1 PURPOSE

The purpose of these Rules and Regulations is to establish procedures which will govern administrative actions concerning various personnel activities and transactions. They are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel management program can be carried out. All rules and regulations shall be construed to comply with applicable State and Federal Laws.

#### 1.2 POSITIONS COVERED

- A. These rules and regulations cover all employees in the municipal government who have attained classified status, or who are serving initial probationary periods as new employees prior to attaining classified status. The application of these personnel rules and regulations to particular covered employees and/or positions are discussed in the sections of this document.
- B. Positions authorized under the provisions of special State or Federal programs shall not be normally considered as being covered. Methods of appointment, rights and benefits will be determined by the City Manager, unless otherwise specified by the governmental agreement.

#### 1.3 ADMINISTRATION

- A. The ~~Personnel~~ Human Resources Director shall act as the Personnel Director as identified in the Charter of the City of Port St. Lucie and shall be responsible for the overall administration and technical direction of the City's Personnel Management System.
- B. Department Heads, or their designees, will be responsible for the proper and effective ~~administration~~ implementation of these rules, ~~and~~ regulations, and policies within their respective departments. Routine matters pertaining to enforcement may be delegated.

#### 1.4 AMENDMENTS

- A. The ~~Personnel~~ Human Resources Director shall present to the CityManager such rules, regulations, policies, and changes thereto as are necessary for the effective administration of the City's Personnel Management System.
- B. Amendments, changes or revisions of the Personnel Rules and Regulations are subject to approval of the City Manager and City Council.
- C. All amendments, changes and revisions of the Personnel Rules and Regulations, and policies contained in the Appendices hereto, will be posted on City bulletin boards, Human Resources webpage, and distributed to all City ~~d~~Departments.

#### 1.5 APPENDICES

In addition to the rules and procedures outlined herein, employees shall adhere to all City policies, whether City Council Directed, City Manager Directed, Department Directed, or other. City policies may be found on the City's webpage and the City Water Cooler. All City policies are incorporated herein, whether specifically referenced or whether found on the City's Webpage, City Water Cooler, or dictated by Florida Statutes, and are made a part hereof. The following list of policies, which are not all inclusive, are published as appendices to the Rules and Regulations and are subject to amendment, change or revision at the discretion of the City Manager or the City Council:

- Accrual Advance Policy;
- Anti-Harassment and Discrimination Policy;
- Background Check Policy;
- Cellular Telephone Stipend Conversion Policy;
- City Hall Public Area Use Policy;
- Communications Policy and Procedure Manual;
- Community Center Use by Departments Policy;
- COVID-19 (Facial Covering) Policy;
- Displaying Printed Materials Policy;
- Disposition of City Owned Property Policy;
- Emergency Compensation Policy;

- Employee Parking Policy;
- Employee Safety Handbook;
- EOC Training Policy;
- Family and Medical Leave Act ("FMLA") Policy;
- Gift Policy;
- Hostile Work Environment Policy;
- Internet Stipend Policy;
- Limited English Proficiency Policy;
- Naming Policy for City Facilities;
- No Smoking Policy (Smoking in City Vehicles Prohibited / Smoke-Free Workplace);
- Parking Restrictions on City Property and On-Street Parking Areas Policy;
- Political Activity in the Workplace Policy;
- Resignation Policy;
- Retiree Health Insurance Coverage Policy;
- Social Media Use Policy;
- Special Events Policy;
- Substance Abuse Policy;
- Temporary Staffing Agency Policy;
- Text Messaging Policy;
- Time and Attendance Policy;
- Travel Policy;
- Tuition Assistance Policy;
- Workers' Compensation Primary Care Policy;
- Workplace Anti-Bullying Policy.

## SECTION 2

### DEFINITIONS OF TERMS

#### ACTIVE PAY STATUS

Time worked fully compensated by the City.

#### ALLOCATION

The assignment of a position to its appropriate class in relation to duties performed.

#### ANNIVERSARY DATE

The date an regular employee begins employment with the City. ~~and the same date in following years.~~ This also is the date from which vacation and sick leave accruals are computed.

If the employee is seasonal, contractual, or a limited term employee, and is later hired as a regular employee, the anniversary date will be the date the employee became a regular employee.

#### APPEAL

An employee's, or their legal representative's, request to An application submitted or instituted by an employee for review of a disciplinary action, or other action that affects his/her the employee's employment with the City. (See Sections 18 and 19.)

#### APPOINTMENT

An applicant's The offer by the City and acceptance of an offer of employment by a person of a position, either on a regular, recurrent, or temporary basis.

#### CALLBACK

An approved assignment, which requires a non-exempt employee to return to work after the completion of the employee's shift. Prior notification (a minimum of twenty-four (24) hours' notice) of mandatory overtime negates the payment of callback hours. Employees shall receive two (2) hours compensation per shift, plus all time worked, paid at straight time for the first callback per shift. Employees shall be paid for actual time worked for

subsequent callbacks on the same shift, in accordance with City overtime provisions. Employees do not receive callback pay when they are required to remain on duty. If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

#### CALL-IN

An approved assignment, which requires an employee to report to work on a scheduled day off. Prior notification (a minimum of twenty-four (24) hours' notice) of mandatory overtime negates the payment of call-in hours. Employees shall receive two (2) hours compensation per shift, plus all time worked, paid at straight time for the first call-in per shift. Employees shall be paid for actual time worked for subsequent call-ins on the same shift, in accordance with City overtime provisions. Employees do not receive call-in pay when they are required to remain on duty. If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

#### CBA

Collective Bargaining Agreement negotiated between the City and Union or exclusive bargaining agent of a group of employees.

#### CERTIFICATION

~~Endorsement as meeting required minimum standards for a vacant position.~~

#### CLASSIFICATION DATE

The date an employee was entered, transferred, demoted, or ~~was~~ promoted to the current position classification. This is the date from which length of service in classification is computed for determination of probationary periods, and eligibility for merit increases.

CLASSIFICATION PAY PLAN

The official or approved system of grouping positions into appropriate classes.

CLASS SPECIFICATION

A written description of a class consisting of a ~~class~~ job title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the qualifications for the class (also called Class Description).

CLASS JOB TITLE

The title in the classification pay plan, which describes the nature of work performed by an employee.

CLASSIFIED STATUS (A/K/A REGULAR STATUS)

Status conferred to non-contractual employees who complete their required probationary period. Completion of the required probationary period in a particular classification. The City Manager, Chief of Police, City Attorney and Assistant City Attorney positions do not attain classified status regardless of probationary period requirements.

COMPENSATION

The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

COMPENSATION PLAN

The official schedule of pay assigning rates of pay to each class title.

COMPENSATORY LEAVE (A/K/A COMP TIME)

Time off from work for non-exempt employees, in lieu of monetary payment, for having time worked in excess of the regularly scheduled work week. forty (40) hours in a workweek. Compensatory time for non-exempt employees shall accrue at a rate of time and one half for all hours worked in excess of forty (40) in a

workweek. Non-exempt employees shall only accrue up to forty (40) hours of compensatory time in a fiscal year. Any unused balance of compensatory time shall be paid out at the end of the fiscal year and shall not carry over. Any unused balance of compensatory time shall be paid out at the time of separation.

For exempt employees, time off from work as a consideration for consistently and regularly working in excess of forty (40) hours in a workweek. Compensatory time for exempt employees shall be received annually upon the employee's anniversary and shall not carry over from year to year. Any unused balance of compensatory time shall be forfeited. Any compensatory time balance held by an exempt employee shall not be paid out at the time of separation.

The City Manager has the right to increase or decrease compensatory time. If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

#### CONTINUOUS SERVICE

Employment which is uninterrupted except for authorized leaves of absence, suspension, reduction in force, not in excess of ninety (90) days, shall be included as part of continuous service.

#### CONTRACT EMPLOYEE

~~An City employee of the City whose terms and conditions of employment are not governed by a written agreement (employment contract). Unless a contrary provision is negotiated as part of an individual employment contract, the provisions of this handbook and appendices shall apply. the City's Personnel Rules and Regulations, but are governed by a written agreement. The positions of City Manager, Chief of Police, and City Attorney are examples of, but do not fully comprise, the list of Contract Employees.~~

#### DAYS

The term "days" shall mean c a l e n d a r working days. ~~when the City is normally open for business and shall not include Saturdays, Sundays, or City-recognized holidays.~~

## DEMOTION

A disciplinary or non-disciplinary Assignment of an employee from one classification to another classification which has a lower starting maximum rate of pay or assignment to a lower pay classification.

## DISMISSAL AND DISCHARGE

Separation from the City employment initiated by the City for cause. Discharge, dismissal or termination may be used interchangeably to signify the same personnel action. This does not apply to the City Manager, City Attorney, Assistant City Attorney, Chief of Police, Probationary Employees, Temporary Employees, Contract Employees, or any other employees who have not attained classified status.

## DISCIPLINARY ACTION

An action taken to discipline an employee for any violation(s) of these rules, policies, or standards of conduct. Disciplinary actions include written reprimands, demotions to a lower position and/or pay, suspension with or without pay, and dismissal.

## ELIGIBLE

A person who has successfully met required qualifications for a particular class.

## ELIGIBLE LIST

Employment, promotional or other list of qualified applicants.

## EXAMINATION

The process of testing, evaluating or investigating the fitness and qualification of applicants and employees for positions.

## EXEMPT STATUS (F.L.S.A.)

Employees who are paid on a salary basis and do not qualify on an unlimited schedule and time status and are not eligible for overtime pay under the provisions of the FAIR LABOR STANDARDS ACT. See enclosed list of exempt employees, Section 14.01.



#### FULL TIME EMPLOYEE

An employee whose regular workweek exceeds required to work over thirty (30) hours per week on a ~~regular and~~ continuous basis.

#### GENDER REFERENCE

All references in this handbook to employees of the male gender are used for convenience only and shall be construed to include both male and female employees and employees who do not self-identify.

#### GOOD STANDING

An employee leaves the City in good standing if he is laid off, resigns with the requisite notice, retires, or is separated without cause.

#### GRIEVANCE

A dispute or disagreement regarding any action taken in the administration, the interpretation, or application of any of the provisions of this handbook or policies as set forth in the appendices incorporated herein. However, performance evaluations are not subject to the grievance procedure. If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

#### HUMAN RESOURCES DIRECTOR

An employee appointed by the City Manager as the Personnel Director and charged with administering the City's personnel system.

#### IMMEDIATE FAMILY

Includes spouse, ~~children~~, parent, grandparent, grandchild, ~~grandmother, grandfather~~, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepparent, stepchildren, aunt, uncle, or legal guardian.

\*Note: This definition is not applicable to FMLA leave.

## JOB ANALYSIS

A study of the duties and responsibilities of the position. An analysis by the Human Resources Director, or designee, to determine whether the duties, requirements, and responsibilities of the position (job) comport with the position description.

## JOB OFFER/ACCEPTANCE

The City's offer of employment and an applicant's acceptance of an offer of employment of a position, either on a regular, recurrent, or temporary basis.

## LAYOFF (REDUCTION IN FORCE)

A reduction of the number of employees due to lack of work or funds, or the reorganization of various departments/divisions, or other legitimate reasons.

## LEAVE

An approved type of absence from work as provided by these rules.

## MAY

The word "MAY" shall be interpreted as permissive.

## MERIT PAY INCREASE

An increase in compensation which may be granted to an employee based on job performance.

## ORAL EXAMINATION

An examination where a candidate spends time in the presence of a panel. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate.

## OVERTIME

Time worked in excess of 40 hours per week for those persons in the non-exempt classification. This definition does not apply to sworn Police Officers.

## PART-TIME

~~Appointment to a A position that requires the an employee to work up to twenty-nine (29) hours per week. fewer hours than normally designated for others. Such employees must meet the requirements set by the Personnel Director. In most cases, employees who work fewer than thirty (30) hours per work week shall be considered part-time.~~

## PAY RANGE

The salary range which is assigned to a particular job classification ~~title~~ sometimes expressed as a pay-range grade number.

## PAY RATE

A specific dollar amount, expressed as either an annual rate, a bi-weekly rate, or an hourly rate.

## PERFORMANCE EVALUATION

A report made by supervisors relative to the job performance and capacity of employees.

## POSITION

A group of current duties and responsibilities documented and budgeted into an authorized position requiring the full-time or part-time employment of one (1) person.

## POSITION DESCRIPTION

Duties, requirements, and responsibilities of an authorized position.

## PROBATIONARY EMPLOYEE

An employee, either full-time or part-time, who has not achieved regular or classified status in the current position ~~he or she holds~~.

## PROBATIONARY PERIOD

~~A period of time provided to allow the Department Head an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.~~

A time period in which a Department Head evaluates an employee's performance and ability in order to decide whether the employee should be retained or dismissed.

Newly hired probationary employees are at-will employees and can be terminated, with or without cause, during their probationary period without regard to the City's disciplinary and dismissal policies. The probationary period for all new-hires shall be not less than two hundred seventy (270) days, which may be extended at City's discretion.

The probationary period for all transferred or reclassified employees shall be not less than ninety (90) days.

The probationary period may vary in those departments or occupations where regular status is dependent upon completion of a training period, certification, or other requirements.

The dismissal of a probationary employee is not subject to the City's Grievance or Civil Service Appeals Board Procedures. See Section 19 or the applicable CBA.

If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

## PROMOTION

Assignment of an employee from one classification to another classification which has a higher pay grade. ~~maximum rate of pay.~~

#### PROMOTIONAL EXAMINATION

An examination or a group of examinations for a position in a certain classification, admission to which is limited to employees who hold regular positions in other classifications.

#### PROMOTIONAL LIST

A list of persons who have been found qualified by a promotional examination for appointment to a position in a particular classification.

#### REGULAR APPOINTMENT

An appointment, without special restrictions in regard to continuous employment, to a regular position authorized as a result of a certification prescribed by these rules.

#### RESIGNATION

Act of voluntarily withdrawing from City employment.

#### RETIREMENT

Whenever an employee meets the conditions set forth for retirement and elects to retire from active eCity employment. (See Section 15.3.)

#### SHALL

The word "SHALL" will be interpreted as mandatory.

#### SICK TIME

Illness of employee or member of immediate family ~~permanently residing in the same domicile.~~

#### STANDBY ASSIGNMENT

When a non-bargaining unit employee is given ~~A~~an assignment, made by a Department Head, which requires ~~an~~ the employee to be available for work on off-duty time which may include nights, weekends, or holidays.

When a bargaining unit member is required to carry a communication device and be available to return to work within forty-five (45) minutes or less of notice. The bargaining unit member will be paid one and one-half (1.5) hours additional regular compensation per day for stand-by status. The bargaining unit member shall be physically fit for duty twenty-four (24) hours per day during his stand-by duty.

#### SUPERVISOR

An employee in a position with at least one (1) subordinate.

#### SUSPENSION

Employees may be suspended from work with or without pay for discipline and/or investigation of facts under the Standards of Conduct rules by the City, their Department Head, or other supervisor authorized to enforce disciplinary action.

#### TEMPORARY APPOINTMENT

An employee appointed for a special project or other work of a temporary or transitory nature. Appointment will not exceed a six-month period unless specified by the project program or grant. All candidates will meet requirements set by the Department Head.

#### TRAINEE

Employee undergoing a training period to learn the job duties or to attain education or certification level.

#### TRANSFER

That action in which the employee moves from one ~~budgeted position classification~~ to another within the same pay plan ~~with no change in the pay range.~~

A bargaining unit member may be transferred to another department

with the same job classification and such transfer will not change the bargaining unit member's pay, anniversary date or classification date. Transfers may be voluntary or involuntary.

A. Voluntary Transfer. A non-probationary bargaining unit member may request, in writing, a transfer to a different position and/or location in the City.

B. Involuntary Transfer. The City may transfer a bargaining unit member to fill the needs of the City; however, the City will make a good faith effort to take such action only when necessary to provide effective and efficient services.

#### VOLUNTEER

A volunteer is a person who volunteers time without being paid. All provisions in the Handbook apply to volunteers, except for the provisions relating to benefits and grievances.

#### WORK DAY

Scheduled number of hours an employee is required to work in a twenty-four (24) hour period. ~~per day.~~

#### WORK WEEK OR WORK PERIOD

Time period used to measure eligibility for overtime. The workweek commences at 12:01am Saturday and ends at midnight Friday.

## SECTION 3

### STANDARDS OF CONDUCT

#### 3.1 POLICY OF THE CITY

- A. One of the primary objectives of the City of Port St. Lucie is to establish and administer a system of Personnel Management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.

To an unusual extent, and in a special way, employees in the City Organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City and its programs and policies.

Nothing in the City's Rules or Policies is intended to interfere with any employee's right to engage in concerted activities for the purpose of collective bargaining or other legal rights.

- B. The City endeavors to maintain a positive work environment. Each employee assists in fostering this environment and working together for the purpose of serving our community. Accordingly, each employee must abide by certain rules of conduct, based on honesty, common sense, and fair play. Employees' failure to follow City rules and policies not only penalizes them but also does a disservice to other City employees and the citizens of Port St. Lucie. The City's rules and policies are designed to ensure the rights and safety of all employees and to provide working guidelines that encourage acceptable and business-like conduct.
- C. The City Administration advocates the acceptance of the concept that public service at all levels of government can attain maximum efficiency and



effectiveness through a Personnel Management system based on merit principles.

- D. City employees are assured that there shall be no discrimination exercised on account of race, national origin, color, religion, ~~ereed~~, sex, age, marital status, disability, sexual orientation, gender identification, or political affiliation with respect to the recruiting and examination of applicants, the hiring of prospective employees eligibles, or any personnel transactions. All actions shall be based solely on merit and fitness of the individual. In addition, every effort will be made to accommodate the physically disabled to the extent feasible.
  
- E. All City employees are encouraged to develop skills and seek formal training that will enhance their personal development.
  
- F. It will be the responsibility of the Human Resources Director, under the direction of the City Manager, to foster and promote in-service training of employees. The Human Resources Director shall develop training programs, award certificates, or other forms of recognition, assist Department Heads in developing programs to meet their particular needs, and develop supervisory and management training programs for all departments.
  
- G. Whistleblower Obligations:
  - 1. In accordance with Section 112.3187, Florida Statutes, employees are expected to report improper use of public office, waste of funds, or any other abuse or neglect of duty on the part of a City employee or a member of any City Board. An employee with knowledge of such actions or activities shall report this information to their immediate supervisor, other members of supervision, Department Head, Human Resources Director, or the City Manager for investigation and resolution. The investigation will be conducted by the Human Resources Director, City Attorney, and/or Department Director, depending upon the nature and circumstances of the allegations. Information related to an ongoing investigation will be

maintained on a confidential basis to the extent provided by Florida Statutes, Chapter 119.

2. Employees are expected to report any violation of law by any City employee, official, or business entity with which the City conducts business if such violation creates a serious and specific danger to the public's health, safety, or welfare.
  3. Retaliation against an employee who reports any violation, abuse, or other improper action is strictly prohibited by Florida Statutes, Section 112.3187, and by City policy. Disciplinary action may be taken against an employee who knowingly files a false and/or malicious report.
- H. Employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with rules which may be established for this purpose.
- I. It is the policy of the City to expect ~~from its~~ employees to comply with all personnel rules and regulations, State statutes, and Federal regulations in the performance of their duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct or Rules and Regulations may be subject to disciplinary action. **It is the employee's duty to read and understand all contents of the Personnel Rules.**
- J. The City reserves all rights, powers, and authority customarily exercised by management, except as otherwise specifically delegated or modified by express provisions of applicable laws, regulations, union contracts, and provisions of this handbook. The City has the authority to determine and direct policies and methods of providing its services and unilaterally set the standards for same, without any interference in the management and conduct of the City's business on the part of any employee or labor organization. These rights are not all-inclusive, but are examples of matters or rights, which belong to and are inherent to the City's management:  
~~The City retains certain rights, in accordance with applicable laws, regulations, union contracts, and provisions of the Personnel Rules. These rights are not all-inclusive, but are examples of matters or rights~~

~~which belong to and are inherent to management.~~

1. To determine, manage, and direct the employees of the City, and to determine the size and composition of its workforce. ~~the organization of City government.~~
2. To determine the purpose of each of its ~~constituent agencies~~ departments and divisions.
3. To exercise control and discretion over the organization and efficiency of the operation of the City.
4. To set standards for services to be offered to the public.
5. ~~To manage and direct the employees of the City, and to determine the number of employees to be employed by the City.~~
5. To hire, rehire, retire, examine, classify, reclassify, promote, demote, evaluate, train, transfer, assign, schedule, and retain employees in positions with the City.
6. To suspend, demote, discharge, or take other disciplinary action against employees.
7. To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from their duties because of the lack of work, funds, or other legitimate reasons.
8. To discontinue, transfer, or assign all or any part of its operations; to make time studies of workloads, job assignments, methods of operation, and efficiency from time to time and to make changes based on said studies.
9. To determine location, methods, means, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.

10. To determine the number and type of equipment, vehicles, machinery, materials, products and supplies to be used, operated, or distributed.
11. To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, division, or project.
12. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.

The City's failure to exercise any function or rights hereby reserved to it, retained by it, or enumerated herein, or its exercising any function or right in a particular way, shall not be deemed a waiver of its rights or exercise of such function or right, nor preclude the City from exercising the same in some other way not in conflict with the express provisions of any individual employment agreement or collective bargaining agreement.

### 3.2 EQUAL EMPLOYMENT OPPORTUNITY POLICY (EEO)

- A. The City is an Equal Employment Opportunity employer whose policy is to provide equal employment opportunity to all qualified persons. The City ~~will~~ does not discriminate in employment, employee development, or employment advancement on the basis of race, color, religion, national origin, age, sex (including pregnancy), sexual orientation, sexual identity, Veteran status, disability, marital status, genetic predisposition or carrier status, status as a domestic violence victim, or any other characteristic protected by applicable federal, state or local laws, ~~because of religious or political opinions or affiliations, race, color, national origin, sex, age, physical handicap, marital status, or other non-merit factors,~~ except where such factor is a bona fide occupational qualification or is required by State and/or Federal law. This policy

applies to decisions, actions, and practices that occur in the course of recruitment, hiring, testing, promoting, demoting, transfer of work assignments, wages and benefits, working conditions, performance evaluations, training opportunities, career development and advancement, discipline, and layoffs.

The Human Resources Director shall serve as the City's EEO Officer. The EEO Officer shall report directly to the City Manager and is charged with implementing the City's EEO Policy, including receiving discrimination complaints, conducting investigations, as well as ensuring the City's compliance with federal and state laws. The EEO Officer will also: (1) ensure that employees are adequately trained in EEO laws; (2) supervise the EEO-related activities of investigators; and (3) ensure that EEO policies are prominently posted or otherwise provided to employees in accordance with the law.

Any employee who feels that they have not been treated in accordance with this policy should promptly report the incident(s), either verbally or in writing, to any of the following individuals: Human Resources Director, City Manager, Assistant City Manager, Deputy City Manager, or the employee's Department Head. If the employee feels that they are being discriminated against by their Department Head, the employee should report the incident(s) to the Director of Human Resources, City Manager, Assistant City Manager or Deputy City Manager pursuant to the City's Anti-Harassment and Discrimination Policy.

The City Manager, Assistant City Manager, Deputy City Manager, and Department Head shall promptly convey any report of discrimination they receive to the Human Resources Director for investigation, unless the Human Resources Director is the subject of the report. If the Human Resources Director is the subject of the report, the City Manager, or designee, shall be responsible for the investigation of the report in accordance with the City's Anti-Harassment and Discrimination Policy.

Any job applicant who has questions regarding this policy, or believes that they have not been treated in

accordance with this policy, should contact the Human Resources Department.

~~All employees shall register complaints regarding violations of this section with the Human Resources/Risk Management Department.~~

Nothing in the City's Rules or Policies is intended to interfere with any employee's right to engage in concerted activities for the purpose of collective bargaining or other legal rights.

The City will investigate reports of discrimination promptly. The City will take prompt remedial action based on the specifics of the case to address any violation of this policy, including corrective action against any employee, which may include a warning, suspension, or termination from employment. If the City's investigation does not disclose evidence of a violation of this policy, the City reserves the right to take appropriate action, which may include counseling, a reminder of the City's Equal Employment Opportunity Policy, or a written warning to be included in the personnel file of the employee who took the alleged discriminatory action.

- B. The City prohibits and will not tolerate retaliation against employees who, in good faith, bring discriminatory conduct to the City's attention. There will be no retaliation for reporting discrimination or for cooperating in the City's investigation of the report. An employee responsible for retaliatory conduct will be subject to corrective action, up to and including termination from employment. If an employee believes that they are being retaliated against in violation of this policy, the employee is encouraged to report the retaliation by using the same procedures discussed above for reporting discrimination.
  
- C. Once the matter has been resolved, the City will monitor the employees involved with the report. The City is dedicated to maintaining a working environment free of discrimination and based on professionalism. The City expects that all employees will continue to act

responsibly to fulfill the City's commitment to maintaining an environment free from discrimination. An employee with a question concerning this policy should contact the Human Resources Director.

- D. An employee who feels that their report was not appropriately addressed, or that they are still being subjected to discriminatory conduct, should immediately notify the Human Resources Director, City Manager, Assistant City Manager, or Deputy City Manager.
- E. The City is committed to a policy of fairness and equity for all employees and will attempt to provide each employee the opportunity to achieve maximum potential as an employee. The City is committed to complying with all applicable provisions of the Americans with Disabilities Act, as amended ("ADA"). It is the City's policy not to discriminate against any qualified individual on the basis of disability in regard to recruitment, hiring, advancement, termination, or any terms or conditions of employment. Consistent with this policy of non-discrimination, the City will provide reasonable accommodations to an employee with a disability who is a qualified individual, as defined under the ADA, who has made the City aware of their disability, if not obvious, provided such accommodation does not constitute an undue hardship to the City. Any employee with a disability who believes that they need a reasonable accommodation to perform the essential functions of the job should contact the Human Resources Director or designee.

Any employee who feels that he or she has not been treated in accordance with this policy should contact the Department Head, Human Resources Director, Deputy City Manager, Assistant City Manager, or City Manager.

The City prohibits, and will not tolerate, retaliation against any employee who requests a reasonable accommodation or makes a good faith complaint under this policy.

Where an employee or applicant has requested a reasonable accommodation, consistent with this handbook or law, and is denied, an appeal may be made pursuant to the Grievance Procedure outlined in Section 19.4. The employee or applicant has the option to proceed directly to Step 3 of the process, whereupon the City Manager, or designee, shall meet with the employee or applicant, the Human Resources Director, and any pertinent employees to evaluate the eligibility or reasonableness of the request. Any job applicant who has questions regarding this policy, or who believes that they have been discriminated against based on a disability, should contact the Human Resources Department.

~~F. Disabled persons will be given full consideration for employment in all departments and divisions. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate disabled persons from consideration.~~

### 3.3 RELIGIOUS ACCOMMODATION

The City will take action to provide reasonable accommodations for religious observances, beliefs, and practices, unless it creates an undue hardship on City. Reasonable accommodation may include modification of schedules, relaxation of dress code policies, or religious expression. Where an employee or applicant has requested a religious accommodation consistent with this handbook or law and is denied, an appeal may be made pursuant to the Grievance Procedures outlined herein. The employee or applicant has the option to proceed directly to Step 3 of the process, whereupon the City Manager, or designee, shall meet with the employee or applicant, the Human Resources Director, and any pertinent employees to evaluate the eligibility or reasonableness of the request.



### 3.4 CODE OF ETHICS

To avoid misunderstandings and conflicts of interest which could arise, the City has adopted a Code of Ethics policy to be adhered to by all employees. The policy is in accordance with Florida Statutes. Florida Statutes, Chapter 112, Part III, establishes a mandatory Code of Ethics for Public Officers and Employees. City employees are required to comply with this Code of Ethics, and are strongly encouraged to seek guidance from the City Attorney's Office and/or the Human Resources Department if there is any question whatsoever about the propriety of any contemplated action prior to such action being undertaken. A copy of the statutory Code of Ethics may be obtained by contacting either the City Attorney's Office or the Human Resources Department.

In addition, employees should confer with the Department Head if they are unclear as to what activities are prohibited. City employees are governed by the standards of conduct and Code of Ethics set forth in Florida Statutes. The following specific ethical standards shall apply:

- *Incompatible Offices.* Employees shall not hold incompatible offices or engage in any regular outside employment without prior notice and approval.
- *Use of Confidential Information.* Employees shall not disclose to others, or use to further their personal interest, confidential information, as defined by Florida Statutes, acquired by the employee in the course of their official duties.
- *Solicitation or Receipt of Anything of Value.* Employees shall not solicit or receive anything of value from any person or association, directly or indirectly, in consideration of some action to be taken or not to be taken in the performance of the employee's duties. Incidental items provided to employees in the due course of business while attending conferences, seminars, and training sessions shall be exempt from this provision.
- *City Property.* No employee shall use City-owned property, such as vehicles, equipment, or supplies, for personal convenience or profit except when such property is available to the public generally, or where such property is provided by specific City policy in the conduct of official City business. The City reserves the

right to search any City-owned property including, but not limited to, vehicles and desks. Employees are responsible for all City equipment in their care, custody, and control. All City property assigned to an employee must be returned upon separation of employment or transfer of duty. Damage to City property caused by actions not contained in the employee's job description, or due to negligence on behalf of the employee, may result in disciplinary action.

- Special Consideration. No employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to all citizens.
- Authority. No employee shall exceed their authority, breach the law, or ask others to exceed their authority or breach the law.
- Public Funds. No employee shall use City public funds, personnel, equipment, or facilities for private gain or political campaign activities, unless such equipment and facilities are available to the general public.
- Use of Logo or Other City Symbols. Use of the City's logo, or any other symbol, for non-official City business without prior approval of the City Manager is strictly prohibited.
- Expenses. Employees shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.
- Donations. No employee shall take any action that will benefit any person or entity because of a donation of anything of value to the City by such a person or entity.
- Official Action. No employee shall take an official action that will benefit any person or entity where such employee would not otherwise have taken such action but for the employee's family relationship, friendship, or business relationship with such person or entity.
- Compliance with Laws. Employees shall comply with all local ordinances and state and federal laws including, but not limited to, the laws governing the functioning of municipalities, their elected and appointed officials, and employees.
- Knowledge of Violations. Employees shall disclose any possible violations of the Code of Ethics policy to the City Manager.

- Public Interest. Employees shall act with the best interests of the City of Port St. Lucie in mind.
- Bribery. Employees may not, either directly or indirectly, attempt to influence the City Council in any way with money services, or other remuneration.
- Employees Holding Office. An employee is prohibited from also being a member of the City Council.
- Personnel Actions. No employee shall make any false statement, certification, or recommendation of any appointment under any provision of these policies, or in any manner commit, or attempt to commit, any fraud preventing the impartial execution of the provisions of these policies with regard to employment, promotion, or transfer.
- Political Activities. The political activities of any employee shall be in accordance with, and regulated by, Florida Statutes, Section 104.31, as may be amended from time to time. In accordance with statutory law, employees are permitted to:
  - Attend political fundraisers, rallies, and campaign events while off-duty, provided the employee is not wearing a City uniform or any clothing that would identify that employee as a City employee;
  - Contribute money or anything of value to a party, organization, or person for a political purpose;
  - Become a member of a political organization or party, provided the activities occur while off-duty;
  - Sign political petitions; and
  - Become a political candidate and campaign. However, in the event an employee declares their candidacy for Mayor or City Council Member via the filing of Form DS-DE 84, the employee must request an unpaid leave of absence upon such declaration. Such leave shall be approved, and the City's leave provisions outlined herein shall apply. Upon being elected as Mayor or City Council Member, City employees must immediately tender their resignation.
- Doing Business with the City. Employees acting as a purchasing agent for the City are prohibited from purchasing, renting, or leasing any realty, goods, or services for the City from a business entity in which employee, or the employee's spouse or child, owns more than a five percent (5%) interest. Further, employees

acting in a private capacity are prohibited from renting, leasing, or selling any realty, goods, or services to the City.

An employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with the City, or from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the employee's private interests and public duties, or which will impede the full and faithful discharge of their job duties.

o NOTE: Exceptions to this prohibition are as follows:

- The business is rotated among all qualified suppliers in Port St. Lucie or St. Lucie County;
- The business is awarded by sealed, competitive bidding and neither the employee, nor the employee's spouse or child, have attempted to persuade City personnel to enter the agreement;
- The purchase or sale is for legal advertising, utilities service, or for passage on a common carrier;
- An emergency purchase must be made to protect the public health, safety, or welfare;
- The business entity is the only source of supply within the City and there is full disclosure;
- The total of all transactions does not exceed Five Hundred Dollars (\$500.00) in a calendar year;
- The business transacted is the deposit of City funds in a bank of which a County, City, or district employee is an officer, director, or stockholder, so long as records show that the member did not favor their bank over other qualified banks;
- The employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with the City;
- The employee in a private capacity purchases

goods or services from a business entity which is subject to the regulation of the City where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

### 3.5 POLITICAL ACTIVITY

- ~~A. No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political purpose from any employee during his or her hours of duty or service of work with the City.~~
- ~~B. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions of all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.~~
- ~~C. Any employee who wishes to seek election or appointment to political office in the City shall request an unpaid leave of absence from City employment prior to formal declaration or other evidence of candidacy.~~
- ~~D. If a City employee is elected or appointed to any City public office, he/she shall resign forthwith from City employment.~~

### 3.5 EMPLOYMENT OF RELATIVES ANTI-NEPOTISM

The City's Anti-Nepotism policy shall conform to the language, policy, and intent of Chapter 112, Part III, Florida Statutes as may be amended from time to time, and which is adopted by reference herein.

~~A. In accordance with Florida Statute, a public official may not appoint, employ, promote or advance, or advocate for appointment, employment, promotion or advancement in or to a position in the City or agency in which he/she is serving or over which he/she exercises jurisdiction or control, any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced by a public official serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.~~

~~1. Public official means an officer or employee of the City in whom is vested the authority by law, rules, and regulations, or to whom the authority has been delegated to appoint, employ, recommend, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with the employment or appointment with the City.~~

~~2. Relative, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, brother-in-law, or sister-in-law.~~

~~B. Except as provided below, no individual who is a relative of a public official as defined in this section may report to, be supervised by, or work in the same department as a public official to whom he/she is related. Any individual who, on the date this policy is adopted by the City Council, is reporting to, being supervised by, or working in the same department as a public official to whom he/she is related, may continue such employment. Should the employment relationship between the individual and the public official cease, through transfer, promotion or demotion out of the department, or termination of either relative, the employment relationship may not be resumed at a later date.~~

~~C. Any challenge to this policy shall be resolved by~~

~~obtaining an opinion from the Florida Ethics Commission.~~

### 3.6 FRATERNIZATION

- A. The City respects the rights of its employees to conduct their personal lives as they wish. However, the City recognizes that romantic relationships can create a conflict of interest (actual or perceived) or adversely affect work performance and employee morale, create concerns of favoritism, and potentially result in claims of harassment.
- B. The City prohibits employees who have a romantic relationship to supervise (directly or indirectly) the other or to work in a position that has an audit or investigation function over the other. For purposes of this policy, a "romantic relationship" includes dating, sexual relationships, domestic partnerships, and employees who share the same household as a couple.
- C. If a romantic relationship develops between a supervisor/manager and an employee, the supervisor/manager shall promptly disclose the existence of the relationship to the Human Resources Director. The employee may make the disclosure as well, but the obligation of doing so rests with the supervisor/manager.
- D. The City will take action so that the employee will no longer be in a reporting relationship (direct or indirect) with the supervisor/manager. To do so, the City may require that the employees propose which one of them will transfer positions or departments. In the event that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and if neither employee will resign, the City may terminate the employment of one of the employees. In that circumstance, it shall be within the sole discretion of the City to determine which employee to terminate.
- E. There is no prohibition against co-worker romantic relationships provided that the employees do not work in a position that has an audit or investigation function over the other. In that circumstance, the City may require that the employees propose which one of them

will transfer positions or departments. In the even that no such transfer is possible, or if such a transfer is not accepted by the City or the employees, and neither employee will resign, the City may terminate the employment of one of the employees. In that circumstance, it shall be within the sole discretion of the City to determine which employee to terminate.

### 3.7 OUTSIDE EMPLOYMENT

A. ~~Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the City service. City employees may be permitted to engage in outside employment if it does not pose a conflict of interest with their City employment, is properly disclosed, and is approved in advance by their Department Head as follows:~~

- At least two (2) weeks prior to starting the position, employees must submit a request for approval of outside employment containing the name, address, and telephone number of the place of employment and the weekly number of hours the employee will be required to work; and
- Requests for outside employment must be renewed annually and include any changes in the specific duties required of the employee and any changes in the status of the employer or business.

If, for any reason, the outside employment interferes with the employee's primary responsibility to the City, the Department Head has the right to withdraw approval.

B. Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from outside duties if and when called for emergency service by the City. Every employee engaged in outside employment shall agree to, and shall respond immediately to, any emergency call to duty by the City whenever the Department Head or the City Manager shall determine his/her the employee's services to be necessary.



- C. Employees sustaining injuries while engaged in outside employment must report it to the City and are ineligible to receive benefits under City Workers' Compensation on account of disability resulting from the outside employment.
- D. Equipment, telephone, facilities, vehicles, or property of the City shall not be used by employees for outside employment, nor shall any work for an employer other than the City be performed during City time.

### 3.8 PECUNIARY INTEREST

Without official disclosure and Council approval, no employee of the City shall have any financial interest in the profits of any contract, service, or other work performed by the City; nor shall personally profit directly or indirectly from any contract, purchase or sale or service between the City and any person or company. No officer or employee shall accept any free or preferred services, benefits, or concessions from any such person or company.

### 3.9 RELEASE OF INFORMATION/PUBLIC RECORDS REQUESTS

- A. The employee shall at all times be courteous, friendly, and helpful to those members of the public who seek information. If an employee is contacted or receives a public records request from anyone via fax, email, in person, or by telephone, the employee must intake the request and thereafter forward the information to the designated Records Coordinator for the Department in which the employee works for submission and assignment via GovQA. Employees should get as detailed of a description as possible of the records being requested including, but not limited to: Project name; Property address; Specific documentation sought; Time frame (how far back does the requestor want to search); Contact information for the requestor and preferred method of communication (i.e. name (if willing to provide), address (if willing to provide), telephone number (if willing to provide), email (if willing to provide), etc.).

- Employees shall not tell the requestor that they must contact the City Clerk's Office, or any particular City Department, to make their request, as doing so is a violation of Florida Statutes, Chapter 119, and may result in disciplinary action up to, and including, termination;
  - Employees shall not tell the requestor that they are required to put their request in writing as doing so is a violation of Florida Statutes, Chapter 119, and may result in disciplinary action up to, and including, termination;
  - Employees shall not tell the requestor that they must provide any personal identifying information as doing so is a violation of Florida Statutes, Chapter 119, and may result in disciplinary action up to, and including, termination.
- B. All media inquiries regarding the City and its operation must be referred to the Public Information Officer ("PIO"), Department Head, and the City Manager. No employee, unless specifically designated by the Department Head or the City Manager, is authorized to respond to media inquiries.
- C. All requests for personnel records or information must be directed to the Human Resources Director and the designated Records Coordinator for the Human Resources Department for submission into GovQA as such requests qualify as public records requests.
- D. Subpoenas Duces Tecum, received by any City Department, must be forwarded to the designated Records Coordinator for the Department in which the employee works for submission and assignment via GovQA. Subpoenas Duces Tecum are requests for documentation/records and qualify as a public records request.
- E. Employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. If an employee receives such a request or subpoena regarding City business, the matter must be discussed first with the Department Head who, in turn, will notify the appropriate City Official and the City

Attorney's Office.

Violations of this procedure shall subject an employee to disciplinary action up to, and including, termination.

- ~~F. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion resulting in waste of time and money.~~
- ~~G. Unless release of information is a normal part of their duties, employees will decline courteously to reveal information and shall direct such inquiry to the Department Head or City Manager. It is not the intent of the City to be secretive, or to withhold valid information, but to assure that all information released is true and accurate. Violations of this paragraph may subject an employee to disciplinary action.~~
- ~~H. From time to time, City employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should such an employee receive such a request or subpoena regarding City business, the matter will be discussed first with the Department Head who, in turn, will notify the appropriate City official.~~

3.10 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted. To avoid distractions, any form of solicitation by an employee of another employee is prohibited while either employee is on working time unless an employee has received express approval from the Department Head. "Working time" is the time an employee is engaged, or should be engaged, in performing work tasks for the City of Port St. Lucie. Solicitation of any kind by non-employees including, but not limited to, vendors on City

premises is prohibited at all times.

- B. Unauthorized distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times, unless approved by the Human Resources Director or designee.
- C. Distribution of literature by non-employees on City premises is prohibited at all times unless approved by the City Manager.
- ~~D. Because solicitation not only causes employees to neglect their own work, but also interferes with the work of others, City employees are not permitted to solicit for any purpose during their working time.~~

~~No employee shall solicit another employee for membership or subscriptions for any public or private enterprises or for gifts of any nature during either employee's working time. Working time means all times when employees are supposed to be working. Working time does not include: lunch time, break time, time before and after work and any other times when employees are not supposed to be working.~~

~~The circulation or passing of any petition or notices or other printed material among employees during working time or in work areas is prohibited.~~

~~Non-work areas include any area where the work of the City is not performed such as employee lunch rooms, employee lounge areas and locker rooms, and parking lots.~~

### 3.11 EMPLOYEE DEBTS

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee nor for collection agencies, except as required by a court order, a writ of garnishment, or by law (i.e. education garnishments; child support income withholding orders; etc.). However, should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job

performance or occasional loss of time and effort on the part of the Human Resources/~~Risk Management~~ Department, Finance Department, or other City employees, the employee may be subject to disciplinary action.

### 3.12 USE OF CITY PROPERTY

~~City employees shall not use City property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, either on or off duty.~~

- A. Only City employees are authorized to use City property, equipment, and vehicles in the performance of their official job-related duties. No City property shall be used for personal use without express authorization from the Department Head.
  
- B. City employees who have use of, supervise the use of, or have control over City property are expected to exercise care and follow all operating instructions, safety standards and guidelines. This responsibility may be personal in nature insofar as employees are issued or assigned property for use. Alternatively, this responsibility may be supervisory in nature in which the employee is responsible for establishing and enforcing certain measures to ensure proper preservation and use of all property.
  
- C. The employee must notify employee's supervisor if any equipment, machines, or tools appear to be damaged, defective, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Employee's supervisor can answer any questions employee may have about employee's responsibilities.
  
- D. When the supervisor is informed of an issue, a prompt investigation shall occur, and an investigatory report promulgated. The report shall include a complete description of the missing or damaged property and the estimated extent of loss, the time and circumstances under which the loss was discovered, the name(s) of the person(s) who discovered the loss, the known or suspected cause or circumstances involving the loss, name(s) of

witness(es) to the loss, name(s) of person(s) known or suspected to be involved in the loss, and any other relevant information concerning the loss.

- E. The report shall be submitted to the Human Resources Director and the Risk Management Director. Upon receipt of the report, the Risk Management Director, upon consultation with the Human Resources Director, shall recommend the fixing of, or relief from, personal liability for the loss. In the case of missing property, the Safety Review Board shall authorize the adjustment of the property records to reflect the status resulting from the loss.
- F. Reimbursement: Employees shall be disciplined and/or required to reimburse the City for lost or damaged City property if it is determined that the employee, without justification or mitigation, violated pertinent established rules or policies, the observance of which would have prevented the loss or damage. This includes improper, careless, negligent, destructive, unsafe or unauthorized use and/or operation of City property.
- G. The City will notify the employee of its intent to either discipline and/or seek reimbursement. When an employee is subject to discipline, the grievance and appeals procedures outlined herein will control, unless the employee is governed by a Collective Bargaining Agreement. If an employee is held liable for reimbursement for loss and/or damage under this section, the employee will be held liable for the replacement value of the property or the insured value of the package, whichever is less. Reimbursement schedules shall be reasonable and fair, based upon the circumstances of each situation.
- H. The use of vehicles owned or leased by the City of Port St. Lucie, hereinafter "City vehicles," shall be in accordance with the provisions and restrictions contained in Section 36.15 of the City of Port St. Lucie Code of Ordinances. The use of City vehicles shall be limited to authorized City employees in the conduct of official City business. Use of City vehicles for purposes other than official City business shall be prohibited. Take-home vehicle privileges, if any, are to ensure the

prompt response of an employee in the implementation of their duties.

- I. Employees shall not be eligible for a vehicle allowance but may only receive vehicle related compensation when it is necessary for an employee to use their private vehicle to enable them to perform assigned duties. The employee shall be reimbursed at the rate set forth in the Internal Revenue Code and its regulations.

### 3.13 DRESS AND APPEARANCE

- A. City employees are expected to maintain high personal and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. Maintaining a professional, business-like appearance is very important to the success of the City of Port St. Lucie.
- B. Regardless of the interaction of the employees with the public, each employee should project the reputation of the City and represent the City in a positive and ethical manner.
- C. The City has chosen to offer a business casual dress environment for its employees. The most important factor is the overall public impression that is created by each employee. Employee's assigned to duties that deal with the public should be properly groomed and dressed so as to represent the City in a positive manner.
- D. At all times, employees are expected to use good judgment and to show courtesy to their co-workers and the public by dressing in a manner that is presentable and appropriate.
- E. Determination of appropriate dress and appearance is at the discretion of the Department Head, or designee, and will be treated as such. However, listed below is a general overview of acceptable business attire as well as a listing of some of the more common items that are not appropriate for the office. Neither list is intended to be all-inclusive. Rather, these items should assist employees in making good judgments about items that are

not specifically addressed.

1. Slacks: Slacks are acceptable provided they are clean and wrinkle-free. Inappropriate items include jeans, sweatpants, wind suits, shorts of any kind, overalls, leggings, spandex or other form-fitting pants. Ripped, wrinkled, torn, or faded clothing is not acceptable.

Exception: Employees may wear blue jeans on Fridays. Employees may not wear skintight jeans or "skinny jeans" or jeans that are worn, discolored, or ripped.

2. Shirts: Dress shirts, sweaters, and turtlenecks are acceptable. Inappropriate items include tank tops, shirts with large lettering, logos or slogans, low cut shirts or blouses, halter tops, tops with bare shoulders, see-through garments, and t-shirts unless worn under another blouse, shirt, or jacket.

3. Dresses and Skirts: Dresses and skirts, and split skirts, at or below the knee are acceptable. Dress and skirt length should be no shorter than two inches above the knee. Mini-skirts and spaghetti-strap dresses should not be worn to the office.

4. Shoes: Acceptable shoes include high and mid-heeled shoes and sandals, dressy flats, and open toed shoes. Flip flops, flat sandals, athletic shoes (unless part of an assigned uniform or worn on Fridays), and over accessorized sandals shall be inappropriate for the workplace.

5. Tattoos and Body Piercing: Employees with tattoos and body piercings shall wear the appropriate uniform or attire that provides coverage of the tattoos and/or body piercings to the extent possible.

6. Employees should not wear any item of ornamentation in their nose, eyebrow, tongue, or any other location of their body during work hours, or during any work related function, that is



visible.

Exception: Earrings are permitted.

7. Personal Hygiene: Hairstyles, makeup, nails, grooming of beards and mustaches, and personal hygiene should be reasonable and in accordance with customary business practices. An employee's personal grooming and hygiene should reflect a clean and neat appearance and impression.

If an employee is not dressed or groomed properly, the Department Head or designee may request that the employee go home to change. The employee will be required to use their own accrued leave time to accomplish this.

- F. Non-exempt employees (those employees subject to the minimum wage and overtime requirements of the Fair Labor Standards Act) will not be compensated for any work time missed because of their failure to comply with this policy.
- G. When uniforms or shirts are furnished by the City, the employee shall wear them as prescribed and maintain them in a clean and suitable manner.
- H. Supervisors or other management personnel can specify additional or alternative dress and grooming requirements for employees for safety reasons or based on the business needs of their departments.
- I. Any employee who requires an exception to the Dress Code based upon a bona fide religious belief, ethnicity, or disability should contact the Human Resources Director, or designee, to discuss a reasonable accommodation.
- J. ~~Work clothes and uniforms provided for many departments generally set the standard for their functions. Determinations of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in appropriate situations.~~
- K. ~~Employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with rules which may be~~

~~established for this purpose.~~

### 3.14 Smoke Free Workplace

Due to the hazards arising from exposure to environmental tobacco smoke, it shall be the policy of the City to provide a smoke-free environment. The intent of this policy is to ensure that the City provides a safe, healthy, and productive work environment for all employees and visitors. Therefore, the City will comply with the provisions of the Florida Clean Air Act and enforce no-smoking regulations throughout the City, where applicable. Department Directors will monitor this policy and be responsible for on-going compliance within their respective work areas.

A. The law defines smoking as the "act of lighting, smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind." This policy also includes the electronic version of a cigarette and or cigar. Chewing tobacco is also included in this policy.

#### B. General Guidelines

1. Smoking is strictly prohibited in all City owned or leased buildings, including but not limited to offices, hallways, waiting rooms, restrooms, lunchrooms, break rooms, meeting rooms, elevators, etc.

2. Smoking is strictly prohibited in all City owned or leased vehicles.

3. Smoking is permitted on City grounds in designated areas only or at least twenty-five (25) feet away from City worksites, building entrances, vehicles, and storage areas of flammable substances. Employees who choose to smoke within permitted areas must do so on their regularly scheduled breaks or meal periods. No additional time from work shall be authorized for this activity. Each employee is expected to abide by the terms of this Smoke-Free Workplace Policy.

4. All tobacco waste products such as cigarette butts and used smokeless tobacco shall be properly disposed of and shall be discarded in appropriate receptacles only.

5. The City will provide, upon request, appropriate smoking cessation information to interested persons. Smoking cessation programs may also be offered periodically.

C. Violations of this policy will subject the employee to progressive discipline in accordance with City Policy and Procedure.

### 3.15 RESIDENCY

All City employees are encouraged, but not required, to reside within the City limits unless an employment agreement stipulates otherwise.

### 3.16 GENERAL PROHIBITIONS

- A. No person shall make any false statements, certificate, mark, or rating with regard to any test, certification or appointment made under any provisions of these Rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these Rules.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City Service.
- C. No employee of the Human Resources Department Personnel Division, an examiner, hiring committee, or other person shall deceive or obstruct any person in his/her their right to examination, eligibility, certification or appointment under these Rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City Service.

- D. No official or employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear same, nor permit same to be out of ~~his/her~~ their possession without good cause, or approval of the Department Head or authorized superior. Such badge, card, or insignia shall be used only in the performance of the official duties of the position to which they are related.

### 3.17 INSTRUCTION AND COUNSELING

- A. First Instruction and Counseling - Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and ~~give~~ counsel the employee and provide assistance, if necessary. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures. Supervisors shall maintain a record in writing of all counseling provided to their employees and any performance improvement plan. The counseling statement will be sent to the employee, and a copy will be sent to the Human Resources/~~Risk Management~~ Department to be placed in the employee's personnel file folder. The employee's immediate supervisor usually initiates a counseling statement.
- B. Second Instruction and Counseling (When Applicable) - In situations where prior instruction and counseling has not resulted in the expected improvement, a counseling statement shall be issued defining the nature of the infraction under the Rules. The counseling statement will be sent to the employee and a copy will be sent to the Human Resources/~~Risk Management~~ Department to be placed in the employee's personnel file folder. The employee's immediate supervisor usually initiates a counseling statement.

3.18 POST EMPLOYMENT RESTRICTIONS

No employee shall, for a period of two (2) years following vacation of office or termination of employment, personally represent a person or entity for compensation before the City Council. This post employment restriction shall not apply to an employee's representation of a bargaining unit during collective bargaining or for a not-for-profit entity serving the needs of the community as may be determined by the City Council.

## SECTION 4

### APPLICATIONS AND EXAMINATIONS

#### RECRUITMENT

##### ~~4.01 ELIGIBILITY~~

~~Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. Upon employment, individuals are encouraged to reside within the City.~~

##### 4.1 REQUEST FOR PERSONNEL

When departments submit requests to the ~~Personnel~~ Human Resources Director for persons to fill vacancies, requests shall include the title of the position to be filled and other pertinent information as may be needed to enable the ~~Personnel~~ Human Resources Director to satisfactorily find the personnel being sought by the Department. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.

##### 4.2 NOTIFICATION

- A. The ~~Personnel~~ Human Resources Director, in conjunction with Department Heads, shall prepare recruiting notices or job announcements to publicize vacancies and to provide candidates for vacant positions. ~~Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible. Any contracts for fees, contingent or otherwise, entered into between applicants and commercial employment agencies are purely private matters between these parties.~~
  
- B. All job openings ~~will be~~ are posted on the City's Job Board in City Hall, and on the City's Web Page. a minimum of five (5) working days in the Human Resources/Risk Management Department, or at a place selected by the Personnel Director within City Hall. Copies of all job opening announcements will also be distributed to all departments. This procedure will be followed so that persons already employed by the City will have the first opportunity to apply for job openings.

#### 4.3 ACCEPTANCE OF APPLICATIONS

- A. Applications for open and posted positions must be timely submitted to the Human Resources Department on the City's official application form online. Individuals interested in seeking a position with the City shall accurately complete the entire employment application. Applicants for employment are required to furnish complete job-related information relevant to the requirements of the position or vacancy for which they are applying; as well as a chronology of previous employment. Employment applications may only be accepted via online submission unless disabled applicants require an accommodation. All applications must be made on a standard form designed and prepared by the Human Resources/Risk Management Department. Applications may be revised by applying in person to the Human Resources/Risk Management Department, provided said revision is made before the final date for receiving applications for the position or examination applied for by the applicant.
- B. Applicants must complete all requirements established by the City for employment, which may include but is not limited to a written examination, oral interview, a psychological exam, a polygraph, a physical agility test, a comprehensive background investigation, and drug screening. Applications for positions shall be active and considered by the Human Resources/Risk Management Department for a term of six (6) months from the date the application is filed, unless the application becomes void by virtue of some other rule.
- C. Employees and applicants must activate their application in order to be considered for any open positions since the City only reviews applications submitted for a particular position.
- D. After the expiration of a six (6) months period, the application is void unless it is , if not renewed. , shall be void and shall not be considered by the Human Resources/Risk Management Department and the same, together with all records and correspondence pertaining thereto, shall be handled according to the dictates of law.

#### 4.4 BASIS OF EMPLOYMENT

Only the Human Resources/~~Risk Management~~ Department may make an offer of employment. The City shall give preference to in hiring veterans and their spouses, pursuant to Section 297.07, Florida Statutes. All offers of employment are tentative and shall be contingent upon successful completion of a background investigation, drug screening and polygraph, as may be applicable, review of all supporting documentation, and a physical examination.

Applicants are recruited on the basis of education, training, and experience as detailed in their completed applications and may be requested to provide evidence of certifications, registrations, and to take an examination.

~~Employment with the City shall be based on merit, ability, and physical and moral fitness as evidenced by:~~

- ~~A. Training and experience reflected by the application form and other documentation of certification, registration, etc.~~
- ~~B. Written examination or performance test, if required.~~
- ~~C. Physical examination and drug screening.~~
- ~~D. Personal background investigation.~~

#### 4.5 REFERENCES

As part of the pre-employment procedure, former employers and references, if applicable, shall be checked. ~~Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.~~

#### 4.6 REJECTION OF APPLICATIONS

- A. The Human Resources/~~Risk Management~~ Department or Department Head may remove from further consideration, at any time, the applications of any applicant who:
  - Does not possess the minimum qualifications for



- the position;
- Has made false statements or practiced deception in the application;
- Fails to cooperate, to any extent, with the City;
- Fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer; or
- For any other reason which is not in violation of state or federal law.

~~reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the public announcement or the job description; or for any other reason which is not in violation of existing law.~~

- B. Applications may also be rejected if the applicant has a prior conviction for a crime, if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought; has submitted an incomplete application; has made false statements of any material fact in the application; has ever been an active member of any organization which advocates the overthrow of the Government of the United States of America by force or violence; or whose past employment record with the City is "unsatisfactory" as determined by the Department Head or the Human Resources Personnel Director.
- C. Each job description contains the minimum qualifications, which must be met by an applicant in order to be considered for the specific position. The selection to fill open positions shall be based on the most qualified applicant. The City shall ensure compliance with Veterans' Preference laws. Applicants may not begin work until receipt of a Personnel Action Report signed by the Human Resources Director.

#### 4.7 IMMIGRATION CONTROL AND I-9 FORM

The City is committed to hiring only authorized workers. Each new employee must provide documentation to verify both identity and authorization to work in this Country and to complete the I-9 form. If an employee cannot provide these required documents, they may be either dismissed or suspended until the required documents are produced. Both the employee

and the City representative will sign the I-9 form certifying that the documents are valid. Information may be shared with the Social Security Administration and the Department of Homeland Security from each new employee's Form I-9 to confirm work authorization.

#### 4.8 VETERANS' PREFERENCE

For eligible positions, the City will provide preference in hiring, promotional opportunities, and layoff retention to eligible military veterans in accordance with Section 295.07, Florida Statutes, and applicable regulations. If the selection process is based on a numerically based formula, Veterans' Preference eligible employees who passed the initial screening shall receive an augmented score. If the selection process is not based on a numerical formula, special consideration shall be given in accordance with applicable law.

Employees and applicants must submit current documentation substantiating Veterans' Preference status to receive a preference. A DD-214 or comparable document which serves as a certificate of release or discharge claim must be furnished. If an employee wishes to appeal any decision, ~~he/she~~ they may file a complaint with the Florida Department of Veterans' Affairs within 60 days after receiving notice of the decision. The latest contact information can be found by calling (727) 518-3202 or email at [veteranspreference@fdva.state.fl.us](mailto:veteranspreference@fdva.state.fl.us).

SECTION 5

FILLING VACANCIES

5.1 ~~TYPES OF ORIGINAL APPOINTMENTS~~ EMPLOYEE CLASSIFICATIONS

For the purpose of this handbook, employees fall within one of the following classifications:

- A. REGULAR: All positions authorized by the City Council.
1. FULL-TIME STATUS: When an employee normally works ~~at least in excess of~~ thirty (30) hours per week on a continuous basis.
  2. PART-TIME STATUS: When an employee normally works fewer ~~less~~ than thirty (30) hours per week on a continuous basis.
- B. TEMPORARY: Positions (whether part-time or full-time) that are to be of a duration of less than six (6) months. Any extension of this time period must be approved by the ~~Personnel~~ Human Resources Director.
- C. TRAINEE: An employee who does not meet the minimum ~~position~~ qualifications of the position. The length of training shall be at the discretion of the Department Head.
- D. CONTRACTUAL: ~~Contractual employees are not considered as classified employees; however, they are required to comply with all City policies. Except as provided by other written employment agreement, contractual employees are covered under the City's Personnel Rules and Regulations.~~ Regular full-time employees whose terms and conditions of employment are governed by a written agreement (contract). Unless a contrary provision is negotiated as part of an individual contract, the provisions of this handbook and appendices shall apply. This term shall also apply to grant-funded employees.
- E. LIMITED CONTRACTUAL: Part-time employees who perform specialized services (e.g. instructors) in accordance with a services contract, and who are paid on a commission basis, on a proceeds sharing arrangement, or on a session basis. Though the wages, hours, and terms

and conditions of employment outlined in this handbook do not apply to these employees, the general employment provisions are applicable.

## 5.2 TRANSFERS

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

Any Employee may be transferred when:

- A.
  1. ~~Non-probationary employees may voluntarily apply to transfer from one budgeted position to an open position in another department. He or she applies for transfer to fill an open position in another department/division that has been posted by the Human Resources/Risk Management Department. Such a~~ These transfers requires the approval of the ~~Personnel~~ Human Resources Director and the new Department Head. ~~Such transfers shall be coordinated with the original department.~~
  2. Employees may be transferred involuntarily when they are ~~He or she is~~ needed for the good of the City to fill positions in other ~~an assignment in another~~ departments. ~~This form of~~ These transfers will require the approval of the ~~Personnel~~ Human Resources Director in coordination with the appropriate Department Heads. ~~This action shall be coordinated with the Human Resources/Risk Management Department, the appropriate Department Heads, and the employee.~~
- B. A transfer within the same classification and/or pay grade shall not affect an ~~change the~~ employee's anniversary evaluation date.
  1. An employee may be transferred to another department with the same job classification and such transfer will not change the employee's pay grade, anniversary date or classification date.
  2. Employees transferred to a position with a higher job classification and pay grade will receive at least the minimum salary for the new position.

3. Employees transferred to a lower job classification and pay grade will have at least a five (5%) percent reduction in salary.
4. Transfers may be voluntary or involuntary.

### 5.3 PROMOTIONS

If the Collective Bargaining Agreement ("CBA") language conflicts with this definition, then the CBA language shall prevail as to those employees governed by the CBA.

- A. Vacancies may be filled, as far as practicable, by the promotion of qualified employees. Examinations may be held for specific positions. in positions above the lowest rank in any category in the Classified Service shall be filled as far as practical by the promotion of employees already in the City service when it is determined to be in the best interest of the City.
- B. An employee may be promoted to a job classification in a higher pay grade after successfully meeting the requirements for that position. Upon promotion, the employee will have their pay, classification date and probationary period adjusted as follows:
  1. Employees promoted to a position in a higher pay grade receive a salary increase of ten (10%) percent or receive the minimum starting salary of the new position, whichever is higher. The classification date of employees who are promoted to a higher band changes to the date of promotion. Their evaluation date will change to the date of the promotion.
  2. Employees who are promoted must serve a ninety (90) day probationary period.
- C. If a vacancy is posted, it shall conform to the following: Include the requirements for the position and the pay rate, be distributed to all City departments, appear on the City's Job Announcement board at City Hall, and appear on the City's website.
- D. Employees failing to satisfactorily complete their 90-day probationary period in their new position, may be

returned to the position the employee held prior (if the position is available), transferred to an open position for which the employee is qualified, or be terminated.

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

~~F. Promotional examinations may be open only to employees in the City Service who are serving in specified classes for such a period as may be prescribed. A promotional examination may include employees in specific classes in all departments or only in the department in which the vacancy occurs, as determined by the Department Head and the Personnel Director.~~

~~An employee may be promoted to a job classification with a higher maximum rate of pay after successfully meeting the requirements for that position. Upon promotion, the employee shall have his/her pay grade, pay, classification date and probationary period adjusted as follows.~~

~~PAY GRADE AND PAY RATE:~~

~~1. When an employee is promoted to a position with a higher maximum salary, the employee's new salary shall be at least the minimum for the new position. In the event of any promotion, the employee shall be entitled to receive a minimum raise in pay of five (5%) percent.~~

~~2. An increase of more than five (5%) percent may be recommended by the Department/Division Head, depending upon the circumstances of the promotion. Approval must be received from the City Manager.~~

~~Promotions shall establish a new classification date. Employees shall be eligible for consideration for a merit increase one (1) year following the effective date of the promotion and shall serve a probationary period in accordance with the applicable rules. The effective date of promotion will coincide with the employee's departmental payroll period beginning date, unless~~

~~otherwise approved by the Personnel Director and Finance Director.~~

#### 5.4 DEMOTIONS

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. An employee may be demoted for a variety of reasons including, but not limited to when: a position is eliminated; another employee with prior rights returns to the position; an employee is not performing satisfactorily, as a form of discipline; failure to satisfactorily complete the 90-day probationary period; a position is being reclassified to a lower pay rate; the position is being reclassified as a position with greater responsibilities and duties for which the employee is not qualified; there is a lack of funds; or if an employee voluntarily requests a demotion.
- B. Demotion to a Lower Pay Grade: Defined as whenever an employee is voluntarily or involuntarily brought to a lower pay grade as determined by the City's pay and classification plan. A demoted employee's rate of pay will be reduced accordingly, and the employee's classification date will change to the date of the demotion.
- C. All demoted employees shall serve a ninety (90) day probationary period.

~~An appointing authority may demote an employee in the following instances:~~

- ~~A. In lieu of layoff when a position is to be abolished, or an employee with prior rights returns to the position.~~
- ~~B. In lieu of dismissal when an employee is not performing satisfactorily; or when a health examination conducted by the examining physician discloses that the employee is not physically or mentally qualified to perform the duties of the position.~~

- ~~C. When an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a lower pay grade; the position is being reclassified to a higher pay grade and the employee is not qualified; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.~~
- ~~D. When an employee does not possess the necessary qualifications to render satisfactory service in the position held.~~
- ~~E. If an employee voluntarily requests a demotion.~~
- ~~F. As a disciplinary action.~~

#### 5.5 EFFECT OF DEMOTION ON PAY

The pay of an employee demoted to a classification having a lower pay grade than the present classification shall be based upon the following guides:

- A. Demotion will not result in a pay increase.
- B. Pay will not exceed the maximum rate of the pay grade designated for the lower position.
- C. Employees shall be demoted to a the lower classification which was held immediately prior to being promoted ~~shall be placed in the grade and pay that they would have attained by remaining in the lower classification.~~
- ~~D. Employees demoted to a lower classification or to the classification held prior to promotion shall have their salary adjusted not to exceed the maximum in the salary range for the position. This is not to be inferred that the employee will receive the maximum in the classification to which he/she was demoted.~~

#### 5.6 EFFECT OF DEMOTION ON CLASSIFICATION DATE

An employee who is demoted will have a new classification date established. ~~to a classification held immediately prior~~



~~to being promoted will have the date in the lower classification adjusted to reflect the timeserved in that classification. All other demotions will establish a new classification date.~~

#### 5.7 RECLASSIFICATIONS

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

A. For non-bargaining unit members, an increase of more than five percent (5%) may be recommended by the Department Head, depending upon the circumstances of the reclassification and subject to the City Manager's approval. However, at no time can the increase be more than the maximum of the pay grade. Employees who are reclassified to a position within the same pay grade retain their classification date which is also the evaluation date.

B. Non-bargaining unit members may be reclassified to a position within a higher pay grade. A reclassified employee shall receive an increase, which may be greater than five percent (5%) depending upon the circumstances, subject to the City Manager's approval. At no time, will the employee earn less than the minimum rate for the pay grade to which they are reclassified. An employee reclassified to a position within a higher pay grade will have a new classification date established.

C. All reclassified employees shall serve a ninety (90) day probationary period.

#### 5.8 POSITION AUDIT

The Human Resources Director conducts position audits. Audits may also be initiated by written request to the Human Resources Department from the: City Manager; Department Head in which the position is located; or the incumbent of the position to be audited may request an audit, provided that the employee processes the request through their Department Head for review and comment.

## SECTION 6

### PROBATIONARY PERIODS - EMPLOYMENT, ~~PROMOTION,~~ RECLASSIFICATION, TRANSFER

#### 6.1 PURPOSE

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

The probationary period is an integral part of the employment process. This is an opportunity for the City to evaluate the employee's performance, it is utilized to observe closely the employee's work, to secure the most effective adjustment of an employee to the position, and to reject any employees whose performance does not meet the required work standards. Also, it is an opportunity for the employee to decide whether they are happy being employed by the City.

#### 6.2 DURATION

- A. A probationary period shall be served by all newly-hired, transferred, or ~~promoted~~ reclassified employees. The length of time for probation shall not be less than ~~one hundred eighty (180)~~ two hundred seventy (270) days for newly hired employees. Promoted, demoted, transferred, and reclassified employees shall serve a probationary period of ninety (90) days. The City may extend the probationary period if it desires.
- B. Length of the probation may vary in departments or occupations where regular status is dependent upon completion of a training period, certification or other requirements.
- C. Probationary employees shall not be permitted to apply for open positions until having satisfactorily completed their probationary period. The City Manager has the right to waive the provisions of this paragraph.
- D. ~~If the employee successfully completes the probationary period, he/she will be placed on regular status.~~

### 6.3 EVALUATION OF PERFORMANCE

- A. During the probationary period, Department Heads or supervisors shall perform written evaluations with respect to the employee's qualifications for the position and job performance.
- B. ~~Department Heads or supervisors shall perform written evaluations during the employee's probationary period.~~ Newly-hired employees shall be evaluated in writing at approximately thirty-, sixty-, ninety-, ~~and~~ one hundred eighty-, and two hundred seventy-day intervals. Evaluations at the thirty-, sixty-, ninety-, and one hundred eighty-day intervals shall be conducted at the discretion of the Department Head or designee. The evaluation at the two hundred seventy-day interval shall be mandatory.
- C. Transferred employees shall be evaluated in writing by the new Department Head or supervisor before the completion of approximately 90 days of service with the new department. This paragraph is subject to Section 6.2B.
- D. Promoted employees shall be evaluated in writing by the promoting authority prior to the completion of approximately ~~ninety~~ ~~(90)~~ days of service in the new position. This paragraph is subject to Section 6.02B.
- E. An unsatisfactory evaluation may result in the termination of employment, return to the position held prior to promotion if available, or transfer back to the original department if a vacancy exists.
- F. Newly-hired employees can be terminated with or without cause during their probationary period without the City's disciplinary and dismissal policies being followed. Furthermore, the dismissal of a newly-hired employee is not subject to the City's appeals procedures or the Collective Bargaining Agreements.
- G. All written probationary and performance evaluations shall be submitted to the Human Resources/~~Risk~~

~~Management~~ Department upon their completion. These evaluations become a part of the employee's permanent employment record with the City.

#### 6.4 CLASSIFIED STATUS

Probationary employees who successfully complete the probationary period attain classified regular status.  
~~Completion of the required probationary period in a particular classification.~~

SECTION 7  
ATTENDANCE

7.1 HOURS OF WORK AND SCHEDULES

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. The City Manager shall establish the hours of work, which insofar as practicable shall be uniform within occupational groups, shall be determined in accordance with the needs of the City Service, and shall take into account the needs of the public who may be required to do business with various City departments. The standard workweek for full-time employees is forty (40) hours during a continuous seven (7) day period. The employee will be assigned a work schedule and expected to begin and end work in accordance with the schedule.
  
- B. The normal workday for each shift shall consist of eight, ten, or twelve hours, exclusive of an unpaid period of 30 minutes to one hour for a lunch break, to be set at the discretion of the Department Head. A lunch break cannot be combined with any other break, coming in late or leaving early without the prior approval of the Department Head. Lunch breaks are not paid and can be taken off premises.
  
- C. The workweek shall be the period beginning on Saturday (12:01 a.m.) and ending on the following Friday (midnight). However, for short periods, an alternate flextime schedule, which shall be defined as a set workweek other than what is described above, may be implemented as needed. A Department Head, in their sole discretion, shall outline the provisions of a flextime program for the respective department and provide members with notice thereof.
  
- D. Departments may also allow up to two (2) paid ten (10) minute breaks during a day in which an employee works a minimum of eight (8) hours, to be scheduled at the Department Head's discretion. Breaks, if given, are to be taken on premises, and **they cannot be combined or**

used with any other break, coming in late or leaving early.

- E. The City supports nursing mothers by providing reasonable break time for an employee to express breast milk for her nursing child for up to one (1) year after the child's birth, each time such employee has need to express the milk. Non-exempt employees may elect to use their paid break periods for the purpose of expressing breast milk. Non-exempt employees must schedule any break time to express breast milk with their supervisor. Upon notice, the employee's Department Head, or the Human Resources Department, will provide the employee with a private area for the purpose of expressing breast milk.
- F. An employee may request to flex their schedule to accommodate personal needs, provided mutual agreement is reached with their immediate supervisor. **Employee-requested flextime shall not result in an overtime expense to the City and may be denied based on staffing needs.**
- G. Nothing in this handbook shall be construed as a guarantee or limitation of the number of hours or days to be worked per week and, therefore, modifications to hours and days may occur.

## 7.2 ATTENDANCE

- A. All employees are expected to report for duty at the scheduled time.
- B. If an employee is unable to work for any reason, ~~he/she~~ the employee must notify ~~his/her~~ their supervisor as soon as possible prior to the scheduled reporting time. If an employee is unable to contact ~~his/her~~ their supervisor prior to the scheduled reporting time, ~~he/she~~ the employee will contact the supervisor immediately thereafter.
- C. Absenteeism or lateness is sufficient cause for disciplinary action.

- D. Attendance records shall be maintained for all employees by their supervisor.
- E. Department Heads or supervisors may refuse explanations of absenteeism or tardiness from persons other than the employee.

SECTION 8  
ANNUAL LEAVE (VACATION)

8.1 ACCRUAL

~~All regular, non-exempt City employees are eligible for annual leave, as follows:~~

~~Full-Time Employees~~

<del>Years Employed</del>	<del>Working Days Vacation</del>
<del>1 - 3</del>	<del>10</del>
<del>4 - 9</del>	<del>15</del>
<del>10 - 19</del>	<del>20</del>
<del>20 +</del>	<del>25</del>

~~Part-Time Employees~~

<del>1 - 3</del>	<del>5</del>
<del>4 - 9</del>	<del>7.5</del>
<del>10 - 19</del>	<del>10</del>
<del>20 +</del>	<del>12.5</del>

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

All full-time City employees accrue annual leave on a bi-weekly basis as of their date of hire as follows:

<u>Years Employed</u>	<u>Days Accrued Per Year</u>
<u>0-3</u>	<u>10</u>
<u>4-9</u>	<u>15</u>
<u>10-19</u>	<u>20</u>
<u>20 +</u>	<u>25</u>

All part-time employees accrue annual leave on a pro-rata basis. For example, twenty (20) hour employees accrue annual leave as follows:



<u>Years Employed</u>	<u>Days Accrued Per Year</u>
<u>0-3</u>	<u>5.0</u>
<u>4-9</u>	<u>7.5</u>
<u>10-19</u>	<u>10.0</u>
<u>20+</u>	<u>12.5</u>

## 8.2 CHARGING LEAVE

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. Annual leave time shall be scheduled and charged to the employee for the actual time the employee is away from work. Annual leave may be accrued up to a maximum of forty-five (45) days or three hundred sixty (360) regular hours computed at the employee's base rate of pay at time of separation.
- B. Annual leave will be charged in one (1) hour minimum increments. An employee will be charged for the actual time the employee is away from work in minimum increments of one (1) hour.
- C. Holidays which occur during an employee's scheduled annual leave time shall not be charged against the employee's accrued leave. the period selected by the employee for annual leave shall not be charged against such annual leave.
- D. For purposes of determining overtime payments, authorized vacation hours shall be construed as time worked.
- E. Employees are eligible to use accrued annual leave aAfter completion of six (6) consecutive months of employment. continuous service, the employee shall be eligible to use such leave. The City Manager may allow annual leave to be used in advance of completing six (6) consecutive months of employment for extenuating circumstances, as determined on a case by case basis.
- F. Annual leave may be granted for the following scheduled purposes:

1. Vacation leave.
  2. Absences for transaction of personal business which cannot be conducted during off-duty hours.
  3. Religious holidays other than those designated by the City Council as official holidays.
  4. For uncovered portion of medical or disability leave once such leave has been exhausted through illness or disability.
  5. Any approved absences from work not covered by other types of leave provisions established by these rules.
- G. City employees may receive ~~two (2)~~ compensated personal days per year without deduction from any accrued leave benefit for transaction of personal business which cannot be conducted during off-duty hours. See Section 8.6.

### 8.3 REQUEST FOR LEAVE

- A. ~~The request for Requests for forty (40) or more hours of annual leave shall should, to the extent practicable, be submitted to the employee's Department Head at least two (2) weeks in advance of the first day of the requested leave. Requests for less than forty (40) hours of annual leave must be submitted to the employee's Department Head, or designee, in advance of the first day of the requested leave. within a reasonable period of time before such leave begins. A written request for advance pay must be submitted to the Payroll Department two weeks prior to the pay period.~~
- B. Annual leave may be taken after approval by the appropriate Department Head or designee. ~~but every employee shall be~~ Employees are encouraged to take at least ten (10) consecutive days leave during the year.

- C. ~~Leave may be used only as accrued, and annual leave with pay shall not be allowed in advance of being accrued. No paid annual leave is permitted in advance of being accrued, without the permission of the City Manager, and employees are not permitted to take more than twenty (20) days of annual leave in any six (6) month period without permission of the Department Head and City Manager.~~

#### 8.4 ACCRUAL AND USAGE

- A. It is the intent of these rules to have employees take their vacation yearly for the period in which it was earned. However, employees carrying unused annual leave shall be afforded the opportunity to use this accrual within ~~his/her~~ their next anniversary year.
- B. Utilization of available accruals must occur prior to the use of "no pay" being permitted unless the prior express consent of the Department Head is obtained.
- C. ~~No employee shall be permitted to take more than twenty (20) days of annual leave in any six (6) month period without permission of the Department Head and City Manager.~~
- D. ~~An employee shall not be paid for accrued leave in lieu of taking such leave except upon separation.~~
- E. ~~Annual leave may be accrued to a maximum of not more than thirty (30) days.~~

#### 8.5 PAYMENT FOR UNUSED ANNUAL LEAVE

- A. All employees shall be required to take a minimum of two (2) weeks of vacation leave annually. If a Department Head cannot accommodate an employee's request for annual leave, the Department Head may recommend that the employee be compensated for up to 80 hours of accrued annual ~~vacation~~ leave, prior to the employee's next anniversary date of employment. Approval is contingent upon concurrence of the City Manager and verification that funds are available. If approval is denied, the employee can submit a new annual leave request.

- B. Employees leaving City employment shall be eligible to receive any annual leave credit accrued as of the date of separation.
- C. Payment for accrued ~~vacation~~ annual leave does not apply to employees having less than six (6) months of employment.
- D. After utilizing at least eighty (80) hours of accrued annual leave in the preceding twelve (12) month period, an employee may request to sell back a portion of his remaining accrued annual leave balance. Approval is contingent upon budget restrictions and the concurrence of the City Manager. If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.
- ~~E. All~~ An employee's accrued annual leave at the time of their death will of employees who die while in the service of the City shall be paid in cash to the employee's beneficiary, surviving spouse, or estate, as determined by law or by the executed forms in the employee's personnel file. to the spouse or estate of the employee.

#### 8.6 PERSONAL DAYS

- A. Exempt employees shall receive three (3) paid personal leave days upon their first date of employment and an additional three (3) paid personal leave days upon each anniversary date of employment.
- B. Non-exempt, non-probationary, full-time employees shall receive, on January 1 of each year, two (2) compensated personal days per calendar year in addition to their annual leave accrual. The two (2) compensated personal leave days may not be used consecutively.
- C. Non-exempt, non-probationary, part-time employees shall receive, on January 1 of each year, two (2) compensated personal days per calendar year in addition to their annual leave accrual. The personal days provide leave time at a rate of five (5) hours per personal day for a

total of ten (10) maximum hours of personal leave per year.

- D. Personal days are not compensated upon separation from City employment.
- E. Paid personal leave days may not be accrued from year-to-year.
- F. Requests for personal leave days should be submitted to the employee's Department Head or designee within three (3) working days of the requested leave day(s), to the extent possible.
- G. Those employees completing their probationary period in November or December of each year may have their accrued personal days extended beyond December 31<sup>st</sup> at the discretion of the Human Resources Director.
- H. Utilization of available accruals must occur prior to the use of "no pay" being permitted unless the prior express consent of the Department Head is obtained.

SECTION 9

SICK TIME

9.1 ELIGIBILITY

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. Full-time and part-time City employees are eligible for use of paid sick time as accrued.
- B. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Department Head that the physical condition of the employee is below the standard necessary for the proper performance of duties. Likewise, evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the Department Head.
- C. Time spent at the Employee Health Clinic shall not be charged to the employee. However, travel time to and from the Clinic shall be charged to the employee. A note from the Clinic, evidencing time of arrival and time of departure, shall be required.

9.2 CHARGING LEAVE

- ~~A. Sick time shall be charged to the employee for the actual time the employee is away from work in minimum increments of thirty (30) minutes.~~
- ~~B. Sick time will be charged in not less than a one (1) hour minimum period for time less than one (1) day.~~

9.3 REQUEST FOR LEAVE

- A. To receive compensation while absent on sick time, an employee ~~shall~~ must notify ~~his/her~~ their immediate supervisor or Department Head prior to, or as soon as possible after, their scheduled reporting time ~~set for beginning the daily duties~~. An employee in a unit operating on a twenty-four hour basis ~~must~~ notify the

~~department within the time limit established by the department.~~

- B. The method of notification shall be via verbal communication. In the event verbal communication cannot be accomplished, an alternate means of communication (e.g. email; voicemail), as approved by the Department Head, shall suffice. An employee in a unit operating on a twenty-four (24) or sixteen (16) hour basis must notify the department within the time limits established by the department.
  
- C. ~~In the event that an employee is suspected of abusing sick time privileges, the Department Head shall request a physician designated by the City to verify the illness.~~  
If an employee is suspected of abusing sick time privileges, the Department Head may request that the employee provide verification from the employee's physician. Absences for an employee's illness, as well as for appointments for medical, dental, optical, or chiropractic examinations, treatment, or consultation are appropriate uses of sick time. Evidence of malingering or the abuse of this benefit will constitute grounds for prompt disciplinary action by the Department Head, up to and including termination.
  
- D. Utilization of available accruals must occur prior to the use of "no pay" being permitted unless the prior express consent of the Department Head is obtained.

#### 9.4 USE OF SICK TIME

- A. For non-work related minor injuries and illnesses of a short duration (less than ten (10) days). Employees anticipating being absent ~~to~~ for periods greater than ten (10) days due to illness or injury shall request a leave-of-absence, pursuant to Section 11.
  
- B. Medical, dental, optical, psychological, psychiatric, or chiropractic examination or treatment.
  
- C. Qualifying Family and Medical Leave Act ("FMLA") absences.
  
- D. Pregnancy.

E. Exposure to a contagious disease which would endanger others. If an employee knowingly comes to work with a communicable disease or virus, the employee may be disciplined up to and including termination.

#### 9.5 ACCRUAL

Sick time accrual begins from the date of employment. Full-time employees accrue one day per month (twelve days per annum) and part-time employees accrue one-half day per month (six days per annum). There is no maximum amount of paid sick time that may be accrued.

#### 9.6 SICK TIME PAYMENT

~~Upon involuntary termination from the City Service, all medical leave, current and accumulated, will be forfeited by employee. Employees who do not separate in good standing from the City forfeit all accumulated sick time.~~

~~If a regular employee does not use any sick time in a twelve (12) month period, the employee may choose to convert eight (8) hours of sick time to vacation time, immediately following his/her anniversary date of employment.~~

All classified regular employees may be compensated for accrued, unused sick time upon their separation in good standing from employment according to the following schedule:

Years Employed	Payment Percentage
0 - 4	0%
5 - 9	50%
10 - 14	60%
15 - 19	75%
20 +	100%



Payments shall be made only when a regular employee separates from City employment in good standing and shall be limited to a maximum of 1,040 hours for full-time employees, and 520 hours for part-time employees.

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

#### 9.7 LONG-TERM ILLNESS/DISABILITY BENEFITS

Additional sick time benefits are provided under the City's Health Insurance Policy for all regular full-time employees. This benefit pays a worker sixty (60%) percent of ~~his/her~~ their average ~~weekly~~ monthly earnings during periods of sickness and disability. An employee may use the benefits provided under this plan to supplement ~~his/her~~ their accrued sick leave. In no case shall an employee receive more than one hundred (100%) percent of ~~his/her~~ their gross salary during periods of illness or disability. This is solely a monetary benefit and not a leave of absence entitlement. Employees who will be out of work must also request a formal leave of absence.

#### 9.8 SHORT-TERM ILLNESS/DISABILITY BENEFITS

Short-Term Disability Benefits pay employees a percentage of the weekly earnings if an employee becomes disabled due to an illness or non-work related injury. This benefit pays a worker sixty percent (60%) of employee's weekly earnings. An employee may use the benefits provided under this plan to supplement their accrued sick leave. In no case shall an employee receive more than one hundred percent (100%) of their gross salary during periods of illness or disability. This is solely a monetary benefit and not a leave of absence entitlement. Employees who will be out of work must also request a formal leave of absence.

#### ~~9.9 USE OF SICK TIME FOR CARE OF FAMILY MEMBERS~~

~~Employees may receive up to ten (10) days of paid sick time annually to care for family members, pursuant to Section 11.01(A).~~

#### 9.10 FITNESS FOR DUTY

Fitness for Duty refers to the readiness of an employee to perform the essential functions of the job. All employees are required to report to work fit for duty and to be able to perform their job duties in a safe, appropriate, and effective manner.

This includes employees who are having an observable difficulty performing their duties in an effective manner that is safe for the employee and/or for their co-workers or employees posing a serious safety threat to self or others.

The City reserves the right to require proof of illness or disability and to have employees submit to physical or psychological examinations to ensure they are fit for duty.

Employees who cannot perform their job duties for physical or mental reasons shall have their job duties modified, be transferred to another position, or be placed on a leave-of-absence, at the discretion of the City.

Those employees deemed not fit for duty, and those refusing a fit for duty exam, may be terminated and shall be ineligible for re-hire.

SECTION 10

HOLIDAYS

10.1 DAYS OBSERVED

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

A. The City currently observes the following holidays, as well as any other days declared by the City Council. These holidays are paid to all classified and probationary City employees scheduled to work on such days: following holidays and any other such days as the City Council may declare shall be observed by the City. They shall be granted with pay to all regular City workers scheduled to work on such days:

1. New Year's Day	January 1
2. Martin Luther King Day	Third Monday in Jan.
3. President's Day	Third Monday in Feb.
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	First Monday in Sept.
7. Veterans' Day	November 11
8. Thanksgiving Day	Fourth Thurs. in Nov.
9. Day after Thanksgiving	Fri. after Thanksgiving
10. Christmas Eve	December 24
11. Christmas Day	December 25
12. New Year's Eve	December 31

B. When a City-observed holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a City-observed holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

10.2 ELIGIBILITY FOR HOLIDAY PAY

~~A.~~ All City employees are eligible to receive up to ~~eight~~ (8) hours of the hours of their scheduled shift (e.g. 8, 10, or 12 hours) holiday pay, at straight time rates. Part-time employees shall receive holiday pay based

upon the scheduled number of hours for their position. ~~Employees normally working shifts in excess of eight (8) hours may use accrued vacation or personal leave to supplement holiday pay.~~

- B. Temporary employees shall not be paid for holidays, unless approved by the Human Resources Department.

### 10.3 EMPLOYEES REQUIRED TO WORK ON HOLIDAYS

If ~~an~~ a non-exempt employee works on a City-~~recognized~~observed holiday, ~~he/she~~ the employee ~~shall~~ will be paid time and one-half (1.5X) their ~~hourly~~ regular rate for all hours worked, and receive their normal holiday compensation at straight time.

### 10.4 HOLIDAY ON A WORKER'S DAY OFF

When a City-~~recognized~~observed holiday and an ~~worker's~~ employee's day off coincide, the ~~worker~~ employee ~~shall~~ will be granted another day off, have ~~his/her~~ their vacation leave credited the hours of the employee's scheduled shift (e.g. 8; 10; or 12 hours) eight (8) hours, or receive ~~eight (8) hours~~ eight (8) hours compensation for the amount of hours of the employee's scheduled shift, at the discretion of the Department Head, or designee.

### 10.5 HOLIDAY ON LEAVE DAY

- A. When a City-observed holiday falls within a period of paid leave, the holiday ~~shall~~ will not be counted as a work day in computing the amount of leave debited.
- B. When a City-observed holiday falls within a period of an unpaid leave of absence, the employee ~~shall~~ will not be paid for the City-observed holiday.



SECTION 11

LEAVES OF ABSENCE

11.1 POLICY

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

The City shall provide leave under the following conditions:

A. FAMILY MEDICAL LEAVE (FMLA)

~~Family Medical Leave is available when:~~

- ~~1. a son or daughter is born to the employee;~~
- ~~2. a son or daughter is placed with the employee for adoption or foster care;~~
- ~~3. the employee is needed to care for a seriously ill spouse, son, daughter, or parent; or~~
- ~~4. the employee has a serious health condition.~~

~~Family Medical Leave is limited to 180 calendar days in any twelve month period. Employees must use all accrued leave benefits prior to being eligible for any unpaid Family Medical Leave.~~

Employees are eligible to take up to twelve (12) weeks of family/medical leave within any rolling twelve (12) month period and be restored to the same, or an equivalent, position upon the employee's return from leave (subject to the terms of the Family and Medical Leave Act) provided employee has worked for City for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours in the last twelve (12) months.

The City's FMLA Policy is outlined in the Appendices herein and located on the City's intranet know as the Water Cooler.

If an employee feels they require FMLA, the employee should print and complete the Leave Request Form, found on the City's intranet known as the Water Cooler, and submit same to FMLA-CPSL@cityofpsl.com for review and verification by the Human Resources Department. Should the employee meet all of the applicable criteria, the Human Resources Department will execute the Leave Request Form and submit same to the Third Party Administrator. The Third Party Administrator will communicate with the employee and the Human Resources Department regarding any entitlement.

B. MILITARY LEAVE

All rules concerning military leave will conform with Florida Statutes, Chapter 115. ~~on this subject.~~ A copy of the Statute is on file in the Human Resources/~~Risk Management Dept.~~ Department.

The City will grant military leave to all eligible full-time and part-time employees who are performing or have performed military service in accordance with applicable federal and state laws.

Benefits, seniority, and reinstatement will be in accordance with applicable laws. Employees seeking military leave should contact the Human Resources Department for further details concerning notice requirements, appropriate documentation, amount of leave, benefits, and reinstatement rights.

**Florida National Guard Service Leave**

An employee who is a member of the Florida National Guard shall, upon presentation of a copy of the employee's official orders issued pursuant to Chapter 250, Florida Statutes, to the Human Resources Department, be granted leave during periods in which the employee is ordered to active state service by the Governor of Florida. The first thirty (30) calendar days of leave for each period of active state service shall be with pay. Employees may elect to be paid their accrued vacation and sick time for any active state service time in excess of 30 calendar days.

**Military Reserve and National Guard Training Leave**

An employee who is a commissioned reserve officer or

reserve enlisted personnel in the United States military or naval service or a member of the National Guard shall, upon presentation of a copy of the employee's official orders to the Human Resources Department, be granted leave with pay for a maximum of 240 working hours per calendar year (January-December) during which the employee is ordered to active or inactive duty training. Employees may elect to be paid their accrued vacation and sick time or PTO for any training time in excess of 240 working hours.

#### **Active Military Service Leave**

Upon presentation of the employee's official orders to the Human Resources Department, the City shall grant leave to an employee who is a commissioned reserve officer or reserve enlisted personnel in the United States military or naval service or a member of the Florida National Guard and is ordered to active military service. The first thirty (30) calendar days of leave for each period of active military service shall be with pay. Employees may elect to be paid their accrued vacation and sick time for any active military service time in excess of 30 calendar days in an amount necessary to bring the employee's total salary, inclusive of their base military pay, to the level the employee earned at the time called to active duty.

#### C. COURT LEAVE

~~Leave with pay shall be provided to City employees when subpoenaed to Court as a juror or a witness. In order to receive compensation, a copy of the subpoena must be presented by the employee to his/her supervisor. Any remuneration paid by the Court, except for mileage (unless mileage was attributed to a City vehicle), shall be turned over to the City.~~

#### **Jury Duty**

A full-time employee who is summoned to Jury Duty by a court of competent jurisdiction shall be granted time off with pay provided the employee provides a copy of the summons to their supervisor at least five (5) work days prior to commencement of service as a juror. Any employee who is released from Jury Duty and has a half a day or more of regularly scheduled work time remaining, shall report to work as soon as possible. Proof of time



served on Jury Duty shall be required.

**Witness in a Legal Action**

If an employee is required to act as a witness or is deposed in a legal action at the request of the City or where the employee has been subpoenaed to testify on behalf of the City or concerning City business, the employee will receive the necessary time off with pay. An employee is required to notify their Department Head as soon as practicable after receiving a subpoena or other notice to attend any judicial proceeding involving the City.

An employee may use his or her accrued leave, in accordance with the City's policies, to act as a witness at trial or deposition or to attend proceedings in connection with a personal or non-City related legal action, or in connection with a personal matter of another employee. If the employee has previously exhausted their accrued vacation or personal leave, the employee may apply for an unpaid leave of absence. The employee must submit documentation of the proceedings, including any notice or subpoena compelling the employee's appearance at deposition, hearing or trial.

D. PERSONAL LEAVE

Personal Leave may be granted for various reasons ~~not covered under Family Medical Leave~~. Department Heads may reject or limit requests for Personal Leave. No ~~Personal~~ combination of leave shall be granted beyond 180 days in any twelve-month period, without the approval of the ~~Personnel~~ Human Resources Director and City Manager.

The City is not obligated to grant unpaid leaves of absence for personal reasons. Personal leaves of absence must be in writing to the Department Head prior to the start of the leave. An employee may be granted a personal leave after they have completed nine (9) months of continuous service, and the employee's absence will not create, in the sole judgment of management, problems with the workload of the department. Attendance and performance issues will be taken into consideration. Human Resources shall be consulted to ensure consistent practices prior to the start of the leave. Thirty (30) days is the maximum time granted within a rolling six

(6) month period.

Personal Leave is unpaid unless the employee utilizes accrued leave time (i.e. Personal Leave, Comp Time, Vacation Leave, and Sick Leave) as may be applicable and supported by appropriate documentation.

The taking of another job or working with another job while on a personal leave of absence is grounds for immediate termination.

E. BEREAVEMENT LEAVE

Full time employees shall may be granted up to five (5) days forty (40) hours of Bereavement Leave, per loss, in any twelve-month period for deaths in their immediate family, without charge to any other accrued leave time. Part time employees may be granted up to twenty (20) hours of Bereavement Leave, per loss, in any twelve-month period for deaths in their immediate family, without charge to any other accrued leave time. (For definition of Immediate Family, refer to Section 2.).

Bereavement leave for non-family members, up to twenty-four (24) hours, may be granted at the discretion of the employee's Department Head.

Bereavement leave may only be taken at, or around, the time of death to grieve the loss or attend funeral or cremation services.

F. ADMINISTRATIVE LEAVE

The City Manager or ~~Department Head~~ Human Resources Director may place an employee on paid or unpaid administrative leave for any reason not contained in this section for other than disciplinary action. Administrative leave shall be limited to 180 days and may be paid or unpaid. Employees placed on unpaid administrative leave may use accrued vacation or compensatory leave benefits. Employees placed on unpaid administrative leave for an arrest may not use accrued leave time in lieu of taking unpaid leave. Unpaid administrative leave may also be utilized for employees

found to be physically or mentally unfit for duty, as well as for situations regarding loss of licensure and/or certification which has rendered the employee unable to meet the minimum qualifications of the position.

Administrative leave shall be limited to 180 days and may be paid or unpaid. Employees placed on unpaid administrative leave may use accrued vacation or compensatory leave benefits for reasons other than arrest.

#### G. DOMESTIC VIOLENCE AND SEXUAL VIOLENCE LEAVE OF ABSENCE

The City provides leave from work to employees who require time off to deal with the issue or effects of domestic or repeat violence or sexual violence, and to conform to Florida Statutes §741.313.

An employee may request and take up to 3 working days of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. This leave may be with or without pay, at the discretion of the City Manager.

This Section applies if the employee uses the leave from work to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence or sexual violence;
3. Obtain services from a victim services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence or sexual violence;
4. Make the employee's home secure from the perpetrator of the domestic violence or sexual violence or to seek new housing to escape the perpetrator; or
5. Seek legal assistance in addressing issues arising from

the act of domestic violence or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic violence or sexual violence.

### **Request for Leave**

An employee seeking domestic or sexual violence leave must provide the City with written notice of their request for leave as far in advance of the desired leave as possible. The request should be submitted to the Human Resources Department with supporting documentation, as applicable. If the need for leave is not foreseeable, the employee must provide notice (verbal or written) as soon as is practicable under the facts and circumstances of the particular case.

An employee may take domestic or sexual violence leave intermittently or on a reduced leave schedule and the City will account for the leave in ¼ hour (15-minute) increments. However, if an employee requests an intermittent leave or reduced leave that is foreseeable based on a planned schedule, the City may require that such employee transfer temporarily to an available alternative position for which the employee is qualified and that has equivalent pay and benefits, and better accommodates recurring periods of leave.

Domestic or sexual violence leave may be taken in addition to family leave under the City's Family and Medical Leave Act policy, provided that the employee qualifies for FMLA leave.

### **Certification and Confidentiality**

A request for domestic violence or sexual violence leave must be supported by certification issued by an authorized person such as a health care provider, attorney of record, counselor, law enforcement agency, clergy, domestic violence advocacy agency, domestic violence center or domestic violence shelter. The certification will be sufficient if it indicates that the employee is being subjected to domestic or repeat violence, or sexual violence, and needs time off to attend to one of the aforementioned matters.

To the extent possible, information regarding the employee's request for leave under this policy will be kept confidential.

### **Employment and Benefits Protection**

The taking of leave will not result in the loss of any employment benefits accrued prior to the date on which the leave commenced.

Upon the employee's return to work from a domestic or sexual violence leave, the employee shall be entitled to: restoration to the position of employment held by the employee when leave commenced; or restoration to an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. However, an employee taking domestic violence leave for three (3) days or less will be restored to the same position held by the employee at the time leave commenced.

An employee on domestic or sexual violence leave must periodically report to the Human Resources Department on the status and intention of the employee to return to work.

### **Prohibition against Retaliation**

The City prohibits discrimination or retaliation against any employee for exercising their rights under this policy. If an employee believes that they are being retaliated against, the employee must report the retaliation to the Human Resources Department.

### **Definitions**

Domestic violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member, or any crime the underlying factual basis of which has been found by a court to include an act of domestic violence.

Family or household member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

Sexual violence means sexual violence, as defined in Florida Statutes §784.046, or any crime the underlying factual basis of which has been found by a court to include an act of sexual

violence. Florida Statutes §784.046 defines "sexual violence" to mean any one incident of: (1) sexual battery; (2) a lewd or lascivious act, committed upon or in the presence of a person younger than 16 years of age; (3) luring or enticing a child; (4) sexual performance by a child; or (5) any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the State Attorney.

## 11.2 GENERAL TERMS AND CONDITIONS

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. All initial requests and requests for extensions of leaves of absence shall be submitted in writing to the ~~employee's Department Head~~ Human Resources Director.
- B. No accrual of further sick time and/or vacation leave shall be permitted after fifteen (15) days.
- C. Health, disability, pension, life insurance, and other benefits shall be suspended after ninety (90) days. Employees may elect to maintain contributions after ninety (90) days.
- D. Salary Increases While on Leave of Absence
  - 1. Employees on paid medical or military leaves-of-absence shall be eligible for any City-wide increases.
  - 2. Employees on personal leaves-of-absence shall not be eligible for any salary increases.
  - 3. Upon the employee's return to work, ~~he/she~~ the employee shall be placed in the same or similar position ~~he/she~~ held prior to the leave-of-absence.
  - 4. Failure to return from any leave of absence at the end of the approved period shall be considered job abandonment ~~of the employee's position and~~

~~his/her resignation.~~

## SECTION 12

### POSITION CLASSIFICATION PLAN

#### (PAY PLAN)

##### 12.1 PURPOSE

The ~~Position~~ Classification Pay Plan provides a systematic arrangement and inventory of service positions. The plan groups the various positions into ~~classes~~ grades indicative of the range of duties, responsibilities, and level of work performed. The ~~class~~ job titles standardize the meaning, allocation, and usage of the plan based upon the similarity of work and duties performed. The pay plan provides a complete inventory of all positions in the City service.

##### 12.2 USES

- A. Determine qualifications ~~and prepare examination announcements and content.~~
- B. Standardize salaries to be paid for the various classes of work.
- C. Enables Departments to have a confirmed/approved document from which to develop annual budgets in regard to personnel management.
- ~~D. Establish lines of promotion.~~
- E. Assist in developing an employee training program.
- F. Provide an understandable and uniform terminology of jobs.
- G. Provides a consistent document from which to conduct periodic market basket reviews of select/specific positions.



### 12.3 CONTENT

The Classification Pay Plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which requires the same general qualifications, and which can be equitably compensated with the same pay grades. Any position added to the Pay Plan must be approved by the City Manager.
- B. A ~~Class~~ Job Title, indicative of the work of the ~~class~~ position, which shall be used on all personnel, accounting, budget, and related official records. No person shall be appointed to a position in the City personnel structure under a title not contained in the classification pay plan.
- C. Written ~~Class~~ Job Descriptions for each job classification containing the nature of work and relative responsibilities of the class, illustrative duties found in the class, requirements of the class setting forth the necessary knowledge, abilities and skills required for adequate performance of the work, and the desirable training and experience needed for recruiting to the class.

### 12.4 ADMINISTRATION AND MAINTENANCE

The ~~Personnel~~ Human Resources Director, or designee, is charged with maintenance of the Classification Pay Plan, so that it will reflect the duties performed by each employee in the City Service and the class to which each position is allocated. It is the duty of the ~~Personnel~~ Human Resources Director, or designee, to have the nature of positions examined as they are created and to have them allocated to the existing class or to create new classes; to make changes in the Classification Pay Plan as are made necessary to changes in the duties and responsibilities of existing positions; and to review the entire Classification Pay Plan and recommend to the City Manager appropriate changes in allocations or in the Classification Pay Plan as needed.

### 12.5 ALLOCATION OF POSITIONS

Whenever a new position is established or duties of an old position changes, the ~~Personnel~~ Human Resources Director, or

designee, shall prepare, in cooperation with the responsible Department Head, a comprehensive ~~Class~~ Job Description describing in detail the duties of such a position. The ~~Personnel~~ Human Resources Director, or designee, shall investigate the actual or suggested duties and assign the position to an existing class, or establish a new class and submit this to the City Manager for approval and adoption.

#### 12.6 POSITION AUDIT AND RECLASSIFICATION

- A. The ~~Personnel~~ Human Resources Director, or designee, is charged with the responsibility of having position audits made of positions. Other position audits may be initiated by written request to the Human Resources/~~Risk Management~~ Department from:
1. The City Manager.
  2. The Department Head/Director in the department where the position is located.
  3. The incumbent of the position to be audited, provided that the employee processes the request through the Department Head for review and comment.
- B. Position information will be gained through completion of a ~~Position Classification Questionnaire~~ Job Assessment Tool (JAT) by the incumbent or by the supervisor of the position (if the position is vacant) and through study of the position. All Job Assessment Tools (JATs) shall be reviewed by the employee's supervisor for verification.
- C. The Department Head should review and make recommendations to the ~~Personnel~~ Human Resources Director, or designee, on all proposed new positions, changes, and ~~class~~ job descriptions.
- D. The employee in the position to be audited will be notified that the audit is to be conducted.

#### 12.7 RECLASSIFICATION

- A. The recognition that one or more employees in the same classification have, over time, taken on duties that are

outside of the current job description, and is/are effectively performing the duties of a higher classification. In such instance, the Human Resources Department shall perform a study of the present duties and responsibilities of the position.

~~When the incumbent of a position, through diligent application of the work, is officially assigned more difficult and significant additional responsibilities and duties, so that it appears that the position warrants reallocation to a higher pay grade, the Human Resources/Risk Management Department shall perform a study of the present duties and responsibilities of the position.~~

- B. If, upon recommendation of the Department Head, it is determined that the position should be reallocated to such higher level class, the ~~Personnel~~ Human Resources Director, or designee, may require that the incumbent undergo a prescribed test, depending on the conditions of the reclassification and the nature of the position to be reclassified. Tests may include written or oral examination, interview or performance test, depending on the position involved.
- C. Should the employee fail the examination, or for some other valid reason is not promoted to fill the vacancy, the ~~Personnel~~ Human Resources Director, or designee, may allow the employee to remain in the original position until ~~he/she~~ the employee can be changed to the same or another class of employment.
- D. Should the position be reclassified to a job classification within the same pay grade as that of the original classification, the incumbent employee shall receive a corresponding change in title, without the benefit of examination, provided the reclassified position is in the same line and character of work, and involves the same basic duties, responsibilities, and skill.
- E. Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered a transfer to a vacancy, if one exists, in the original classification in the same or other

department.

#### 12.8 POSITION CONTROL

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Council. When necessary, the City Manager, in his sole discretion, may re-allocate authorized positions within any City department.

#### 12.9 MAINTENANCE OF THE PLAN

After study, inquiry and consultation, the Human Resources Director, with such assistance as required, shall review and amend the pay plan for the various classes of work in the Classified Service and present this updated information to the City Manager for approval and adoption.

#### 12.10 AMENDMENT

Amendments to the pay plan shall be considered by the Human Resources Director when changes of responsibilities of work or classes, availability of labor supply, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action. The Human Resources Director, after consultation with Department Heads and other concerned parties, may recommend amendment of the salary plan to the City Manager.

#### 12.11 APPOINTMENT AND STARTING RATES

- A. The minimum salary established for a position is considered the normal appointment rate for new employees.
- B. Appointments at any rate up to a maximum of fifteen percent (15%) above the minimum salary established for the pay range for the authorized position being filled may be made with the recommendation of the Department Head and the approval of the Human Resources Director.
- C. Appointments at any greater rate than stated above may

only be made with the authorization of the City Manager.

#### 12.12 REASONS FOR SALARY INCREASES

- A. Merit increases are not considered to be automatic but are to be earned and based upon satisfactory job performance. Evidence of satisfactory service must be reflected in the employee's Performance Evaluation prior to approval of an increase. It is possible for all regular employees to obtain one merit increase per anniversary year.
- B. Amendments to any existing pay plan or the adoption of a new salary plan.
- C. Promotions as provided for in Section 5.3.
- D. A change in an employee's position classification as a result of a position audit.
- E. Other reasons as approved by the City Council and authorized by the City Manager.
- F. Supervisors are responsible for accurate and prompt submission of employee performance reports.

#### 12.13 OVERTIME

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. Department Heads or their authorized designees should arrange work schedules in such a way that overtime is not required, except in emergency situations. Emergency situations are defined as:
  - 1. When an established duty site must be covered, and an employee is not available to cover that site on a given shift;
  - 2. When danger to the life, health, or well-being of the public, employees, or other persons could occur if an employee is not required to be on duty or where danger to property is imminent; and

3. Other situations where the Department Head, or designee, determines the responsibilities prescribed for the department cannot be reasonably planned in advance and accomplished unless overtime work is authorized. In such cases, a Department Head or designee may prescribe reasonable periods of overtime in order to meet operational needs.
- B. All non-exempt employees are paid for authorized overtime at a rate of one and one-half (1-1/2) times their regular rate, for all hours worked over forty (40), during a seven (7) day consecutive period (work week).
- C. Sworn police officers may have an overtime threshold greater than forty (40) hours in a seven (7) day period.
- D. Exempt employees do not receive payment for overtime hours.
- E. Sick leave, conference leave, and paid leaves of absence (except for annual leave and paid holidays) are not used to compute overtime.
- F. All employees must receive authorization from their Department Head or supervisor before working overtime hours.
- G. Department Heads and supervisors should attempt to notify employees of overtime hours, schedule changes, and work outside the normal schedule as far in advance as practical. Failure by employees to comply with such schedule changes, work overtime hours, or work outside the normally scheduled hours may result in disciplinary action. However, if the CBA language conflicts with this provision then the CBA language shall control as to those governed by the CBA.

#### 12.14 CALL-BACK PAY

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

- A. Non-exempt employees on a call back list required to

return to work after the end of their shift will be paid a minimum of two (2) hours plus all time worked for the first call-back only. Employees will be compensated for time worked for subsequent call-backs.

- B. Call-back time will be used for the purpose of computing overtime hours.
- C. Each department shall solicit volunteers to be placed on a call-back list. If no volunteers are available, the department shall prepare the call-back list.

#### 12.15 SHIFT DIFFERENTIAL

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

All employees required to work the 11:00 PM (2300) to 7:00 AM (0700) shift shall receive their regular hourly rate, plus an additional fifty cents (\$0.50) per hour compensation.

#### 12.16 OTHER PAID TIME OFF

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

City policy is to pay non-exempt employees for overtime hours worked; however, non-exempt employees may request compensatory time in lieu of overtime, subject to the approval of their Department Head.

Compensatory time for non-exempt employees is accrued at the rate of one and one-half hours (1.5) for each hour worked in excess of forty (40) hours in any workweek.

A maximum accrual of forty (40) hours is permitted per fiscal year. All accrued hours must be used before the end of the fiscal year (September 30). Any hours not used by September 30 of any given year will be paid out to the employee. Compensatory time may not be carried over.

Utilization of available compensatory time must occur prior to the use of "no pay" being permitted unless the prior

express consent of the Department Head, or designee, is obtained.

Compensatory time for exempt employees is provided in one lump sum of forty (40) hours on the employee's anniversary date. A maximum accrual of forty (40) hours is permitted per year. If all hours are not utilized prior to the employee's anniversary date, the remaining hours are forfeited; compensatory time may not be carried over. Exempt employees shall not be paid out for any compensatory time balance at the end of the fiscal year or upon separation from service.



SECTION 13  
SALARY PLAN

For rules governing compensation for employees, please see Section 12, Position Classification Plan (Pay Plan).

~~13.1 PURPOSE~~

~~The Salary Plan shall be directly related to the Classification Plan and provides the basis of compensation for employees. The Salary Plan is constructed with regard to the following:~~

- ~~A. Relative difficulty and responsibility existing between the various classes of work within the City employment.~~
- ~~B. Prevailing rates of pay for similar types of work in private and public employment in the labor market where the City recruits for employees.~~
- ~~C. Availability of candidates to fill positions in the City service.~~
- ~~D. Economic conditions of the area.~~
- ~~E. Financial policies of the City.~~

~~13.2 USE OF THE SALARY PLAN~~

~~The Salary Plan is to reward employees for satisfactory performance, and to develop incentives among employees to improve their quality and performance of work. The proper utilization of the Salary Plan provides the Department Head with a vehicle for rewarding performance and affords the employee the opportunity to develop and achieve personal objectives.~~

~~13.3 CONTENT OF THE SALARY PLAN~~

- ~~A. The Salary Plan includes the basic salary schedule of salary ranges for all classes of positions included in the Classification Plan and subsequent amendments as~~

~~adopted by the City Council.~~

- ~~B. The salary schedule indicates salary ranges and the compensation attached to the ranges. Each class title in the Classification Plan is assigned a specific salary range.~~

#### ~~13.4 MAINTENANCE OF THE PLAN~~

~~After study, inquiry and consultation, the Personnel Director, with such assistance as required, shall review and amend the salary plan for the various classes of work in the Classified Service and present this updated information to the City Manager for approval and adoption.~~

#### ~~13.5 AMENDMENT~~

~~Amendments to the salary plan shall be considered by the Personnel Director when changes of responsibilities of work or classes, availability of labor supply, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action. The Personnel Director, after consultation with Department Heads and other concerned parties, may recommend amendment of the salary plan to the City Manager.~~

#### ~~13.6 APPOINTMENT AND STARTING RATES~~

- ~~D. The minimum salary established for a position is considered the normal appointment rate for new employees.~~
- ~~E. Appointments at any rate in the lower third of the salary range for the authorized position being filled may be made with the recommendation of the Department Head and the approval of the Personnel Director.~~
- ~~F. Appointments at any greater rate than stated above may only be made with the authorization of the Personnel Director.~~

### ~~13.7 REASONS FOR SALARY INCREASES~~

- ~~G. Merit increases are not considered to be automatic but are to be earned and based upon satisfactory job performance. Evidence of satisfactory service must be reflected in the employee's Performance Evaluation prior to approval of an increase. It is possible for all regular employees to obtain one merit increase per anniversary year.~~
- ~~H. Amendments to any existing salary plan or the adoption of a new salary plan.~~
- ~~I. Promotions as provided for in Section 4.03.~~
- ~~J. A change in an employee's position classification as a result of a position audit.~~
- ~~K. Other reasons as approved by the City Council and authorized by the City Manager.~~
- ~~L. Supervisors are responsible for accurate and prompt submission of employee performance reports.~~
- ~~M. No increase in salary will be approved within the employee's probationary period except in the case of an amendment to the salary plan.~~
- ~~N. Employees are eligible for a salary increase, not to exceed 5%, 180 days after being hired, promoted or transferred, if they started at the minimum of the salary range for their new position.~~

### ~~13.8 OVERTIME~~

- ~~A. All non-exempt employees, except sworn police officers, shall be paid for authorized overtime at a rate of one and one half (1-1/2) times their hourly rate, for all hours worked over forty (40), during a seven (7) day consecutive period (work week).~~
- ~~B. Sworn police officers may have an overtime threshold greater than forty (40) hours in a seven (7) day~~

~~period.~~

- ~~C. Exempt employees do not receive payment for overtime hours.~~
- ~~D. Sick leave, conference leave, and paid leaves of absence (except for annual leave and paid holidays) shall not be used for the purpose of computing overtime hours.~~
- ~~E. All employees must receive authorization from their Department Head or supervisor before working overtime hours.~~
- ~~F. Department Heads and supervisors shall attempt to notify employees of overtime hours, schedule changes, and work outside the normal schedule as far in advance as practical. However, the Failure of an employee to comply with such schedule changes, work overtime hours, or work outside the normally scheduled hours may result in disciplinary action.~~

#### ~~13.9 CALL-BACK PAY~~

- ~~A. Any employees required to return to work after the end of his/her shift shall be paid a minimum of two (2) hours plus all time worked.~~
- ~~B. Call-back time shall be used for the purpose of computing overtime hours.~~
- ~~C. Each department shall solicit from its employees volunteers to be placed on a call-back list. In the event that no volunteers are available, the department shall prepare the list.~~

#### ~~13.10 SHIFT DIFFERENTIAL~~

~~All employees required to work the 11:00 PM (2300) to 7:00 AM (0700) shift shall receive their regular hourly rate, plus an additional fifty cents (\$0.50) per hour compensation.~~

#### ~~13.11 OTHER PAID TIME OFF~~

~~City policy is to pay employees for overtime hours worked;~~

~~however, employees may request compensatory time in lieu of overtime, with the approval of their Department Head.~~

~~Compensatory time for non-exempt employees shall be paid at the rate of time and one-half their normal hourly salary.~~

~~A maximum accrual of forty (40) hours is permitted. All accrued hours must be used in full before the end of the fiscal year (September 30) or paid out to the employee.~~

SECTION 14

~~ADMINISTRATIVE SALARY PLAN~~

EXEMPT STATUS

14.1 EXEMPT POSITIONS UNDER THE FLSA POSITIONS DEFINED

~~The following positions shall constitute the exempt employees list for the purpose of computing overtime under the FAIR LABOR STANDARDS ACT:~~

- ~~1. Accountant~~
- ~~2. Assistant City Manager~~
- ~~3. Assistant to the City Manager~~
- ~~4. Chief of Police~~
- ~~5. City Building Official and Deputy Director~~
- ~~6. City Clerk~~
- ~~7. City Engineer~~
- ~~8. City Manager~~
- ~~9. City Treasurer~~
- ~~10. Civil Engineer~~
- ~~11. Deputy Chief of Police~~
- ~~12. Director and Assistant Director of Planning & Zoning~~
- ~~13. Director and Assistant Director of Utility Systems~~
- ~~14. Field Operations Manager, Utilities~~
- ~~15. Finance Director and Assistant Finance Director~~
- ~~16. Grant Coordinator~~
- ~~17. Information Services Manager~~
- ~~18. Juvenile Counseling Specialist~~
- ~~19. Manager of Research & Development~~
- ~~20. Parks and Recreation Director~~
- ~~21. Parks Superintendent~~
- ~~22. Personnel Director~~
- ~~23. Police Lieutenants~~
- ~~24. Public Works Director and Deputy Director(s)~~
- ~~25. Purchasing Director~~
- ~~26. Recreation Superintendent~~
- ~~27. Traffic Engineer~~

~~New positions will be added to this list as they are created by the City.~~

In accordance with the Fair Labor Standards Act (FLSA), an employee who meets the salary level tests and also the salary

basis tests shall be exempt from both the minimum wage and overtime pay only if the employee also performs exempt job duties. These FLSA exemptions are limited to employees who perform relatively high-level work. Whether the duties of a particular job qualify as exempt depends on what they are.

There are three typical categories of exempt job duties, called "executive," "professional," and "administrative."

Those employees who are deemed exempt and who are compensated on a salary basis, who work in excess of fifteen (15) minutes on a scheduled work day, shall be compensated as if all hours were worked.

#### 14.2 COMPENSATION

All exempt employees shall be paid a salary as contained in the City Pay Plan or as agreed upon by Council. Exempt employees shall not receive overtime pay.

#### 14.3 SICK TIME

- A. All exempt employees shall be granted twelve (12) days paid sick time as of their first day of employment.
- B. Exempt employees shall be granted twelve (12) days sick time upon each anniversary date of employment.
- C. All unused sick time may be accrued from year-to-year.
- ~~D. If an exempt employee does not use any sick time in a twelve (12) month period, the employee may choose to convert eight (8) hours of sick time to vacation time, immediately following his/her their anniversary date of employment.~~
- E. Payments for unused sick time shall be in the same manner as contained in Section 9.

#### 14.4 ANNUAL LEAVE

- A. All exempt employees shall accrue annual leave as contained in Section 8, unless an employment agreement stipulates otherwise.

- B. Unless different arrangements are made with the exempt employee's supervisor or the City Manager, exempt employees are required to take a minimum of two (2) weeks of annual leave per anniversary year. Exempt employees may use accrued annual leave after six (6) months of continuous service, with the permission of their respective Department Head or the City Manager.
- C. Prior to an exempt employee reaching ~~his/her~~ their maximum accrual of ~~240~~ 360 hours, the exempt employee may request payment of accrued hours. However, this payment shall not relieve the exempt employee from taking a minimum of two (2) weeks annual leave. Payment of accrued, unused annual leave shall be at the discretion of the exempt employee's Department Head and/or the City Manager.
- D. Exempt employees may accrue annual leave, from year- to-year, to a maximum accrual of ~~240~~ 360 hours, unless an employment agreement stipulates otherwise. Exempt employees shall be paid for all accrued annual leave upon separation from employment, as contained in Section ~~8.5.05~~, paragraphs B. and C.

#### 14.5 PERSONAL DAYS

- A. Exempt employees shall receive three (3) paid personal leave days as of their first date of employment and shall receive an additional three (3) paid personal leave days upon each anniversary date of employment.
- ~~B. Paid personal leave days may not be used consecutively.~~
- C. Paid personal leave days may be used for any reason at the discretion of the exempt employee.
- D. Paid personal leave days may not be accrued from year- to-year.
- E. Paid personal leave shall be charged in increments of no less than one (1) hour.
- F. Paid personal leave days shall not be paid out upon separation from service.
- ~~G. Paid personal leave days for exempt employees shall~~



~~not be charged to accrued sick and/or annual leave.~~

#### 14.6 COMPENSATORY TIME

~~All exempt employees shall receive compensatory time on an hour-for-hour basis for all time worked over forty (40) hours per seven-day consecutive period (work week) with approval of the City Manager, his designee, or by a department head for subordinate exempt staff members. The maximum accrual of compensatory time shall be limited to forty (40) hours.~~

Exempt employees are credited forty (40) hours of compensatory time upon each anniversary date in addition to other types of leave. They may not utilize more than forty (40) compensatory hours in any twelve (12) month period, commencing on their anniversary date and ending on the day prior to the anniversary date of the following year. Compensatory time may not be accumulated or banked. Additionally, upon separation from employment with the City for any reason, exempt employees are not entitled to and will not receive payment for any unused compensatory time balance.

#### 14.7 SEVERANCE PAY

~~A. All exempt employees may receive their normal salary for the next thirty (30) calendar day period upon separation from the service of the City, with the approval of the City Manager.~~

~~B. The City Manager shall receive his/her normal salary for ninety (90) days' severance pay upon separation from the service of the City with the City Council's approval, unless a different arrangement is agreed to in writing between the City Manager and City Council.~~

Severance pay shall only be granted in accordance with an employment agreement or Collective Bargaining Agreement.

#### 14.8 SAFE HARBOR POLICY FOR CITY EMPLOYEES

It is the City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that you are paid properly for all time worked and that no improper deductions are made, you must record correctly all work time and review your

paychecks promptly to identify and to report all errors.

A. Review Your Pay Stub

The City makes every effort to ensure our employees are paid correctly. However, occasionally, inadvertent mistakes can happen. When mistakes do happen, and are called to the City's attention, the City will promptly make any correction that is necessary. All employees should review their pay stub when received to make sure it is correct. If an employee believes a mistake has occurred, or if any questions arise, contact the Human Resources Department.

If an overpayment is made to an employee, such overpayment shall be paid back by the employee over the period of time for which the overpayment accrued (e.g. if overpayment took place over a period of 3 years, the employee shall have 3 years to pay the City back). However, upon departure from City employment, all amounts due and owing become immediately payable.

B. Exempt Employees

1. If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours that you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

2. You will receive your full salary for any workweek in which work is performed. However, under federal law, your salary is subject to certain deductions. For example, absent contrary state law requirements, your salary can be reduced for the following reasons in a workweek in which work was performed:

a. Full day absences for personal reasons, including vacation;

- b. Full day absences for sickness or disability;
- c. Full day disciplinary suspensions;
- d. Full day Family and Medical Leave absences;
- e. To offset amounts received as payment for jury and witness fees or military pay.

C. Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a 401(k) or pension plan.

D. Reporting Procedures

1. It is a violation of the City's policy for any employee to falsify time records, or to alter another employee's time records. It is also a serious violation of the City's policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time record to under- or over-report hours worked. If any manager or employee instructs you to (1) incorrectly or falsely under- or over-report your hours worked, (2) alter another employee's time records to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time records or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

2. You should not work any hours outside of your scheduled workday UNLESS your supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work UNLESS you are authorized to do so and that time is recorded on your time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work you may perform but fail to report on your official time records. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

3. If you have questions about deductions from your pay, please contact the Human Resources Department

immediately. If you believe your wages have been subject to any improper deductions or your pay does not accurately reflect all hours worked, you should report your concerns to a supervisor immediately. If a supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply within three business days), you should immediately contact the Human Resources Department or the Finance Manager of Payroll. If you have not received a satisfactory response within five (5) business days after reporting your concern to the Human Resources Department and you are unsure who to contact to correct the problem, please immediately contact the City Manager's Office.

4. Every report will be fully investigated, and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

5. In addition, the City will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the City's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

## SECTION 15

### SEPARATIONS

#### 15.1 TYPES OF SEPARATIONS

Employees will be separated or laid off pursuant to the provisions of this section and in accordance with the non-discrimination policy set forth in these rules.

No employee, Department Head, or other person shall use duress, coercion, threats or force to obtain a resignation or cause abandonment of a position by an employee.

All pertinent information concerning the separation of an employee from City service shall be designated on the appropriate personnel forms. The effective date of separation shall be the last day on which the employee is on duty. Separations and/or terminations are designated as one of the following types:

- A. Resignation
- B. Retirement
- C. Disability
- D. Death
- E. Reduction in force (layoff)
- F. Dismissal or discharge
- G. Abandonment of position
- H. End of temporary assignment

#### 15.2 RESIGNATION

- A. Resignation is the separation of an employee from the City service through ~~the submittal of a~~ written notice that the employee wishes to resign. The Department Head, or designee, must acknowledge and accept a resignation in writing. The written notice does not apply if an employee abandons their position.

- B. ~~It is the responsibility of an employee~~ Employees who plans desire to resign in good standing from the service ~~to~~ must notify his/her their immediate supervisor in advance as follows:
1. At least fourteen (14) calendar days for employees in regular positions.
  2. ~~At least four (4) calendar days for employees in temporary positions.~~
  3. Exception: Employees governed by an employment agreement shall adhere to the terms of that agreement.
- C. The Department Head may waive these requirements for good and sufficient reason.
- D. ~~An employee's failure to comply with any of the above-prescribed methods may be cause for denying such employee re-employment with the City.~~ these requirements may result in the employee being denied re-employment with the City as well as the forfeiture of paid accrued sick time.
- E. Unauthorized absences from work for a consecutive period of three (3) days, or three (3) assigned shifts, may be considered as the employee's ~~voluntary resignation~~ abandonment of position.
- F. Employees who resign in good standing shall be eligible for re-employment ~~according to the provisions of these rules.~~
- G. Resignations may be withdrawn (in writing) and accepted at the discretion of the Department Head or designee.

### 15.3 RETIREMENT - ALL EMPLOYEES

~~All conditions pertaining to retirement and pensions are set forth in the City Pension Plan. Copies of this plan are available in the Human Resources/Risk Management Department.~~ Eligibility is determined by the specific conditions relating to retirement and pensions set forth in the various City ordinances. Retired employees, at the time

of their retirement from the City, are eligible to continue health insurance benefits, subject to payment of any applicable premiums. Copies of this plan are available in the Human Resources Department.

#### 15.4 DISABILITY FITNESS FOR DUTY

If an employee is unable to perform the essential functions of their job duties, the City reserves the right to require proof of illness or disability and to have employees submit to physical or psychological examinations to determine fitness for duty in accordance with FMLA and ADA, where applicable. Employees who cannot perform their job duties for physical or mental reasons shall have their job duties modified, be transferred to another position, be placed on a leave of absence, or separated from service at the determination of the City in accordance with applicable law. However, the City must begin with the least restrictive means prior to an employee being placed on a leave of absence or separated from service.

~~For any good reason, a Department Head may request that the Personnel Director have an employee under the Department Head's jurisdiction examined by a physician designated by the City. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes continuance on the job a danger to themselves or others, the following action shall be taken:~~

- A. If the disability is correctable, the employee may be allowed a specific time to have it corrected. If the employee fails to take steps to have the disability corrected within the specified time allowed by the physician, the employee shall be subject to separation.
- B. If, in the opinion of the examining physician, the disability cannot be corrected, the City may attempt to place the employee in another position which can be performed satisfactorily; if this step cannot be accomplished successfully, the City shall take steps to separate the employee from the City service.

## 15.5 DEATH

~~Separation from City employment is shall be effective as of the date of~~ upon an employee's death. All compensation and benefits due to the employee ~~as of the effective date of separation shall~~ at the time of death will be paid to the employee's beneficiary, surviving spouse, or to the estate of the employee, as determined by law or by executed forms in the employee's personnel folder.

It is the responsibility of the employee to continually review and update all forms and designated beneficiaries.

## 15.6 REDUCTION IN FORCE (LAYOFF)

- A. The City Manager or his designee may lay off an employee or employees when it is deemed necessary by reason of shortage of funds, lack of work, or the abolition of the job position., ~~material changes in the duties or organization, or for reasons which do not reflect discredit upon the service of the employee(s).~~ The duties performed by any employee laid off may be reassigned to other employees.
- B. When it becomes necessary for the reasons above to reduce the number of employees within a given class, employees shall be laid off as follows:
1. Temporary
  2. Contract employees
  3. Probationary employees (new)
  4. Regular part-time employees
  5. Regular full-time employees
- C. Employees shall be laid off under the provisions of paragraph (B) above on the basis of the following factors:
1. Performance as documented in the employee's personnel file;
  2. Length of service with the City;
  3. Other non-discriminatory reasons.



~~Employees who are separated from the service of the City under the provisions of this section shall not have the right of administrative appeal.~~

- D. ~~The City will offer~~ may recall laid off employees for up to one year ~~from~~ after the date of separation ~~to laid-off employees,~~ using the same criteria as stated above ~~in Section C,~~ by certified mail to the last known address. The laid off employee must notify the Human Resources Department in writing whether they accept re-employment within ten (10) days after the mailing of the certified notice. ~~If the laid-off employee fails to report to the Human Resources/Risk Management Department his intention of returning to work within ten (10) days after the mailing of the certified notice, the employee shall be considered as no longer interested in City employment.~~
- E. Failure by the laid off employee to notify the Human Resources Department in writing within the allotted time period conclusively evidences their rejection of the offer of re-employment.
- F. Layoff, defined, is the separation of an employee for the above reasons without fault or delinquency on the employee's part. Employees to be laid-off shall be notified as soon as possible after the decision for lay-off has been made. In no event, shall the City give the employees less than seven (7) calendar days' notice.
- G. During reduction-in-force situations, employees who are veteran preference-eligible, as determined by Florida Statutes, shall receive a retention preference.

#### 15.7 DISMISSAL OR DISCHARGE

Probationary employees who have not achieved classified status may be discharged at any time during their probationary period and have no right to appeal their discharge.

Classified employees may be discharged upon recommendation to the City Manager by the employee's Department Head or the City Manager may initiate discharge of any classified employee. The Human Resources Department must provide any classified

employee who is discharged a written statement setting forth the reasons for the proposed discharge if the action is for cause.

If the dismissal or discharge is being taken without cause and thus, without proven articulated reasons, then the employee is separated and shall be considered one in good standing.

#### 15.8 ABANDONMENT OF POSITION

Abandonment of a position results after unauthorized absences from work for a consecutive period of three (3) days or three (3) assigned shifts.

Abandonment of position shall not be considered separation in good standing.

#### 15.9 END OF TEMPORARY ASSIGNMENT

Upon completion of assignment in a temporary position, an employee shall be separated. Unless the terms of the employment agreement provide otherwise, the employee shall be given notice of separation not later than twenty-four (24) hours before the date of separation, and a copy of the personnel status change form shall be sent to the Human Resources/~~Risk Management~~ Department within three (3) calendar days after the effective date.

#### 15.10 EXIT INTERVIEWS

The purpose and intent of the Exit Interview is to provide management with information as to why and in what areas employees may be dissatisfied with their jobs. This information may, in turn, improve our systems and, ~~hopefully, reduce our turnover rate.~~ assist in making changes to City policies or practices.

Where possible, each employee who separates from the City will be interviewed by the Human Resources/~~Risk Management~~ Department. ~~An appointment should be made with this department as near as possible to the date of separation.~~ An exit interview appointment will be made by the Human Resources Department prior to the date of separation.

#### 15.11 RETURN OF CITY PROPERTY

~~At the time of separation, and prior to receiving their final paycheck, an employee must return monies due, all records, books, ~~assets,~~ uniforms, keys, FOBs, tools, passwords and other ~~items~~ of City property in the employee's custody or control to their supervisor. ~~shall be transferred to the Department, and certification to this effect shall be made by the employee's supervisor. Any monies due the City because of any shortages may be offset against pay due to the employee or, if the shortage exceeds the pay due, may be collected through appropriate action.~~~~

Employees are prohibited from deleting any files or otherwise destroying any files or otherwise destroying public records.

Any monies owed the City due to an employee's failure to return City property may be collected through Civil action.

#### 15.12 REINSTATEMENT

- A. ~~Any Those employees who has left the service of the leave City service in good standing are eligible to be rehired for an open position for which they are qualified. ~~may be rehired for if a vacancy exists, to the same or similar position or other position that he/she qualifies for.~~~~
- B. ~~Former employees who are rehired Reinstated employees will not be required to serve a probationary period if they return to the service of the City to the same position within in less than one (1) year of their separation. ~~to the same or similar positions.~~~~
- C. ~~Reinstated employees shall be entitled to accrue paid leave at the same rate that they were accruing it when they left. Employees who are rehired within one (1) year will accrue paid leave at the same accrual rate as when they left their employment with the City.~~
- D. No forfeited leave or benefits ~~shall~~ will be restored to a ~~reinstated~~ rehired employee ~~unless upon rehire, except what is mandated by state and federal law, and~~ or the City's pension plan.

- E. ~~Reinstated~~ Rehired employees may be reinstated at the same ~~payrate~~ or ~~revert to a lower~~ one pay rate, at the discretion of the Department Head and with the approval of the City Manager.
- F. ~~The ordinary seniority date shall be~~ A rehired employee's prior anniversary date is restored in measuring criteria for reduction-in-force purposes if an employee returns to the service of the City ~~in less than~~ within one (1) year of their separation.

## SAFETY

### 16.1 ACCIDENT PREVENTION

The health and safety of employees and others on City property are of critical concern to the City.

The development of safe working conditions, practices, habits and thinking are the objectives of the City Safety Program. Reaching those objectives will result in benefits to all employees and to the City. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense, and improper and dangerous use of equipment, are all operational problems which will be improved by efforts of all employees.

All Department Heads, supervisors, and employees must recognize their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must, however, have a continuing concern with all possible operational economies consistent with safe work practices. Inadequate safety training, improper equipment handling, and neglect can increase costs, cause accidents, and reduce available manpower.

### 16.2 ACCIDENT REPORTING

Any unsafe condition(s) or potential hazard(s) should be reported to management immediately.

- A. All employees shall be advised of their responsibility to immediately report to their supervisor all injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delay recovery.
- B. It is the responsibility of the injured employee's immediate supervisor that accident reports are submitted within twenty-four (24) hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This also applies to industrial accidents and first aid injuries as well as to anyone injured in a vehicular accident involving City vehicles.

In the latter case, a vehicular accident report will be submitted and, if an employee is injured, a report of the injury to employee will also be required.

- C. In the case of all vehicular accidents, the appropriate law enforcement agency, the employee's supervisor, and the Safety Coordinator Risk Management Director, or designee, should be notified immediately.
- D. In the case of serious injury or fatality, the appropriate law enforcement agency and the Safety Coordinator Risk Management Director, or designee, shall be notified immediately.

### 16.3 WORKERS' COMPENSATION

The City's Workers' Compensation Insurance Policy covers employees if they are injured on the job. If employees are injured, no matter how slightly, report the incident immediately to the supervisor or designee. Failure to follow these procedures may affect the employee's ability to receive Workers' Compensation benefits.

Payment of Workers' Compensation to all employees who are disabled because of an injury arising out of, and in the course of, performing their duties with the City will be governed by the Florida State Workers' Compensation Law, Chapter 440, Florida Statutes.

During any time period that an employee is undergoing treatment for a compensable Workers' Compensation injury or is on restricted duty status:

1. The employee must return any phone call from the Worker's Compensation carrier, nurse case manager, any medical provider, or the City within two (2) hours of the initial call;
2. The employee must respond to all emails from the Worker's Compensation carrier, nurse case manager, any medical provider, or the City within two (2) hours of the original email; and
3. The employee must attend the first available medical appointment unless good cause can be shown for any failure to attend such appointment.

#### 16.4 SAFETY EQUIPMENT

Safety equipment and devices, when provided, must be used. Failure by employees to utilize provided equipment or devices will be cause for disciplinary action.

#### 16.5 JURISDICTION OF THE ~~SAFETY COORDINATOR~~ RISK MANAGEMENT DIRECTOR

If a safety hazard of immediate consequence is observed by the ~~Safety Coordinator~~ Risk Management Director, or designee, said officer has the right to overrule the Department Head and/or stop work immediately until the hazard has been properly dealt with.

#### 16.6 EMPLOYEE SAFETY AWARDS

The City may institute an Employee Safety Award Program. Safety Awards may be made either to groups or individuals and will normally be made in recognition of praiseworthy or outstanding safety performance.

#### 16.7 EMPLOYEE SAFETY MANUAL

The Employee Safety Manual, approved and adopted by the City Council of the City of Port St. Lucie, shall be considered as a part of these Personnel Rules and Regulations and compliance with the Employee Safety Manual by all City employees shall be required as though the ~~entire~~ Employee Safety Manual was set forth in its entirety herein.

#### ~~16.01 SUBSTANCE ABUSE POLICY~~

~~The City of Port St. Lucie is a drug-free work place employer. A policy regarding the use of drugs, controlled substances and alcohol has been adopted by the City Council and shall be considered as part of these Personnel Rules and Regulations. A copy of this policy shall be furnished to all employees.~~

## SECTION 17

### RECORDS AND REPORTS

#### 17.1 RESPONSIBILITY

The ~~Personnel~~ Human Resources Director is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

#### 17.2 RECORDS

- A. All personnel records of employees of the City government covered under the Personnel Management System and all other records and materials relating to the administration of the City Personnel Management System shall be considered the property of the City. The decision of the City Manager relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed in accordance with court rulings, shall be final.
- B. Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying the Human Resources/~~Risk Management~~ Department of any changes, such as change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage, birth of a child, adoption of a child, or any change not previously reported (in writing). This is the responsibility of the employee, and failure to comply may result in loss of employee benefits.
- C. The Human Resources/~~Risk Management~~ Department should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to become a permanent addition to the employee's personnel file.



### 17.3 RECORDS RETENTION AND DISPOSITION

The ~~Personnel~~ Human Resources Director shall, in conjunction with the City Clerk, determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable law.

## SECTION 18

### DISCIPLINARY ACTION

#### 18.1 INTENT

- A. It is the intent of the City of Port St. Lucie that effective supervision and good employee relations will avoid most matters which might necessitate disciplinary action. The purpose of the rules, and disciplinary action for violation of the rules, is not intended to restrict the rights of anyone, but to ensure the rights of all and secure cooperation and orderliness throughout the personnel system.
- B. When circumstances permit, Department Heads should pursue a philosophy of progressive discipline, whereby employees receive increasingly greater levels of discipline for each successive instance of related misconduct. This allows an employee an opportunity to modify and correct their behavior and/or work deficiencies. Certain offenses are of such a serious nature that the use of progressive discipline is generally not advisable and immediate termination from employment is recommended upon the first offense. Termination from employment is also a necessary action when progressive discipline has failed to achieve satisfactory improvement in an employee's conduct and/or job performance.
- C. In recognition of the fact that each instance differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Examples given in any rule do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but merely as guide. The rules and regulations provide recommended standard penalties to apply for specific offenses. This means that a more or less severe penalty may be issued than that which appears in the standard procedure, at the discretion of the City Manager or his designee.

- D. Depending upon the circumstances, supervisors may choose to use informal instruction and cautioning rather than formal disciplinary action to advise an employee of work deficiencies and/or misconduct. The supervisor should advise the employee that this is a non-disciplinary meeting and maintain a written record of the informal instruction and cautioning. A copy of the written record should be given to the employee and the Human Resources Department.
- E. The types of offenses requiring disciplinary action are divided into three ~~types~~ groups to reflect degrees of severity of offenses. In each group, and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned. In each case where the penalty is modified from the recommended standard penalties, the reasons for such modification will be noted in writing.
- F. In all cases, the Department Head shall notify the employee, in writing, of the action taken, and a copy of such notice will be sent to the ~~Personnel~~ Human Resources Director for placement in the employee's personnel file. Disciplinary action records may not be removed from employee personnel files, and shall conform to the Florida Public Records Law, Chapter 119.
- G. In addition to the general types of offenses listed below, infraction of Department Rules and Regulations will subject the employee to disciplinary action.
- ~~H. More progressive discipline may be given an employee based on the cumulative effect of a breach of the same or different work rules. The discipline suggested in the following rules is based on situations where an employee does not have a history of violating City rules. If there has been a prior violation or violations of different rules or of the same rule, then that history should be taken into consideration in deciding the appropriate disciplinary action to take.~~
- I. The following categories of offenses and resulting consequences are not intended to be all-inclusive or restrictive but should be considered as examples of possible infractions and recommended disciplines to be

administered. The fact that four (4) separate disciplinary actions are listed should not be interpreted to mean that each action must be used, or that there must be three (3) rule violations before any employee must be discharged. Most disciplinary actions may be considered progressive in their consequences in order to consider the cumulative effect and frequency of similar offenses. However, under certain conditions, the offense may be of such a nature as to require immediate termination.

J. Department Heads or their designees shall review with the ~~Personnel~~ Human Resources Director and the City Attorney's Office all disciplinary actions involving dismissal, suspension without pay and/or demotion, prior to implementation.

K. Because everyone may not have the same idea about proper workplace conduct, it is helpful to provide examples of unacceptable behavior. The following are examples of some, but not all, conduct which can be considered unacceptable. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. In addition to the general types of offenses listed below, infraction of departmental rules and policies can subject the employee to disciplinary action.

18.2 TYPES OF OFFENSES - The three (3) groups of offenses and guides for standard recommended penalties are as follows:

GROUP I OFFENSES

FIRST OFFENSE ..... INSTRUCTION

COUNSELING/ORAL REPRIMAND ~~AND CAUTIONING~~

SECOND OFFENSE ..... WRITTEN REPRIMAND

THIRD OFFENSE ..... SUSPENSION WITHOUT PAY

FOURTH OFFENSE..... DISMISSAL/DEMOTION

GROUP I:

1. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
2. Taking more than the allotted specified time for meals or ~~rest~~ break periods.
3. Falling short of ~~Demonstrating inferior workmanship which is not up to~~ required standards of performance.
4. Disregarding job duties by loafing or neglecting work during hours.
5. Showing discourtesy to persons with whom the employee comes in contact while in their performance of duties.
6. Habitually failing to punch time card, where applicable. "Habitually" is considered occurring three (3) times in any thirty (30) day period.
7. Habitually reporting to work late. "Habitually" is considered occurring three (3) times in any thirty (30) day period.
8. Violating a safety rule or safety practice.
9. Failing to report a personal injury or accident in which the employee was involved while on the job, pursuant to the Employee Safety Manual.
10. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.
11. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
12. Failing to report immediately to the Department Head the loss of a City identification card.
13. Making mistakes due to carelessness which affect the safety of City personnel, equipment, tools or property.

14. Incompetence or inefficiency in the performance of assigned duties ~~in an employee's position.~~
15. Reporting to work or working while unfit for duty, either medically, mentally, or physically.
16. Working overtime without the express prior authorization of the Department Head or designee.
17. Working in excess of fifteen (15) minutes without having the time properly accounted for on the timecard.

GROUP II OFFENSES

FIRST OFFENSE..... ~~INSTRUCTION AND CAUTIONING,~~  
WRITTEN REPRIMAND

SECOND OFFENSE..... SUSPENSION WITHOUT PAY

THIRD OFFENSE..... DISMISSAL/DEMOTION

1. Neglecting ~~to,~~ or failing ~~omitting to,~~ comply with any departmental rules or any rules that are contained herein. the requirements as set forth in appropriate rules in Standards of Conduct Section.
2. Engaging in gambling, lottery, or any other game of chance at City work stations at any time.
3. Making or publishing false, vicious, ~~or~~ malicious, discriminatory, defamatory, harassing, threatening, or derogatory statements concerning the City or any employee, supervisor, agent, designee, or constituent of the City, or its operation whether verbally, via e-mail, texting, facsimile, social media, or other means of electronic communication; or making statements concerning a violation of City policy without first reporting such violations to the appropriate supervisor, Department Head or City Manager.
4. Being absent one or more workdays or shifts without authorization ~~permission or leave.~~
5. Failing to report to a supervisor or Department Head a request for information, or receipt of a subpoena from a law firm or an attorney, for a matter relating to City

business.

6. Violation of the City's ~~No~~ Solicitation and Distribution Rules, as contained in Section 3.09.
7. Knowingly reporting for work with a ~~serious~~ communicable disease or virus. ~~which may endanger other employees.~~
8. Abuse of leave privileges.
9. Malingering or abusing the sick leave benefit.
10. Release of information in violation of these rules.
11. Failing to promptly inform a Department Head, or designee, of directives given by members of the City Council.
12. Discussing with members of the City Council matters relating to an employee's employment status.

GROUP III OFFENSES

FIRST OFFENSE..... DISMISSAL

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately or negligently misusing, destroying, or damaging any City property, including destruction of public records.
3. Receiving from any person, or participating in, any fee, gift, or other valuable thing in the course of work, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Knowingly misrepresenting or falsifying one's own time record or that of another employee. This shall include, but not be limited to, clocking another employee in and/or out. punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card.

5. Falsifying job-related records, including employment applications, accident records, purchase orders, work records, time sheets, or any other report, record or application.
6. Making false claims or misrepresentations in an attempt to obtain sick, accident, workers' compensation, or any other City benefit.
7. Insubordination, including but not limited to: ~~by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor, Department Head, foreman, or City Manager.~~
  - Refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor, Department Head, foreman, or the City Manager;
  - Refusal or failure to obey orders or perform a job assignment given by a supervisor or any authorized employee;
  - Disrespect, publicly displayed at a work site, toward a supervisor or the City;
  - Threatening, intimidating, coercing, or interfering with supervision;
  - Abusive language to any supervisor;
  - Openly making or publishing false, vicious, or malicious statements concerning supervisors; or
  - countermanding the order of a supervisor.
8. Unauthorized use, possession or display of firearms, explosives or weapons on City property.
9. Theft of or removal, without proper authorization, of any City property or property of any employee or other person.
10. Immoral, unlawful, or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community.
11. ~~Being absent from duty for a period~~ Unauthorized absence from work for a consecutive period of three (3) consecutive working days or three (3) assigned shifts. NOTE: This will constitute abandonment of job. ~~without proper authorization.~~
12. Failing to return from an authorized leave of absence.



13. Permitting another person to use an employee's City Identification card, using another person's, or altering a City Identification Card.
14. Drinking intoxicating liquor or ~~the use or abuse of using or abusing~~ controlled dangerous substances while on duty, as well as, ~~. Also,~~ reporting to work while under the influence of intoxicating liquors or controlled ~~dangerous~~ substances.
15. Being convicted of a felony, or a misdemeanor of the first degree as defined by Florida Statutes, or any violation involving moral turpitude, while either on or off the job.
16. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations, including but not limited to, instigating, leading or participating in any walk-out, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
17. Participating in a work stoppage against the City ~~as established in Florida Statutes~~.
18. Sleeping or hiding during duty hours.
19. Failure to work special hours, or special shifts, after being scheduled according to overtime, callback or on-call ~~and standby~~ duty policies.
20. Leaving assigned post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift.
21. Provoking or instigating a fight, or fighting, on City property.
22. Unauthorized use of City equipment for performing work on non-City projects.
23. Unauthorized use of City property, equipment, or vehicles as well as performing unauthorized work and/or work that is not related to City business or the employee's job.

24. Threatening, intimidating, coercing, or committing any acts of violence against fellow employees or supervisors at any time.
25. Operating any City vehicle or equipment without a valid Florida driver's license and/or certification.
26. Knowingly making false statements during an administrative investigation or hearing, and/or refusing to cooperate.
27. Refusing to testify before a judicial proceeding or any other investigating committee concerning a matter within the scope of the employee's job duties (except as permitted by law).
28. Unauthorized release of confidential information.

#### 18.3 WRITTEN REPRIMAND

An employee may use the grievance procedure to appeal a written reprimand.

#### 18.4 SUSPENSION WITHOUT PAY

- A. An employee may be suspended without pay by ~~his/her~~ the Department Head as a disciplinary action. Suspension without pay imposed by Department Heads shall be limited to three (3) days. Any suspension greater than three (3) days shall require the prior approval of the City Manager or designee.
- B. Prior to the time a proposed suspension without pay is to become effective, the employee in question shall be given:
  1. written notice specifying the reasons for the proposed suspension; and
  2. an opportunity to present ~~his/her~~ their explanation and/or position in writing and/or orally.

- C. An employee who is suspended without pay shall not be permitted to utilize accruals without the express prior consent of the Human Resources Director.
- D. Unless an applicable Collective Bargaining Agreement provides otherwise, employees may use the Civil Service Appeals Board (C.S.A.B.) procedures to appeal suspensions. An employee who is dissatisfied with a suspension without pay may use the grievance and Civil Service Appeals Board process. Please see Section 19 for procedure and time limits.

#### 18.5 SUSPENSION WITH PAY

- A. If the City Manager or Department Head should perceive a significant hazard in keeping the employee on the job, the City Manager or Department Head may immediately suspend the employee with pay, without having first complied with the requirements of paragraph 18.034 B above. Within two (2) days from the date of the suspension with pay, the procedures contained in paragraph 18.034 B above should be complied with if possible and the employee may be placed on suspension without pay at the discretion of the Department Head or City Manager.

#### 18.6 OTHER DISCIPLINARY ACTIONS

- A. PROBATION - A probationary period may be used as a disciplinary measure at the discretion of the City Manager or the Department Head for Groups I and II offenses. Probationary periods shall be instituted to allow an employee to correct or modify his/her their work performance as a precondition for further employment, or to retain his/her their present classification. The City Manager or appropriate Department Head shall provide an employee with a written notice of probation, and such information necessary to allow an employee to improve his/her their work performance.

No employee on probation shall receive a merit increase.

Probationary periods of a disciplinary nature shall not be for more than six (6) months, except for violations of the City's Substance Abuse Policy.

- B. DEMOTION - Demotion may be used as a disciplinary measure

for any Group II or III violation of the City Personnel Rules and Regulations. The City Manager or Department Head may demote any employee to a the next lower classification, ~~as contained in the Personnel Management System.~~

Demotion shall only be used as a disciplinary action if the actions of an employee who was subject to a disciplinary action have an adverse impact on ~~his/her~~ the employee's department and/or the City.

All demotions are to be approved by the City Manager and coordinated with the Human Resources/~~Risk Management~~ Department.

Prior to the time the demotion is to become effective, the employee in question shall be given:

1. Written notice specifying the reasons for the proposed demotion; and
2. An opportunity to present ~~his/her~~ their response within three (3) days of the written notice.~~explanation and/or position in writing and/or orally.~~

Unless an applicable Collective Bargaining Agreement provides otherwise, employees may use the Civil Service Appeals Board (C.S.A.B.) procedures to appeal suspensions. ~~An employee who is dissatisfied with a demotion may use the grievance and Civil Service Appeals Board process. Please see Section 19 for procedure and time limits.~~

#### 18.7 DISMISSAL

In the event a regular City employee (not a newly-hired probationary, temporary, or contract employee), who has attained classified status, is dismissed, the procedures listed below shall be followed:

- A. The City Manager, or designee, shall provide a regular City employee who is subject to dismissal with a written statement of the reason(s) for same, at least ten (10) days prior to the effective date of dismissal. An explanation of the City's evidence supporting the proposed termination shall also be

provided to the employee with this written statement. In the event that the City Manager's designee terminates a regular City employee, ~~he/she~~ the designee shall have obtained the City Manager's prior approval for such action. After giving the employee the notice of reason(s) for dismissal, the City Manager may suspend the employee from duty with pay for the next ten (10) days following the written notice.

- B. If an employee requests a review of the written statement of reason(s) for ~~his/her~~ the employee's dismissal, the employee shall have three (3) working days to deliver to the City Manager a request for a review, in a form provided by the City. Failure to submit the completed form to the City Manager within the prescribed three (3) day period, requesting a review, shall be deemed a willingness on the part of the employee to accept the City's decision to terminate ~~his/her~~ their employment, and shall end the process. The employee's response and request for review shall set forth with reasonable detail the reason(s) why the employee disagrees with the proposed dismissal.
- C. If the employee requests a review, a pre-termination meeting shall be scheduled with the employee and ~~his/her~~ their Department Head, to be held in the City Manager's office or conference room, not earlier than five (5) days and not later than ten (10) days after receipt of such request.

Employees are not required to be represented by legal counsel; however, if the employee intends to be represented by legal counsel, ~~he/she~~ the employee shall provide written notice to the City Manager at least two (2) days prior to the meeting. At the meeting, the employee may respond orally or in writing to the charges.

The City Manager shall have the authority to uphold, overrule, or modify the dismissal. Within ten (10) working days after the pre-termination meeting, the City Manager shall render a decision in writing to the employee, setting forth the reasons therefor.

Unless an applicable Collective Bargaining Agreement provides otherwise, employees may use the Civil Service Appeals Board procedures to appeal dismissals.  
Applicable An employees who is are dissatisfied with the

City Manager's decision may, within five (5) working days, request that the City Manager's decision be reviewed by the Civil Service Appeals Board. (See Civil Service Appeals Board procedure in Section ~~19-06~~).

## SECTION 19

### GRIEVANCE AND CIVIL SERVICE APPEALS BOARD PROCEDURES

#### 19.1 PURPOSE

If the Collective Bargaining Agreement ("CBA") language conflicts with this section, then the CBA language shall prevail as to those employees governed by the CBA.

This grievance procedure is established to provide full opportunity to employees to bring to the attention of management grievances that the employees feel need either adjustment or information. It is the intent and the desire of the City to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after an appeal and review. The submission of a grievance by an employee shall in no way adversely affect the employee of his/her their employment with the City.

#### 19.2 CAUSES OF GRIEVANCES

An employee may file a grievance to register a complaint, to solve a problem, to redress an alleged wrong, and to notify or erase any disciplinary measures taken against ~~him or her~~ the employee, or a suspension from work. The grievance procedure shall not be used to appeal or contest a dismissal or discharge. (See Sect. 18.067.)

#### 19.3 UNACCEPTABLE GRIEVANCES

This grievance procedure is for individual employees to solve their own personal problems concerning the personnel rules and regulations of the City. Grievances are unacceptable if filed by one employee for another, or for groups of employees.

#### 19.4 GRIEVANCE PROCEDURE

In order to assure all employees of a method in which they can get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

STEP 1: The employee shall, within three (3) working days of the incident, discuss and explain the complaint or grievance orally with ~~his or her~~ their immediate supervisor, who may call higher level supervision into the discussion in an effort to achieve a prompt, satisfactory adjustment. The immediate supervisor will make a decision and notify the employee within two (2) working days after the discussion with the employee.

STEP 2: If the employee feels that the matter has not been settled or adjusted to ~~his or her~~ their satisfaction by the immediate supervisor, the employee may submit the matter, in writing, to the Head of the Department. The Department Head will schedule a meeting within five (5) working days after receipt of the grievance with the employee. If the matter is not resolved at this meeting, the Department Head shall give a written answer within three (3) working days after the scheduled meeting.

STEP 3: If the grievance is not resolved to the employee's satisfaction by the decision of the Department Head, the employee may appeal to the City Manager. The City Manager shall schedule a meeting with the concerned employee, and others at ~~his/her~~ the employee's discretion, within ten (10) working days thereafter.

STEP 4: If a grievance concerning suspension without pay or demotion as a disciplinary action is not resolved to the employee's satisfaction by the City Manager, the employee may appeal to the Civil Service Appeals Board. The decision of the City Manager shall be final for all other types of grievances.

It shall be the obligation of the grievant to bring the grievance to each succeeding step. If the grievance is not brought to the next step by the grievant within stated time limits, the City shall consider the grievance as abandoned and settled.



19.5 GENERAL PROVISIONS OF THE PROCEDURE

- A. The time limits of their grievance procedure may be extended by management due to illness, vacations, business trips, or some emergency. If an extension of time is required, the employee will be notified. If management does not respond in the time provided, the employee may go to the next step.
- B. In some cases, steps in the grievance procedure may be waived at the discretion of the Department Head or City Manager, to allow more severe matters to progress more rapidly.
- C. Under this grievance procedure, the employee and management have the opportunity to call a witness at the Step 2 level, and thereafter, for each step in the grievance procedure.
- D. Grievants will have three (3) working days to appeal the decision given in any step to the next higher step in the grievance procedure.
- E. Any grievances shall be considered settled at the completion of any step, unless it is appealed by the employee within the time limits set forth. It is hoped that the great majority of grievances will be satisfactorily settled in the first or second step.
- F. All grievances filed shall have informational copies of all stages in the procedure forwarded to the City Manager on the day of receipt.
- G. The time limits as set forth in the grievance procedure, for management response, shall remain the same for employees regardless of the regular workweek. If the response time limit falls on an employee's day off, the reply by management shall be given to the employee on ~~his/her~~ their scheduled workday, immediately following ~~his/her~~ their day off.

- H. At any step in the procedure, the Human Resources/~~Risk Management~~ Department is available for advice, policy interpretation, or to assist in any way in resolving the grievance.

#### 19.6 CIVIL SERVICE APPEALS BOARD

A Civil Service Appeals Board (C.S.A.B.) comprised of non-employees shall be established by the City Council. The C.S.A.B. has authority to hear appeals from the final disciplinary actions of suspension without pay, demotion, and dismissal, imposed by the City.

- A. An employee may request a hearing and review of the City's action by filing a request in writing with the City Manager's Office within five (5) days after the employee has received notice of the City Manager's final action suspending, demoting, or dismissing the employee.
  - 1. The written request shall specifically state the basis for appeal.
  - 2. The City Manager shall cause the C.S.A.B. to convene within thirty (30) working days after thereceipt of the employee's request for review.
- B. The employee shall be present at the hearing and may be self-represented ~~him/herself~~ or be represented by counsel.
  - 1. If ~~he/she~~ the employee intends to be represented by legal counsel, ~~he/she~~ the employee shall provide written notice to the Board through the City Manager at least two (2) days prior to the hearing.
  - 2. The City may be represented by counsel.
- C. If the employee or the City plans to present witnesses at the hearing, the employee and the City shall provide the other party with a written list of witnesses at least two (2) days before the hearing.

1. The C.S.A.B. may limit the number of witnesses to a reasonable number.
  2. Each party shall be responsible for producing any witnesses they wish to present. The C.S.A.B. does not have subpoena power.
- D. At the hearing, the Board shall hear relevant and competent testimony and evidence concerning the appropriateness of the disciplinary charge and the facts upon which it was based. Each party may present brief opening statements. The appealing employee shall then present ~~his/her~~ their evidence, specifically addressing the relevant grounds stated in ~~his/her~~ the employee's written request for hearing and appeal. The City shall then present its evidence in support of its action. The parties may then offer rebuttal evidence. Each party may then give concluding arguments to the Board.
1. The matters addressed at the hearing shall be limited to the appropriateness of the disciplinary action and the facts upon which it was based.
  2. After full consideration of the evidence, the C.S.A.B. shall reduce its decision to writing, setting forth the reasons therefor and furnish a copy to the City Manager and the employee within ten (10) days of the hearing. The C.S.A.B. shall have the authority to uphold, overrule, or modify the disciplinary action. The decision of the Board shall be binding on all parties.
- E. Remedies
1. If the Civil Service Appeals Board determines that a demotion was not in accord with the City's Personnel Rules and Regulations, the employee may be instated to ~~his/her~~ their former position, or may be reinstated under such conditions as the C.S.A.B. determines are appropriate. In addition, the employee may be granted back pay for all or part of the time ~~he/she~~ the employee was in a lower-paid position, as a result of the demotion as the C.S.A.B. deems appropriate.

2. If the Civil Service Appeals Board determines that a suspension without pay was not in accord with the City's Personnel Rules and Regulations, or that the length of the suspension was too long, the Board may overrule or modify the suspension as it deems appropriate. If the suspension is overruled or modified, the employee will be made whole for any loss of pay and/or benefits, as appropriate.
  
3. If the Civil Service Appeals Board determines that dismissal was not in accord with the City's Personnel Rules and Regulations, the employee may be reinstated to ~~his~~ their former position, or may be reinstated under such conditions as the C.S.A.B. determines appropriate. In addition, the employee may be granted back pay for all or part of the time ~~he/she~~ the employee was off work, as the Civil Service Appeals Board deems appropriate.

SECTION 20

SEXUAL HARASSMENT

20.1 Pursuant to the guidelines on sex discrimination issued by the Equal Employment Opportunity Commission, the City endorses the following policy:

- A. It is illegal and against the policies of this City for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment decisions affecting the employee, or (c) creating an intimidating, hostile or offensive working environment by such conduct.
  
- B. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act, immediately after the alleged harassment occurs, to the Human Resources/~~Risk Management~~ Department. An investigation of all complaints will be undertaken immediately. Any department head, supervisor, or other employee who has been found by the City, after appropriate investigation, to have sexually harassed another employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her the employee's file up to, and including, termination.

SECTION 21

APPENDICES - CITY

POLICIES

21.1 In addition to the Rules and Procedures outlined in this handbook, all employees must adhere to all City policies, whether City Council Directed, City Manager Directed, Department directed, or other, which are incorporated herein by reference, and which are published as appendices and are subject to amendment, change, or revision at the discretion of the City Manager. All City policies may be found on the City's website and the City's intranet known as the Water Cooler. NOTE: The following list is not exhaustive as policies may be added, amended, or removed from time to time.

- Accrual Advance Policy;
- Anti-Harassment and Discrimination Policy;
- Background Check Policy;
- Cellular Telephone Stipend Conversion Policy;
- City Hall Public Area Use Policy;
- Communications Policy and Procedure Manual;
- Community Center Use by Departments Policy;
- COVID-19 (Facial Covering) Policy;
- Displaying Printed Materials Policy;
- Disposition of City Owned Property Policy;
- Emergency Compensation Policy;
- Employee Parking Policy;
- Employee Safety Handbook;
- EOC Training Policy;
- Family and Medical Leave Act ("FMLA") Policy;
- Gift Policy;
- Hostile Work Environment Policy;
- Internet Stipend Policy;
- Limited English Proficiency Policy;
- Naming Policy for City Facilities;
- No Smoking Policy (Smoking in City Vehicles Prohibited / Smoke-Free Workplace);
- Parking Restrictions on City Property and On-Street Parking Areas Policy;
- Political Activity in the Workplace Policy;

- Resignation Policy;
- Retiree Health Insurance Coverage Policy;
- Social Media Use Policy;
- Special Events Policy;
- Substance Abuse Policy;
- Temporary Staffing Agency Policy;
- Text Messaging Policy;
- Time and Attendance Policy;
- Travel Policy;
- Tuition Assistance Policy;
- Workers' Compensation Primary Care Policy;
- Workplace Anti-Bullying Policy.