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RESOLUTION NO: 99-6-3

A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ADOPTING AND APPROVING A REVISED MANUAL OF PERSONNEL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Manager and Staff have recommended amendments to the personnel policies manual of the City of Cooper City; and

WHEREAS, the City Commission is desirous of adopting said recommendation;


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

Section 1: That the City Commission of the City of Cooper City hereby approves and adopts the personnel policies manual, as amended, a copy of which is attached hereto as Exhibit "A" and made a part hereof by this reference.

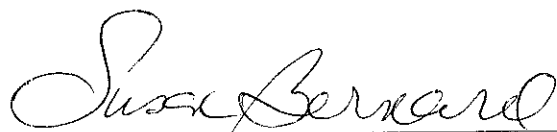
Section 2: That this personnel policies manual supersedes the terms and conditions of all previous personnel policies manuals of the City of Cooper City.

Section 3: That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 29th day of June, A.D., 1999.

  
SUELLEN H. FARDELMANN  
Mayor

ATTEST:

  
SUSAN BERNARD  
City Clerk

Roll Call

Mayor Fardelmann Aye  
Commissioner Palank Aye  
Commissioner Warsch Aye  
Commissioner Webster Aye  
Commissioner Kleiman Aye

**CITY OF COOPER CITY**

**MANUAL**

**OF**

**PERSONNEL POLICIES**

**JULY, 1999**

## INTRODUCTION

This Manual of Personnel Policies has been established in order for the City to manage its personnel matters. All employees covered by this Manual (Section 1.02) are bound by its rules and policies. Employees must familiarize themselves with this Manual and conduct themselves in accordance with these rules and policies.

Any employee who violates the rules and regulations contained in this Manual, or who otherwise violates reasonable standards of conduct, is subject to discipline up to and including immediate termination from employment. The disciplinary alternatives used by the City include, but are in no way limited to, the following: verbal warning, written reprimand suspension (with or without pay) reduction in pay, reduction in rank/demotion, and discharge.

The information contained in this Manual is intended only as a general guide for employees. The City may change these rules and regulations from time to time and such changes may not be incorporated in the Manual at the time you read it -- in which case existing policy will supersede this Manual. This Manual does not constitute an employment contract or guarantee of continued employment.

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## **SECTION I. GENERAL PROVISIONS**

**1.01 Purpose of these rules:** These rules set forth the principles and procedures that are to be followed by the City in its personnel program to the end that the citizens of Cooper City may derive the benefits and advantages which can be expected to result from a competent staff of City employees.

**1.02 Positions covered by these rules:** These rules shall apply to all positions and offices in the City service with the following exceptions:

- a. Mayor and Commissioners (Section XIV only).
- b. City Attorney.
- c. City Manager (Section XIV only).
- d. Contractual Employees, including employees subject to a collective bargaining agreement, unless said agreement provides otherwise, but only to the extent that these rules conflict with specific provisions of said agreement(s).
- e. Members of any board, committee or agency appointed to said position by the City Commission.
- f. Temporary or seasonal employees.
- g. All Department heads (Section XIV only).
- h. Supervisory personnel.

**1.03. Amendment and approval of rules:** Amendments or revisions to these Personnel Rules may be recommended to the City Commission for adoption by the City Manager. Such amendments or revisions shall become effective after presentation to the City Commission and approval by Resolution of the Commission. Following such approval, these new rules will supersede the old rules and shall have the force and effect of law insofar as they apply to the positions covered thereunder.

**1.04. Application of rules:** All positions hereinafter created, except those indicated in Section 1.02, may be subject to this Manual if it is so decided by the City Commission in its discretion.

**1.05. Implementation:** The responsibility for implementing the provisions of these personnel rules and for general supervision of the City government personnel is hereby vested in the City Manager, or his/her designee.

## SECTION II. DEFINITIONS

As used in these rules, unless the context clearly requires otherwise, the following underlined words shall have the meaning herein given them with the exceptions of those offices and positions designated in Section 1.02.

**2.01. Allocate:** The act of assigning each position to its proper class.

**2.02. Anniversary Date:** The recurring date of original appointment or the date of promotion, except that such shall be adjusted for unauthorized leaves of absence, and separation and re-employment.

**2.03. Appeal:** An application for review of a perceived grievance.

**2.04. Appointment:** The placement of an employee into a position either on a permanent, part-time, temporary or seasonal basis. A temporary appointment shall terminate automatically upon completion of the project necessitating the appointment.

**2.05. Class:** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

**2.06. Continuous Service:** Employment in the classified service which is uninterrupted except for authorized paid leave(s) of absence.

**2.07. Demotion:** The permanent assignment of an employee to a position in a lower class and/or having a lower maximum salary than the class from which the assignment is made.

**2.08. Full-Time Employee:** Any employee working a forty (40) hour week in either a permanent or probationary position, budgeted on an annual basis.

**2.09. Job Description:** A written statement generally describing the major job duties and responsibilities and entrance qualification requirements of a position.

**2.10. Lay-Off:** The involuntary non-disciplinary separation of employee from City employment.

**2.11. Part-Time Employee:** An employee working less than forty (40) hours per week who is paid on an hourly basis for those hours actually worked, or an employee working a forty (40) hour week, but budgeted on a seasonal basis.

**2.12. Permanent Position:** Any position (vacant or filled) without time limitations or special restrictions which is designated as such by the budget or by the City Commission. However, an employee filling a "permanent" position is not guaranteed continued employment and, like all other employees, serves at the will and pleasure of the City.

**2.13. Probationary Employees:** Any employee who is serving his probationary period, including such period following promotion, prior to being regularly appointed to a permanent position and class in the classified service.

**2.14. Promotion:** The assignment of an employee to a position in a higher class and/or having a higher maximum salary than the position from which the assignment is made.

**2.15. Regular Employee:** An employee who has been appointed to a permanent full-time or part-time position in the classified service in accordance with the provisions of these rules after completing a probationary period.

**2.16. Regular Rate:** The regular rate of pay is used for calculation of overtime pay and will be administered in accordance with the Fair Labor Standards Act.

**2.17. Supervisory personnel:** An employee whose classification and compensation rate meet the definition of same in the Fair Labor Standards Act, as follows:

- a. Is compensated at the rate of \$24,000 annually, or greater, and,
- b. Does not perform the work of subordinates more than sixty percent (60%) of his/her work time, and,
- c. Serves in a supervisory capacity by scheduling or directing the work of subordinates, evaluating subordinates' work, etc.

**2.18. Temporary Employee:** An employee holding a position other than permanent, except as provided in the rules, which is a temporary, seasonal, casual or emergency nature.

**2.19. Temporary Position:** All positions that are not designated permanent.

**2.20. Transfer:** The voluntary or involuntary change of an employee's assignment from one position to another position of a substantially similar level.

**2.21. Vacancy:** A position existing or newly created, which is not occupied, and for which funds are available.

### **SECTION III. THE CLASSIFICATION PLAN**

The classification plan provides a complete inventory of all positions in the City service and accurate descriptions and specification for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the City service.

**3.01. Composition of the classification plan:** The classification plan consists of:

A. Classes of positions which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility, which require similar experience and training at time of recruitment, did which may be compensated fairly from within the same range of pay under comparable working conditions;

B. Class titles which are descriptive of the work performed and which identify each class;

C. Written class specifications for each class of positions which contain a general description of the nature of the work and of the relative responsibility of the positions in the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledge, abilities and skills necessary for performance of the work, and a statement of required experience and training for recruitment into the class; and

D. An allocation list showing the class title of each position in the City service, as identified by the name of the employee holding that position.

**3.02. Class title:** Class titles shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes. Class titles may be added, deleted or amended by the City Manager as provided in Section 3.04, paragraph 2.

**3.03. Class specifications:** Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Specifications are deemed to be necessarily descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

**3.04. Maintenance of the classification plan:** The City Manager is charged with the responsibility for the proper and continuous maintenance of the

classification plan so that it will reflect, on a current basis, the duties being performed by each employee in the City service and the class to which each position is allocated.

The City Manager shall periodically review the classification of positions and make amendments to the classification plan, in the form of new classes, revisions of existing classes and the abolition of classes no longer in the plan. Allocations and reallocations within the approved classification plan shall be made as follows:

A. The City Manager shall study the duties and responsibilities of each new position as it is created and place the position in the appropriate class within the classification plan for the duties to be performed. A recommendation should be sought from the Department Head responsible for the new position.

B. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the City Manager by the appropriate Department Head(s). If such changes are determined to be permanent, are of more than a minor nature, and justify a reallocation to a different classification, the City Manager shall be authorized to make such changes.

## SECTION IV. COMPENSATION PLAN

**4.01. Maintenance of the plan:** The City Manager, or a designated representative, shall be responsible for the maintenance of the compensation plan and for the presentation once a year to the City Commission of any recommendations for changes in pay range assignments for each class of position in the City government service. Consideration shall be given annually to the granting of in-grade salary increases for each class of position. Prior to the granting of any in-grade salary increase, the Department Head and Supervisor, if appropriate, of the employee concerned must certify to the City Manager, through the annual evaluation report, that the employee has performed his or her duties satisfactorily for the preceding year, or, in the case of a probationary employee, from the date of employment or promotion.

**4.02. Use of salary ranges:** Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of in-grade salary increases:

A. The minimum salary rate established for the class shall be the normal hiring rate, except in the following cases:

1. The City Manager may approve appointment at a higher hiring rate when the qualifications of the applicant are in excess of the minimum requirements of the position, and when such determination is in the best interests of the City.

2. A higher hiring rate may also be approved when there exists a shortage of qualified applicants for the vacant position, and those who apply decline employment at the minimum rate.

B. The hiring rate for temporary employees is established in the same manner as for regular employees who hold positions similar in requirements and for candidates with similar qualifications.

C. An in-grade salary increase may be granted new appointees after completion of a one (1) year employment period if the head of the department determines that the quality of performance is satisfactory. In the event an increase is not granted after the one (1) year employment period for reasons of unsatisfactory performance, the employee shall not be eligible for another regular in-grade increment for one (1) full year from the date the increase is finally granted. This shall be considered the employee's new anniversary date.

D. If an employee is promoted and receives a pay increase his or her anniversary date becomes the date of the promotion. If an employee's position is classified to a higher grade, the employee's increment date and probationary period remain as originally established. No employee who is promoted, or

whose position is reclassified to a higher grade, shall receive a salary lower than that which he or she received prior to the promotion or the reclassification of the position. An employee who is promoted on an acting basis for a period exceeding ten (10) working days, shall be treated in the same manner as if he or she occupied a regular position for the period of time that the employee remains in the acting position. When such an employee returns to the position from which the acting promotion was received, or when the acting position is completed or terminated in any way, the employee returns to the benefits of his or her regular position; any additional benefits of the acting position do not continue.

E. For the purpose of granting increments, all employees shall be deemed to have achieved their anniversary dates on the actual date of the anniversary or the closest following day for which pay is received, i.e., if the anniversary date falls on Saturday or Sunday, the pay increase will be effective on the following Monday.

F. An employee who performs the duties and responsibilities of his or her position in an outstanding manner and whose work generally is well above expectations shall be eligible to be considered for an outstanding service increment in addition to his or her annual salary increase. Such advancement of one step within grade shall be initiated by the employee's Supervisor by submitting to the City Manager a statement in writing setting forth the reasons for such award for outstanding service rendered to the City. The City Manager shall review the recommendation and approve or deny it. Any non-promotional advancement approved by the City Manager shall be limited to two (2) steps or a total of even and one half percent (7.5%), and an employee may not receive more than one such advancement in a twelve (12) month period.

**4.03. Within grade salary increases:** Salary increases within grades shall normally be from one step to the next higher step and shall be reviewed at intervals of no less than one year.

**4.04. Pay rates in transfers:** If any employee is transferred, voluntarily or involuntarily, the rate of pay for the new position shall be determined as follows:

A. If the pay rate of the former class falls within the new range of pay, the salary rate shall remain the same.

B. If the rate of pay in the former class is higher than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate step of the new grade. If the Department Head in concurrence with the City Manager, believes that it is in the best interests of the City, and the transfer is not for disciplinary reasons, the City Manager may determine that the employee's rate remain unchanged.



**4.05. Pay rates in promotion:** If an employee is promoted to a position classified at a higher grade, that employee's salary shall be increased to the next higher step within the new grade.

**4.06. Pay rates in demotion:** If an employee is demoted to a lower grade and the present rate of pay is above the maximum rate established for the lower grade, the rate of pay shall be adjusted to the maximum rate of the lower grade. If the demotion is for disciplinary reasons, the employee's rate of pay shall be reduced at least one step.

**4.07. Hourly Rate:** When, in the best interests of the City, an employee is to be paid at an hourly rate, the rate shall be based on the range established for a 40 hour work week.

**4.08. Pay for part-time work:** Part-time employees shall be paid to the extent practicable at the entrance rate for the class of position in which they are employed. The amount of pay shall be proportionate to the time actually worked.

**4.09. Overtime:** For the purposes of this provision, Department Heads and any other positions which are primarily of a supervisory and/or administrative nature, as determined by the City Manager, in his sole and exclusive discretion, shall not be entitled to overtime pay. An employee who works in excess of 40 hours in any work week, or a 7-K status employee who works in excess of the maximum allowable hours permitted under the Fair Labor Standards Act for the work period, shall be compensated at the rate of time and one-half for the hours actually worked in excess of the limit at their regular rate of pay.

Pursuant to Section 7.01 of this Manual, the regular work week for full-time permanent employees is actually 40 hours, exclusive of unpaid lunch hours. Overtime shall not be paid in any workweek until an employee has actually worked in excess of 40 hours.

A. For purposes of computing overtime pay, sick leave, personal days, jury duty and lunch hours shall not be construed as hours worked.

B. In emergency situations, an employee may be required to work in excess of forty (40) hours for that workweek. The Supervisor or Department Head must first affirmatively seek volunteers prior to requiring a specific employee to work overtime hours. The Department Head will give the employee as much notice as possible before requiring overtime. For purposes of this subsection, the term "emergency" shall be construed to mean circumstances including, but not limited to, civil disturbances, natural disasters, such as hurricanes, strikes or walkouts, or a significant, unexpected shortage of personnel.

1. If in an emergency an employee is called back to work after having left the job at the completion of the work shift, the employee will be paid a minimum of two (2) hours at the rate of time and one-half, regardless of the actual number of hours worked within the week or the work period.

**4.10. Severance Pay:** In addition to accrued vacation pay and sick leave, if applicable, all employees separated from the City in good standing are eligible to receive one (1) week's (five working days) severance pay, provided they have completed at least one year of continuous service with the City government. This benefit of severance pay will be revoked by the City Manager if an employee who is being laid off leaves the service before the required effective date of his severance. No employee who is terminated for disciplinary reasons by the City shall receive severance pay; neither is an employee who resigns eligible for severance pay.

**4.11. Longevity Pay:** One year after an employee reaches the maximum step of his/her pay range, the employee will be entitled to receive longevity pay in the amount of \$1,000.00. This will be paid in a lump-sum amount and will not increase an employee's base salary. Employees who are receiving longevity pay and who are thereafter promoted to a higher classification will no longer be eligible for longevity pay until one year after they reach the maximum step of their new pay range.

## **SECTION V: HIRING PROCEDURES**

**5.01. Personnel requisitions:** A personnel requisition shall be submitted by the Department Head to the City Manager to obtain a replacement or to fill an opening for a temporary or permanent position. Requests for additional staff shall be made by the Department Head in writing to the City Manager.

**5.02. Appointment:** 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.

**5.03. Application for employment:** All applicants for employment shall be 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 chronological statement of previous employment

**5.04 Disqualification:** The Department Head may remove from further consideration, at any time, the application of any applicant who:

- A. Does not possess the minimum job-related qualifications;
- B. Has made false statements or practiced deception in the application;
- C. Fails to cooperate (to any extent) with the City; or
- D. Fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer.

**5.05. Notice of rejection of an application:** Whenever an application or applicant is rejected, notice of such rejection shall be given to the applicant by the Department Head.

**5.06. Probationary Appointment:** All appointments to positions made from outside the service, by promotion from within the service, by transfer, or by reassignment shall be subject to a one (1) year probationary period. During the probationary period, the appointee's performance shall be closely reviewed to determine his or her ability to carry out assigned tasks, efficiency, and other characteristics relative to the requirements of the position. If, at any time during the probationary period, the immediate Supervisor deems the employee's performance to be unsatisfactory, he/she may recommend to the Department Head that the employee be terminated. In turn, the Department Head shall make a recommendation to the City Manager. If the Department Head and the City Manager agree that termination is warranted, the employee may be terminated without explanation.

The City shall attempt to evaluate probationary employees at least four (4) times during the probationary period.

If the Department Head wishes to recommend that the employee be granted a permanent appointment at the end of the probationary period, he/she shall submit a recommendation to the City Manager for approval or denial. The City Manager shall notify the custodian of the personnel files of a change in status for the employee, which shall be documented in the employee's personnel file. If the City Manager denies permanent appointment, the probationary employee may be released upon written notice, or the probationary period may be extended for a period not to exceed thirty (30) days to allow the employee one last opportunity to meet a satisfactory performance level. If the employee so released was promoted or transferred to that position from within the City service, and if his/her work was satisfactory prior to the transfer or promotion, the employee shall be returned to his/her previous position or another suitable position in the same class previously held, if one is available.

**5.07. Permanent appointment:** Upon completion of the prescribed probationary period, the City Manager shall act to grant or deny permanent appointment, based upon an evaluation of job performance and the recommendations of the Supervisor and Department Head, if applicable. Each approved appointee shall be granted a permanent appointment to a position which normally involves continuous year round service and which has been authorized in the City budget.

**5.08. Temporary appointment:** Whenever a Department Head determines that an augmented work force is needed because of heavy work loads, special projects, an emergency, or for other reasons advantageous to the City, he/she may recommend to the City Manager that additional appointments be made on a temporary basis. The City Manager, with the approval of the City Commission, may make such appointments as deemed to be needed. Temporary employees shall be exempt from benefits granted to regular employees. Time spent in a temporary appointment will not be credited toward length of service in the City service if a transfer to a regular position occurs. Temporary appointments include all Federal or State funded positions. The provisions of this section shall not apply to temporary reassignments of a permanent employee nor to restructuring of an employee's job description.

**5.09. Part-time appointment:** A continuous year-round position budgeted for less than forty (40) hours per week and paid on an hourly basis for hours actually worked shall be designated a part-time appointment. Benefits are granted on a pro rata basis as so designated in applicable sections of these rules.

**5.10. Acting appointment:** Appointments in an acting capacity to positions in a higher class shall be approved by the City Manager, with notification to the City Commission at the next Commission Meeting, if the acting appointment is

to a Department Head level. Persons appointed in an acting capacity for a period exceeding ten (10) working days will receive compensation at the entry level for the position being filled, if higher than his or her normal salary.

**5.11. Emergency appointment:** Emergency appointments shall be made by the City Manager, when and if deemed necessary, in case of riot, conflagration, or other emergency which threatens life, property, or the general welfare of the City. Such appointment shall continue only during the period of such emergency and shall not continue longer than thirty (30) calendar days, unless specifically renewed for a second thirty (30) day period, or portion thereof. Persons appointed in an emergency capacity will receive compensation commensurate with the level of the appointed position effective immediately.

**5.12. Equal Employment Opportunity:** It is the policy of the City of Cooper City government that all personnel actions and employment practices are based solely on the requirements of the position and the qualifications of the applicant -- without regard to race, (color, religion, sex, age, national origin, or physical handicap). The City government makes appropriate steps toward solving the problems of equal employment opportunity facing minority groups and women. The Mayor and Commissioners support the Affirmative Action Plan and intend to make full use of available resources and facilities to identify and to correct any current or potentially inequitable practices.

**5.13. Nepotism:** It is the policy of the City that no employee shall be hired to work in the same department as, or under the direct supervision of, a relative as defined below, except in accordance with the terms of this subsection:

A. If two employees change their family relationship by marriage, adoption, or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible, granted a waiver by the City Manager, or separated from the City service.

B. If the City determines that an existing vacancy cannot be filled with qualified personnel by normal recruiting efforts, the appropriate Department Head shall request the City Manager to grant a waiver.

The relative of an official or an employee shall be defined as the following relationships: parent, sibling, spouse, uncle, aunt, first cousin, nephew, niece, parent-in-law, child-in-law, sibling-in-law, stepparent, stepsibling, half-sibling, or child. If any person so related is subject to promotion or advancement or a raise in pay or status other than cost-of-living increases, the appropriate Department Head shall make a special evaluation of the proposed change and report to the City Manager whether said change violates the intent of this provision.

**5.14. Medical examinations:** Applicants for positions in the City service may be required to undergo psychological or medical examination to determine physical and mental fitness to perform work in the position to which appointment is to be made.

All employees of the City, at any time during their period of employment, may be required by the Department Head to undergo psychological or medical examinations, in order to determine if they are mentally and physically fit for the position in which they are employed. All psychological or medical examinations requested by the City shall be at no expense to the employee. Refusal to submit to such examinations is grounds for immediate termination.

When an employee of the City is reported by the examining physician or psychologist to be physically or mentally unfit to perform work in the position which he/she is employed, such employee may, within five (5) days from the date of notification of such determination by the examining physician, indicate in writing to the Department Head their intention to submit the question of their physical or mental unfitness to a physician or psychologist of his/her own choice. If there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the City Manager may, in his sole and exclusive discretion, designate a third professional to examine the employee. The City Manager is not bound by any such opinions, however, and may take any action he deems appropriate. The City shall bear the expense of reasonable direct costs of the examinations and shall provide the employee with reasonable time off to meet these appointments. The City shall be responsible for any overnight travel and expense cost related to these appointments.

**5.15. Fingerprinting of employees:** Every employee of the City, as soon as practicable during the period of his probationary appointment, shall be fingerprinted by the Police Department. Any employee who shall refuse to be fingerprinted shall forthwith be terminated as an employee of the City. All employees shall also receive a photo identification card at the same time, which shall be returned to the City upon termination.

## SECTION VI: EXAMINATIONS

**6.01. Competitive examinations:** All applicants for positions in the City service may be subject to competitive examinations which shall be either assembled or unassembled as provided for in these rules and shall be administered by the City Manager, or a designee. The City Manager shall carefully review examining practices to assure that examinations are based upon testing and other applicant appraisal procedures which do not discriminate on the basis of race, sex, religion, national origin, or any other factor not directly related to the requirements of the job or jobs involved.

**6.02. Notification of examination results:** Each person who takes an examination shall be notified of the results of such examination. Each person in an examination shall be entitled to inspect the rating and examination paper within five (5) days of notification of the results. The inspection shall be visual only, and no test contents shall be removed. Such inspection shall be permitted only during regular business hours.

**6.03. Unassembled examination:** Whenever the City Manager determines that possible applicants are not available in sufficient numbers to justify holding an assembled examination, examinations may be conducted on an unassembled basis. These examinations shall be continuous at certain regular established times until sufficient qualified applicants have been examined to establish an eligibility list.

**6.04. Eligibility lists:** The City Manager shall establish and maintain such employment lists of various classes of positions in the City government service as are necessary to meet the need to have qualified applicants available to fill vacant City positions.

**6.05. Promotional examinations:** A promotional examination is a test determines the relative standing of applicants for the specific class.

A. **Notification:** Whenever a promotional examination is to be held, notice of such examination shall be posted in all City departments.

B. **Types of promotional examination:** Promotional examinations may consist of the same types prescribed under Section 6.01.

## SECTION VII: GENERAL POLICIES

**7.01. Hours of work:** The City Manager shall establish hours of work, which insofar as practicable shall be uniform within occupational groups, which shall be determined in accordance with the needs of the service, and which shall take into account the reasonable needs; of the public who may be required to do business with various City departments.

Employees' regular workdays shall consist of eight (8) hours work and unpaid lunch periods, which shall be limited to one (1) hour. The workweek shall consist of five (5) consecutive days for a total of forty (40) hours. The normal workweek shall be Monday through Friday unless otherwise specified for specific departmental personnel. Time cards are to be used as the hourly work record for all employees. Employees must comply with starting and quitting time; otherwise they shall be subject to disciplinary action.

### **7.02. Leaves of absence:**

A. General Policy: The following types of leave are officially established: Holidays, Sick Leave, Vacation (Annual Leave), Leave with Pay and Leave without Pay. All leaves may be granted by the Department Head in conformance with rules established for each type of leave. Leave records shall be submitted by the department for inclusion in the employee's personnel file.

B. Holiday leave: The following holidays shall be observed by the City, and employees shall be compensated for same: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and the day after, and Christmas Day. The Commission may also establish additional holidays in its sole discretion. Holidays will be observed in accordance with the days scheduled by the Federal government.

1. Religious holiday: Any employee desiring to observe the religious requirements of his or her faith on a working day which does not fall on a national or legal holiday may, if circumstances permit, be allowed to do so by the Department Head. If work schedules cannot be arranged so as to provide for substituted work time, then deductions shall be made against the employee's vacation time.

2. Holidays on a scheduled work day: Employees required to work on the day on which a holiday is observed shall be paid, in addition to one day's pay, an amount equal to one and one-half times the employee's hourly wage for the time actually worked on the holiday, regardless of the actual number of hours worked for the week or work period. If the



holiday falls during an employee's vacation leave, that day shall be charged as holiday and not against his annual leave.

3. Eligibility: In order to be eligible for holiday pay, an employee must be in pay status, either a duty or on approved leave with pay, on his/her or last scheduled workday before and his or her first scheduled work day after the holiday. For the purposes of this rule, sick leave is not construed to constitute approved leave with pay. The City Manager may waive this provision at his discretion.

4. Part-time permanent employees: Part-time permanent employees shall be paid for holidays observed which fall on days for which they would otherwise be scheduled to work on a pro rata basis.

C. Vacation leave: It is the policy of the City that vacations are necessary to the health and well-being of all its employees, and that this time off shall be taken by every employee, except in unavoidable emergencies. Paid vacation time shall be provided in accordance with the following schedule:

After one (1) years' employment:	Ten (10) days
After five (5) years' employment:	Fifteen (15) days
After ten (10) years' employment:	Twenty (20) days

1. Eligibility: An employee is eligible for vacation leave with pay after one year's continuous service upon his or her anniversary date. Vacation days are accrued on an annual basis for purposes of leave due. In computing vacation leave earned, only those months shall be counted during which an employee has worked three-quarters (3/4) or more of his regular work days. For purposes of this sub-section, vacation leave and approved leave with pay shall be counted as days worked.

Department heads may utilize their administrative discretion in granting any variance to this rule, with the approval of the City Manager.

Part-time employees working less than forty (40) hours per week, but working twenty (20) or more hours per week shall be eligible for vacation on a pro rata basis, e.g., employees working twenty (20) hours per week shall receive one-half (1/2) the annual leave granted to full-time employees; those working thirty (30) hours per week shall receive three-quarters (3/4) the annual leave granted to full-time employees.

2. Scheduling vacation leave: Scheduling vacation leave shall be at the discretion of the Department head, provided it does not interfere with City operations.

3. Accumulation of vacation leave: Vacation leave may be accumulated up to a maximum of 160 hours of leave time. When the requirements of an employee's job prevent the taking of vacation leave so that such leave accumulates in excess of 160 hours, the period of time during which such excess leave must be used may be extended upon the approval of the City Manager.

4. Payment of unused vacation leave: Upon separation from City service in good standing, an employee may take the unused portion of vacation leave or may request payment for same. If an employee who is separated in good standing has completed at least one year's continuous service but has not yet reached their next anniversary date, payment for vacation leave due for that portion of the year shall be made on a pro-rata basis. In no event shall such leave, taken or paid, exceed 240 hours.

D. Sick leave: Sick leave with pay shall be granted to regularly employed full-time and part-time employees at the rate of one (1) working day for each month of service for full-time employees and on a pro-rata basis for part-time employees (less than forty (40) hours per week and at least twenty (20) hours per week) respectively, and may be taken after six months' continuous service. This provision may be waived by the City Manager.

On the date when the employee becomes eligible to take paid sick leave, he or she shall be credited with the appropriate amount of sick leave. Thereafter earned sick leave will be credited on a monthly basis.

In order to accrue sick leave for a month's service, an employee must have worked at least three-quarters (3/4) of the days or time scheduled to be worked during that month. For purposes of this subsection, days worked shall include vacation leave or approved leave with pay, an amount equal to one and one-half times the pay.

Sick leave shall not be considered as a right or a benefit which an employee may use at his discretion. Rather it is a privilege which shall be allowed only in case of sickness or disability (including pregnancy or related medical conditions) or legal quarantine because of exposure to contagious disease. Sick leave is not to be used for routine medical or dental appointments.

1. Conditions for granting sick leave: In order to be granted sick leave with pay, an employee must meet the following conditions:

a. Notify his immediate supervisor not later than two (2) hours after the beginning of the scheduled workday of the reason for absence, or within lesser limits if required by the Department Head.

b. If at work, the employee shall report to his/her immediate supervisor to record the date and time of departure.

c. An employee on sick leave must notify their supervisor as to the address and telephone number where he/she may be contacted. In the event that during the period of illness and/or recuperation such address or phone number should change, the supervisor must be notified.

d. If a holiday is observed while an employee is out on extended sick leave while under a physician's care, the time shall be charged to holiday time and not against sick leave time.

e. The City may require a doctor's certificate for any absence.

f. Claiming sick leave when physically fit shall be cause for immediate discharge from City employment.

2. Exception to sick leave policy: Employees may take up to one-half (1/2) day for an annual physical examination, provided the employee presents evidence verifying such an examination when requested by the Department Head. This time shall not be deducted from any other leave earned by the employee. Any amount of time exceeding this privilege shall be charged to sick time.

3. Sick leave and disability leave: In the case of extended illness or disability where an employee has exhausted his or her accumulated sick leave, all unused annual vacation leave must be taken. At the end of this time, if the employee is still away from the job because of sickness or disability, the Department Head, upon approval by the City Manager, may grant a leave of absence without pay for a period not to exceed thirty (30) days.

If, at the expiration of this leave, the employee does not have his or her physician's authorization to return to work, the Department Head shall bring the matter to the attention of the City Manager, who shall decide if additional leave of absence without pay shall be granted for up to a three (3) month period. Total leave without pay shall not exceed one (1) year, provided the employee has been with the City service for at least two (2) years. The City does not guarantee that an employee who has been on leave without pay for a period in excess of six (6) months will return to his or her former position upon the physician's statement of release. Reinstatement shall depend upon availability of positions for which the employee is qualified. If an employee accepts reinstatement at a lesser position rather than wait for an opening in his or her former position, the employee shall be paid the salary commensurate with the new position; however, no benefits based on past continuous service shall be decreased.

4. Payment for unused sick leave: Employees may accumulate up to ninety (90) days of sick leave. Any accumulation in excess of ninety (90) days shall be forfeit. Employees who leave the city in good standing shall receive a cash payment for accumulated leave time in accordance with the following schedule:

a. Employees who have satisfactorily completed ten (10) years service as a paid, regular full-time employee, quits or retires voluntarily (i.e., is not discharged for cause) and gives at least two (2) week's notice to the Department Head of such resignation or retirement -- Payment for fifty percent (50%) of their accumulated sick leave hours, to be computed at their rate of pay as of their last day worked.

b. Employees who leave the City's employ and who meet the conditions of paragraph (a) above, and who have also satisfactorily completed at least five (5) years' of service shall be entitled to payment for twenty-five percent (25%) of their accumulated sick leave hours, computed at their rate of pay as of their last day worked.

E. Family and medical leave:

1. An employee who has been employed with the City for at least twelve (12) months, and has worked at least 1,250 hours within the past twelve month period may, upon the approval of the City Manager, be granted a leave of absence in accordance with the Family and Medical Leave Act of 1993 (which shall control any questions concerning this section). An eligible employee may be granted up to twelve (12) weeks leave during any rolling twelve (12) month period for a personal serious health condition, birth or adoption or foster placement of a child, or to care for a child, spouse or parent with a serious health condition. When leave is foreseeable, the employee shall provide written notice to the Department Head and City Manager, not less than thirty (30) days before the date leave is to begin. If thirty (30) days' notice is not possible, notice must be given as soon as practicable before leave is to begin. Leave may be denied or delayed if an employee fails to give timely notice. In no case will family and medical leave be granted retroactively.

When leave is medically necessary, an employee may take said leave in a rolling 12-month period intermittently or use the leave to effect a reduced workweek. Married couples may take a

combined total of twelve (12) weeks per rolling twelve (12) month period for the care of a newborn, adopted, or foster child. When leave is requested to care for a newborn or newly adopted or placement of a foster child, an employee may take leave intermittently or on a reduced leave schedule only if approved by the City Manager. Intermittent leave or reduced schedule leave may result in the employee being temporarily transferred to an equivalent available position for which the employee is qualified. An employee taking family or medical leave will be able to return to the same or equivalent position with the same benefits he/she would have received had no leave been taken.

The City may require an employee taking leave for serious health reasons to provide a health care provider's certification that leave is medically necessary. Second, and, if necessary, third medical examinations may be required to determine whether leave is medically necessary. The City may require periodic status reports from employees on unpaid leave regarding the continued need for leave and the employee's intent to return to work. The City may require employees to provide medical certification of their fitness to return to work after medical leave for serious personal health problems. Employees may be denied leave, or reinstatement after leave until the City receives proper medical certification. An employee shall exhaust any applicable accrued leave as part of the approved family or medical leave prior to taking any leave without pay. Employees may use accrued sick leave when leave is requested to care for a newborn or newly adopted or placement of a foster child.

2. As in all other types of absence without pay, sick leave and vacation leave shall not accumulate during family and medical leave of absence without pay.

3. During family and medical leave, an employee shall be entitled to receive the same group health benefits he/ she would have received had no leave been taken. Employees on unpaid leave must continue to pay the same portion of their group health plan premium as if no leave had been taken. Payments by employees shall be made by the fifteenth (15th) of the month for the following month or as mutually agreed upon prior to the commencement of leave. If an employee fails to return to work from leave granted under this provision, the City may recover any premiums paid to maintain group health insurance for the employee during the period of leave without pay.

F. Leaves with Pay:

1. Military leave: Any permanent employee who is a member of any United States military reserve or National Guard unit, or is a member of the Florida National Guard, and is required to engage in training exercises will be granted military leave without loss of pay for time spent in active military service, field training or other military duty required by law, for a period not to exceed seventeen (17) consecutive days in any one calendar year.

Employees who request such leave must present their superiors with appropriate military service orders not later than two (2) weeks prior to the scheduled date of departure. This special leave with pay shall not be granted to an employee if he voluntarily extends the training time or if he is required to spend additional training time caused by excessive absences to reserve meetings during the preceding year. Military leave, when granted, will not be deducted from any other leave earned by the employee.

2. Civil leave: When an employee's attendance in court is required under legal process this shall be considered sufficient cause for leave of absence with pay; however, in the event of any compensation received for jury duty, the employee shall not, in the aggregate, receive more than his regular pay; provided further that, such leaves of absence shall be without pay for an employee who is a defendant in a civil or criminal action or plaintiff or complainant in a civil or criminal action not associated with or arising out the City's business or affairs.

Time off for jury duty shall not be included in computation or hours necessary to qualify for overtime compensation. Such leave shall not be deducted from any other leave earned by the employee.

3. Official leave: The City Manager may grant requests for leave of absence with pay for the purpose of having employees attend professional meetings, technical conferences, short term courses, seminars in matters relating to official duties, or for other valid purposes. Such leave shall not be deducted from any other leave earned by the employee. Approval must be obtained prior to taking the leave.

4. Funeral Leave: All employees covered under the policy shall be granted up to three (3), consecutive days off with pay for death in the employee's immediate family. The immediate family shall be construed to mean one of the following: Spouse, children, parents, brother, sister, grandchild, grandparents, brother-in-law, sister-in-law, mother-in-law, father-in-law, step children, step parents, step-siblings, half-siblings. In the event that the death occurs out of Broward County, at a distance of over 200 miles from the employee's place of residence, then the City shall grant two (2) additional consecutive days off with pay. Additional time off (over and above the five (5) days herein provided) shall be charged to vacation leave, or leave without pay at the employee's request. The City may require proof of death in the immediate family before making payment.

5. Personal Leave: All permanent employees shall accrue two (2) personal leave days per year on their anniversary date. Employees shall be entitled to utilize said leave upon prior notification to and authorization by their Department Head. This benefit must be used in the twelve-month period. Personal days are to be used for extra-ordinary circumstances, including religious holidays, but may not be used to extend vacation leave.

G. Leave Without Pay: With the approval of the City Manager, a Department Head may grant a permanent employee leave without pay for a period not in excess of fifteen (15) calendar days in one (1) calendar year. A permanent employee requesting leave of absence without pay for more than fifteen (15) calendar days, if such request is approved, must utilize accrued vacation leave prior to the commencement of leave without pay.

A permanent employee may be granted leave without pay by the City Manager for a period not to exceed one (1) year for sickness, disability (including pregnancy or related medical conditions), or other good and sufficient reasons which are considered to be in the best interests of the City by the City Manager. However, any employee requesting and receiving a continuous leave of absence over six (6) months is put on notice that such leave may affect his or her participation in the Pension Plan. Responsibility for learning the effect of an extended leave without pay, and the effect itself, is solely attributable to the requesting employee.

An employee requesting leave without pay for sickness or disability must have used up all accumulated sick leave before such leave of absence is to commence. (For further clarification on Leave without Pay for extended illness, see Section

7.02D3). Leave of absence may be granted to a permanent employee without limitation as to time to enable him to take an appointive position in the City service. A request for leave of absence without pay in order to accept employment outside of the City service shall be considered grounds for termination.

If for any other reason, leave of absence without pay is given, such leave of absence may be subsequently withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of these rules.

H. Other Employment: No fire officer or firefighter employed by the City of Cooper City shall be employed, act, or be a volunteer firefighter or fire officer for any other jurisdiction.

### **7.03. Code of Ethics:**

**Purpose:** The purpose of this code of ethics is to establish ethical standards of conduct for all regular employees by setting forth those acts or actions that are incompatible with the best interests of the city, and by directing disclosure by public officials and employees of private financial or other interests in matters affecting the city.

**Policy:** Public employees should be held to a high standard of conduct and accountability due to the nature of their duties and responsibilities. The proper operation of democratic government requires that public servants be independent, impartial, and answerable to the people; that government decisions and policy be made through the proper channels of the government structure; that public office not be used for personal financial gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for public employees and officials of the City of Cooper City.

### **Definitions:**

**Public Employee.** Any regular full-time or regular part-time employee of the City of Cooper City.

**Anything of Value.** Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan, or promise of future employment. It does not mean reasonable compensation or expenses paid to an employee by the City of Cooper City for work performed.



Compensation. Payment of “anything of value” to an individual in return for that individual’s services of any kind.

Association. A business entity of any kind, a labor union, a club, or any other group of two or more persons other than the immediate family.

Immediate Family. The employee’s and (1) the spouse and the following kin of either individual or his/her spouse: child, mother, father, brother, sister, grandparent, grandchild, aunt or uncle; and (2) the stepparents and/or legal guardians of the individual or his/her spouse.

Gift. The payment or receipt of “anything of value.”

**Ethical Standards:** In general, public employees are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Cooper City’s government hinges on the proper discharge of duties in the public interest. Public employees must ensure that the independence of their judgment and actions is preserved without any consideration for personal gain. The following specific ethical standards shall guide public employees:

Incompatible Offices. A public employee shall not hold incompatible offices or engage in any regular outside employment without prior notice to and approval by the City Manager.

Use of Confidential Information. Public employees shall not disclose to others, or use to further their personal interest, confidential information, as defined by Florida Statutes, acquired by them in the course of their official duties.

Solicitation or Receipt of Anything of Value. A public employee 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 public employee’s duties. Incidental items provided to public employees in the due course of business while attending conferences, seminars and training sessions shall be exempt from this provision.

Holding Investments. No public employee shall hold any investment that might compromise the performance of his/her duties without disclosure of said investment and self-disqualification from any particular action that might be compromised by such investment, except as may be permitted by statute.

Representation of Others. A public employee shall not represent persons or associations in dealings with the City in consideration of anything of value.

Financial Interest. Where a public employee has a financial interest in any matter being considered by the public employee, such interest (if known to the public employee) must be disclosed to the City Manager, and the public employee shall be disqualified from further participation in the matter.

City Property. No public 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.

Special Consideration. No public employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Authority. No public employee shall exceed his/her authority, or breach the law, or ask others to do so.

Public Funds. No public 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 public.

Use of Logo or Other City Symbols. Use of the City's logo or any other symbol for nonofficial City business without approval of the City Commission is prohibited.

Expenses. Public employee shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.

Donations. No public 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 public employee shall take an official action that will benefit any person or entity where such public employee would not otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.

Compliance with Laws. Public 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.

Acceptance of Gifts. Public employees may accept gifts on behalf of the City and said gifts shall become property of the City.

Knowledge of Violations. Public employees shall disclose any possible violations of the City's ethics policy to the City Manager.

Public Interest. Public employees shall act with the best interests of the City of Cooper City in mind.

Bribery. Public employees may not, either directly or indirectly, attempt to influence the City Manager or City Commission in any way with money, services, or other remuneration.

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 regards to employment, promotion or transfer.

Uniforms. Employees shall not conduct personal business while in City uniform, nor shall they consume alcoholic beverages while on duty, inclusive of mealtime, nor on off-duty hours while in uniform.

Political Activities. The political activities of any employee shall be in accord with and regulated by Florida Statute 104.31 as it may be amended from time to time.

**Complaints Against Public Employees:** Allegations made against public employees shall be handled by the City Manager. The City Manager will oversee the review and investigation of the allegations, and will determine the appropriate responsive action.

**7.04 Criminal Charges:** Any employee in the City service who has been arrested (on or off duty), indicted or who has been charged by information in any State or Federal court must report such arrest, indictment or charge as soon as possible (i.e., no later than the next business day, whether or not the employee actually reports to work that next business day) to the employee's supervisor, department director, or other City management official. Failure to promptly report such information will be grounds for disciplinary action, up to and including termination.

The City Manager may immediately, in his or her sole and exclusive discretion, suspend without pay any employee in the City service who has been arrested and charged with a felony or other serious crime, indicted or informed against in a State or Federal court. The affected employee may be suspended upon receipt of verification (from the employee or any other reliable source, such as

but not limited to a Court or law enforcement agency) of that arrest, indictment or information. An employee who is suspended without pay pursuant to this section shall be afforded an opportunity to meet with the City Manager, or his/her designee, to discuss the circumstances of the arrest, indictment or information. The purpose of the meeting is to allow the employee to tell his/her side of the story so that the City Manager may, in his/her sole and exclusive discretion, determine the appropriate course of action, which may include, but is not limited to: continuing the suspension without pay; converting the suspension to one with pay pending further inquiry; reinstating the employee with back pay; and/or any other administrative/disciplinary action.

Notwithstanding any limitations on the length of suspension set forth elsewhere in the City's Personnel Policies, suspensions under this Section may continue indefinitely through the resolution of the criminal proceedings related to the arrest, indictment or information, or until such time as an administrative determination is rendered. Any extensions of time or continuances of any administrative proceedings (including the preliminary meeting with the City Manager) related to a suspension without pay that is attributable to, or caused by, the employee shall be deemed a waiver of any claim for back pay or other benefits lost as a result of that extension of time or continuance.

An acquittal or dismissal of the criminal charges related to the arrest, indictment or information (if any such action occurs prior to the conclusion of any administrative action or inquiry) shall not automatically entitle the employee to reinstatement or any other relief. Instead, upon the conclusion of the criminal proceedings, the City may conduct (i.e. commence or continue as appropriate) an administrative investigation or inquiry and, if appropriate, impose disciplinary action up to and including termination, as determined by the City Manager in his/her sole and exclusive discretion. The resolution of the criminal charges may be used as a factor in any administrative determination. For purposes of this rule, the fact that adjudication is withheld or any criminal proceeding which terminates upon the employee's plea of nolo contendere shall not prevent the City from conducting its own administrative investigation and taking appropriate disciplinary action.

Nothing provided in this rule shall serve to abrogate the rights of any police officer as set forth in the Law Enforcement Officers' Bill of Rights. This rule shall be only as supplementary thereto and in the event of any conflicts, the Law Enforcement Officers' Bill of Rights shall prevail.

## SECTION VIII: OTHER BENEFITS

**8.01. Insurance:** Each full time employee shall receive upon appointment, a booklet detailing the benefits under the present insurance plan. The City Commission or the City Manager, if so authorized, from time to time shall negotiate, approve, execute, and renew group insurance contracts that provide adequate group coverage for City employees.

A. **Group Health and Major Medical:** The City pays the employees' group health coverage. The City shall contribute \$175 per month toward the premiums for any dependent health insurance coverage the employee may elect to receive. The group insurance plan provides for life insurance, accidental death and dismemberment, hospitalization, major medical, disability insurance and dental insurance.

**8.02. Workers' Compensation Managed Care:** Pursuant to the provisions of the 1993 Workers' Compensation Act, the City's insurance carrier has instituted a managed care program for all workers' comp claims. If you are injured on the job, you must follow the procedures in this plan and receive authorization prior to treatment or your medical bills will not be paid. Chapter 440, Florida Statutes, mandates such plans, requires the insurance company to authorize charges prior to treatment, and makes the employee personally liable for doctor's and/or hospital bills in the event they fail to obtain the required authorization

### A. Procedures:

1. **Emergency:** If you are injured in an accident and require immediate medical attention, you should report, or better have yourself transported, to the Emergency Room at Memorial West, 703 N. Flamingo Road, Pembroke Pines. Your supervisor or departmental liaison will make the report on the injury to the City Clerk's Office

2. **Non-emergency:** If you are injured and do not require immediate medical attention, but do need to see a doctor, or require follow-up care to emergency treatment:

a. Advise your supervisor of your injury and that you require medical care

b. Your supervisor or departmental liaison will contact the City Clerk's Office for a referral

c. The City Clerk's Office will obtain authorization for medical treatment and direct you to the managed care physician's office and/or medical facility. You will not be treated without an appointment and a picture I.D

d. Should you require the care of a specialist, physical therapy, therapeutic devices, etc., you must be referred by the managed care physician, who will authorize the charges therefor and coordinate your care throughout your recovery/healing process.

e. Should any employee be dissatisfied with the primary care physician he/she has been assigned, or contests the findings of the assigned primary care physician, the managed care provider has established an appeal procedure as provided by law. Employees should contact the City Clerk's Office for information pertaining to the then current managed care provider.

**8.03. Workers' Compensation Disability:** In the event an employee sustains an injury while on the job, she/he shall receive regular net pay, less Workers Compensation payments, during the period of temporary total disability, not to exceed ninety (90) days from the date of such service-connected disability, in accordance with the following provisions:

A. Said employee has properly reported the accident/injury to his/her supervisor within twenty-four hours (24) of its occurrence.

B. Said employee has been treated by a physician within thirty (30) days from original date of accident and said physician has designated said employee as temporarily totally disabled. The City Manager reserves the right to request a consultation with a physician of the City's choice.

C. If treatment by an authorized physician, for a temporary total disability, lapses for a period of thirty (30) days, the City may discontinue disability payments in connection with that particular injury.

D. Said employee shall be required to report at least weekly, via telephone, to his/her supervisor. Employees shall immediately provide the City with copies of all doctors' notes and schedules for any physical or other therapy that has been prescribed by the physician. Individual departments may have adopted reporting requirements more frequently than weekly, in which case, the employee must abide by the Department's adopted rules and regulations.

E. Compliance with the City's adopted Drug Free Work Place Program standards, as described in Section 8.05 of this Manual.

No charge shall be made against any leave time during the period of payment for such temporary total disability. If an employee dies as the result of an injury, disability payments from the City shall cease at the close of business on the date affixed to the certificate of death.

**8.04. Early Return to Work Program:** The City of Cooper City has established an Early Return to Work (ERTW) program for employees who sustain compensable injuries within the scope of the State of Florida Worker's Compensation Law. The program has been designed to prevent economic loss to the employee and/or the City by providing productive work within the employee's temporary restrictions/limitations at the earliest possible date.

A. Elements of the Program: The City will endeavor to provide alternative work within the temporary restrictions/limitations of an injured employee while that employee is recovering.

1. To facilitate and expedite return to work, the City will generally offer an initial assignment which may be outside the employee's regular department and/or division. This assignment will be to previously-identified sedentary, light or modified positions which have been approved by an attending or City authorized physician. During this assignment, the employee will be paid his or her regular rate of pay. Should the employee refuse the assignment offered, the employee will be subject to suspension of worker's compensation benefits in accordance with Section 440.15 of the Florida Worker's Compensation statute.

2. During the period of re-assignment, the Personnel Division will monitor physician follow-up visits, the prognosis for lesser or greater restrictions, limitations and the employee's readiness for alternative positions.

3. If, at a later point in time, a modified or regular position within the department or division is identified specifically for an employee, a physical requirements job description will be developed for review with the employee's attending physician.

4. Once approved by the attending physician, the modified or regular position will be reviewed with the employee. The duties, expectations and required work schedule or hours will be explained to the employee. An employee who accepts a modified position or another regular position will continue to receive his or her regular rate of pay for up to 13 weeks of disability.

With the City Manager's approval, payment at the employee's regular rate of pay may be extended for up to 13 additional weeks (for a total of 26 weeks). An employee who refuses an offer of a modified position or another regularly established position within the City under this program will be subject to suspension of

worker's compensation benefits in accordance with Section 440.15 of the Florida Worker's Compensation statute.

In the event of a conflict in the time periods stated in this policy and in collective bargaining agreements, the collective bargaining agreement shall prevail.

5. The Personnel Division and the employee's Department Head will continue to monitor the employee's progress in the job, the rate of recovery and the attending physician's prognosis for return to his or her former position.

6. Once a permanent, partial impairment is established or diagnosed, a thorough review of the employee's ability to return to his or her former position will be made. If the City is unable to accommodate the return to the former position, the possibility of transfer to other available positions within the employee's former department or within the City will be explored.

7. When an injured employee is transferred to an alternative position based on permanent impairment, that employee will continue to receive the rate of pay of the former regular position for the balance of the first 26 weeks of disability. Thereafter, the employee will be paid at the rate established for the position which is being performed.

8. It is to be understood that all modified positions, regular positions or alternative positions offered under the Early Return to Work (ERTW) program are temporary. While it is the desire of the City of Cooper City to return injured employees to their former positions, collective bargaining agreements or the need to fill former positions may necessitate other actions. The City reserves the right to take whatever action it deems to be in the best interest of City operations and/or service to the public. In the spirit of this policy, the City will try to avoid filling an injured employee's former position for the first 90 days of absence from work.

B. Responsibilities:

1. ERTW Coordinator: The City Manager has designated the Director of Administrative Services as the Early Return to Work Coordinator.



a. The ERTW Coordinator will identify modified or alternative regular positions within the City which will assist in returning employees to productive capacities while recovering from compensable injuries.

b. The ERTW Coordinator will work with the City authorized physician(s) to assure their understanding of identified sedentary, light or modified positions available.

c. The ERTW Coordinator will advise and counsel employees to help them understand the program, the job which they are being offered, its purpose and work schedule. The ERTW Coordinator will assure understanding of the rate of pay, the consequences of job refusal and the goal of returning the employee to his or her former position.

d. The ERTW Coordinator will follow-up with the employee's attending physician to determine prognosis for returning to the former position or an alternative position with lesser or greater restrictions or limitations.

e. If an alternative position or temporary modification of the former position is indicated, the ERTW Coordinator will work with the department and/or division head to develop a physical requirements job description for presentation to the attending physician. A Worker's Compensation Rehabilitation Specialist may be utilized to assist in developing the description or making the presentation.

f. The ERTW Coordinator will assure that the physical requirements job description and the attending physician's analysis of the injured employee's physical capacities are utilized to finalize the position offered to the employee.

g. The ERTW Coordinator will assure the attending physician's approval, City Manager approval and appropriate documentation exists throughout the ERTW process.

2. Employee Responsibilities.'

a. An employee participating in the ERTW program will put forth a diligent effort, perform the duties assigned to the best of his or her ability and comply with work schedules in all positions assigned.

b. Employees participating will perform duties in a manner which adheres to all attending physician's written restrictions and/or limitations and advise managers and supervisors if duties assigned do not conform to restrictions and/or limitations.

c. The injured employee will communicate with the ERTW Coordinator following all attending physician follow-up visits, providing information and any certification regarding prognosis for return to full duty, changes in limitations or restrictions, therapy and appointment schedules.

**8.05. Drug Free Work Place Program:**

A. Policy Statement: The City of Cooper City is committed to provide a safe work environment for its employees, our community and society. Substance abuse is a National problem which impairs the health and safety of employees, promotes crime and harms our community. The city is addressing this problem by instituting a Drug Free Workplace Program.

Substance abuse is a complex disease. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive drug free environment. Our intention is to prevent substance abuse. We would like to encourage those who use drugs or abuse alcohol to seek help in overcoming their problem. The City considers substance abuse to be an unsafe and counter-productive work practice.

The City's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Rules 38F-9.001 through 38F-9.0014 and 10E-18.001 through 10E-18.009, Florida Administrative Code and the Federal Omnibus Transportation Employee Testing Act of 1991.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following policy has been established:

It is the policy of the City that an employee found with the presence of alcohol or illegal drugs in his/her system, in possession or, using, selling, trading or offering for sale illegal drugs or alcohol during working hours, may be subject to disciplinary action up to and including termination. (City sponsored activities which may include the service of alcoholic beverages are not included in this provision)

An employee reporting for work who is considered to be impaired as drawn from articulable facts and reasonable inferences drawn therefrom is unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee with the observation to rule out any problem(s) that may have been caused by prescription drugs.

If, in the opinion of the supervisor, the employee is considered impaired, the employee should be sent home, after drug testing by a medical facility, by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor or another employee, if necessary. An impaired employee should not be allowed to drive. The prescribed test direction form (Exhibit D) shall be completed by the supervisor.

Prescription drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify the supervisor if the use of properly prescribed drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

Supervisors have the right to counsel with an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help from an assistance program or decide that the severity of the observed problem is such that a formal referral to a treatment facility should be made. All employees are encouraged to have the responsibility to make certain that they themselves and co-workers are performing properly. An employee who suspects a problem with a co-worker relative to the abuse of drugs or alcohol should contact their supervisor.

B. Definitions:

1. ALCOHOL means Ethyl Alcohol (ETHANOL) and includes distilled spirits, wine, malt beverages and intoxicating liquors.

2. ALCOHOL ABUSE - An employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol or the employee's blood alcohol level is 0.05 G/DL% or higher.

3. ILLEGAL DRUGS means any drug(s) which is not legally obtainable, which may be legally obtainable but has not been legally

obtained or which is being used in a manner or for a purpose other than as prescribed.

4. DRUGS means Alcohol, Amphetamines, Cannabinoids, Cocaine, Phencyclidine (PCP) , Hallucinogens, Synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.

5. LEGAL DRUG means prescribed drugs and other the counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.

6. JOB APPLICANT means a person who has applied for a position with the City and has been offered employment conditioned upon successfully passing a drug test.

7. EMPLOYEE means an individual who works for the City on a full-time, part-time or temporary basis and receives compensation.

8. DRUG TESTING means any chemical, biological or physical instrumental analysis for the purpose of determining the presence of any illegal drug or its metabolites, including alcohol.

a. Drug testing may require the collection of blood, urine, breath, saliva or hair of an employee or job applicant.

9. INITIAL DRUG TEST means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules. All drug and alcohol testing shall be performed in accordance with the referenced regulations. All levels equal to or exceeding the following shall be reported as; positive:

ALCOHOL	0.05 G/DL%
AMPHETAMINES	1,000 NG/ML
CANNABINOIDS	100 NG/ML
COCAINE	300 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	300 NC/ML
OPIATES	300 NG/ML
BARBITUATES	300 NG/ML
BENZODIAZEPINES	300 NG/ML
SYNTHETIC NARCOTICS	
METHADONE	300 NG/ML
PROPOXYPHENE	300 NG/ML

10. CONFIRMATION TEST means a second test of all specimens identified as positive on an initial test in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules, specifically Rule 10E-18.001 et supra. All levels equal to or exceeding the following shall be reported as positive:

ALCOHOL	0.05 G/DL%
AMPHETAMINES	500 NG/ML
CANNABINOIDS	15 NG/ML
COCAINE	150 NG/ML
PHENCYCLIDINE	25 NG/ML
METHAQUALONE	150 NG/ML
OPIATES	300 NG/ML
BARBITUATES	150 NG/ML
BENZODIAZEPINES	150 NG/ML
SYNTHETIC NARCOTICS	
METHADONE	150 NG/ML
PROPOXYPHENE	150 NG/ML

11. DRUG TESTING METHODOLOGY. Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug Free Workplace Program and the appropriate administrative rules. Urine will be used for the initial and confirmation tests for all drugs except alcohol, blood will be used for the initial and confirmation tests for alcohol.

12. POSITIVE CONFIRMED TEST or CONFIRMATION TEST means a second procedure which confirms a positive result from an initial drug test. GC/MS (GAS CHROMATOGRAPHY/MASS SPECTROMETRY) will be used for confirmation testing.

13. MEDICAL REVIEW OFFICER (MRO) means a licensed physician with knowledge of prescription drugs, pharmacology and toxicology of drugs, who is responsible for receiving and reviewing all positive confirmed test results and who is responsible for contacting all individuals who test positive in a confirmation test to inquire about possible medications which could have caused a positive result.

14. PRESCRIPTION OR NON PRESCRIPTION MEDICATION means drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes or a medication that is authorized pursuant to a Federal or state law for general distribution and use without a prescription in the treatment of human diseases.

15. REASONABLE SUSPICION DRUG TESTING means drug testing based on a belief that an employee is using or has used drugs in violation of this policy drawn from specific objective and documented facts in light of experience. Among other things, such facts and inferences may be based upon:

a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

b. Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance, either or both of which are recognized symptoms of alcohol or drug abuse and which are not adequately explained by the employee or are not related to the employee's working conditions.

c. A report of drug use, provided by a reliable and credible source, which has been independently corroborated (test direction form shall be used).

d. Evidence that an employee has tampered with a drug test during his employment with the City.

e. Information that an employee has caused, or contributed to, an accident or injury which requires medical attention beyond simple first aid while at work, or has been involved in any type of motor vehicle accident.

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

16. SPECIMEN means a tissue or product of the human body including blood, urine, saliva, hair, capable of revealing the presence of alcohol and/or illegal drugs or their metabolites.

C. General Procedures:

1. TYPES OF TESTING. In order to maintain a drug and alcohol free work environment, the City will test for the presence of alcohol and drugs in the following circumstances:

a. JOB APPLICANTS: All job applicants who have been offered a position of employment are required to take a drug and alcohol test.

b. REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol (as defined herein) , are required to take a drug and alcohol test.

c. FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty examination are required to take a drug and alcohol test as part of their medical examination.

d. FOLLOW-UP: All employees who have been enrolled in a rehabilitation program for drug and/or alcohol abuse are required to take drug and alcohol test on a quarterly, semiannual or annual basis for two years after return to work.

e. POST ACCIDENT OR INJURY: Employees who are involved in a job-related accident or incident, and appear to be contributory, which results or might have resulted in bodily injury which requires medical attention beyond simple first aid or property loss or damage, or involvement in any motor vehicle accident.

2. CONSEQUENCES OF REFUSING A DRUG TEST

a. An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test also will forfeit his eligibility for all Workers' Compensation medical and indemnity benefits.

b. A job applicant who refuses to submit to a drug test will not be hired.

3. ACTIONS FOLLOWING A POSITIVE CONFIRMED TEST. The City may institute disciplinary action, up to and including termination, for any employee who has a positive confirmed drug test.

4. CONFIDENTIALITY. Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy. All information, reports, memos and drug test reports, written or otherwise, received by the City through the drug testing program will be kept confidential as provided by law.

The City, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all

information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The City will maintain records concerning drug testing separate and apart from an employee's or job applicant's personnel file. Information on drug testing results shall not be released in any criminal hearing.

5. REPORTING OF USE OF MEDICATION. Employees and job applicants may confidentially report the use of prescription or non-prescription medication both before and after having a drug test. A form for reporting medication use is attached hereto as Exhibit E.

6. NOTICE OF COMMON MEDICATIONS. A list of the most common medications, by brand name, common name, as applicable, as well as by chemical name, which may alter or affect a drug test is attached hereto as Exhibit B. Employees and job applicants should review this list prior to submitting to a drug test

7. MEDICATION INFORMATION. An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription medication.

8. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAMS

a. It is the responsibility of each employee to seek assistance before drugs and alcohol lead to disciplinary problems. Employees who may require assistance for substance dependency and related programs are encouraged to seek assistance and information from the City Clerk's Office.

b. Once a violation of this policy occurs, subsequent use of the employee assistance program on a voluntary basis will not affect the determination of appropriate disciplinary action.

c. An employee's decision to seek assistance from the employee assistance program prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.

d. There is no interest in restricting social drinking outside of working hours and no intent to intrude upon private or personal lives of



employees. The City is concerned only when the employee's health and/or job performance is adversely affected.

e. Upon successful completion of a drug and/or alcohol treatment program, an employee may be released to resume work but will be subject to drug testing on a random, periodic basis at least quarterly, for at least two years thereafter as a condition of continued employment.

f. An individual's participation in the program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this policy. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records. Program participation records will be maintained by the City Clerk.

**RESOURCES AVAILABLE FOR ASSISTANCE WITH DRUG AND ALCOHOL ABUSE PROBLEMS ARE:**

1-800-356-9996	AL-ANON
1-800-527-5344	AMERICAN COUNCIL OF ALCOHOLISM HELPLINE
1-800-COCAINE	COCAINE HOTLINE
1-800-NCA-CALL	NATIONAL COUNCIL ON ALCOHOLISM
1-800-662-HELP	NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE
1-800-843-4971	NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE

For Florida Health Choice Members:

Memorial Hospital Share Program	435-2860/987-2000
ACS Private Counseling Service	321-8777

For Humana HMO Members:

Biodyne	742-8421
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9. DRUGS TO BE TESTED. Drugs that will be tested are as follows:

- a. ALCOHOL, INCLUDING DISTILLED SPIRITS WINE, MALT BEVERAGES AND INTOXICATING LIQUORS
- b. AMPHETAMINES
- c. CANNABINOIDS
- d. COCAINE
- e. PHENCYCLIDINE (PCP)
- f. HALLUCINOGENS
- g. METHAQUALONE
- h. OPIATES
- i. BARBITUATES

- j. BENZODIAZAPINES
- k. SYNTHETIC NARCOTICS
- l. DESIGNER DRUGS
- m. A METABOLITE OF ANY SUBSTANCE LISTED HEREIN.

The cut off levels for reporting positive initial and confirmation drug tests are set forth in Paragraphs "I" and "J" in Section 2 hereof.

10. CHALLENGE OF TEST RESULTS

a. An employee or a job applicant who receives a positive confirmed test result may contest or explain the result in writing within five (5) days of receipt of notification of a positive confirmed test result.

b. If the explanation or challenge of the employee or job applicant is unsatisfactory to the City, the City within fifteen (15) days of receipt will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results.

c. An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a judge of compensation claims, pursuant to Chapter 440, Florida Statutes.

d. If an employee or job applicant contests the drug test results he must notify the laboratory in accordance with Rule 38F-9.009, Florida Administrative Code.

11. RIGHTS UNDER COLLECTIVE BARGAINING AGREEMENTS. Employees who are covered under a collective bargaining agreement between the City and any collective bargaining unit may have a right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy.

D. Policy Requirements:

1. CONDITIONS OF PRE-EMPLOYMENT. The City will conduct pre-employment screening examinations designed to prevent hiring individuals who currently use illegal drugs or alcohol in violation of this policy.

a. To determine the suitability of employees to work for the City, the following pre-employment conditions are established:

(i) All job applicants will be tested prior to employment for drug use and alcohol use. Any job offer which a job applicant may receive from the City is contingent upon successfully completing a required physical examination.

b. Any job applicant who refuses to submit to drug and alcohol testing as part of the pro-employment testing process will be refused employment.

c. Any job applicant who tests positive for drugs or alcohol use will be refused employment at that time.

d. Confidentiality will be maintained pursuant to this policy.

e. The City will not discriminate against applicants for employment because of the past abuse of drugs or alcohol. It is the current abuse of drugs that the City will not tolerate.

2. CURRENT EMPLOYEE DRUG AND ALCOHOL SCREENING. The City will maintain screening practices to identify employees who use illegal drugs or alcohol in violation of this policy. It shall be a condition of continued employment for all employees to submit to drug screening under the following conditions:

a. REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein), are required to take a drug and alcohol test.

b. FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty medical examination are required to take a drug and alcohol test as part of their medical examination.

c. FOLLOW-UP: All employees who have been referred to a rehabilitation program by the City for drug and/on alcohol abuse are required to take drug and alcohol tests on a quarterly, semi-annual or annual basis for two years after return to work.

d. POST ACCIDENT OR INJURY: Employees who are involved in a job-related accident or incident, and appear to be contributory, which results or might have resulted in bodily injury or property loss or damage, or involvement in any motor vehicle accident.

3. MANAGEMENT'S RESPONSIBILITY. Supervisors are responsible for implementing the Drug and Alcohol Free Workplace Policy. It is the responsibility of the supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well-being of employees and the community.

a. Supervisors are responsible for maintaining a safe work environment by determining employees' fitness for duty.

b. In the event a supervisor has a reasonable suspicion that an employee may be affected by drugs or alcohol, the employee must be sent for drug testing. A form for reporting the reasons for drug testing is attached.

c. In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

#### 4. EMPLOYEE'S RESPONSIBILITY

a. It is each employee's responsibility to be fit for duty when reporting for work and to inform his supervisor if he is under the influence of prescription or non-prescription medication which may affect job performance.

b. In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe, reliable and trustworthy manner, the employee should report this behavior to his supervisor.

c. Employees who have voluntarily entered a drug or alcohol treatment and/or rehabilitation program at the request or insistence of the City, or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program are required to participate and complete recommended treatment. Completion of the recommended treatment program is required before the employee shall be permitted to return to work. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

#### 5. MEDICAL REVIEW OFFICER'S RESPONSIBILITIES

a. The MRO will review all information from the testing laboratory in the event of a positive confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or other relevant medical information set forth in the form submitted prior to drug testing.

b. The MRO may request that the testing laboratory provide quantification of test results.

c. The MRO will provide his interpretation of positive confirmed test results to the Director of Administrative Services.

d. The MRO will monitor an employee's progress in a rehabilitation program, and confirm completion of the treatment program.

**8.06. Credit Union:** All permanent employees may join the City/County Credit Union which has extended membership to employees of the City. Deductions can be authorized through payroll for savings and loan payments.

**8.07. Tuition Payments:** The City, upon the advanced approval of the appropriate Department Head and the City Manager, will pay the tuition of employees for any eligible training or educational courses as follows. Tuition reimbursement will be limited to the appropriate percentage of the rates charged by the State of Florida for community colleges or universities, whichever is applicable. Tuition reimbursement will be limited to 75% (of the State rates) for employees who have a passing grade of below "B" whereas it will be 100% (of the State rates) for employees who receive a grade of "B" or above. The Department Head and the City Manager must grant approval prior to the employee attending the training or educational program. An eligible training or educational course is one that, in the judgment of the Department Head, is directly related to the employee's current position or to a related higher position, and which will improve performance in a current position or which constitutes preparation for promotion to a related higher position. All approvals will be on a course-by-course basis.

Any employee who is approved for attendance in any eligible educational or training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for textbooks, lab fees, or any other expenses. No coursework shall be performed during working hours. Employees will be entitled to a refund of tuition upon the successful completion of each approved course and presentation of transcript within thirty (30) days of completion of the approved course. The refund shall not exceed the appropriate percentage of the tuition paid to the

educational institution.

If an employee voluntarily or involuntarily terminates his or her employment with the City within one (1) year following the completion of any eligible educational or training program for which such employee has received a refund, then the amount of tuition refund paid by the City shall be repaid by such employee to the City immediately. Should such employee fail to immediately reimburse the City for the amount of such refund, the City may deduct the amount of any such refund from any salary or wages due to the employee from the City.

**8.08. Uniforms:** The following City government employees are furnished with uniforms at the time of their appointments:

Police Officers

Firefighters

Public Works Personnel

Police Department Support Personnel

Utility Department

The above-named employees shall have their uniforms cleaned for them by the City, or be paid a monthly cleaning allotment, as provided for in the annual budget. New or replacement uniforms shall be provided by the City on an as-needed basis, with the prior written approval of the Department Head.

**8.09: Retirement:** All permanent full-time employees of the City, including FOP contract employees, after completion of one year of continuous service, shall automatically be enrolled in the City of Cooper City Retirement Plan as adopted by Ordinance 79-9-6, and as it may be amended from time to time by the City Commission.

**SECTION IX: TRANSFER, PROMOTION, DEMOTION, REINSTATEMENT AND SEPARATION:**

**9.01: Vacancy:** A vacancy may be filled by promoting a qualified employee from a lower class, by transferring a qualified employee from a similar class with similar basic qualifications, or by hiring a qualified employee from without the City service (See, also, provisions dealing with demotion and reinstatement).

**9.02: Transfers:** A position may be filled by transferring an employee from another position of the same or similar class with essentially the same basic qualifications. Transfers may be voluntary or involuntary and must be approved by the Department Head(s) affected and the City Manager. Insofar as practicable, the employee concerned will be consulted.

**9.03: Promotion:** Promotions, either inter- or intra-departmental must be approved by the Department Head(s) and the City Manager.

**9.04: Reinstatements:** Any employee who has resigned or otherwise separated from the City service in good standing may be reinstated if a vacancy exists in a position which the employee is qualified to perform. For purposes of computing benefits due, the employee shall be considered as a new appointment and shall serve the required probationary period.

**9.05: Separations:** Separations and/or terminations from positions in the City service shall be designated as one of the following types:

A. **Resignation:** An employee who desires to resign in good standing shall submit his written resignation and/or verbal notice to his Supervisor or Department Head at least two (2) weeks before leaving, and must state the date the resignation shall become effective and the reason for separation. Such resignation entitles the employee to payment of any benefits due. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.

B. **Absence without Leave:** An employee who is absent from duty for three (3) consecutive work days without securing authorization from his or her Department Head or without notification of the reason for such absence and the expected date of return shall be considered to have resigned without notice. This will be considered prima facie evidence of job abandonment.

C. **Retirement:** Whenever an employee meets the conditions set forth by the City retirement system, the employee may elect to retire and receive all

benefits earned under the retirement plan.

D. Disability: An employee may be separated for disability when he/she cannot perform the required duties because of physical or mental impairment. The City may require an examination at its expense to be performed by a physician of its choice (See Section 5.14).

E. Death: Separation shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid to the next-of-kin or to the estate. Further, all benefits due an employee separated by death shall be paid to the next-of-kin or to the estate.

F. Layoff: The City Manager shall have the authority to lay off any employee(s) because of lack of funds, lack of work, when there has been an insufficient appropriation to meet salary requirements necessary to maintain existing personnel in any department, or as he otherwise deems appropriate in his sole and exclusive discretion. The City Manager shall notify the City Commission of this action at the first appropriate opportunity. A reduction in the number of employees in a job classification shall be made by recommendation of the Department Head with the concurrence of the City Manager. The Department Head or the City Manager shall give written notice to any employee being separated at least two (2) weeks prior to the effective date contained in the notice. Whenever it becomes necessary to reduce the number of employees in a given job classification and notice of such lay off is given to the affected employee(s) for any of the reasons enumerated herein, this notice shall be final and not subject to appeal.

G. Dismissal for Lack of Performance: The Department lead with the approval of the City Manager, may dismiss a City employee for any reason they deem appropriate. Employees shall be given written notice of dismissal and a report of the action taken shall be presented by the Department Head to the City Manager. The City will attempt to follow a procedure of progressive discipline which will consist of the following steps:

1. Counsel: An appointment will be made with the employee to discuss unsatisfactory performance and to set reasonable goals and timetables for improvement.
2. Warn: A verbal warning is issued and documented if the employee fails to meet reasonable goals for improvement within the stated timetable. A definite time limit is set for improvement.
3. Reprimand: A written reprimand is issued if an employee fails to respond to Steps 1 and 2. This becomes a part of the



employee's permanent personnel file. A time limit for correction of unsatisfactory behavior is set.

4. Suspend: If an employee's unsatisfactory behavior is not improved following Steps 1, 2 and 3 above, the employee can be suspended upon approval by the Department Head and the City Manager. Suspension shall be of a specific duration and without pay.

## SECTION X: DISCIPLINARY ACTION

**10.01: Termination:** Any employee may be dismissed by the Department Head with the approval of the City Manager. For permanent employees, a written statement of the reasons therefore shall be submitted to the employee affected. All employees serve at the will and pleasure of the City and accordingly may be dismissed for any reason deemed appropriate by the City. However, the City wishes to advise its employees that the following reasons will be deemed sufficient for termination:

- A. Incompetence or inefficiency in the performance of duties;
- B. Conviction of a criminal offense or of a misdemeanor involving moral turpitude or directly related to the duties of the position;
- C. Willful or repeated violation of any of the provisions of the Charter or these Rules;
- D. Violation of any lawful and reasonable regulation, order, or direction made or given by a superior where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public;
- E. Public intoxication, or drinking intoxicating liquors while on duty;
- F. Repeated offensive conduct or language toward the public or fellow employees, or abusive public criticism of superiors or public officials of the City of Cooper City either during working hours or which interferes with the ability of the City Administration to perform its duties and responsibilities effectively;
- G. Carelessness or negligence in the use of the property of the City;
- H. Attempting to induce any officer or employee of the City to commit an act in violation of any lawful or reasonable regulation;
- I. Conduct, either on or off duty, which reflects discredit upon the City;
- J. Hindering the regular operation of the department or division because of excessive tardiness or absenteeism;
- K. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental ailment or defect that cannot be

accommodated by the City without placing an undue hardship on the conduct of business;

L. Failure to notify the Department Head within one (1) working day of suspension or revocation of valid operator or chauffeur's license (applies only to employees whose job requires valid operator or chauffeurs license);

M. Unauthorized absence from work for a period of three (3) consecutive work days; or

N. Making a false statement of a material fact or practicing or attempting to practice any fraud or deception in an attempt to secure any job-related benefits as set forth in any ordinance, resolution, or Personnel Rule of the City, or the Charter, or the Code of Ordinances of the City, or the Statutes of the State of Florida.

**10.02: City Property:** Each City employee who is entrusted with City property is responsible for the safety and maintenance of said property. At the time of separation from City service and prior to receiving final salary payment due, all City property entrusted to said employee, including, but not limited to, records, books, uniforms, keys, and tools, shall be transferred or returned to the department, and certification to this effect shall be made by the Department Head or Supervisor. Any monies due the City because of shortages shall be deducted from the employee's final paycheck.

As a condition of employment, each new City employee shall sign a form at the time of his or her initial appointment agreeing, in accordance with this provision, to return all City property prior to separation and to the deduction of any shortages from the employee's final paycheck. Present City employees shall sign such a form upon receiving any City property.

## SECTION XI: GRIEVANCE PROCEDURE

**11.01: Grievances Involving Discipline:** The following procedure shall apply only in cases involving suspension without pay, reduction in pay, reduction in rank/demotion, or discharge, except that said procedure will not be available to probationary employees. No other disciplinary actions may be grieved.

A. The employee shall receive written notification of the proposed disciplinary action, together with sufficient facts and reasons therefor as will enable the employee to make an explanation and/or defense to the proposed discipline. An employee who contests the proposed disciplinary action in accordance with the below procedure shall be considered in pay status until such time as the City Manager renders his written decision pursuant to paragraph 2(c), below. However, nothing herein shall preclude the City Manager, or other authorized personnel, from imposing immediate disciplinary action, without advance notice, where it is believed by the person taking disciplinary action that giving such notice would result in damage to property of the City, would be detrimental to the interest of the City, or would result in injury to the employee, a fellow member or employee, or the general public. In such circumstances, the employee, although not in pay status, will be given reasons for the disciplinary action after it takes effect and thereafter will be entitled to utilize the hearing procedures set forth in the following paragraphs.

B. If an employee desires to contest the disciplinary action proposed by the City Manager, he/she must, within five (5) calendar days of receipt of notice of the proposed disciplinary action, file a request for a hearing before the City Manager or his designee, together with a brief statement outlining the reasons for the request. If the employee does not make a timely request for a hearing, he/she will be conclusively presumed to have concurred in the proposed disciplinary action and such action will become final.

C. A hearing will be scheduled by the City Manager or his designee not less than ten (10) calendar days from the date of receipt of the hearing request. The hearing will be informal and will be conducted as follows:

1. The City Manager or his designee will orally inform the employee of the proposed disciplinary action and may take the testimony of the witnesses.
2. The employee may be accompanied by a representative of his/her choice. The employee shall have the right to respond to the charge(s) made against him/her both in writing to, and orally before, the City Manager. The employee may call witnesses in

support of his/her case.

3. The City Manager shall render a final written decision within ten (10) calendar days after the hearing. The decision shall advise the employee of the disciplinary action which is to be taken by the City. The City Manager's decision is final and cannot be further grieved or appealed.

**11.02: Other Grievances:** In the event an employee believes that the rules contained in this Manual have been misapplied, he must utilize the following procedure. Failure of the grieving employee to strictly follow the time limits will automatically result in a final and binding denial of the grievance. If the City does not follow the time limits, the appropriate City official will be deemed to have denied the grievance and it may proceed to the next step.

A. Step 1: The aggrieved employee shall present any grievance orally to his or her immediate supervisor. Discussion will be informal for the purpose of resolving differences in the simplest and most direct manner. The immediate supervisor shall consult with the Department Head, reach a decision, and communicate that decision orally to the aggrieved employee within three (3) working days from the date the grievance was presented to him or her. Supervisors are not empowered to make policy decisions. If the grievance is not resolved at this step, it shall be the responsibility of the aggrieved employee to reduce any grievance to writing within five (5) working days of the date of the supervisor's response.

B. Step 2: If the grievance is not resolved in Step 1, the employee shall reduce the grievance to writing, sign it, and present it to the Department Head. The Department Head shall confer with the immediate supervisor and the employee and shall attempt to obtain the facts concerning the alleged grievance, and shall conduct a meeting concerning the grievance within five (5) working days of receipt of the written grievance. The Department Head shall notify the aggrieved employee of his or her decision no later than five (5) working days after the meeting.

C. Step 3: If the grievance has not been satisfactorily resolved in Step 2, the employee may forward the grievance to the City Manager within three (3) working days of receipt of the Department Head's decision. The City Manager shall meet with the aggrieved employee within ten (10) working days after receipt of the grievance unless such time is mutually extended in writing. If an adjustment of the grievance is not reached at this meeting, the City Manager shall furnish a copy of his decision to the aggrieved employee within five (5) working days after the meeting, unless this period is extended by mutual

agreement in writing.

D. Step 4. If the grievance has not been satisfactorily decided in Step 3, the employee may appeal the decision to the City Commission within five (5) working days after receipt of the City Manager's decision, unless such time is mutually extended in writing. Upon such appeal, the City Manager, the Department Head, and the appealing employee shall have the right to be heard and to present evidence. The employee may, if he or she desires, be represented by counsel. The City Commission shall make the final decision disposing of the appeal. If the Commission finds that the grieved action was taken for wrongful or other insufficient or unlawful reason, the employee will be made whole.

**SECTION XII: SAVINGS CLAUSE**

If any section or part of a section of these rules is held by any Court or legislation to be invalid or unconstitutional, the same shall not invalidate or impair the validity, force and effect of any other section or part of a section of these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.

## **SECTION XIII. BLUE-COLLAR EMPLOYEES**

**13.01 Positions covered by this section:** The provisions of this section shall apply to all positions formerly included within PERC (Public Employees Relations Commission) Certification Number 874. These positions include all full-time blue-collar employees of the City of Cooper City in the Public Works and Utilities Departments, including the following: in the Public Works Department - Trades Worker, Maintenance I and II, Groundskeeper, Landscape Technologist, Equipment Operator, Automobile Mechanic, Automobile Mechanic Foreman; in the Utilities Department - Inventory Clerk (Storekeeper), Mechanic Trainee, Mechanic I and II, Electrician, Treatment Plant Operator Trainee, Treatment Plant Operator, Chief Plant Operator, Sludge Operator, Senior Plant Mechanic.

**13.02 Departmental rules and regulations:** The Department Head or City Manager or a designee shall provide a copy of any newly proposed rule or regulation, as well as any proposed amendment or revision to a rule or regulation, to the department's employee representatives. The employee representatives shall submit any comments concerning said proposal, in writing, within five (5) calendar days. Any such written comments submitted by the employee representatives shall be considered.

One (1) copy of any rules and regulations which are new and/or which replace, update, and/or supersede the department's and/or the City's present rules and regulations will be posted upon adoption or as soon thereafter as practicable. Rules and regulations shall become effective when they receive the final approval of the appropriate authority.

**13.03 Call-Outs:** In the event that an employee is off-duty and is not otherwise at his work facility and the employee is called out to report for work, the employee will be paid a minimum of two (2) hours at one and one-half (1 and 1/2) times his or her regular rate of pay.

**13.04. Assignment of Prescheduled Overtime:** The City agrees to prepare a seniority list for each job classification within each Department. The purpose of such list is to coordinate and fairly distribute overtime. In the event that an employee is needed to work overtime, the most senior employee who is in the needed classification and who normally performs work of the type and character of the needed overtime work will be given the opportunity to accept or reject the overtime. The employee will thereafter be placed at the bottom of the list and he/she shall not be offered overtime until all employees within the same classification who normally perform the required duties have been asked to work overtime. In the event that all employee in the affected classification who normally perform work of the type and character of the needed overtime work



decline to work, the least senior employee who normally performs the type of work and character of the needed overtime may be required to perform the overtime work.

**13.05 Wages:** Employees covered by this Section shall be subject to a compensation plan based on the plan in effect when the employee group was represented by a collective bargaining organization. A copy of the base compensation and classification plan is on file in the office of the City Clerk. Future adjustments to the plan may be negotiated between the employee representatives and the City.

**13.06 Longevity:** One (1) year after an employee reaches the maximum step of his/her pay range, they will be entitled to receive longevity pay in the amount of \$1,000.00. An employee will be entitled to receive longevity pay only if she/he receives a satisfactory or better performance evaluation. Longevity will be paid in a lump-sum amount and will not increase an employee's base salary. Employees who are receiving longevity pay and who are thereafter promoted will no longer be eligible for longevity pay until one (1) year after they reach the maximum step of their new pay range.

**13.07 Layoffs:**

1. In the event of a layoff within a particular job classification, employees will be laid off in the following order:

- a. Temporary employees; then
- b. Part-time employees; then
- c. Probationary employees; then
- d. Regular, non-probationary employees.

2. The City Manager shall have the authority to lay off any employee(s) because of lack of funds, lack of work, when there has been an insufficient appropriation to meet salary requirements necessary to maintain existing personnel in any department, or as he otherwise deems appropriate in his sole and exclusive discretion. The City Manager shall notify the City Commission of this action at the first appropriate opportunity. A reduction in the number of employees in a job classification shall be made by recommendation of the department head with the concurrence of the City Manager. The department head or the City Manager shall give written notice to any employee being separated at least two (2) weeks prior to the effective date contained in the notice. Whenever it becomes necessary to reduce the number of employees in a given job classification and notice of such lay off is given to the affected employee(s) for any of the reasons enumerated herein, this notice shall be final and not subject to appeal.

3. Laid off employees will be recalled by the City according to their order of layoff, with the last laid off employee being recalled first. Employees will retain recall rights for up to twelve (12) months.

**13.08. Education:**

1. The City, upon the advance approval of the department head and the City Manager, will pay the tuition of employees for any eligible training or educational courses in which the employee receives a grade of "C" or better. The department head and the City Manager must grant approval prior to the employee attending the training or education program. An eligible training or educational course is one that, in the sole and exclusive determination of the department head and City Manager, is directly related to the employee's current position or to a related higher position, and which will improve performance in a current position or which constitutes preparation for promotion or related higher-level responsibilities. All approvals will be on a course-by-course basis. Any employee who is approved for attendance in an eligible educational or training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for lab fees, or any other expenses, except as provided below. No course work shall be performed during working hours. Employees will be entitled to a refund of tuition upon the successful completion of each approved course with the passing grade of "C" or better, and presentation of transcript within thirty (30) days of completion of the approved course. The refund shall not exceed the tuition paid to the educational institution.

2. The City agrees to pay up to \$75.00 per year for required textbooks, that are not available in the City library, purchased by employees while attending accredited college courses. Said books will then become property of the City library. Employees shall obtain approval from the City prior to attendance in eligible educational/training programs. Reimbursement for textbooks will be made only upon presentation of a receipt for the course and a transcript indicating a passing grade of "C" or better.

3. If an employee voluntarily or involuntarily terminates his or her employment with the City within one (1) year following the completion of any eligible education or training program for which such employee has received a refund, then the amount of tuition refund paid by the City shall be repaid by the employee to the City immediately. Should the employee fail to immediately reimburse the City for the amount of such refund, the City may deduct the amount of any such refund from the salary or wages due to the employee from the City.

4. All discretionary determinations made under this section are non-grievable.

5. Renewal of field and operator licenses will be paid for by the City at the time of renewal.

6. Employees may volunteer to participate in non-required education or training (e.g., courses, seminars, demonstrations, etc.). Attendance in these instances is purely voluntary and thus does not constitute hours worked for pay and/or overtime computation purposes. This is true whether or not an employee's tuition, fees, expenses, etc. are paid for by the City.

**13.09 Uniforms:**

1. All employees will be furnished with one (1) rental service uniform per day. Employees will also receive two (2) T-shirts each summer season.

2. Employees will be reimbursed for up to \$100.00 per year for the purchase of a leather, steel-toe safety shoe which meets the prior approval of the department head. Employees must at all times wear said safety shoes on the job.

**13.10 Sick Leave:**

1. The provisions of Section 7.02D of the Manual of Personnel Policies shall apply to all employees, with the following exception:

a. Employees will not ordinarily be entitled to utilize sick leave for medical or dental appointments. However, it is agreed that, up to a maximum of two (2) times each fiscal year, an employee may utilize up to two (2) hours of sick leave in order to attend a medical or dental appointment provided that the appointment is at the end of the employee's normal work day and that reasonable advance notice is given to the City.

**13.11 Health Insurance:** The City's contribution toward the premiums for dependent insurance coverage is \$150.00 per month for employees who have elected to be covered under the City's health insurance plan and \$175.00 per month for employees who have elected to be covered under the Humana HMO plan.

**13.12. Life Insurance:** The City will provide life insurance coverage of \$25,000.00 for employees covered by this Section.

**13.13. Probation:** In the event an employee receives a promotion to a higher classification, the employee shall serve a probationary period of six (6) months of continuous employment. Upon expiration of the time period: (1) the City Manager shall approve, in writing, that the employee be granted regular status; or (2) in the event the City Manager shall fail to approve the employee being granted regular status in the higher position, the employee shall automatically revert to the position from which she/he was in prior to promotion. This reversion is not grievable or otherwise subject to challenge.

## **SECTION XIV: MANAGEMENT PLAN**

**14.01. Introduction:** This Plan has been established in order for the City to manage personnel matters related to elected and appointed officials not subject to the City's Manual of Personnel Policies.

The information contained in this Plan is intended only as a general guide for officials. The City may change these rules and regulations from time to time and such changes may not be incorporated in the Plan at the time you read it -- in which case existing policy will supersede this Plan. This Plan does not constitute an employment contract or guarantee of continued employment.

### **14.02. General Provisions:**

A. Purpose of the Plan: The Plan sets forth the principles and procedures that are to be followed by the City in its personnel program to the end that the citizens of Cooper City may derive the benefits and advantages which can be expected to result from a competent staff of elected, managerial and appointed officials.

B. Positions covered by the Plan: This plan shall apply to all positions not covered by the City's Manual of Personnel Policies, with the following exceptions:

1. Members of collective bargaining units.
2. Members of any board, committee or agency appointed to said position by the City Commission.
3. Temporary or seasonal employees.
4. Reserve or auxiliary members of the Police and/or Fire Departments.

C. Implementation: The responsibility for implementing the provisions of this Plan is hereby vested in the City Manager, or his designee.

### **14.03. Compensation Plan:**

A. Maintenance of the Plan: The City Manager, or a designated representative, shall be responsible for the maintenance of the compensation plan and for the presentation once a year to the City Commission of any recommendations for changes in pay range assignments for each class of position in the managerial compensation plan. The current plan (Fiscal Year 1998-1999) is attached hereto as Exhibit "A".

B. Exceptions: In the event that an individual's salary is established via ordinance or by contract, that document, and the City's annual adopted budget document, shall prevail over this Plan.

**14.04. Merit Bonus Performance Evaluation:**

A. Introduction: The procedure for developing specific performance criteria for each position will be one of participation by the Department Heads and the City Manager. This type of involvement is essential to the concept of mutual understanding and acceptance of the requirements and expectations. The success or failure of the Merit Bonus Performance Evaluation program will depend upon the attitude and understanding of all concerned.

B. Objectives: The primary objective of the program is to assist the employee in improving his/her job performance, in overcoming weaknesses, in order to achieve personal and departmental objectives and goals. It should be used as an opportunity for training, as well as a basis for making intelligent decisions on compensation.

The program should not be used primarily to highlight employee weaknesses, or as a "praise session," where no constructive suggestions are offered for improvement.

Performance evaluations are an integral part of an organization's personnel management program. It should be used to improve the performance of employees, not merely as a periodic process but as a continuing day-to-day responsibility of good supervision. Basically, performance evaluation should improve employee performance through:

- Strengthening supervisor-employee relationships.
- Identifying work standards and requirements.
- Recognizing and correcting work deficiencies.
- Assisting as a guide to formal personnel actions.

The City recognizes the need for an operating system of evaluating the performance of managers in order to:

- Fairly and accurately evaluate an employee's strengths, weaknesses and potential for growth;
- Encourage and guide the manager's development of his/her special skills and work interests;
- Assists in the granting of pay increases and consideration for more complex work based on merit.
- Provide a method of improving operational programs through employee input; and

-- Identify training needs.

C. Administration: The City Manager is responsible for the establishment and maintenance of the Merit Bonus Performance Evaluation system. The City Manager is responsible for evaluating the performance of all Department Heads under his/her immediate supervision.

D. Frequency of Evaluations: Each Department Head shall be evaluated on his/her overall performance for the purposes of recommending a merit bonus increase based on his/her performance during the twelve (12) month period required. Evaluations for merit increases shall be done on an annual basis or in accordance with the anniversary date and completed within one (1) week of the required period. A recommendation must be made in regard to whether:

1. The Department Head's performance during the required time warrants a merit increase;
2. The Department Head's performance during the required period does not warrant a merit increase with appropriate corrective actions prescribed, including but not limited to demotion, removal or termination; or
3. The Department Head has not sufficiently demonstrated that a merit increase is warranted and an extension for further observation is recommended.

E. Review of Evaluation with Employees: The City Manager shall be responsible for reviewing and discussing with each Department Head his/her annual evaluation. Department Heads shall be entitled to three (3) working days to make written comments regarding their evaluation. All Department Heads shall be required to sign their evaluation to acknowledge receipt regardless of whether the employee agrees/disagrees with it or elects to make comments or not. All Department Heads shall be entitled to a copy of each evaluation conducted on them. Copies are to be provided by the City Manager and any/all final concerns of the employee addressed.

F. Records of Evaluation: This system is based on performance standards, when the standards can be expressed in measurable terms it is evident whether the goals have been attained. The system requires that "communication" about performance occur, which implies that both the Manager and the employee understand the value of the work done. There are no universally applicable performance criteria which can fit all situations and all position classifications. This system allows for differing conditions, accountabilities and standards.

If a department head understands what is expected of him/her, the chances of the job being performed in a satisfactory manner are much greater than if the employee does not understand.

1. Use of Performance Standards. The City Manager has a standard for each major operation a Department Head is to perform. Without such a standard the City Manager would be unable to know when work is completed properly, when to correct or reward the Department Head. If this standard is not explained to the Department Head, it takes longer to become accustomed to the City Manager's requirements. Those who know a job thoroughly are in a position to develop performance standards for the job. Setting standards should be a cooperative effort between the City Manager and the Department Head. There should be mutual agreement between the Department Head and the City Manager of the final standards. Department Heads should be given an opportunity to suggest a level of adequate performance. Department Heads will be able to contribute to the completeness and accuracy of the standards.

G. Definition of Performance Levels: In general, Department Heads who meet the training and experience requirements for their jobs should be able to perform job assignments in a satisfactory manner after receiving sufficient orientation. Department Heads should not be held responsible for duties which have not been specifically assigned and explained.

1. Unsatisfactory Performance: Performance clearly and consistently fails to meet work requirements and standards. This rating indicates inadequate and unacceptable performance. The employee shows either an unwillingness or an inability to improve. It characterizes an employee whose performance is well below average and unsatisfactory and requires immediate corrective action, discipline or dismissal.

2. Satisfactory Performance: Performance is adequate and regularly meets work standards of this position. It characterizes an average or satisfactory employee.

3. Above Satisfactory Performance: Performance regularly meets and frequently exceeds the work requirements and standards. This rating is higher than the level of "satisfactory" since the employee usually exceeds the acceptable and satisfactory level of performance.

4. Outstanding Performance: Performance consistently achieves and exceeds all standards/objectives. The employee seeks out opportunities for better ways to achieve standards/objectives.

H. Supervisory Factors:

1. Scheduling and Coordinating. Does the Department Head plan the work of subordinates to achieve maximum results? Does the Department Head plan and budget his/her time and that of the unit?

2. Training and Motivating. Is someone in the individual manager's department being groomed to take the manager's place if he/she leaves? Does the Department Head know how to motivate his/her subordinates effectively? Does the manager understand the basic elements of motivation? Are employees under his/her supervision well-trained? Is training continuous? Does the training follow specific plans set up by the Department Head? Does the Department Head include subordinates in critical meetings and decision-making sessions?

3. Evaluating Subordinates. Does he/she tend to evaluate everyone the same in each performance factor or does the Department Head recognize that everyone has strong and weak points? Is the Department Head fair and impartial? Is the Department Head constructive and definitive in developing plans for the subordinates' improvement?

4. Leadership. Does the Department Head set the example? Does the Department Head establish standards and work with subordinates to achieve those goals? Does the Department Head communicate well with subordinates? Is the leadership style of the Department Head compatible with those of his/her superior? Do the subordinates of the Department Head follow the directions set by the Department Head without reservations?

5. Delegation of Assignments and Follow-through. Does the Department Head know how to delegate effectively? Is the Department Head reluctant to delegate to others? Does the Department Head over-delegate?

6. Public Relations. Does the Department Head represent the City with the public effectively? Does the Department Head exercise the initiative to promote good public relations? Has the Department Head established goals and objectives for promoting good relations with the public? Can and does the Department Head communicate effectively with



the public? Does the Department Head have an established public relations program for his/her department?

7. Timely Completion of Assignments. Does the Department Head manage his/her time effectively? Does the Department Head complete assignments on time? Does the Department Head have to be reminded to complete work on time? Is the Department Head organized in performing his/her work assignments? Does the Department Head wait until the last minute to complete his/her work?

I. Instructions for Completing Forms: Forms for the complete of the Merit Bonus Performance Evaluation are attached to this Plan as Exhibit "B".

1. All major sub-elements of a position will be identified, all specific tasks/duties noted and all performance standards set for the position, using the Performance Evaluation Standards form as a worksheet.

2. Each Department Head will be given a numerical evaluation (grade) to show the Level of performance during the period on all applicable performance factors. Non-Applicable items will be marked N/A.

Performance Levels:

3 -- Outstanding

2 -- Above Satisfactory

1 -- Satisfactory

0 -- Unsatisfactory

3. Numerical grades given will have a direct bearing on the future Merit Salary Bonus of Department Heads.

4. Rate the factors within each category that best represents the evaluation of the Department Head's performance during the reporting period. In the space provided, enter the numeric value of the factor.

5. After all factors and specific tasks/duties have been transcribed to the worksheet, the average for each of the Major Factors will be transformed to the Performance Evaluation Report form.

6. The overall evaluation is then calculated by dividing the number of factors used by the total score of all ratings.

7. The Performance Evaluation Report. The City Manager summarizes the performance of the Department Head by rating the indicators as met or not met for each standard. Space is also provided to comment on the rating. Comments are required when a standard has not been met. Space for summary comments and the signature of the City Manager are provided at the end of the form. Space is also provided for the Department Head to comment and sign denoting that he or she has received a copy of the report.

The Department Head will receive a copy of the Evaluation Report, the City Manager retains a copy of the form, and a copy is filed in the Personnel File.

8. The Performance Observation Report form. This form is completed by the City Manager following the required observation and prior to the evaluation conference with the Department Head. This form briefly described the observations that were made by the City Manager. The Performance Observation Report is repeated at the top and bottom of one page to provide for the semi-annual observation of annual employees to be recorded on one page. The employee receives a copy and the City Manager retains a copy in the office files. NOTE: This form does not constitute the final evaluation.

9. The Professional Development Plan form. This form must be completed by the City Manager for standards which have not been met in the Evaluation Report. For each standard not met, the City Manager records the Department head's improvement objective(s), activities planned to meet each objective, and anticipated completion dates. Both the Department Head and the City Manager will sign the form. The Department Head receives a copy and the City Manager retains a copy for the official files.

10. The Final Rating. The final rating will indicate the percentage of the merit bonus the Department Head may receive.

Overall Rating	Merit Bonus Consideration
Outstanding	7.5%
Above Satisfactory	5.0%

Satisfactory	2.5%
Unsatisfactory	0.0%

**14.05 General Policies:**

A. Hours of Work: The City Manager shall establish hours of work, which shall be determined in accordance with the needs of the service, and which shall take into account the reasonable needs of the public who may be required to do business with the various City departments.

Department Heads are considered managerial, exempt employees under the regulations of the Public Employees Relations Commission and the Fair Labor Standards Act. Therefore, Department Heads are salaried employees, not subject to the payment of overtime.

B. Administrative time: The City recognizes that the managerial employees often work hours outside of a normal forty-hour workweek, without additional compensation. Therefore, managerial employees have the opportunity to take administrative time during the normal workweek, subject to the approval of the City Manager. It is expected that departmental responsibilities will be met and that the managerial employee will be available via telephone to provide direction and/or instruction to subordinates, if necessary.

C. Leaves of Absence: Managerial employees shall be subject to the same regulations for leaves of absence as general employees of the City of Cooper City, as set forth in Section 7.02 et supra of the Manual of Personnel Policies.

D. Travel Guidelines: Individuals covered by this plan shall be subject to travel guidelines as set forth in Section 112.061, Florida Statutes, including rates for per diem, subsistence and mileage.

Generally, employees may attend one (1) in-State and one (1) National conference each year, subject to budgetary funding. Any conferences above and beyond this allocation must have written permission of the City Manager prior to registering or making travel arrangements. A statement by the individual addressing the need for attendance at this conference, along with conference registration materials and associated costs shall be submitted for advance approval.

E. Cellular Phone Usage: The City has been provided with a number of cellular telephones and airtime by Bell South Mobility in consideration of a contract for leasing property for a cellular phone tower. Individuals who are issued cell phones should be aware that these are intended for business use. The

City, under the terms of the contract, is only billed for usage over and above the air time allotment specified in the contract. By directive of the City Manager, any employee who incurs cellular telephone charges shall be individually responsible for same. The City does not at any time pay cellular telephone bills.

**14.06 Other Benefits:**

A. Insurance: Individuals covered by this plan shall receive full health, dental, life insurance, accidental death and dismemberment insurance and disability insurance, as applicable to their positions. For department heads, the City shall pay full individual coverage and a stipend of \$175 per month toward any dependent coverage the employee may select. For positions above department head level, the City shall pay full family coverage for insurance.

B. Retirement Health Insurance: Pursuant to the provisions of Section 112.0801, Florida Statutes, the City will provide eligible department heads and elected officials, and any eligible spouses of elected officials, upon retirement or completion of their terms of office, city's health insurance coverage from age Fifty (50) until age Sixty-five (65) years. When a participant becomes eligible for Medicare the City shall provide basic individual supplementary insurance coverage. Further, eligible Department Heads may elect dependent health insurance coverage at his/her own expense.

In order to qualify as an eligible participant the following standards must be met:

1. Department Heads
  - a. Continuous service as a Cooper City Department Head for fifteen (15) years.
  - b. Attain age fifty (50) years.
2. Elected Officials
  - a. Be elected to three (3) terms as a Cooper City elected official.
  - b. Attain age fifty (50) years.

If a department head retires or an elected official completes his/her terms before attaining age fifty (50) years, he or she and their dependents may remain in the City's health insurance program at fifty percent (50%) of the cost then in effect, until qualification.

C. Deferred compensation: The City offers a deferred compensation program to individuals covered by this plan. Individuals must make a minimum mandatory contribution in order to be eligible for contributions by the City into their account. The specific provisions of the program are governed by the Plan Trust Agreement executed with the International City Management Association.

D. Annual physicals: Individuals covered by this plan are eligible for annual physical examinations to be paid by the City. The City has a contract for Executive Physicals through the Occupational Medicine Division of the South Broward Hospital District. All physical examinations and follow-up must be performed by this agency to be eligible for payment. The program provides for complete and comprehensive physicals in Years 1 and 5 to be paid at \$500 per person and standards physicals in Years 2, 3 and 4, to be paid at the rate of \$300 per person.

## SECTION XVI. POLICIES AND DIRECTIVES

### 16.01. AFFIRMATIVE ACTION POLICY (Issued October 1, 1978)

The City of Cooper City recognizes the importance of eliminating employment barriers by establishing a non-discriminatory policy for its employees and applicants for employment. Therefore, it is the City's policy not to discriminate against any employee or applicant for employment because of race, color, religion, national origin, political affiliation, sex, age, or handicap. The City will consider all applicants who are ex-offenders, based on the nature of the conviction, the date it occurred, the relationship of the offense to the job in question, and the applicant's qualifications.

All managerial and supervisory personnel share in the responsibility for implementing this program. It is the City's policy to comply with Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Vocational Rehabilitation Act of 1973, Sections 503 and 504, which require that contractors who contract with government for goods or services of twenty-five hundred dollars (\$2,500) or more formulate Affirmative Action Compliance Programs for handicapped persons. Finally, it is the City's policy to comply with the affirmative action obligation imposed by the Vietnam Era Veterans Readjustment Act of 1974, which requires contractors to take affirmative action to employ and advance in employment, qualified veterans and veterans of the Vietnam era at all levels of employment, including the executive level.

This policy shall apply to all phases of employment, including, but not limited to, recruitment, selection, promotion, demotion, suspension and termination. The City is fully committed to the concept of Equal Employment Opportunity as a necessary element of basic merit system principles that all persons shall be afforded equal access to positions limited only by their ability to do the job. The City recognizes that positive steps must be taken to remove conditions that could result in unlawful discrimination and to ensure that equal employment opportunity is a reality. It is in this spirit that this program is adopted.

Questions concerning the application of this policy should be directed to the Director of Administrative Services.

**16.02. POLICY AGAINST WORKPLACE VIOLENCE (Issued August 9, 1996)**

Nothing is more important to the City of Cooper City than the safety and security of its employees. Threats, threatening behavior, or acts of Violence against employees, visitors, guests or other individuals by anyone on City property will not be tolerated. It is the policy of the City of Cooper City to expressly prohibit any acts or threats of violence by any employee, former employee, or by any other individual on City property at any time. Violations of this policy by City employees will lead to disciplinary action which may include dismissal, arrest and prosecution. Violations of this policy by other individuals against City employees may also be cause for arrest and prosecution.

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off City premises pending the outcome of an investigation. The City of Cooper City will initiate an appropriate response. This response may include, but is not limited to, suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons involved.

No existing City of Cooper City policy, practice or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All City of Cooper City personnel are responsible for notifying the management representative designated below of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City site, or is connected to City employment. Employees are responsible for making reports regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the employee's supervisor is not available, personnel should report the threat to the department head, or may report directly to the Director of Administrative Services.

All individuals who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must provide to their supervisor a copy of the petitions and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, a copy of any

protective or restraining order which is made permanent, and a photograph of the person or persons who are the subjects of the protective or restraining order.

The City of Cooper City understands the sensitivity of the information requested and has developed confidentiality procedures which recognize and respect the privacy of the reporting employee(s).

To support the City's objectives to provide a safe and healthful work environment, in accordance with the City's safety and health policies, the City is committed to the following:

1. To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.
2. To take appropriate action against customers, former employees or visitors to the City's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violations of this policy to the maximum extent of the law.
3. To prohibit employees, former employees, customers and visitors from bringing unauthorized firearms or other weapons onto the City's premises.
4. To establish practical security measures to ensure that the City's facilities are safe and secure to the maximum extent possible and to deal properly with access to City facilities by the public, off-duty employees and former employees.

#### **WARNING SIGNS OF POTENTIALLY VIOLENT INDIVIDUALS**

There is no exact method to predict when a person will become violent. One or more of these warning signs may be displayed before a person becomes violent, but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern as they are usually exhibited by people experiencing problems.

Verbal, nonverbal or written threats or intimidation.

Fascination with weaponry and/or acts of violence.

Expressions of a plan to hurt himself or others.

Externalization of blame and/or inability to take criticism.



Unreciprocated romantic obsession.

Fear reaction among coworkers.

Displays of unwarranted anger.

New or increased source of stress at home or work.

Feelings of being victimized.

Intoxication from alcohol or other substances.

Expressions of hopelessness or heightened anxiety.

Productivity and/or attendance problems.

Violence towards inanimate objects.

Steals or sabotages projects or equipment.

### **RECOGNIZING INAPPROPRIATE BEHAVIOR**

Inappropriate behavior is often a warning sign of potential hostility or violence. When left unchecked it can escalate to higher levels. Employees who exhibit the following behaviors should be reported and disciplined in accordance with City policy.

Unwelcome name calling, obscene language, and other abusive behavior.

Intimidation through direct or veiled verbal threats.

Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of a thrown object, particularly when extreme or unwarranted displays of anger are involved.

Physically touching another employee in an intimidating, malicious or sexually harassing manner. That includes such acts as hitting, slapping, poking, kicking, pinching, grabbing, and pushing.

Physically intimidating others including such acts as obscene gestures, "getting in your face" and fist-shaking.

1. Purpose: To set forth the City's policy against workplace violence and its procedures for crisis intervention.

2. Employee Assistance: In support of this policy, the City has made available to its employees, through its existing health benefit plans, counseling services. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior or who otherwise engages in behavior that the City, in its sole discretion, deems offensive or inappropriate, will be referred to a mental health professional of the City's choice and at the City's expense, for evaluation in accordance with the provisions of Section 5.14 of the City's Manual of Personnel Policies.

3. Duty to Warn: In furtherance of this policy, employees have duty to warn their supervisors, department head or the Director of Administrative Services, if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, former employees, customers or visitors. This would include, for example, threats, acts of violence, aggressive behavior, or threatening or offensive acts or comments. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City of Cooper City will not condone any form of retaliation against any employee for making a report under this policy.

4. Procedures:

A. Crisis Assessment. Crisis assessment is a response to serious actions or threats against individuals or the City. In the event of such actions or threats, a crisis-assessment team will be convened, composed of a Police Sergeant or Captain, the department head of the affected department and the Director of Administrative Services.

B. Physical Hostile Actions. Physical hostile actions that may be considered endangering or life-threatening by or against any employee or individual on City property, or while an employee is off-premises engaged in City business, should be responded to by notifying the supervisor, department head or Director of Administrative Services. Upon such notification, the following procedure will be observed:

1. The supervisor must notify the Director of Administrative Services and, if warranted, the Police Department.

2. Administrative Services will respond to the scene of the incident, ensure that the police have been contacted, if appropriate, and immediately convene the crisis-assessment team to decide the appropriate action to take.

3. Physical hostile actions or threats by an employee require immediate suspension or termination. Law enforcement action may also be required.

5. Personal Threats Against Individuals or the City: Confrontational threats while at work should be dealt with in the following manner:

A. The supervisor and Director of Administrative Services will immediately meet with the individual or individuals involved.

B. Depending on the seriousness of the threats, actions may include suspension (to allow time for gathering additional facts), written warning, or termination.

C. For employees suspended or terminated, the Police Department must be notified, the employee's badge and/or I.D. card retrieved and cancelled, and the individual escorted out of the building.

D. Use of law enforcement assistance should be considered at any time as appropriate and necessary.

E. Further follow-up through a crisis assessment may be invoked if warranted.

6. Other Threats: Threats against individuals or the City, regardless of how transmitted (written, verbal or electronically), should be immediately reported to the supervisor, department head or the Director of Administrative Services.

A. Administrative Services will immediately notify the crisis assessment team and management at the director level of the individual making the threat, if known and employed by the City.

B. The crisis assessment team will immediately convene to consider the threat, including the nature of the threat, the nature of on-going communications with the individual, and the circumstances preceding the threat. It will also consider the need for immediate action, including denial of facility access, notification of law enforcement authorities and possible legal action against the individual making the threat.

7. Field Locations: Hostile actions or in-person, written or electronic threats occurring at City locations other than in City buildings, should follow these procedures:

A. Hostile actions and threats must be made known to the senior on-site person or the supervisor immediately. The supervisor should contact the department head or the Director of Administrative Services to determine the next steps to be taken in concert with the crisis assessment team and to determine the appropriateness of contacting local law enforcement agencies.

B. The supervisor will record details of the incident for analysis and review by the crisis assessment team.

8. Documentation: It is critical that any material relevant to the incident be maintained until Administrative Services or the Police Department decides on its proper disposition. In all circumstances, Administrative Services will maintain a complete and detailed log of events that it will review regularly and as needed.

**16.03. City's Policy Promoting Equal Employment Opportunity and Prohibiting Employment Discrimination (Issued April 26, 1994)**

As I am sure you are all aware, the City has three (3) collective bargaining agreements with separate labor organizations -- Fraternal Order of Police (officers and sergeants) ; International Association of Fire Fighters (lieutenants, driver engineers and fire fighters) ; Federation of Public Employees (public works and utility) . All of these contracts reflect the City's policy prohibiting employment discrimination.

Based upon a recent incident, I believe it is appropriate to enact a policy which reinforces and reemphasizes the aforementioned contract provisions and the Manual of Personnel Policies for general employees. Therefore, enclosed is the City's Policy promoting equal employment opportunity and strictly prohibiting employment discrimination (including, but in no way limited to, sexual harassment)

The attached policies are effective immediately and apply to all employees. Any questions that arise concerning these policies should be directed to the Director of Administrative Services.

Issued by Christopher J. Farrell,  
City Manager

## EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Cooper City is firmly committed to equal employment opportunity for all employees as well as for applicants for employment. The City does not discriminate in any employment related decisions on the basis of race, religion, sex, national origin, age and/or disability. The City's policy of equal employment opportunity applies to all organizational levels of the City and to all job classifications.

## EMPLOYEE HARASSMENT STRICTLY PROHIBITED

To maintain a quality working environment for all employees, the City adopts the following policy strictly prohibiting harassment in the workplace.

Harassment on the basis of sex, national origin, race, disability or religion is an offense first against a specific employee or group of employees and, second, an offense against the City. Offenses refer to actions that have the purpose or effect of creating a hostile, offensive or intimidating working environment and/or are based on sex, national origin, race, disability or religion. Examples would include, but are not limited to: physical contact of a sexual nature; jokes, comments, insults, cartoons or innuendo related to sex, national origin, race, disability or religion; or personal conduct that could reasonably be construed as offensive.

It is each employee's responsibility to help eliminate all forms of prohibited harassment. It will be every supervisor's responsibility to prevent such behavior from occurring within their work jurisdiction.

When an employee believes an incident of harassment has occurred, the incident is to be reported to the employee's supervisor and/or the Personnel Director. Complaints involving discrimination on the basis of disability should be filed directly with the City's ADA coordinator in the Personnel Department. All complaints or incidents will be promptly investigated on a case-by-case basis. In those cases where a violation has been determined to have occurred, immediate action will be taken to remedy the situation and to prevent its recurrence.

All persons who are determined to have violated this policy will be subject to disciplinary action up to and including discharge.

All employees are expected to contact the Director of Administrative Services if any questions arise as to the interpretation of this policy.

## SEXUAL HARASSMENT STRICTLY PROHIBITED

The City of Cooper City is committed to providing a working environment where women and men can work together comfortably and productively, free from sexual harassment, such behavior is illegal under both state and federal law and will not be tolerated by the City.

This policy applies to all phases of employment – including recruiting, testing, hiring, upgrading, promotion, or demotion, transfer, layoff, termination, rates of pay, benefits and selection for training, travel or City-sponsored social events.

### Prohibited Behavior

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones. This includes:

- Written contact, such as sexually suggestive or obscene letters, notes, invitations, e-mail, posters, etc.,
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions,
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse, and
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, magazines or screen-savers.

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome – and using sexual behavior to control, influence or affect the career, salary or work environment of another employee.

It is impermissible to suggest, threaten or imply that failure to accept a request for a date or sexual intimacy will affect an employee's job prospects. For example, it is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, or suggest that a poor performance review will be given because an employee has declined a personal proposition.

Also, offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in exchange for sexual favors is forbidden.



The prohibitions contained herein apply as well to employees who are travelling on City business at the City's expense and to employee conduct at City-sponsored social events.

### **Harassment by Non-Employees**

In addition, the City of Cooper City will take all reasonable steps to prevent or eliminate sexual harassment of employees by non-employees, including customers, consultants, and suppliers, who are likely to have workplace contact with our employees.

### **Monitoring**

The City of Cooper City shall take all reasonable steps to see that this policy prohibiting sexual harassment is followed by all employees, supervisors and others who have contact with our employees. This prevention plan will include training sessions, on-going monitoring of the worksite and a confidential employee survey to be conducted and evaluated every twelve months.

### **Discipline**

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension or discharge, according to the findings of the complaint investigation. If an investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under state or federal anti-discrimination laws or in separate legal actions.

### **Retaliation**

Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated and punished, if appropriate.

### **Complaint Procedure and Investigation**

The Director of Administrative Services is designated as the Sexual Harassment counselor. All complaints of sexual harassment and retaliation for reporting or participating in an investigation shall be directed to the Director of Administrative Services or to a supervisor or Department Head of your choice, either in writing, or by requesting an individual interview. All complaints shall

be handled as confidentially as possible. The Director of Administrative Services will promptly investigate and resolve complaints involving violations of this policy and recommend to management the appropriate sanctions to be imposed against violators.

Investigation of complaints can include a review of all communications made by the employee who has been complained against, including, but not limited to, internal memos, e-mail messages, internet usage, logs, notes, calendars, etc. Employees, particularly those in a supervisory capacity, should be aware that all documents and equipment owned by the City and within any City building, is the property of the City. Courts have widely construed the Florida Public Records Law to include calendars, journals, handwritten notes, doodles, etc., even those that the employee considered their own personal property, but had brought to their place of work. In accordance with the City's e-mail and Technology policy, City equipment, including computers and telephones, are to be used exclusively for City business and not for any personal or non-work related activities. In addition, verbal communications are subject to review. Employees should be aware that First Amendment Protection from libel and slander allegations does not extend to the utterance of opinions. Employees should restrict themselves to the statement of facts rather than opinions (i.e., when asked about a subordinate's reliability, do not say "I think she is unreliable.", but you may say "His records indicate he was tardy 13 times.").

### Training

The City of Cooper City will establish yearly training sessions for all employees concerning their rights to be free from sexual harassment and the legal options available if they are harassed. In addition, training sessions will be held for supervisors and managers, educating them in how to keep the workplace as free from harassment as possible and in how to handle sexual harassment complaints. A copy of this policy will be distributed to all employees and posted in areas where all employees will have the opportunity to freely review it. The City of Cooper City welcomes your suggestions for policy improvements.



RESOLUTION NO: 99-6-3

A RESOLUTION OF THE CITY OF COOPER CITY, FLORIDA, ADOPTING AND APPROVING A REVISED MANUAL OF PERSONNEL POLICIES; AND PROVIDING FOR AN EFFECTIVE DATE.

SCELLEN H. F RDELMANN Mayor

WHEREAS, the City Manager and Staff have recommended amendments to the personnel policies manual of the City of Cooper City; and

WHEREAS, the City Commission is desirous of adopting said recommendation;

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

Section 1: That the City Commission of the City of Cooper City hereby approves and adopts the personnel policies manual, as amended, a copy of which is attached hereto as Exhibit "A" and made a part hereof by this reference.

Section 2: That this personnel policies manual supersedes the terms and conditions of all previous personnel policies manuals of the City of Cooper City.

Section 3: That this Resolution shall be in full force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED this 29th day of June, A.D., 1999.  
ATTEST ::

SUSAN BERNARD City Clerk  
**Roll Call**  
Mayor Fardelmann Commissioner Palank

Commissioner Warsch Commissioner Webster Commissioner Kleiman

CITY OF COOPER CITY  
MANUAL OF  
PERSONNEL POLICIES JULY, 1999

## INTRODUCTION

This Manual of Personnel Policies has been established in order for the City to manage its personnel matters. All employees covered by this Manual (Section 1.02) are bound by its rules and policies. Employees must familiarize themselves with this Manual and conduct themselves in accordance with these rules and policies.

Any employee who violates the rules and regulations contained in this Manual, or who otherwise violates reasonable standards of conduct, is subject to discipline up to and including immediate termination from employment. The disciplinary alternatives used by the City include, but are in no way limited to, the following: verbal warning, written reprimand suspension (with or without pay) reduction in pay, reduction in rank/demotion, and discharge.

The information contained in this Manual is intended only as a general guide for employees. The City may change these rules and regulations from time to time and such changes may not be incorporated in the Manual at the time you read it -- in which case existing policy will supersede this Manual. This Manual does not constitute an employment contract or guarantee of continued employment.

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## SECTION I. GENERAL PROVISIONS

**1.01 Purpose of these rules:** These rules set forth the principles and procedures that are to be followed by the City in its personnel program to the end that the citizens of Cooper City may derive the benefits and advantages which can be expected to result from a competent staff of City employees.

**L.02 Positions covered by these rules:** These rules shall apply to all positions and offices in the City service with the following exceptions:

- a. Mayor and Commissioners (Section XIV only).
- b. City Attorney.
- c. City Manager (Section XIV only).
- d. Contractual Employees, including employees subject to a collective bargaining agreement, unless said agreement provides otherwise, but only to the extent that these rules conflict with specific provisions of said agreement(s).
- e. Members of any board, committee or agency appointed to said position by the City Commission.
- f. Temporary or seasonal employees.
- g. All Department heads (Section XIV only).
- h. Supervisory personnel.

**1.03. Amendment and approval of rules:** Amendments or revisions to these Personnel Rules may be recommended to the City Commission for adoption by the City Manager. Such amendments or revisions shall become effective after presentation to the City Commission and approval by Resolution of the Commission. Following such approval, these new rules will supersede the old rules and shall have the force and effect of law insofar as they apply to the positions covered thereunder.

**1.04. Application of rules:** All positions hereinafter created, except those indicated in Section 1.02, may be subject to this Manual if it is so decided by the City Commission in its discretion.

**1.05. Implementation:** The responsibility for implementing the provisions of these personnel rules and for general supervision of the City government personnel is hereby vested in the City Manager, or his/her designee.

## **SECTION II. DEFINITIONS**

As used in these rules, unless the context clearly requires otherwise, the following underlined words shall have the meaning herein given them with the exceptions of those offices and positions designated in Section 1.02.

**2.01 Allocate:** The act of assigning each position to its proper class.

**2.02 Anniversary Date:** The recurring date of original appointment or the date of promotion, except that such shall be adjusted for unauthorized leaves of absence, and separation and re-employment.

**2.03. Appeal:** An application for review of a perceived grievance.

**2.04. Appointment:** The placement of an employee into a position either on a permanent, part-time, temporary or seasonal basis. A temporary appointment shall terminate automatically upon completion of the project necessitating the appointment.

**2.05. Class:** A position or group of positions having similar duties and responsibilities requiring similar qualifications, which can be properly designated by one title indicative of the nature of the work and which carry the same salary range.

**2.06. Continuous Service:** Employment in the classified service which is uninterrupted except for authorized paid leave(s) of absence.

**2.07. Demotion:** The permanent assignment of an employee to a position in a lower class and/or having a lower maximum salary than the class from which the assignment is made.

**2.08. Full-Time Employee:** Any employee working a forty (40) hour week in either a permanent or probationary position, budgeted on an annual basis.

**2.09. Job Description:** A written statement generally describing the major job duties and responsibilities and entrance qualification requirements of a position.

**2.10. Lay-Off:** The involuntary non-disciplinary separation of employee from City employment.

**2.11. Part-Time Employee:** An employee working **less** than forty (40) hours per week who **is paid** on an hourly basis for those hours actually worked, or an employee working a forty (40) hour week, but budgeted on a seasonal basis.

**2.12. Permanent Position:** Any position (vacant or filled) without time limitations or special restrictions which is designated as such by the budget or by the City Commission. However, an employee filling a "permanent" position is not guaranteed continued employment and, like all other employees, serves at the will and pleasure of the City.

**2.13. Probationary Employees:** Any employee who is serving his probationary period, including such period following promotion, prior to being regularly appointed to a permanent position and class in the classified service.

**2.14. Promotion:** The assignment of an employee to a position in a higher class and/or having a higher maximum salary than the position from which the assignment is made.

**2.15. Regular Employee:** An employee who has been appointed to a permanent full-time or part-time position in the classified service in accordance with the provisions of these rules after completing a probationary period.

**2.16. Regular Rate:** The regular rate of pay is used for calculation of overtime pay and will be administered in accordance with the Fair Labor Standards Act.

**2.17. Supervisor~personnel:** An employee whose classification and compensation rate meet the definition of same in the Fair Labor Standards Act, as follows:

- a. Is compensated at the rate of \$24,000 annually, or greater, and,
- b. Does not perform the work of subordinates more than sixty percent (60%) of his/her work time, and,
- c. Serves in a supervisory capacity by scheduling or directing the work of subordinates, evaluating subordinates' work, etc.

**2.18. Temporary Employee:** An employee holding a position other than permanent, except as provided in the rules, which is a temporary, seasonal, casual or emergency nature.

**2.19. Temporary Position:** All positions that are not designated permanent..

**2.20. Transfer:** The voluntary or involuntary change of an employee's assignment from one position to another position of a substantially similar level.

1.21. Vacancy: A position existing or newly created, which is not occupied, and for which funds are available.

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## SECTION In. THE CLASSIFICATION PLAN

The classification plan provides a complete inventory of all positions in the City service and accurate descriptions and specification for each class of -1 employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities and has the same meaning throughout the City service.

**33.01. Composition of the classification plan:** The classification plan consists of:

**A. Classes of positions which are established by grouping positions which are basically similar in the kind of work and level of difficulty and responsibility, which require similar experience and training at time of recruitment, did which may be compensated fairly from within the same range of pay under comparable working conditions;**

**B. Class titles which are descriptive of the work performed and which identify each class;**

**C. Written class specifications for each class of positions which contain a general description of the nature of the work and of the relative responsibility of the positions in the class, examples of work which are illustrative of duties of positions allocated to the class, requirements of work in terms of knowledge, abilities and skills necessary for performance of the work, and a statement of required experience and training for recruitment into the class; and**

**D. An allocation list showing the class title of each position in the City service, as identified by the name of the employee holding that position.**

3.02. Class title: Class titles shall be used in all personnel, accounting, budget, appropriation, and financial records. No person shall be appointed to, or employed in, a position in the classified service under a title not included in the classification plan. Titles used in the course of departmental routine to indicate authority, status in the organization, or administrative rank may continue to be used for such purposes. Class titles may be added, deleted or amended by the City Manager as provided in Section 3.04, paragraph 2.

3.03. Class specifications: Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or examples are not to be isolated and treated as a whole definition of the class. Specifications are deemed to be necessarily descriptive and explanatory of the kind of work performed and not necessarily inclusive of all duties performed.

**3.04. Maintenance of the classification plan:** The City Manager is charged with the responsibility for the proper and continuous maintenance of the



classification plan so that it will reflect, on a current basis, the duties being performed by each employee in the City service and the class to which each position is allocated.

The City Manager shall periodically review the classification of positions and make amendments to the classification plan, in the form of new classes, revisions of existing classes and the abolition of classes no longer in the plan. Allocations and reallocations within the approved classification plan shall be made as follows:

A. The City Manager shall study the duties and responsibilities of each new position as it is created and place the position in the appropriate class within the classification plan for the duties to be performed. A recommendation should be sought from the Department Head responsible for the new position.

B. Changes in the duties and responsibilities of a position involving either the addition of new assignments or the taking away or modification of existing assignments shall be reported to the City Manager by the appropriate Department Head(s). If such changes are determined to be permanent, are of more than a minor nature, and justify a reallocation to a different classification, the City Manager shall be authorized to make such changes.

## SECTION IV. COMPENSATION PLAN

**4.01. Maintenance of the plan:** The City Manager, or a designated representative, shall be responsible for the maintenance of the compensation plan and for the presentation once a year to the City Commission of any recommendations for changes in pay range assignments for each class of position in the City government service. Consideration shall be given annually to the granting of in-grade salary increases for each class of position. Prior to the granting of any in-grade salary **increase**, the Department Head and Supervisor, if appropriate, of the employee concerned must certify to the City Manager, through the annual evaluation report, that the employee has performed his or her duties satisfactorily for the preceding year, or, in the case of a probationary employee, from the date of employment or promotion.

**4.02. Use of salary ranges:** Salary ranges are intended to furnish administrative flexibility in recognizing individual differences among positions allocated to the same class, in providing employee incentive, and in rewarding employees for meritorious service. The following general provisions shall govern the granting of in-grade salary increases:

A. The minimum salary rate established for the class shall be the normal hiring rate, except in the following cases:

1. The City Manager may approve appointment at a higher hiring rate when the qualifications of the applicant are in excess of the minimum requirements of the position, and when such determination is in the best interests of the City.

2. A higher hiring rate may also be approved when there exists a shortage of qualified applicants for the vacant position, and those who apply decline employment at the minimum rate.

B. The hiring rate for temporary employees is established in the same manner as for regular employees who hold positions similar in requirements and for candidates with similar qualifications.

C. An in-grade salary increase may be granted new appointees after completion of a one ( 1) year employment period if the head of the department determines that the quality of performance is satisfactory. In the event an increase is not granted after the one (1) year employment period for reasons of unsatisfactory performance, the employee shall not be eligible for another regular in-grade increment for one (1) full year from the date the increase is finally granted. This shall be considered the employee's new anniversary date.

D. If an employee is promoted and receives a pay increase his or her anniversary date becomes the date of the promotion. If an employee's position is classified to a higher grade, the employee's increment date and probationary period remain as originally established. No employee who is promoted, or

whose position is reclassified to a higher grade, shall receive a salary lower than that which he or she received prior to the promotion or the reclassification of the position. An employee who is promoted on an acting basis for a period exceeding ten (10) working days, shall be treated in the same manner as if he or she occupied a regular position for the period of time that the employee remains in the acting position. When such an employee returns to the position from which the acting promotion was received, or when the acting position is completed or terminated in any way, the employee returns to the benefits of his or her regular position; any additional benefits of the acting position do not continue.

E. For the purpose of granting increments, all employees shall be deemed to have achieved their anniversary dates on the actual date of the anniversary or the closest following day for which pay is received, i.e., if the anniversary date falls on Saturday or Sunday, the pay increase will be effective on the following Monday.

F. An employee who performs the duties and responsibilities of his or her position in an outstanding manner and whose work generally is well above expectations shall be eligible to be considered for an outstanding service increment in addition to his or her annual salary increase. Such advancement of one step within grade shall be initiated by the employee's Supervisor by submitting to the City Manager a statement in writing setting forth the reasons for such award for outstanding service rendered to the City. The City Manager shall review the recommendation and approve or deny it. Any non-promotional advancement approved by the City Manager shall be limited to two (2) steps or a total of even and one half percent (7.5%), and an employee may not receive more than one such advancement in a twelve (12) month period.

**4.03. Within grade salary increases:** Salary increases within grades shall normally be from one step to the next higher step and shall be reviewed at intervals of no less than one year.

**4.04. Pay rates in transfers:** If any employee is transferred, voluntarily or involuntarily, the rate of pay for the new position shall be determined as follows:

A. If the pay rate of the former class falls within the new range of pay, the salary rate shall remain the same.

B. If the rate of pay in the former class is higher than the maximum rate established for the new class, the pay shall be reduced to the maximum rate or an intermediate step of the new grade. If the Department Head in concurrence with the City Manager, believes that it is in the best interests of the City, and the transfer is not for disciplinary reasons, the City Manager may determine that the employee's rate remain unchanged.

**4.05. Pay rates in promotion:** If an employee is promoted to a position classified at a higher grade, that employee's salary shall be increased to the next higher step within the new grade.

**4.06. Pay rates in demotion:** If an employee is demoted to a lower grade and the present rate of pay is above the maximum rate established for the lower grade, the rate of pay shall be adjusted to the **maximum rate** of the lower grade. If the demotion is for disciplinary reasons, the employee's rate of pay shall be reduced at least one step.

**4.07. Hourly Rate:** When, in the best interests of the City, an employee is to be paid at an hourly rate, the rate shall be based on the range established for a 40 hour work week.

**4.08. Pay for part-time work:** Part-time employees shall be paid to the extent practicable at the entrance rate for the class of position in which they are employed. The amount of pay shall be proportionate to the time actually worked.

**4.09. Overtime:** For the purposes of this provision, Department Heads and any other positions which are primarily of a supervisory and/or administrative nature, as determined by the City Manager, in his sole and exclusive discretion, shall not be entitled to overtime pay. An employee who works in excess of 40 hours in any work week, or a 7-K status employee who works in excess of the maximums allowable hours permitted under the Fair Labor Standards Act for the work period, shall be compensated at the rate of time and one-half for the hours actually worked in excess of the limit at their regular rate of pay.

Pursuant to Section 7.01 of this Manual, the regular work week for fulltime permanent employees is actually 40 hours, exclusive of unpaid lunch hours. Overtime shall not be paid in any workweek until an employee has actually worked in excess of 40 hours.

**A. For purposes of computing overtime pay, sick leave, personal days, jury duty and lunch hours shall not be construed as hours worked.**

B. In emergency situations, an employee may be required to work in excess of forty (40) hours for that workweek. The Supervisor or Department Head must first affirmatively seek volunteers prior to requiring a specific employee to work overtime hours. The Department Head will give the employee as much notice as possible before requiring overtime. For purposes of this subsection, the term "emergency" shall be construed to mean circumstances including, but not limited to, civil disturbances, natural disasters, such as hurricanes, strikes or walkouts, or a significant, unexpected shortage of personnel.

1. If in an emergency an employee is called back to work after having left the job at the completion of the work shift, the employee will be paid a minimum of two (2) hours at the rate of time and one-half, regardless of the actual number of hours worked within the week or the work period.

**4.10. Severance Pay:** In addition to accrued vacation pay and sick leave, if applicable, all employees separated from the City in good standing are eligible to receive one (1) week's (five working days) severance pay, provided they have completed at least one year of continuous service with the City government. This benefit of severance pay will be revoked by the City Manager if an employee who is being laid off leaves the service before the required effective date of his severance. No employee who is terminated for disciplinary reasons by the City shall receive severance pay; neither is an employee who resigns eligible for severance pay.

**4.11. Longevity Pay:** One year after an employee reaches the maximum step of his/her pay range, the employee will be entitled to receive longevity pay in the amount of \$1,000.00. This will be paid in a lump-sum amount and will not increase an employee's base salary. Employees who are receiving longevity pay and who are thereafter promoted to a higher classification will no longer be eligible for longevity pay until one year after they reach the maximum step of their new pay range.

## **SECTION V: HIRING PROCEDURES**

**5.01. Personnel requisitions:** A personnel requisition shall be submitted by the Department Head to the City Manager to obtain a replacement or to fill an opening for a temporary or permanent position. Requests for additional staff shall be made by the Department Head in writing to the City Manager.

**5.02. Appointment:** 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.

**5.03. Application for employment:** All applicants for employment shall be 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 chronological statement of previous employment

**5.04 Disqualification:** The Department Head may remove from further consideration, at any time, the application of any applicant who:

- A. Does not possess the minimum job-related qualifications;
- B. Has made false statements or practiced deception in the application; C. Fails to cooperate (to any extent) with the City; or
- D. Fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer.

**5.05. Notice of rejection of an application:** Whenever an application or applicant is rejected, notice of such rejection shall be given to the applicant by the Department Head.

**5.06. Probationary Appointment:** All appointments to positions made from outside the service, by promotion from within the service, by transfer, or by reassignment shall be subject to a one (1) year probationary period. During the probationary period, the appointee's performance shall be closely reviewed to determine his or her ability to carry out assigned tasks, efficiency, and other characteristics relative to the requirements of the position. If, at any time during the probationary period, the immediate Supervisor deems the employee's performance to be unsatisfactory, he/she may recommend to the Department Head that the employee be terminated. In turn, the Department Head shall make a recommendation to the City Manager. If the Department Head and the City Manager agree that termination is warranted, the employee may be terminated without explanation.

The City shall attempt to evaluate probationary employees at least four (4) times during the probationary period.

If the Department Head wishes to recommend that the employee be granted a permanent appointment at the end of the probationary period, he/she shall submit a recommendation to the City Manager for approval or denial. The City Manager shall notify the custodian of the personnel files of a change in status for the employee, which shall be documented in the employee's personnel file. If the City Manager denies permanent appointment, the probationary employee may be released upon written notice, or the probationary period may be extended for a period not to exceed thirty (30) days to allow the employee one last opportunity to meet a satisfactory performance level. If the employee so released was promoted or transferred to that position from within the City service, and if his/her work was satisfactory prior to the transfer or promotion, the employee shall be returned to his/her previous position or another suitable position in the same class previously held, if one is available.

**5.07. Permanent appointment:** Upon completion of the prescribed probationary period, the City Manager shall act to grant or deny permanent appointment, based upon an evaluation of job performance and the recommendations of the Supervisor and Department Head, if applicable. Each approved appointee shall be granted a permanent appointment to a position which normally involves continuous year round service and which has been authorized in the City budget.

**5.08. Temporary appointment:** Whenever a Department Head determines that an augmented work force is needed because of heavy work loads, special projects, an emergency, or for other reasons advantageous to the City, he/she may recommend to the City Manager that additional appointments be made on a temporary basis. The City Manager, with the approval of the City Commission, may make such appointments as deemed to be needed. Temporary employees shall be exempt from benefits granted to regular employees. Time spent in a temporary appointment will not be credited toward length of service in the City service if a transfer to a regular position occurs. Temporary appointments include all Federal or State funded positions. The provisions of this section shall not apply to temporary reassignments of a permanent employee nor to restructuring of an employee's job description.

**5.09. Part-time appointment:** A continuous year-round position budgeted for less than forty (40) hours per week and paid on an hourly basis for hours actually worked shall be designated a part-time appointment. Benefits are granted on a pro rata basis as so designated in applicable sections of these rules.

**5.10. Acting appointment:** Appointments in an acting capacity to positions in a higher class shall be approved by the City Manager, with notification to the City Commission at the next Commission Meeting, if the acting appointment is

to a Department Head level. Persons appointed in an acting capacity for a period exceeding ten (10) working days will receive compensation at the entry level for the position being filled, if higher than his or her normal salary.

5.11. Emergency appointment: Emergency appointments shall be made by the City Manager, when and if deemed necessary, in case of riot, conflagration, or other emergency which threatens life, property, or the general welfare of the City. Such appointment shall continue only during the period of such emergency and shall not continue longer than thirty (30) calendar days, unless specifically renewed for a second thirty (30) day period, or portion thereof. Persons appointed in an emergency capacity will receive compensation commensurate with the level of the appointed position effective immediately.

5.12. Equal Employment Opportunity: It is the policy of the City of Cooper City government that all personnel actions and employment practices are based solely on the requirements of the position and the qualifications of the applicant -- without regard to race, (color, religion, sex, age, national origin, or physical handicap). The City government makes appropriate steps toward solving the problems of equal employment opportunity facing minority groups and women. The Mayor and Commissioners support the Affirmative Action Plan and intend to make full use of available resources and facilities to identify and to correct any current or potentially inequitable practices.

5.13. Nepotism: It is the policy of the City that no employee shall be hired to work in the same department as, or under the direct supervision of, a relative as defined below, except in accordance with the terms of this subsection:

A. If two employees change their family relationship by marriage, adoption, or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible, granted a waiver by the City Manager, or separated from the City service.

B. If the City determines that an existing vacancy cannot be filled with qualified personnel by normal recruiting efforts, the appropriate Department Head shall request the City Manager to grant a waiver.

The relative of an official or an employee shall be defined as the following relationships: parent, sibling, spouse, uncle, aunt, first cousin, nephew, niece, parent-in-law, child-in-law, sibling-in-law, stepparent, stepsibling, half-sibling, or child. If any person so related is subject to promotion or advancement or a raise in pay or status other than cost-of-living increases, the appropriate Department Head shall make a special evaluation of the proposed change and report to the City Manager whether said change violates the intent of this provision.



**5.14. Medical examinations:** Applicants for positions in the City service may be required to undergo psychological or medical examination to determine physical and mental fitness to perform work in the position to which appointment is to be made.

All employees of the City, at any time during their period of employment, may be required by the Department Head to undergo psychological or medical examinations, in order to determine if they are mentally and physically fit for the position in which they are employed. All psychological or medical examinations requested by the City shall be at no expense to the employee. Refusal to submit to such examinations is grounds for immediate termination.

When an employee of the City is reported by the examining physician or psychologist to be physically or mentally unfit to perform work in the position which he/she is employed, such employee may, within five (5) days from the date of notification of such determination by the examining physician, indicate in writing to the Department Head their intention to submit the question of their physical or mental unfitness to a physician or psychologist of his/her own choice. If there is a difference of opinion between the original examining professional and the professional chosen by the employee, then the City Manager may, in his sole and exclusive discretion, designate a third professional to examine the employee. The City Manager is not bound by any such opinions,

r-^ however, and may take any action he deems appropriate. The City shall bear the expense of reasonable direct costs of the examinations and shall provide the employee with reasonable time off to meet these appointments. The City shall be responsible for any overnight travel and expense cost related to these appointments.

**5.15. Fingerprinting of employees:** Every employee of the City, as soon as practicable during the period of his probationary appointment, shall be fingerprinted by the Police Department. Any employee who shall refuse to be fingerprinted shall forthwith be terminated as an employee of the City. All employees shall also receive a photo identification card at the same time, which shall be returned to the City upon termination.

## SECTION VI: EXAMINATIONS

**6.01. Competitive examinations:** All applicants for positions in the City service may be subject to competitive examinations which shall be either assembled) or unassembled as provided for in these rules and shall be administered by the City Manager, or a designee. The City Manager shall carefully review examining practices to assure that examinations are based upon testing and other applicant appraisal procedures which do not discriminate on the basis of race, sex, religion, national origin, or any other factor not directly related to the requirements of the job or jobs involved.

**6.02. Notification of examination results:** Each person who takes an examination shall be notified of the results of such examination. Each person in an examination shall be entitled to inspect the rating and examination paper within five (5) days of notification of the results. The inspection shall be visual only, and no test contents shall be removed. Such inspection shall be permitted only during regular business hours.

**6.03. Unassembled examination:** Whenever the City Manager determines that possible applicants are not available in sufficient numbers to justify holding an assembled examination, examinations may be conducted on an unassembled basis. These examinations shall be continuous at certain regular established times until sufficient qualified applicants have been examined to establish an eligibility list.

**6.04. Eligibility lists:** **The City Manager shall establish and maintain such employment lists of various classes of positions in the City government service as are necessary to meet the need to have qualified applicants available to fill vacant City positions.**

**6.05. Promotional examinations:** A promotional examination is a test determines the relative standing of applicants for the specific class.

A Notification: Whenever a promotional examination is to be held, notice of such examination shall be posted in all City departments.

B. Types of promotional examination: Promotional examinations may consist of the same types prescribed under Section 6.01.

## **SECTION VII: GENERAL POLICIES**

**7.01. Hours of work:** The City Manager shall establish hours of work, which insofar as practicable shall be uniform within occupational groups, which shall be determined in accordance with the needs of the service, and which shall take **into** account the reasonable needs; of the public who may be required to do business with various City departments.

**Employees' regular workdays shall consist of eight (8) hours work and** unpaid lunch periods, which shall be limited to one (1) hour. The workweek shall consist of five (5) consecutive days for a total of forty (40) hours. The **normal workweek shall be Monday through Friday unless otherwise specified** for specific departmental personnel . Time cards are to be used as the hourly work record for all employees. Employees must comply with starting and quitting time; otherwise they shall be subject to disciplinary action.

### **7.02. Leaves of absence:**

A. General Policy: The following types of leave are officially established: Holidays, Sick Leave, Vacation (Annual Leave), Leave with Pay and Leave without Pay. All leaves may be granted by the Department Head in conformance with rules established for each type of leave. Leave records shall be submitted by the department for inclusion in the employee's personnel file.

B. Holiday leave: The following holidays shall be observed by the City, and employees shall be compensated for same: New Year's Day, Presidents' Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day and the day after, and Christmas Day. The Commission may also establish additional holidays in its sole discretion. Holidays will be observed in accordance with the days scheduled by the Federal government.

1. Religious holiday: Any employee desiring to observe the religious requirements of his or her faith on a working day which does not fall on a national or legal holiday may, if circumstances permit, be allowed to do so by the Department Head. If work schedules cannot be arranged so as to provide for substituted work time, then deductions shall be made against the employee's vacation time.

2. Holidays on a scheduled work day: Employees required to work on the day on which a holiday is observed shall be paid, in addition to one day's pay, an amount equal to one and one-half times the employee's hourly wage for the time actually worked on the holiday, regardless of the actual number of hours worked for the week or work period. If the

holiday falls during an employee's vacation leave, that day shall be charged as holiday and not against his annual leave.

3. Eligibility: In order to be eligible for holiday pay, an employee must be in pay status, either a duty or on approved leave with pay, on his/her or last scheduled workday before and his or her first scheduled work day after the holiday. For the purposes of this rule, sick leave is not construed to constitute approved leave with pay. The City Manager may waive this provision at his discretion.

4. Part-time permanent employees: Part-time permanent employees shall be paid for holidays observed which fall on days for which they would otherwise be scheduled to work on a pro rata basis.

C. Vacation leave: It is the policy of the City that vacations are necessary to the health and well-being of all its employees, and that this time off shall be taken by every employee, except in unavoidable emergencies. Paid vacation time shall be provided in accordance with the following schedule:

After one (1) years' employment: Ten (10) days After five (5) years' employment: Fifteen (15) days After ten (10) years' employment: Twenty (20) days

1. Eligibility: An employee is eligible for vacation leave with pay after one year's continuous service upon his or her anniversary date. Vacation days are accrued on an annual basis for purposes of leave due. In computing vacation leave earned, only those months shall be counted during which an employee has worked three-quarters (3/4) or more of his regular work days. For purposes of this sub-section, vacation leave and approved leave with pay shall be counted as days worked.

Department heads may utilize their administrative discretion in granting any variance to this rule, with the approval of the City Manager.

Part-time employees working less than forty (40) hours per week, but working twenty (20) or more hours per week shall be eligible for vacation on a pro rata basis, e.g., employees working twenty (20) hours per week shall receive one-half (1/2) the annual leave granted to full-time employees; those working thirty (30) hours per week shall receive three-quarters (3/4) the annual leave granted to full-time employees.

2. Scheduling vacation leave: Scheduling vacation leave shall be at the discretion of the Department head, provided it does not interfere with City operations.

3. Accumulation of vacation leave: Vacation leave may be accumulated up to a maximum of 160 hours of leave time. When the requirements of an employee's job prevent the taking of vacation leave so that such leave accumulates in excess of 160 hours, the period of time during which such excess leave must be used may be extended upon the approval of the City Manager.

4. Payment of unused vacation leave: Upon separation from City service in good standing, an employee may take the unused portion of vacation leave or may request payment for same. If an employee who is separated in good standing has completed at least one year's continuous service but has not yet reached their next anniversary date, payment for vacation leave due for that portion of the year shall be made on a pro-rata basis. In no event shall such leave, taken or paid, exceed 240 hours.

D. Sick leave: Sick leave with pay shall be granted to regularly employed full-time and part-time employees at the rate of one (1) working day for each month of service for full-time employees and on a pro-rata basis for parttime employees (less than forty (40) hours per week and at least twenty (20) hours per week) respectively, and may be taken after six months' continuous service. This provision may be waived by the City Manager.

On the date when the employee becomes eligible to take paid sick leave, he or she shall be credited with the appropriate amount of sick leave. Thereafter earned sick leave will be credited on a monthly basis.

In order to accrue sick leave for a month's service, an employee must have worked at least three-quarters (3/4) of the days or time scheduled to be worked during that month. For purposes of this subsection, days worked shall include vacation leave or approved leave with pay, an amount equal to one and one-half times the pay.

Sick leave shall not be considered as a right or a benefit which an employee may use at his discretion. Rather it is a privilege which shall be allowed only in case of sickness or disability (including pregnancy or related medical conditions) or legal quarantine because of exposure to contagious disease. Sick leave is not to be used for routine medical or dental appointments.

1. Conditions for granting sick leave: In order to be granted sick leave with pay, an employee must meet the following conditions:

a. Notify his immediate supervisor not later than two (2) hours after the beginning of the scheduled workday of the reason for absence, or within lesser limits if required by the Department Head.

b. If at work, the employee shall report to his/her immediate supervisor to record the date and time of departure.

c. An employee on sick leave must notify their supervisor as to the address and telephone number where he/she may be contacted. In the event that during the period of illness and/or recuperation such address or phone number should change, the supervisor must be notified.

d. If a holiday is observed while an employee is out on extended sick leave while under a physician's care, the time shall be charged to holiday time and not against sick leave time.

e. The City may require a doctor's certificate for any absence.

f. Claiming sick leave when physically fit shall be cause for immediate discharge from City employment.

2. Exception to sick leave policy: Employees may take up to onehalf (1/2) day for an annual physical examination, provided the employee presents evidence verifying such an examination when requested by the Department Head. This time shall not be deducted from any other leave earned by the employee. Any amount of time exceeding this privilege shall be charged to sick time.

3. Sick leave and disability leave: In the case of extended illness or disability where an employee has exhausted his or her accumulated sick leave, all unused annual vacation leave must be taken. At the end of this time, if the employee is still away from the job because of sickness or disability, the Department Head, upon approval by the City Manager, may grant a leave of absence without pay for a period not to exceed thirty (30) days.

If, at the expiration of this leave, the employee does not have his or her physician's authorization to return to work, the Department Head shall bring the matter to the attention of the City Manager, who shall decide if additional leave of absence without pay shall be granted for up to a three (3) month period. Total leave without pay shall not exceed one (1) year, provided the employee has been with the City service for at least two (2) years. The City does not guarantee that an employee who has been on leave without pay for a period in excess of six (6) months will return to his or her former position upon the physician's statement of release. Reinstatement shall depend upon availability of positions for which the employee is qualified. If an employee accepts reinstatement at a lesser position rather than wait for an opening in his or her former position, the employee shall be paid the salary commensurate with the new position; however, no benefits based on past continuous service shall be decreased.

4. Payment for unused sick leave: Employees may accumulate up to ninety (90) days of sick leave. Any accumulation in excess of ninety (90) days shall be forfeit. Employees who leave the city in good standing shall receive a cash payment for accumulated leave time in accordance with the following schedule:

a. Employees who have satisfactorily completed ten (10) years service as a paid, regular full-time employee, quits or retires voluntarily (i.e., is not discharged for cause) and gives at least two (2) week's notice to the Department Head of such resignation or retirement -- Payment for fifty percent (50%) of their accumulated sick leave hours, to be computed at their rate of pay as of their last day worked.

b. Employees who leave the City's employ and who meet the conditions of paragraph (a) above, and who have also satisfactorily completed at least five (5) years' of service shall be entitled to payment for twenty-five percent (25%) of their accumulated sick leave hours, computed at their rate of pay as of their last day worked.

E. Family and medical leave:

1. An employee who has been employed with the City for at least twelve (12) months, and has worked at least 1,250 hours within the past twelve month period may, upon the approval of the City Manager, be granted a leave of absence in accordance with the Family and Medical Leave Act of 1993 (which shall control any questions concerning this section). An eligible employee may be granted up to twelve (12) weeks leave during any rolling twelve (12) month period for a personal serious health condition, birth or adoption or foster placement of a child, or to care for a child, spouse or parent with a serious health condition. When leave is foreseeable, the employee shall provide written notice to the Department Head and City Manager, not less than thirty (30) days before the date leave is to begin. If thirty (30) days' notice is not possible, notice must be given as soon as practicable before leave is to begin. Leave may be denied or delayed if an employee fails to give timely notice. In no case will family and medical leave be granted retroactively.

When leave is medically necessary, an employee may take said leave in a rolling 12-month period intermittently or use the leave to effect a reduced workweek. Married couples may take a

combined total of twelve (12) weeks per rolling twelve (12) month period for the care of a newborn, adopted, or foster child. When leave is requested to care for a newborn or newly adopted or placement of a foster child, an employee may take leave intermittently or on a reduced leave schedule only if approved by the City Manager. Intermittent leave or reduced schedule leave may result in the employee being temporarily transferred to an equivalent available position for which the employee is qualified. An employee taking family or medical leave will be able to return to the same or equivalent position with the same benefits he/she would have received had no leave been taken.

The City may require an employee taking leave for serious health reasons to provide a health care provider's certification that leave is medically necessary. Second, and, if necessary, third medical examinations may be required to determine whether leave is medically necessary. The City may require periodic status reports from employees on unpaid leave regarding the continued need for leave and the employee's intent to return to work. The City may require employees to provide medical certification of their fitness to return to work after medical leave for serious personal health problems. Employees may be denied leave, or reinstatement after leave until the City receives proper medical certification. An employee shall exhaust any applicable accrued leave as part of the approved family or medical leave prior to taking any leave without pay. Employees may use accrued sick leave when leave is requested to care for a newborn or newly adopted or placement of a foster child.

2. As in all other types of absence without pay, sick leave and vacation leave shall not accumulate during family and medical leave of absence without pay.

3. During family and medical leave, an employee shall be entitled to receive the same group health benefits he/ she would have received had no leave been taken. Employees on unpaid leave must continue to pay the same portion of their group health plan premium as if no leave had been taken. Payments by employees shall be made by the fifteenth (15th) of the month for the following month or as mutually agreed upon prior to the commencement of leave. If an employee fails to return to work from leave granted under this provision, the City may recover any premiums paid to maintain group health insurance for the employee during the period of leave without pay.



F. Leaves with Pay:

1. Military leave: Any permanent employee who is a member of any United States military reserve or National Guard unit, or is a member of the Florida National Guard, and is required to engage in training exercises will be granted military leave without loss of pay for time spent in active military service, field training or other military duty required by law, for a period not to exceed seventeen (17) consecutive days in any one calendar year.

Employees who request such leave must present their superiors with appropriate military service orders not later than two (2) weeks prior to the scheduled date of departure. This special leave with pay shall not be granted to an employee if he voluntarily extends the training time or if he is required to spend additional training time caused by excessive absences to reserve meetings during the preceding year. Military leave, when granted, will not be deducted from any other leave earned by the employee.

2. Civil leave: When an employee's attendance in court is required under legal process this shall be considered sufficient cause for leave of absence with pay; however, in the event of any compensation received for jury duty, the employee shall not, in the aggregate, receive more than his regular pay; provided further that, such leaves of absence shall be without pay for an employee who is a defendant in a civil or criminal action or plaintiff or complainant in a civil or criminal action not associated with or arising out the City's business or affairs.

Time off for jury duty shall not be included in computation or hours necessary to qualify for overtime compensation. Such leave shall not be deducted from any other leave earned by the employee.

3. Official leave: The City Manager may grant requests for leave of absence with pay for the purpose of having employees attend professional meetings, technical conferences, short term courses, seminars in matters relating to official duties, or for other valid purposes. Such leave shall not be deducted from any other leave earned by the employee. Approval must be obtained prior to taking the leave.

4. Funeral Leave: All employees covered under the policy shall be granted up to three (3), consecutive days off with pay for death in the employee's immediate family. The immediate family shall be construed to mean one of the following: Spouse, children, parents, brother, sister, grandchild, grandparents, brother-in-law, sister-in-law, mother-in-law, father-in-law, step children, step parents, step-siblings, half siblings. In the event that the death occurs out of Broward County, at a distance of over 200 miles from the employee's place of residence, then the City shall grant two (2) additional consecutive days off with pay. Additional time off (over and above the five (5) days herein provided) shall be charged to vacation leave, or leave without pay at the employee's request. The City may require proof of death in the immediate family before making payment.

5. Personal Leave: All permanent employees shall accrue two (2) personal leave days per year on their anniversary date. Employees shall be entitled to utilize said leave upon prior notification to and authorization by their Department Head. This benefit must be used in the twelve-month period. Personal days are to be used for extra-ordinary circumstances, including religious holidays, but may not be used to extend vacation leave.

G. Leave Without Pay: With the approval of the City Manager, a Department Head may grant a permanent employee leave without pay for a period not in excess of fifteen (15) calendar days in one (1) calendar year. A permanent employee requesting leave of absence without pay for more than fifteen (15) calendar days, if such request is approved, must utilize accrued vacation leave prior to the commencement of leave without pay.

A permanent employee may be granted leave without pay by the City Manager for a period not to exceed one (1) year for sickness, disability (including pregnancy or related medical conditions), or other good and sufficient reasons which are considered to be in the best interests of the City by the City Manager. However, any employee requesting and receiving a continuous leave of absence over six (6) months is put on notice that such leave may affect his or her participation in the Pension Plan. Responsibility for learning the effect of an extended leave without pay, and the effect itself, is solely attributable to the requesting employee.

An employee requesting leave without pay for sickness or disability must have used up all accumulated sick leave before such leave of absence is to commence. (For further clarification on Leave without Pay for extended illness, see Section

7.02D3). Leave of absence may be granted to a permanent employee without limitation as to time to enable him to take an appointive position in the City service. A request for leave of absence without pay in order to accept employment outside of the City service shall be considered grounds for termination.

If for any other reason, leave of absence without pay is given, such leave of absence may be subsequently withdrawn and the employee recalled to service. All employees on leave of absence without pay are subject to applicable provisions of these rules.

**H. Other Employment: No fire officer or firefighter employed by the City of Cooper City shall be employed, act, or be a volunteer firefighter or fire officer for any other jurisdiction.**

7.03. Code of Ethics:

Purpose: The purpose of this code of ethics is to establish ethical standards of conduct for all regular employees by setting forth those acts or actions that are incompatible with the best interests of the city, and by directing disclosure by public officials and employees of private financial or other interests in matters affecting the city.

Policy: Public employees should be held to a high standard of conduct and accountability due to the nature of their duties and responsibilities. The proper operation of democratic government requires that public servants be independent, impartial, and answerable to the people; that government decisions and policy be made through the proper channels of the government structure; that public office not be used for personal financial gain; and that the public have confidence in the integrity of its government. In recognition of these goals, there is hereby established a code of ethics for public employees and officials of the City of Cooper City.

**Definitions:**

Public Employee . Any regular full-time or regular part-time employee of the City of Cooper City.

Anything of Value. Money, real or personal property, a permit or license, a favor, a service, forgiveness of a loan, or promise of future employment. It does not mean reasonable compensation or expenses paid to an employee by the City of Cooper City for work performed.

**Compensation.** Payment of "anything of value" to an individual in return for that individual's services of any kind.

**Association.** A business entity of any kind, a labor union, a club, or any other group of two or more persons other than the immediate family.

**Immediate Family.** The employee's and (1) the spouse and the following kin of **either individual or his/her spouse: child, mother, father, brother, sister**, grandparent, grandchild, aunt or uncle; and (2) the stepparents and/or legal guardians of the individual or his/her spouse.

*Gi t.* The payment or receipt of "anything of value."

**Ethical Standards:** In general., public employees are to serve all persons fairly and equitably without regard to their personal or financial benefit. The credibility of Cooper City's government hinges on the proper discharge of duties in the public interest. Public employees must ensure that the independence of their judgment and actions is preserved without any consideration for personal gain. The following specific ethical standards shall guide public employees:

**Incompatible Offices.** A public employee shall not hold incompatible offices or engage in any regular outside employment without prior notice to and approval by the City **Manager.**

**Use of Confidential Information.** Public employees shall not disclose to others, or use to further their personal interest, confidential information, as defined by Florida Statutes, acquired by them in the course of their official duties.

**Solicitation or Receipt of Anything of Value.** A public employee 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 public employee's duties. **Incidental items provided to public employees in the due course of business while attending conferences, seminars and training sessions shall be exempt from this provision.**

**Holding Investments.** No public employee shall hold any investment that might compromise the performance of his/her duties without disclosure of said investment and self disqualification from any particular action that might be compromised by such investment, except as may be permitted by statute.

**Representation of Others.** A public employee shall not represent persons or associations in dealings with the City in consideration of anything of value.

Financial Interest. Where a public employee has a financial interest in any matter being considered by the public employee, such interest (if known to the public employee) must be disclosed to the City Manager, and the public employee shall be disqualified from further participation in the matter.

City Property. No public 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.

Special Consideration. No public employee shall grant any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen.

Authority. No public employee shall exceed his/her authority, or breach the law, or ask others to do so.

Public Funds. No public 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 public.

Use of Logo or Other City Symbols. Use of the City's logo or any other symbol for nonofficial City business without approval of the City Commission is prohibited.

**Expenses. Public employee shall provide complete documentation to support requests for expense reimbursement. Expense reimbursement shall be made in accordance with City policy.**

Donations. No public 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 public employee shall take an official action that will benefit any person or entity where such public employee would not otherwise have taken such action but for the public official's family relationship, friendship, or business relationship with such person or entity.

Compliance with Laws. Public 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.

Acceptance of Gifts. Public employees may accept gifts on behalf of the City and said gifts shall become property of the City.

Knowledge of Violations. Public employees shall disclose any possible violations of the City's ethics policy to the City Manager.

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Public Interest. Public employees shall act with the best interests of the City of Cooper City in mind.

Bribery. Public employees may not, either directly or indirectly, attempt to influence the City Manager or City Commission in any way with money, services, or other remuneration.

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 regards to employment, promotion or transfer.

Uniforms. Employees shall not conduct personal business while in City uniform, nor shall they consume alcoholic beverages while on duty, inclusive of mealtime, nor on off duty hours while in uniform.

Political Activities. The political activities of any employee shall be in accord with and regulated by Florida Statute 104.31 as it may be amended from time to time.

**Complaints Against Public Employees:** Allegations made against public employees shall be handled by the City Manager. The City Manager will oversee the review and investigation of the allegations, and will determine the appropriate responsive action.

**7.04 Criminal Charges:** Any employee in the City service who has been arrested (on or off duty), indicted or who has been charged by information in any State or Federal court must report such arrest, indictment or charge as soon as possible (i.e., no later than the next business day, whether or not the employee actually reports to work that next business day) to the employee's supervisor, department director, or other City management official. Failure to promptly report such information will be grounds for disciplinary action, up to and including termination.

The City Manager may immediately, in his or her sole and exclusive discretion, suspend without pay any employee in the City service who has been arrested and charged with a felony or other serious crime, indicted or informed against in a State or Federal court. The affected employee may be suspended upon receipt of verification (from the employee or any other reliable source, such as

but not limited to a Court or law enforcement agency) of that arrest, indictment or information. An employee who is suspended without pay pursuant to this section shall be afforded an opportunity to meet with the City Manager, or his/her designee, to discuss the circumstances of the arrest, indictment or information. The purpose of the meeting is to allow the employee to tell his/her side of the story so that the City Manager may, in his/her sole and exclusive discretion, determine the appropriate course of action, which may include, but is not limited to: continuing the suspension without pay; converting the suspension to one with pay pending further inquiry; reinstating the employee with back pay; and/or any other administrative/disciplinary action.

Notwithstanding any limitations on the length of suspension set forth elsewhere in the City's Personnel Policies, suspensions under this Section may continue indefinitely through the resolution of the criminal proceedings related to the arrest, indictment or information, or until such time as an administrative determination is rendered. Any extensions of time or continuances of any administrative proceedings (including the preliminary meeting with the City Manager) related to a suspension without pay that is attributable to, or caused by, the employee shall be deemed a waiver of any claim for back pay or other benefits lost as a result of that extension of time or continuance.

An acquittal or dismissal of the criminal charges related to the arrest, indictment or information (if any such action occurs prior to the conclusion of any administrative action or inquiry) shall not automatically entitle the employee to reinstatement or any other relief. Instead, upon the conclusion of the criminal proceedings, the City may conduct (i.e. commence or continue as appropriate) an administrative investigation or inquiry and, if appropriate, impose disciplinary action up to and including termination, as determined by the City Manager in his/her sole and exclusive discretion. The resolution of the criminal charges may be used as a factor in any administrative determination. For purposes of this rule, the fact that adjudication is withheld or any criminal proceeding which terminates upon the employee's plea of nolo contendere shall not prevent the City from conducting its own administrative investigation and taking appropriate disciplinary action.

Nothing provided in this rule shall serve to abrogate the rights of any police officer as set forth in the Law Enforcement Officers' Bill of Rights. This rule shall be only as supplementary thereto and in the event of any conflicts, the Law Enforcement Officers' Bill of Rights shall prevail.

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## **SECTION VIII: OTHER BENEFITS**

**8.01. Insurance:** Each full time employee shall receive upon appointment, a booklet detailing the benefits under the present insurance plan. The City Commission or the City Manager, if so authorized, from time to time shall negotiate, approve, execute, and renew group insurance contracts that provide adequate group coverage for City employees.

A. **Group Health and Major Medical:** The City pays the employees' group health coverage. The City shall contribute \$175 per month toward the **premiums for any dependent health insurance coverage the employee may elect to receive. The group insurance plan provides for life insurance, accidental death and dismemberment, hospitalization, major medical, disability insurance and dental insurance.**

**8.02. Workers' Compensation Managed Care:** Pursuant to the provisions of the 1993 Workers' Compensation Act, the City's insurance carrier has instituted a managed care program for all workers' comp claims. If you are **injured on the job, you must follow the procedures in this plan and receive** authorization prior to treatment or your medical bills will not be paid. Chapter 440, Florida Statutes, **mandates such plans, requires the insurance company to authorize charges prior to treatment, and makes the employee personally liable** for doctor's and/or hospital bills in the event they fail to obtain the required authorization

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Procedures:

**1. Emergency: If you are injured in an accident and require** immediate medical attention, you should report, or better have yourself transported, to the Emergency Room at Memorial West, 703 N. Flamingo Road, Pembroke Pines. Your supervisor or departmental liaison will make the report on the injury to the City Clerk's Office

2. Non-emergency: If you are injured and do not require immediate medical attention, but do need to see a doctor, or require follow-up care to emergency treatment:

a. Advise your supervisor of your injury and that you require medical care

b. Your supervisor or departmental liaison will contact the City Clerk's Office for a referral

c. The City Clerk's Office will obtain authorization for medical treatment and direct you to the managed care physician's office and/or medical facility. You will not be treated without an appointment and a picture I.D



**d. Should you require the care of a specialist, physical therapy, therapeutic devices, etc., you must be referred by the managed care physician, who will authorize the charges therefor and coordinate your care throughout your recovery/healing process.**

**e. Should any employee be dissatisfied with the primary care physician he/she has been assigned, or contests the findings of the assigned primary care physician, the managed care provider has established an appeal procedure as provided by law. Employees should contact the City Clerk's Office for information pertaining to the then current managed care provider.**

**8.03. Workers' Compensation Disability:** In the event an employee **sustains** an injury while on the job, she/he shall receive regular net pay, less Workers Compensation payments, during the period of temporary total disability, not to exceed ninety (90) days from the date of such service-connected disability, in accordance with the following provisions:

A. Said employee has properly reported the accident/injury to his/her supervisor within twenty-four hours (24) of its occurrence.

B. Said employee has been treated by a physician within thirty (30) days from original date of accident and said physician has designated said employee as temporarily totally disabled. The City Manager reserves the right to request a consultation with a physician of the City's choice.

C. If treatment by an authorized physician, for a temporary total disability, lapses for a period of thirty (30) days, the City may discontinue disability payments in connection with that particular injury.

D. Said employee shall be required to report at least weekly, via telephone, to his/her supervisor. Employees shall immediately provide the City with copies of all doctors' notes and schedules for any physical or other therapy that has been prescribed by the physician. Individual departments may have adopted reporting requirements more frequently than weekly, in which case, the employee must abide by the Department's adopted rules and regulations.

E. Compliance with the City's adopted Drug Free Work Place Program standards, as described in Section 8.05 of this Manual.

No charge shall be made against any leave time during the period of payment for such temporary total disability. If an employee dies as the result of an injury, disability payments from the City shall cease at the close of business on the date affixed to the certificate of death.

**13.04. Early Return to Work Program:** The City of Cooper City has established an Early Return to Work (ERTW) program for employees who sustain compensable injuries within the scope of the State of Florida Worker's Compensation Law. The program has been designed to prevent economic loss to

<"^ the employee and/or the City by providing productive work within the employee's temporary restrictions/limitations at the earliest possible date.

A. Elements of the Program: The City will endeavor to provide alternative work within the temporary restrictions/limitations of an injured employee while that employee is recovering.

1. To facilitate and expedite return to work, the City will generally offer an initial assignment which may be outside the employee's regular department and/or division. This assignment will be to previously-identified sedentary, light or modified positions which have been approved by an attending or City authorized physician. During this assignment, the employee will be paid his or her regular rate of pay. Should the employee refuse the assignment offered, the employee will be subject to suspension of worker's compensation benefits in accordance with Section 440.15 of the Florida Worker's Compensation statute.

2. During the period of re-assignment, the Personnel Division will monitor physician follow-up visits, the prognosis for lesser or greater restrictions, limitations and the employee's readiness for alternative positions.

**3. If, at a later point in time, a modified or regular position** within the department or division is identified specifically for an employee, a physical requirements job description will be developed for review with the employee's attending physician.

4. Once approved by the attending physician, the modified or regular position will be reviewed with the employee. The duties, expectations and required work schedule or hours will be explained to the employee. An employee who accepts a modified position or another regular position will continue to receive his or her regular rate of pay for up to 13 weeks of disability.

With the City Manager's approval, payment at the employee's regular rate of pay may be extended for up to 13 additional weeks (for a total of 26 weeks). An employee who refuses an offer of a modified position or another regularly established position within the City under this program will be subject to suspension of

worker's compensation benefits in accordance with Section 440.15 of the Florida Worker's Compensation statute.

In the event of a conflict in the time periods stated in this policy and in collective bargaining agreements, the collective bargaining agreement shall prevail.

5. The Personnel Division and the employee's Department Head will continue to monitor the employee's progress in the job, the rate of recovery and the attending physician's prognosis for return to his or her former position.

6. Once a permanent, partial impairment is established or diagnosed, a thorough review of the employee's ability to return to his or her former position will be made. If the City is unable to accommodate the return to the former position, the possibility of transfer to other available positions within the employee's former department or within the City will be explored.

7. **When an injured employee is transferred to an alternative position based on permanent impairment, that employee will continue to receive the rate of pay of the former regular position for the balance of the first 26 weeks of disability. Thereafter, the employee will be paid at the rate established for the position which is being performed.**

8. It is to be understood that all modified positions, regular positions or alternative positions offered under the Early Return to Work (ERTW) program are temporary. While it is the desire of the City of Cooper City to return injured employees to their former positions, collective bargaining agreements or the need to fill former positions may necessitate other actions. The City reserves the right to take whatever action it deems to be in the best interest of City operations and/or service to the public. In the spirit of this policy, the City will try to avoid filling an injured employee's former position for the first 90 days of absence from work.

**B. Responsibilities:**

1. ERTW Coordinator: The City Manager has designated the Director of Administrative Services as the Early Return to Work Coordinator.

- a. The ERTW Coordinator will identify modified or alternative regular positions within the City which will assist in returning employees to productive capacities while recovering from compensable injuries.
- b. The ERTW Coordinator will work with the City authorized physician(s) to assure their understanding of identified sedentary, light or modified positions available.
- c. The ERTW Coordinator will advise and counsel employees to help them understand the program, the job which they are being offered, its purpose and work schedule. The ERTW Coordinator will assure understanding of the rate of pay, the consequences of job refusal and the goal of returning the employee to his or her former position.
- d. **The ERTW Coordinator will follow-up with the employee's attending physician to determine prognosis for returning to the former position or an alternative position with lesser or greater restrictions or limitations.**
- e. If an alternative position or temporary modification of the former position is indicated, the ERTW Coordinator will work with the department and/or division head to develop a physical requirements job description for presentation to the attending physician. A Worker's Compensation Rehabilitation Specialist may be utilized to assist in developing the description or making the presentation.
- f. The ERTW Coordinator will assure that the physical requirements job description and the attending physician's analysis of the injured employee's physical capacities are utilized to finalize the position offered to the employee.
- g. **The ERTW Coordinator will assure the attending physician's approval, City Manager approval and appropriate documentation exists throughout the ERTW process.**

## 2. Employee Responsibilities.'

- a. An employee participating in the ERTW program will put forth a diligent effort, perform the duties assigned to the best of his or her ability and comply with work schedules in all positions assigned.

**b. Employees participating will perform duties in a manner which adheres to all attending physician's written restrictions and/or limitations and advise managers and supervisors if duties assigned do not conform to restrictions and/or limitations.**

c. The injured employee will communicate with the ERTW Coordinator following all attending physician followup visits, providing information and any certification **regarding prognosis for return to full duty, changes in limitations or restrictions, therapy and appointment schedules.**

**8.05. Drug Free Work Place Program:**

A. Policy Statement: The City of Cooper City is committed to provide a safe work environment for its employees, our community and society. Substance abuse is a National problem which impairs the health and safety of employees, promotes crime and harms our community. The city is addressing this problem by instituting a Drug Free Workplace Program.

**Substance abuse is a complex disease. The ultimate goal of this policy is to balance our respect for individual privacy with our need to keep a safe, productive drug free environment. Our intention is to prevent substance abuse.** We would like to encourage those who use drugs or abuse alcohol to seek help in overcoming their problem. The City considers substance abuse to be an unsafe and counter-productive work practice.

The City's policy is in accordance with the Florida Drug Free Workplace Program as provided in Section 440.102, Florida Statutes and Rules 38F-9.001 through 38F-9.0014 and 10E-18.001 through IOE-18.009, Florida Administrative Code and the Federal Omnibus Transportation Employee Testing Act of 1991.

To ensure a workplace free from the influence of illegal drugs and alcohol abuse, the following policy has been established:

**It is the policy of the City that an employee found with the presence of alcohol or illegal drugs in his/her system, in possession or, using, selling, trading or offering for sale illegal drugs or alcohol during working hours, may be subject to disciplinary action up to and including termination. (City sponsored activities which may include the service of alcoholic beverages are not included in this provision)**

An employee reporting for work who is considered to be impaired as drawn from articulable facts and reasonable inferences drawn therefrom is unable to properly perform required duties and will not be allowed to work. If possible, the supervisor should first seek another supervisor's opinion of the employee's status. Then the supervisor should consult privately with the employee with the observation to rule out any problem(s) that may have been caused by prescription drugs.

If, in the opinion of the supervisor, the employee is considered impaired, the employee should be sent home, after drug testing by a medical facility, by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor or another employee, if necessary. An impaired employee should not be allowed to drive. The prescribed test direction form (Exhibit D) shall be completed by the supervisor.

Prescription drugs prescribed by the employee's physician may be taken during working hours. The employee shall notify the supervisor if the use of properly prescribed drugs will affect the employee's work performance. Abuse of prescription drugs will not be tolerated.

Supervisors have the right to counsel with an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help from an assistance program or decide that the severity of the observed problem is such that a formal referral to a treatment facility should be made. All employees are encouraged to have the responsibility to make certain that they themselves and co-workers are performing properly. An employee who suspects a problem with a co-worker relative to the abuse of drugs or alcohol should contact their supervisor.

#### **B. Definitions:**

**1. ALCOHOL means Ethyl Alcohol (ETHANOL) and includes distilled spirits, wine, malt beverages and intoxicating liquors.**

**2. ALCOHOL ABUSE - An employee shall be determined to be under the influence of alcohol if the employee's normal faculties are impaired due to the consumption of alcohol or the employee's blood alcohol level is 0.05 G/DL% or higher.**

**3. ILLEGAL DRUGS means any drug(s) which is not legally obtainable, which may be legally obtainable but has not been legally**

obtained or which is being used in a manner or for a purpose other than as prescribed.

4. **DRUGS** means Alcohol, Amphetamines, Cannabinoids, Cocaine, Phencyclidine (PCP) , Hallucinogens, Synthetic narcotics, designer drugs, or a metabolite of any of the substances listed above.

5. **LEGAL DRUG** means **prescribed drugs and other the counter drugs which have been legally obtained and are being used solely for the purpose for which they were prescribed or manufactured.**

6. **JOB APPLICANT** means **a person who has applied for a position with the City and has been offered employment conditioned upon successfully passing a drug test.**

7. **EMPLOYEE** means **an individual who works for the City on a full-time, part-time or temporary basis and receives compensation.**

8. **DRUG TESTING** means **any chemical, biological or physical instrumental analysis for the purpose of determining the presence of any illegal drug or its metabolites, including alcohol.**

a. Drug testing may require the collection of blood, urine, breath, saliva or hair of an employee or job applicant.

9. **INITIAL DRUG TEST** means a screening procedure of the blood and urine of employees and job applicants for the presence of alcohol and illegal drugs in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules. All drug and alcohol testing shall be performed in accordance with the referenced regulations. All levels equal to or exceeding the following shall be reported as; positive:

ALCOHOL 0.05 G/DL%

AMPHETAMINES 1,000 NG/ML

CANNABINOIDS 100 NG/ML

COCAINE 300 NG/ML

PHENCYCLIDINE 25 NG/ML

METHAQUALONE 300 NC/ML

OPIATES 300 NG/ML

BARBITUATES 300 NG/ML

BENZODIAZEPINES 300 NG/ML

SYNTHETIC NARCOTICS 300 NG/ML

METHADONE

PROPOXYPHENE 300 NG/ML

**10. CONFIRMATION TEST means a second test of all specimens identified as positive on an initial test in accordance with the Florida Drug Free Workplace Program and appropriate Florida Administrative rules, specifically Rule 10E-18.001 et supra. All levels equal to or exceeding the following shall be reported as positive:**

ALCOHOL 0.05 G/DL% AMPHETAMINES 500 NG/ML  
CANNABINOIDS 15 NG/ML COCAINE 150 NG/ML PHENCYCLIDINE 25 NG/ML METHAQUALONE 150 NG/ML OPIATES 300 NG/ML BARBITUATES 150 NG/ML BENZODIAZEPINES 150 NG/ML SYNTHETIC NARCOTICS

METHADONE 150 NG/ML PROPOXYPHENE 150 NG/ML

**11. DRUG TESTING METHODOLOGY. Specimens for drug testing will be collected, handled, maintained and tested in accordance with the Florida Drug Free Workplace Program and the appropriate administrative rules. Urine will be used for the initial and confirmation tests for all drugs except alcohol, blood will be used for the initial and confirmation tests for alcohol.**

**12. POSITIVE CONFIRMED TEST or CONFIRMATION TEST means a second procedure which confirms a positive result from an initial drug test. GC/MS (GAS CHROMATOGRAPHY/MASS SPECTROMETRY) will be used for confirmation testing.**

**13. MEDICAL REVIEW OFFICER (MRO) means a licensed physician with knowledge of prescription drugs, pharmacology and toxicology of drugs, who is responsible for receiving and reviewing all positive confirmed test results and who is responsible for contacting all individuals who test positive in a confirmation test to inquire about possible medications which could have caused a positive result.**

**14. PRESCRIPTION OR NON PRESCRIPTION MEDICATION means drug or medication obtained pursuant to a prescription as defined by Section 893.02, Florida Statutes or a medication that is authorized pursuant to a Federal or state law for general distribution and use without a prescription in the treatment of human diseases.**



15. REASONABLE SUSPICION DRUG TESTING means drug testing based on a belief that an employee is using or has used drugs in violation of this policy drawn from specific objective and documented facts in light of experience. Among other things, such facts and inferences may be based upon:

a. Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.

b. Abnormal conduct or erratic behavior while at work or a significant deterioration of work performance, either or both of which are recognized symptoms of alcohol or drug abuse and which are not adequately explained by the employee or are not related to the employee's working conditions.

c. **A report of drug use, provided by a reliable and credible source, which has been independently corroborated (test direction form shall be used).**

d. Evidence that an employee has tampered with a drug test during his employment with the City.

e. Information that an employee has caused, or contributed to, an accident or injury which requires medical attention beyond simple first aid while at work, or has been involved in any type of motor vehicle accident.

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

16. SPECIMEN means a tissue or product of the human body including blood, urine, saliva, hair, capable of revealing the presence of alcohol and/or illegal drugs or their metabolites.

C. General Procedures:

1. TYPES OF TESTING. **In order to maintain a drug and alcohol free work environment, the City will test for the presence of alcohol and drugs in the following circumstances:**

a. **JOB APPLICANTS: All job applicants who have been offered a position of employment are required to take a drug and alcohol test.**

b. **REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol (as defined herein) , are required to take a drug and alcohol test.**

c. **FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty examination are required to take a drug and alcohol test as part of their medical examination.**

d. **FOLLOW-UP: All employees who have been enrolled in a rehabilitation program for drug and/or alcohol abuse are required to take drug and alcohol test on a quarterly, semiannual or annual basis for two years after return to work.**

e. **POST ACCIDENT OR INJURY: Employees who are involved in a job-related accident or incident, and appear to be contributory, which results or might have resulted in bodily injury which requires medical attention beyond simple first aid or property loss or damage, or involvement in any motor vehicle accident.**

## **2. CONSEQUENCES OF REFUSING A DRUG TEST**

a. An employee who refuses to submit to a drug test will be subject to discipline, up to and including termination. An employee who refuses to submit to a drug test also will forfeit his eligibility for all Workers' Compensation medical and indemnity benefits.

b. **A job applicant who refuses to submit to a drug test will not be hired.**

3. **ACTIONS FOLLOWING A POSITIVE CONFIRMED TEST.** The City may institute disciplinary action, up to and including termination, for any employee who has a positive confirmed drug test.

4. **CONFIDENTIALITY.** Confidentiality of records concerning drug testing will be maintained except to the extent necessary to comply with this policy. All information, reports, memos and drug test reports, written or otherwise, received by the City through the drug testing program will be kept confidential as provided by law.

The City, laboratories, drug and alcohol rehabilitation programs who receive or have access to information concerning drug test results shall keep all

information confidential. No such information will be released unless there is a voluntary written consent, signed by an employee or job applicant, except where such release is compelled by a court pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

The City will maintain records concerning drug testing separate and apart from an employee's or job applicant's personnel file. Information on drug testing results shall not be released in any criminal hearing.

**5. REPORTING OF USE OF MEDICATION. Employees and job applicants may confidentially report the use of prescription or non-prescription medication both before and after having a drug test. A form for reporting medication use is attached hereto as Exhibit E.**

**6. NOTICE OF COMMON MEDICATIONS. A list of the most common medications, by brand name, common name, as applicable, as well as by chemical name, which may alter or affect a drug test is attached hereto as Exhibit B. Employees and job applicants should review this list prior to submitting to a drug test**

**7. MEDICATION INFORMATION. An employee or job applicant may consult with the testing laboratory for technical information regarding prescription and non-prescription medication.**

#### **8. REHABILITATION AND EMPLOYEE ASSISTANCE PROGRAMS**

a. It is the responsibility of each employee to seek assistance before drugs and alcohol lead to disciplinary problems. Employees who may require assistance for substance dependency and related programs are encouraged to seek assistance and information from the City Clerk's Office.

b. Once a violation of this policy occurs, subsequent use of the employee assistance program on a voluntary basis will not affect the determination of appropriate disciplinary action.

c. An employee's decision to seek assistance from the employee assistance program prior to any incident warranting disciplinary action will not be used as the basis for disciplinary action or in any disciplinary proceeding.

d. There is no interest in restricting social drinking outside of working hours and no intent to intrude upon private or personal lives of

**employees. The City is concerned only when the employee's health and/or job performance is adversely affected.**

**e. Upon successful completion of a drug and/or alcohol treatment program, an employee may be released to resume work but will be subject to drug testing on a random, periodic basis at least quarterly, for at least two years thereafter as a condition of continued employment.**

**L An individual's participation in the program will not be made part of any personnel records and will remain confidential except to the extent necessary to comply with this policy. Medical and insurance records, if any, will be preserved in the same confidential manner as all other medical records. Program participation records will be maintained by the City Clerk.**

**RESOURCES AVAILABLE FOR ASSISTANCE WITH DRUG AND ALCOHOL ABUSE PROBLEMS ARE:**

**1-800-356-9996 1-800-527-5344 1-800-COCAINE 1-800-NCA-CALL 1-800-662-HELP  
1-800-843-4971**

**AL-ANON AMERICAN COUNCIL OF ALCOHOLISM HELPLINE COCAINE HOTLINE  
NATIONAL COUNCIL ON ALCOHOLISM NATIONAL INSTITUTE ON DRUG ABUSE  
HOTLINE NATIONAL INSTITUTE ON DRUG ABUSE HOTLINE**

**For Florida Health Choice Members:**

**Memorial Hospital Share Program 435-2860/987-2000 ACS Private Counseling  
Service 321-8777**

**For Humana HMO Members:**

**Biodyne 742-8421**

**9. DRUGS TO BE TESTED. Drugs that will be tested are as follows:**

**a. ALCOHOL, INCLUDING DISTILLED SPIRITS WINE, MALT BEVERAGES AND  
INTOXICATING LIQUORS**

**b. AMPHETAMINES c.**

**CANNABINOIDS d. COCAINE**

**e. PHENCYCLIDINE (PCP) f.**

**HALLUCINOGENS g. METHAQUALONE h.**

**OPIATES**

**I. BARBITUATES**

j. BENZODIAZAPINES k. SYNTHETIC  
NARCOTICS l. DESIGNER DRUGS  
M. A METABOLITE OF ANY SUBSTANCE LISTED HEREIN.

The cut off levels for reporting positive initial and confirmation drug tests are set forth in Paragraphs "I" and "J" in Section 2 hereof.

#### 10. CHALLENGE OF TEST RESULTS

a. An employee or a job applicant who receives a positive confirmed test result may contest or explain the result in writing within five (5) days of receipt of notification of a positive confirmed test result.

b. If the explanation or challenge of the employee or job applicant is unsatisfactory to the City, the City within fifteen (15) days of receipt will provide a written explanation as to why the employee or job applicant's explanation is unsatisfactory, and a copy of the report of positive confirmed test results.

c. An employee may further challenge the results of the test in a court of competent jurisdiction or, if the drug test was administered due to a workplace injury, by filing a claim for benefits with a judge of compensation claims, pursuant to Chapter 440, Florida Statutes.

d. If an employee or job applicant contests the drug test results he must notify the laboratory in accordance with Rule 38F-9.009, Florida Administrative Code.

11. RIGHTS UNDER COLLECTIVE BARGAINING AGREEMENTS. Employees who are covered under a collective bargaining agreement between the City and any collective bargaining unit may have a right to file a grievance regarding discipline imposed by the City as a result of a violation of this policy.

#### D. Policy Requirements:

1. CONDITIONS OF PRE-EMPLOYMENT. The City **will conduct preemployment screening examinations designed to prevent hiring individuals who currently use illegal drugs or alcohol in violation of this policy.**

**a. To determine the suitability of employees to work for the City, the following pre-employment conditions are established:**

(i) All job applicants will be tested prior to employment for drug use and alcohol use. Any job offer which a job applicant may receive from the City is contingent upon successfully completing a required physical examination.

b. Any job **applicant who refuses to submit to drug and alcohol testing as part of the pro-employment testing process will be refused employment.**

c. Any **job applicant who tests positive for drugs or alcohol use will be refused employment at that time.**

d. Confidentiality will be maintained pursuant to this policy.

e. The City will not discriminate against applicants for employment because of the past abuse of drugs or alcohol. It is the current abuse of drugs that the City will not tolerate.

2. **CURRENT EMPLOYEE DRUG AND ALCOHOL SCREENING.** The City will maintain screening practices to identify employees who use illegal drugs or alcohol in violation of this; policy. It shall be a condition of continued employment for all employees to submit to drug screening under the following conditions:

a. **REASONABLE SUSPICION: All employees who are determined to be under reasonable suspicion of drug or alcohol use (as defined herein) , are required to take a drug and alcohol test.**

b. **FITNESS FOR DUTY: All employees who are subject to a routine fitness for duty medical examination are required to take a drug and alcohol test as part of their medical examination.**

c. **FOLLOW-UP: All employees who have been referred to a rehabilitation program by the City for drug and/on alcohol abuse are required to take drug and alcohol tests on a quarterly, semiannual or annual basis for two years after return to work.**

d. **POST ACCIDENT OR INJURY:**

Employees who are involved in a job-related accident or incident, and appear to be contributory, which results or might have resulted in bodily injury or property loss or damage, or involvement in any motor vehicle accident.

3. MANAGEMENT'S RESPONSIBILITY. Supervisors are responsible for implementing the Drug and Alcohol Free Workplace Policy. It is the responsibility of the supervisors to observe the behavior of employees on the job as a precaution against unstable or unreliable behavior which could threaten the safety and well-being of employees and the community.

a. Supervisors are responsible for maintaining a safe work environment by determining employees' fitness for duty.

b. In the event a supervisor has a reasonable suspicion that an employee may be affected by drugs or alcohol, the employee must be sent for drug testing. A form for reporting the reasons for drug testing is attached.

c. In all cases when an employee is being removed from duty for drug testing, the supervisor should notify his superior at the earliest possible time.

#### 4. EMPLOYEE'S RESPONSIBILITY

a. It is each employee's responsibility to be fit for duty when reporting for work and to inform his supervisor if he is under the influence of prescription or non-prescription medication which may affect job performance.

b. In the event an employee observes behavior which raises a doubt as to the ability of a co-worker to work in a safe, reliable and trustworthy manner, the employee should report this behavior to his supervisor.

c. Employees who have voluntarily entered a drug or alcohol treatment and/or rehabilitation program at the request or insistence of the City, or, as a condition of continued employment, enter a drug or alcohol treatment and/or rehabilitation program are required to participate and complete recommended treatment. Completion of the recommended treatment program is required before the employee shall be permitted to return to work. Any employee who enters a drug or alcohol treatment and/or rehabilitation program will be responsible for payment of the treatment and/or program. If the employee fails to comply with the treatment and/or the program, the employee will be subject to discipline, up to and including termination.

#### 5. MEDICAL REVIEW OFFICER'S RESPONSIBILITIES

a. The MRO will review all information from the testing laboratory in the event of a positive confirmed test. The MRO will review any information from the employee or job applicant regarding the use of medication or other relevant medical information set forth in the form submitted prior to drug testing.

b. The MRO may request that the testing laboratory provide quantification of test results.

c. The MRO will provide his interpretation of positive confirmed test results to the Director of Administrative Services.

d. The MRO will monitor an employee's progress in a rehabilitation program, and confirm completion of the treatment program.

**8.06. Credit Union:** All permanent employees may join the City/County Credit Union which has extended membership to employees of the City. Deductions can be authorized through payroll for savings and loan payments.

**8.07. Tuition Payments:** The City, upon the advanced approval of the appropriate Department Head and the City Manager, will pay the tuition of employees for any eligible training or educational courses as follows. Tuition reimbursement will be limited to the appropriate percentage of the rates charged by the State of Florida for community colleges or universities, whichever is applicable. Tuition reimbursement will be limited to 75% (of the State rates) for employees who have a passing grade of below "B" whereas it will be 100% (of the State rates) for employee's who receive a grade of "B" or above. The Department Head and the City Manager must grant approval prior to the employee attending the training or educational program. An eligible training or educational course is one that, in the judgment of the Department Head, is directly related to the employee's current position or to a related higher position, and which will improve performance in a current position or which constitutes preparation for promotion to a related higher position. All approvals will be on a course-by-course basis.

Any employee who is approved for attendance in any eligible educational or training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for textbooks, lab fees, or any other expenses. No coursework shall be performed during working hours. Employees will be entitled to a refund of tuition upon the successful completion of each approved course and presentation of transcript within thirty (30) days of completion of the approved course. The refund shall not exceed the appropriate percentage of the tuition paid to the



educational institution.

If an employee voluntarily or involuntarily terminates his or her employment with the City within one (1) year following the completion of any eligible educational or training program for which such employee has received a refund, then the amount of tuition refund paid by the City shall be repaid by such employee to the City immediately. Should such employee fail to immediately reimburse the City for the amount of such refund, the City may deduct the amount of any such refund from any salary or wages due to the employee from the City.

**8.08. Uniforms:** The following City government employees are furnished with uniforms at the time of their appointments:

Police Officers Firefighters

Public Works Personnel

Police Department Support Personnel Utility

Department

The above-named employees shall have their uniforms cleaned for them by the City, or be paid a monthly cleaning allotment, as provided for in the annual budget. New or replacement uniforms shall be provided by the City on an as-needed basis, with the prior written approval of the Department Head.

**8.09: Retirement:** All permanent full-time employees of the City, including FOP contract employees, after completion of one year of continuous service, shall automatically be enrolled in the City of Cooper City Retirement Plan as adopted by Ordinance 79-9-6, and as it may be amended from time to time by the City Commission.

**SECTION IX: TRANSFER, PROMOTION, REINSTATEMENT AND SEPARATION: DEMOTION.**

**9.01: Vacancy:** A vacancy may be filled by promoting a qualified employee **from a lower class, by transferring a qualified employee from a similar class with similar basic qualifications, or by hiring a qualified employee from without the City service (See, also, provisions dealing with demotion and reinstatement).**

**9.02: Transfers:** A position may be filled by transferring an employee from another position of the same or similar class with essentially the same basic qualifications. Transfers may be voluntary or involuntary and must be approved by the Department Head(s) affected and the City Manager. Insofar as practicable, the employee concerned will be consulted.

**9.03: Promotion:** Promotions, either inter- or intra-departmental must be approved by the Department Head(s) and the City Manager.

**9.04: Reinstatements:** Any employee who has resigned or otherwise separated from the City service in good standing may be reinstated if a vacancy **exists in a** position which the employee is qualified to perform. For purposes of computing benefits due, the employee shall be considered as a new appointment and shall serve the required probationary period.

**9.05: Separations:** Separations and/or terminations from positions in the City service shall be designated as one of the following types:

A. **Resignation:** **An employee who desires to resign in good standing** shall submit his written resignation and/or verbal notice to his Supervisor or Department Head at least two (2) weeks before leaving, and must state the date the resignation shall become effective and the reason for separation. Such resignation entitles the employee to payment of any benefits due. Failure to comply with this procedure may be considered cause for denying such employee future employment by the City.

B. **Absence without Leave:** An employee who is absent from duty for three (3) consecutive work days without securing authorization from his or her Department Head or without notification of the reason for such absence and the expected date of return shall be considered to have resigned without notice. This will be considered prima facie evidence of job abandonment.

C. **Retirement:** **Whenever an employee meets the conditions set forth by the City retirement system, the employee may elect to retire and receive all**

benefits earned under the retirement plan.

**D. Disability:** An employee may be separated for disability when he/she cannot perform the required duties because of physical or mental impairment. The City may require an examination at its expense to be performed by a physician of its choice (See Section 5.14).

E. Death: Separation shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid to the next-of-kin or to the estate. Further, all benefits due an employee separated by death shall be paid to the next-of-kin or to the estate.

F. LaOff: The City Manager shall have the authority to lay off any employee(s) because of lack of funds, lack of work, when there has been an insufficient appropriation to meet salary requirements necessary to maintain existing personnel in any department, or as he otherwise deems appropriate in his sole and exclusive discretion. The City Manager shall notify the City Commission of this action at the first appropriate opportunity. A reduction in the number of employees in a job classification shall be made by recommendation of the Department Head with the concurrence of the City Manager. The Department Head or the City Manager shall give written notice to any employee being separated at least two (2) weeks prior to the effective date contained in the notice. Whenever it becomes necessary to reduce the number of employees in a given job classification and notice of such lay off is given to the affected employee(s) for any of the reasons enumerated herein, this notice shall be final and not subject to appeal.

G. Dismissal for Lack of Performance: The Department lead with the approval of the City Manager, may dismiss a City employee for any reason they deem appropriate. Employees shall be given written notice of dismissal and a report of the action taken shall be presented by the Department Head to the City Manager. The City will attempt to follow a procedure of progressive discipline which will consist of the following steps:

1. Counsel: An appointment will be made with the employee to discuss unsatisfactory performance and to set reasonable goals and timetables for improvement.
2. Warn: A verbal warning is issued and documented if the employee fails to meet reasonable goals for improvement within the stated timetable. A definite time limit is set for improvement.
3. Reprimand: A written reprimand is issued if an employee fails to respond to Steps 1 and 2. This becomes a part of the

employee's permanent personnel file. A time limit for correction of unsatisfactory behavior is set.

4. Suspend: If an employee's unsatisfactory behavior is not improved following Steps 1, 2 and 3 above, the employee can be suspended upon approval by the Department Head and the City Manager. Suspension shall be of a specific duration and without pay.

## SECTION X: DISCIPLINARY ACTION

10.01: Termination: Any employee may be dismissed by the Department Head with the approval of the City Manager. For permanent employees, a written statement of the reasons therefore shall be submitted to the employee affected. All employees serve at the will and pleasure of the City and accordingly may be dismissed for any reason deemed appropriate by the City. However, the City wishes to advise its employees that the following reasons will be deemed sufficient for termination:

- A. Incompetence or inefficiency in the performance of duties;
- B. Conviction of a criminal offense or of a misdemeanor involving moral turpitude or directly related to the duties of the position;
- C. Willful or repeated violation of any of the provisions of the Charter or these Rules;
- D. Violation of any lawful and reasonable regulation, order, or direction made or given by a superior where such violation has amounted to insubordination or serious breach of proper discipline or has resulted in loss or injury to the public;
- E. Public intoxication, or drinking intoxicating liquors while on duty;
- F. Repeated offensive conduct or language toward the public or fellow employees, or abusive public criticism of superiors or public officials of the City of Cooper City either during working hours or which interferes with the ability of the City Administration to perform its duties and responsibilities effectively;
- G. Carelessness or negligence in the use of the property of the City;
- H. Attempting to induce any officer or employee of the City to commit an act in violation of any lawful or reasonable regulation;
- I. Conduct, either on or off duty, which reflects discredit upon the City;**
- J. Hindering the regular operation of the department or division because of excessive tardiness or absenteeism;
- K. Incapacity for the proper performance of duties because of a permanent or chronic physical or mental ailment or defect that cannot be

**accommodated by the City without placing an undue hardship on the conduct of business;**

L. Failure to notify the Department Head within one (1) working day of suspension or revocation of valid operator or chauffeur's license (applies only to employees whose job requires valid operator or chauffeurs license);

M. Unauthorized absence from work for a period of three (3) consecutive work days; or

N. Making a false statement of a material fact or practicing or attempting to practice any fraud or deception in an attempt to secure any job-related benefits as set forth in any ordinance, resolution, or Personnel Rule of the City, or the Charter, or the Code of Ordinances of the City, or the Statutes of the State of Florida.

10.02: City Property: Each City employee who is entrusted with City property is responsible for the safety and maintenance of said property. At the time of separation from City service and prior to receiving final salary payment due, all City property entrusted to said employee, including, but not limited to, records, books, uniforms, keys, and tools, shall be transferred or returned to the department, and certification to this effect shall be made by the Department Head or Supervisor. Any monies due the City because of shortages shall be deducted from the employee's final paycheck.

As a condition of employment, each new City employee shall sign a form at the time of his or her initial appointment agreeing, in accordance with this provision, to return all City property prior to separation and to the deduction of any shortages from the employee's final paycheck. Present City employees shall sign such a form upon receiving any City property.

## SECTION XI: GRIEVANCE PROCEDURE

**11.01: Grievances Involving Discipline:** The following procedure shall apply only in cases involving suspension without pay, reduction in pay, reduction in rank/demotion, or discharge, except that said procedure will not be available to probationary employees. No other disciplinary actions may be grieved.

A. The employee shall receive written notification of the proposed disciplinary action, together with sufficient facts and reasons therefor as will enable the employee to make an explanation and/or defense to the proposed discipline. An employee who contests the proposed disciplinary action in accordance with the below procedure shall be considered in pay status until such time as the City Manager renders his written decision pursuant to paragraph 2(c), below. However, nothing herein shall preclude the City Manager, or other authorized personnel, from imposing immediate disciplinary action, without advance notice, where it is believed by the person taking disciplinary action that giving such notice would result in damage to property of the City, would be detrimental to the interest of the City, or would result in injury to the employee, a fellow member or employee, or the general public. In such circumstances, the employee, although not in pay status, will be given reasons for the disciplinary action after it takes effect and thereafter will be entitled to utilize the hearing procedures set forth in the following paragraphs.

**B. If an employee desires to contest the disciplinary action proposed by the City Manager, he/she must, within five (5) calendar days of receipt of notice of the proposed disciplinary action, file a request for a hearing before the City Manager or his designee, together with a brief statement outlining the reasons for the request. If the employee does not make a timely request for a hearing, he/she will be conclusively presumed to have concurred in the proposed disciplinary action and such action will become final.**

C. A hearing will be scheduled by the City Manager or his designee not less than ten (10) calendar days from the date of receipt of the hearing request. The hearing will be informal and will be conducted as follows:

- 1. The City Manager or his designee will orally inform the employee of the proposed disciplinary action and may take the testimony of the witnesses.**
2. The employee may be accompanied by a representative of his/her choice. The employee shall have the right to respond to the charge(s) made against him/her both in writing to, and orally before, the City Manager. The employee may call witnesses in

**support of his/her case.**

**3. The City Manager shall render a final written decision within ten (10) calendar days after the hearing. The decision shall advise the employee of the disciplinary action which is to be taken by the City. The City Manager's decision is final and cannot be further grieved or appealed.**

**11.02: Other Grievances: In the event an employee believes that the rules contained in this Manual have been misapplied, he must utilize the allowing procedure. Failure of the grieving employee to strictly follow the time limits will automatically result in a final and binding denial of the grievance. If the City does not follow the time limits, the appropriate City official will be deemed to have denied the grievance and it may proceed to the next step.**

A. Step 1: The aggrieved employee shall present any grievance orally to his or her immediate supervisor. Discussion will be informal for the purpose of resolving differences in the simplest and most direct manner. The immediate supervisor shall consult with the Department Head, reach a decision, and communicate that decision orally to the aggrieved employee within three (3) working days from the date the grievance was presented to him or her. **Supervisors are not empowered to make policy decisions. If the grievance is not resolved at this step, it shall be the responsibility of the aggrieved employee to reduce any grievance to writing within five (5) working days of the date of the supervisor's response.**

B. Step 2: If the grievance is not resolved in Step 1, the employee shall reduce the grievance to writing, sign it, and present it to the Department Head. The Department Head shall confer with the immediate supervisor and the employee and shall attempt to obtain the facts concerning the alleged grievance, and shall conduct a meeting concerning the grievance within five (5) working days of receipt of the written grievance. The Department Head shall notify the aggrieved employee of his or her decision no later than five (5) working days after the meeting.

C. Step 3: If the grievance has not been satisfactorily resolved in Step 2, the employee may forward the grievance to the City Manager within three (3) working days of receipt of the Department Head's decision. The City Manager shall meet with the aggrieved employee within ten (10) working days after receipt of the grievance unless such time is mutually extended in writing. If an adjustment of the grievance is not reached at this meeting, the City Manager shall furnish a copy of his decision to the aggrieved employee within five (5) working days after the meeting, unless this period is extended by mutual



agreement in writing.

D. Step 4. If the grievance has not been satisfactorily decided in Step 3, the employee may appeal the decision to the City Commission within five (5) working days after receipt of the City Manager's decision, unless such time is mutually extended in writing. Upon such appeal, the City Manager, the Department Head, and the appealing employee shall have the right to be heard and to present evidence. The employee may, if he or she desires, be represented by counsel. The City Commission shall make the final decision disposing of the appeal. If the Commission finds that the grieved action was taken for wrongful or other insufficient or unlawful reason, the employee will be made whole.

## **SECTION XII: SAVINGS CLAUSE**

If any section or part of a section of these rules is held by any Court or **legislation to be invalid or unconstitutional, the same shall not invalidate or** impair the validity, force and effect of any other section or part of a section of **these rules unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon a section or part of a section so held invalid or unconstitutional.**

### SECTION XIII. BLUE-COLLAR EMPLOYEES

**13.01 Positions covered by this section:** The provisions of this section shall apply to all positions formerly included within PERC (Public Employees Relations Commission) Certification Number 874. These positions include all full-time blue-collar employees of the City of Cooper City in the Public Works and Utilities Departments, including the following: in the Public Works Department - Trades Worker, Maintenance I and II, Groundskeeper, Landscape Technologist, Equipment Operator, Automobile Mechanic, Automobile Mechanic Foreman; in the Utilities Department - Inventory Clerk (Storekeeper), Mechanic Trainee, Mechanic I and II, Electrician, Treatment Plant Operator Trainee, Treatment Plant Operator, Chief Plant Operator, Sludge Operator, Senior Plant Mechanic.

**13.02 Departmental rules and regulations:** The Department Head or City Manager or a designee shall provide a copy of any newly proposed rule or regulation, as well as any proposed amendment or revision to a rule or regulation, to the department's employee representatives. The employee representatives shall submit any comments concerning said proposal, in writing, within five (5) calendar days. Any such written comments submitted by the employee representatives shall be considered.

One (1) copy of any rules and regulations which are new and/or which replace, update, and/or supersede the department's and/or the City's present rules and regulations will be posted upon adoption or as soon thereafter as practicable. Rules and regulations shall become effective when they receive the final approval of the appropriate authority.

**13.03 Call-Outs:** In the event that an employee is off duty and is not otherwise at his work facility and the employee is called out to report for work, the employee will be paid a minimum of two (2) hours at one and one-half (1 and 1/2) times his or her regular rate of pay.

**13.04. Assignment of Prescheduled Overtime:** The City agrees to prepare a seniority list for each job classification within each Department. The purpose of such list is to coordinate and fairly distribute overtime. In the event that an employee is needed to work overtime, the most senior employee who is in the needed classification and who normally performs work of the type and character of the needed overtime work will be given the opportunity to accept or reject the overtime. The employee will thereafter be placed at the bottom of the list and he/she shall not be offered overtime until all employees within the same classification who normally perform the required duties have been asked to work overtime. In the event that all employee in the affected classification who normally perform work of the type and character of the needed overtime work

decline to work, the least senior employee who normally performs the type of work and character of the needed overtime may be required to perform the overtime work.

13.05 Wages: Employees covered by this Section shall be subject to a compensation plan based on the plan in effect when the employee group was represented by a collective bargaining organization. A copy of the base compensation and classification plan is on file in the office of the City Clerk. Future adjustments to the plan may be negotiated between the employee representatives and the City.

13.06 Longevity : One (1) year after an employee reaches the maximum step of his/her pay range, they will be entitled to receive longevity pay in the amount of \$1,000.00. An employee will be entitled to receive longevity pay only if she/he receives a satisfactory or better performance evaluation. Longevity will be paid in a lump-sum amount and will not increase an employee's base salary. Employees who are receiving longevity pay and who are thereafter promoted will no longer be eligible for longevity pay until one (1) year after they reach the maximum step of their new pay range.

13.07 Layoffs:

1. In the event of a layoff within a particular job classification, employees will be laid off in the following order:

- a. Temporary employees; then
- b. Part-time employees; then
- c. Probationary employees; then
- d. Regular, non-probationary employees.

2. The City Manager shall have the authority to lay off any employee(s) because of lack of funds, lack of work, when there has been an insufficient appropriation to meet salary requirements necessary to maintain existing personnel in any department, or as he otherwise deems appropriate in his sole and exclusive discretion. The City Manager shall notify the City Commission of this action at the first appropriate opportunity. A reduction in the number of employees in a job classification shall be made by recommendation of the department head with the concurrence of the City Manager. The department head or the City Manager shall give written notice to any employee being separated at least two (2) weeks prior to the effective date contained in the notice. Whenever it becomes necessary to reduce the number of employees in a given job classification and notice of such lay off is given to the affected employee(s) for any of the reasons enumerated herein, this notice shall be final and not subject to appeal.

3. Laid off employees will be recalled by the City according to their order of layoff, with the last laid off employee being recalled first. Employees will retain recall rights for up to twelve (12) months.

**13.08. Education:**

1. The City, upon the advance approval of the department head and the City Manager, will pay the tuition of employees for any eligible training or educational courses in which the employee receives a grade of "C" or better. The department head and the City Manager must grant approval prior to the employee attending the training or education **program**. An eligible training or educational course **is one** that, in the sole and exclusive determination of the department head and City Manager, is directly related to the employee's current position or to a related higher position, and which will improve performance in a current position or which constitutes preparation for promotion or related higher-level responsibilities. All approvals will be on a course-by-course basis. Any employee who is approved for attendance in an eligible educational or training program must pay tuition costs directly to, and be accepted for enrollment by, an accredited educational institution. No reimbursement will be made for lab fees, or any other expenses, except as provided below. No course work shall be performed during working hours. Employees will be entitled to a refund of tuition upon the successful completion of each approved course with the passing grade of "C" or better, and presentation of transcript within thirty (30) days of completion of the approved course. The refund shall not exceed the tuition paid to the educational institution.

2. The City agrees to pay up to \$75.00 per year for required textbooks, that are not available in the City library, purchased by employees while attending accredited college courses. Said books will then become property of the City library. Employees shall obtain approval from the City prior to attendance in eligible educational/ training programs. Reimbursement for textbooks will be made only upon presentation of a receipt for the course and a transcript indicating a passing grade of "C" or better.

3. If an employee voluntarily or involuntarily terminates his or her employment with the City within one (1) year following the completion of any eligible education or training program for which such employee has received a refund, then the amount of tuition refund paid by the City shall be repaid by the employee to the City immediately. Should the employee fail to immediately' reimburse the City for the amount of such refund, the City may deduct the amount of any such refund from the salary or wages due to the employee from the City.

4. All discretionary determinations made under this section are nongrievable.

5. Renewal of field and operator licenses will be paid for by the City at the time of renewal.

**6. Employees may volunteer to participate in non-required education or training (e.g., courses, seminars, demonstrations, etc.). Attendance in these instances is purely voluntary and thus does not constitute hours worked for pay and/or overtime computation purposes. This is true whether or not an employee's tuition, fees, expenses, etc. are paid for by the City.**

13.09 Uniforms:

1. All employees will be furnished with one (1) rental service uniform per day. Employees will also receive two (2) T-shirts each summer season.

2. Employees will be reimbursed for up to \$100.00 per year for the purchase of a leather, steel-toe safety shoe which meets the prior approval of the department head. Employees must at all times wear said safety shoes on the job.

13.10 Sick Leave:

1. The provisions of Section 7.02D of the Manual of Personnel Policies shall apply to all employees, with the following exception:

a. Employees will not ordinarily be entitled to utilize sick leave for medical or dental appointments. However, it is agreed that, up to a maximum of two (2) times each fiscal year, an employee may utilize up to two (2) hours of sick leave in order to attend a medical or dental appointment provided that the appointment is at the end of the employee's normal work day and that reasonable advance notice is given to the City.

13.11 Health Insurance: The City's contribution toward the premiums for dependent insurance coverage is \$150.00 per month for employees who have elected to be covered under the City's health insurance plan and \$175.00 per month for employees who have elected to be covered under the Humana HMO plan.

**13.12. Life Insurance:** The City will **provide life insurance coverage of \$25,000.00 for employees covered by this Section.**

**13.13. Probation:** In the event an employee receives a promotion to a higher classification, the employee shall serve a probationary period of six (6) months of continuous employment. Upon expiration of the time period: (1) the City Manager shall approve, in writing, that the employee be granted regular status; or (2) in the event the City Manager shall fail to approve the employee being granted regular status in the higher position, the employee shall automatically revert to the position from which she/he was in prior to promotion. This reversion is not grievable or otherwise subject to challenge.

## SECTION XIV: MANAGEMENT PLAN

**14.01. Introduction:** This Plan has been established in order for the City to manage personnel matters related to elected and appointed officials not subject to the City's Manual of Personnel Policies.

The information contained in this Plan is intended only as a general guide for officials. The City may change these rules and regulations from time to time and such changes may not be incorporated in the Plan at the time you read it -in which case existing policy will supersede this Plan. This Plan does not constitute an employment contract or guarantee of continued employment.

### 14.02. General Provisions:

A. Purpose of the Plan: The Plan sets forth the principles and procedures that are to be followed by the City in its personnel program to the end that the citizens of Cooper City may derive the benefits and advantages which can be expected to result from a competent staff of elected, managerial and appointed officials.

B. Positions covered by the Plan: This plan shall apply to all positions not covered by the City's Manual of Personnel Policies, with the following exceptions:

1. Members of collective bargaining units.
2. Members of any board, committee or agency appointed to said position by the City Commission.
3. Temporary or seasonal employees.
4. Reserve or auxiliary members of the Police and/or Fire Departments.

C. Implementation: The responsibility for implementing the provisions of this Plan is hereby vested in the City Manager, or his designee.

### 14.03. Compensation Plan:

A. Maintenance of the Plan: The City Manager, or a designated representative, shall be responsible for the maintenance of the compensation plan and for the presentation once a year to the City Commission of any recommendations for changes in pay range assignments for each class of position in the managerial compensation plan. The current plan (Fiscal Year 1998-1999) is attached hereto as Exhibit "A".

**B. Exceptions:** In the event that an individual's salary is established via ordinance or by contract, that document, and the City's annual adopted budget document, shall prevail over this Plan.

**14.04. Merit Bonus Performance Evaluation:**

A. **Introduction:** The procedure for developing specific performance criteria for each position will be one of participation by the Department Heads and the City Manager. This type of involvement is essential to the concept of mutual understanding and acceptance of the requirements and expectations. The success or failure of the Merit Bonus Performance Evaluation program will depend upon the attitude and understanding of all concerned.

B. **Objectives:** The primary objective of the program is to assist the employee in improving his/her job performance, in overcoming weaknesses, in order to achieve personal and departmental objectives and goals. It should be used as an opportunity for training, as well as a basis for making intelligent **decisions on compensation.**

The program should not be used primarily to highlight employee **weaknesses, or as a "praise session," where no constructive suggestions are** offered for improvement.

**Performance evaluations are an integral part of an organization's personnel management program. It should be used to improve the performance** of employees, not merely as a periodic process but as a continuing day-to-day responsibility of good supervision. Basically, performance evaluation should improve employee performance through:

**Strengthening supervisor-employee relationships.** Identifying work standards and requirements. Recognizing and correcting work deficiencies. **Assisting as a guide to formal personnel actions.**

The City **recognizes the need for an operating system of evaluating the performance of managers in order to:**

Fairly and accurately evaluate an employee's strengths, weaknesses and potential for growth;  
Encourage and guide the manager's development of his/her **special skills and work interests;**

Assists in the granting of pay increases and consideration for more complex work based on merit.

Provide a method of improving operational programs through employee input; and



Identify **training needs**.

**C. Administration: The City Manager is responsible for the establishment and maintenance of the Merit Bonus Performance Evaluation system. The City Manager is responsible for evaluating the performance of all Department Heads under his/her immediate supervision.**

D. Frequency of Evaluations: Each Department Head shall be evaluated on his/her overall performance for the purposes of recommending a merit bonus increase based on his/her performance during the twelve (12) month period required. Evaluations for merit increases shall be done on an annual basis or in accordance with the anniversary date and completed within one (1) week of the required period. A recommendation must be made in regard to whether:

1. The Department Head's performance during the required time warrants a merit increase;

2. The Department Head's performance during the required period does not warrant a merit increase with appropriate corrective actions prescribed, including but not limited to demotion, removal or termination; or

3. The Department Head has not sufficiently demonstrated that a merit increase is warranted and an extension for further observation is recommended.

E. Review of Evaluation with Employees: The City Manager shall be responsible for reviewing and discussing with each Department Head his/her annual evaluation. Department Heads shall be entitled to three (3) working days to make written comments regarding their evaluation. All Department Heads shall be required to sign their evaluation to acknowledge receipt regardless of whether the employee agrees/disagrees with it or elects to make comments or not. All Department Heads shall be entitled to a copy of each evaluation conducted on them. Copies are to be provided by the City Manager and any/all final concerns of the employee addressed.

F. Records of Evaluation: This system is based on performance standards, when the standards can be expressed in measurable terms it is evident whether the goals have been attained. The system requires that "communication" about performance occur, which implies that both the Manager and the employee understand the value of the work done. There are no universally applicable performance criteria which can fit all situations and all position classifications. This system allows for differing conditions, accountabilities and standards.

If a department head understands what is expected of him/her, the chances of the job being performed in a satisfactory manner are much greater than if the employee does not understand.

1. Use of Performance Standards. The City Manager has a standard for each major operation a Department Head is to perform. Without such a standard the City Manager would be unable to know when work is completed properly, when to correct or reward the Department Head. If this standard is not explained to the Department Head, it takes longer to become accustomed to the City Manager's requirements. Those who know a job thoroughly are in a position to develop performance standards for the job. Setting standards should be a cooperative effort between the City Manager and the Department Head. There should be mutual agreement between the Department Head and the City Manager of the final standards. Department Heads should be given an opportunity to suggest a level of adequate performance. Department Heads will be able to contribute to the completeness and accuracy of the standards.

G. Definition of Performance Levels: In general, Department Heads who meet the training and experience requirements for their jobs should be able to perform job assignments in a satisfactory manner after receiving sufficient orientation. Department Heads should not be held responsible for duties which have not been specifically assigned and explained.

1. Unsatisfactory Performance: Performance clearly and consistently fails to meet work requirements and standards. This rating indicates inadequate and unacceptable performance. The employee shows either an unwillingness or an inability to improve. It characterizes an employee whose performance is well below average and unsatisfactory and requires immediate corrective action, discipline or dismissal.

2. Satisfactory Performance: Performance is adequate and regularly meets work standards of this position. It characterizes an average or satisfactory employee.

3. Above Satisfactory Performance: Performance regularly meets and frequently exceeds the work requirements and standards. This rating is higher than the level of "satisfactory" since the employee usually exceeds the acceptable and satisfactory level of performance.

4. Outstanding Performance: Performance consistently achieves and exceeds all standards/objectives. The employee seeks out opportunities for better ways to achieve standards/objectives.

H. Supervisory Factors:

1. Scheduling and Coordinating. Does the Department Head plan the work of subordinates to achieve maximum results? Does the Department Head plan and budget his/her time and that of the unit?

2. Training and Motivating. Is someone in the individual manager's department being groomed to take the manager's plan if he/she leaves? Does the Department Head know how to motivate his/her subordinates effectively? Does the manager understand the basic elements of motivation? Are employees under his/her supervision well-trained? Is training continuous? Does the training follow specific plans set up by the Department Head? Does the Department Head include subordinates in critical meetings and decision-making sessions?

3. Evaluating Subordinates. Does he/she tend to evaluate everyone the same in each performance factor or does the Department Head recognize that everyone has strong and weak points? Is the Department Head fair and impartial? Is the Department Head constructive and definitive in developing plans for the subordinates' improvement?

4. Leadership. Does the Department Head set the example? Does the Department Head establish standards and work with subordinates to achieve those goals? Does the Department Head communicate well with subordinates? Is the leadership style of the Department Head compatible with those of his/her superior? Do the subordinates of the Department Head follow the directions set by the Department Head without reservations?

5. Delegation of Assignments and Follow-through. Does the Department Head know how to delegate effectively? Is the Department Head reluctant to delegate to others? Does the Department Head overdelegate?

6. Public Relations. Does the Department Head represent the City with the public effectively? Does the Department Head exercise the initiative to promote good public relations? Has the Department Head established goals and objectives for promoting good relations with the public? Can and does the Department Head communicate effectively with

the public? Does the Department Head have an established public relations program for his/her department?

7. Timely Completion of Assignments. Does the Department Head manage his/her time effectively? Does the Department Head complete assignments on time? Does the Department Head have to be reminded to complete work on time? Is the Department Head organized in performing his/her work assignments? Does the Department Head wait until the last minute to complete his/her work?

1. Instructions for Completing Forms: Forms for the complete of the Merit Bonus Performance Evaluation are attached to this Plan as Exhibit "B".

1. All **major sub-elements of a position will be identified, all specific tasks/duties noted and all performance standards set for the position, using the Performance Evaluation Standards form as a worksheet.**

2. **Each Department Head will be given a numerical evaluation (grade) to show the Level of performance during the period on all applicable performance factors. Non-Applicable items will be marked N/A.**

Performance Levels: 3

Outstanding

2 - Above Satisfactory 1--

Satisfactory

0 -- Unsatisfactory

3. Numerical grades given will have a direct bearing on the future Merit Salary Bonus of Department Heads.

4. Rate the factors within each category that best represents the evaluation of the Department Head's performance during the reporting period. In the space provided, enter the numeric value of the factor.

5. After all factors and specific tasks/duties have been transcribed to the worksheet, the average for each of the Major Factors will be transformed to the Performance Evaluation Report form.

6. The overall evaluation is then calculated by dividing the number of factors used by the total score of all ratings.

7. The Performance Evaluation Report. The City Manager summarizes the performance of the Department Head by rating the indicators as met or not met for each standard. Space is also provided to comment on the rating. Comments are required when a standard has not been met. Space for summary comments and the signature of the City Manager are provided at the end of the form. Space is also provided for the Department Head to comment and sign denoting that he or she has received a copy of the report.

The Department Head will receive a copy of the Evaluation Report, the City Manager retains a copy of the form, and a copy is filed in the Personnel File.

8. The Performance Observation Report form. This form is completed by the City Manager following the required observation and prior to the evaluation conference with the Department Head. This form briefly described the observations that were made by the City Manager. The Performance Observation Report is repeated at the top and bottom of one page to provide for the semi-annual observation of annual employees to be recorded on one page. The employee receives a copy and the City Manager retains a copy in the office files. NOTE: This form does not constitute the final evaluation..

9. The Professional Development Plan form. This form must be completed by the City Manager for standards which have not been met in the Evaluation Report. For each standard not met, the City Manager records the Department head's improvement objective(s), activities planned to meet each objective, and anticipated completion dates. Both the Department Head and the City Manager will sign the form. The Department Head receives a copy and the City Manager retains a copy for the official files.

10. The Final Rating. The final rating will indicate the percentage of the merit bonus the Department Head may receive.

**Overall Rating Merit Bonus Consideration Outstanding 7.5% Above Satisfactory 5.0%**

Satisfactory 2.5%

Unsatisfactory 0.0%

**14.05 General Policies:**

A. Hours of Work: The City Manager shall establish hours of work, which **shall be determined in accordance with the needs of the service, and which shall** take into account the reasonable needs of the public who may be required to do **business with the various City departments.**

**Department Heads are considered managerial, exempt employees under the regulations of the Public Employees Relations Commission and the Fair Labor Standards Act. Therefore, Department Heads are salaried employees, not** subject to the payment of overtime.

B. Administrative time: The City recognizes that the managerial employees often work hours outside of a normal forty-hour workweek, without additional compensation. Therefore, managerial employees have the opportunity to take administrative time during the normal workweek, subject to the approval of the City Manager. It is expected that departmental **responsibilities will be met and that the managerial employee will be available** via telephone to provide direction and/or instruction to subordinates, if necessary.

C. Leaves of Absence: Managerial employees shall be subject to the same regulations for leaves of absence as general employees of the City of Cooper City, as set forth in Section 7.02 et supra of the Manual of Personnel Policies.

D. Travel Guidelines: Individuals covered by this plan shall be subject to travel guidelines as set forth in Section 112.061, Florida Statutes, including rates **for per diem, subsistence and mileage.**

Generally, employees may attend one (1) in-State and one (1) National conference each year, subject to budgetary funding. Any conferences above and beyond this allocation must have written permission of the City Manager prior to registering or making travel arrangements. A statement by the individual addressing the need for attendance at this conference, along with conference registration materials and associated costs shall be submitted for advance approval.

E. Cellular Phone Usage: The City has been provided with a number of cellular telephones and airtime by Bell South Mobility in consideration of a contract for leasing property for a cellular phone tower. Individuals who are issued cell phones should be aware that these are intended for business use. The

City, under the terms of the contract, is only billed for usage over and above the air time allotment specified in the contract. By directive of the City Manager, any employee who incurs cellular telephone charges shall be individually **responsible for same. The City does not at any time pay cellular telephone bills.**

**14.06 Other Benefits:**

A. Insurance: Individuals covered by this plan shall receive full health, **dental, life insurance, accidental death and dismemberment insurance and** disability insurance, as applicable to their positions. For department heads, the City shall pay full individual coverage and a stipend of \$175 per month toward any dependent coverage the employee may select. For positions above department head level., the City shall pay full family coverage for insurance.

B. Retirement Health Insurance: Pursuant to the provisions of Section 112.0801, Florida Statutes, the City will provide (eligible department heads and elected officials, and any eligible spouses of elected officials, upon retirement or completion of their terms of office, city's health insurance coverage from age Fifty (50) until age Sixty-five (65) years. When a participant becomes eligible for Medicare the City shall provide basic individual supplementary insurance coverage. Further, eligible Department Heads may elect dependent health insurance coverage at his/her own expense.

In order to qualify as an eligible participant the following standards must be met:

- 1. Department Heads**
  - a. Continuous service as a Cooper City Department.**
    - b. Head for fifteen (15) years, i rs.**
    - Attain age fifty (50) years.**
- 2. Elected Officials**

- a. Be elected to three (3) terms as a Cooper City elected official.
- b. Attain age fifty (50) years.

If a department head retires or an elected official completes his/her terms before attaining age fifty (50) years, he or she and their dependents may remain in the City's health insurance program at fifty percent (50%) of the cost then in effect, until qualification.

C. Deferred compensation: The City offers a deferred compensation program to individuals covered by this plan. Individuals must make a minimum mandatory contribution in order to be eligible for contributions by the City into their account. The specific provisions of the program are governed by the Plan Trust Agreement executed with the International City Management Association.

D. Annual physicals: Individuals covered by this plan are eligible for annual physical examinations to be paid by the City. The City has a contract for Executive Physicals through the Occupational Medicine Division of the South Broward Hospital District. All physical examinations and follow-up must be performed by this agency to be eligible for payment. The program provides for complete and comprehensive physicals in Years 1 and 5 to be paid at \$500 per person and standards physicals in Years 2, 3 and 4, to be paid at the rate of \$300 per person.



## SECTION XVI. POLICIES AND DIRECTIVES

### 16.01. AFFIRMATIVE ACTION POLICY (-Issued October 1 1978)

The City of Cooper City recognizes the importance of eliminating employment barriers by establishing a non-discriminatory policy for its employees and applicants for employment. Therefore, it is the City's policy not to discriminate against any employee or applicant for employment because of race, color, religion, national origin, political affiliation, sex, age, or handicap. The City will consider all applicants who are ex-offenders, based on the nature of the conviction, the date it occurred, the relationship of the offense to the job in question, and the applicant's qualifications.

All managerial and supervisory personnel share in the responsibility for implementing this program. It is the City's policy to comply with Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Vocational Rehabilitation Act of 1973, Sections 503 and 504, which require that contractors who contract with government for goods or services of twenty-five hundred dollars (\$2,500) or more formulate Affirmative Action Compliance Programs for handicapped persons. Finally, it is the City's policy to comply with the affirmative action obligation imposed by the Vietnam Era Veterans Readjustment Act of 1974, which requires contractors to take affirmative action to employ and advance in employment, qualified veterans and veterans of the Vietnam era at all levels of employment, including the executive level.

**This policy shall apply to all phases of employment, including, but not limited to, recruitment, selection, promotion, demotion, suspension and termination. The City is fully committed to the concept of Equal Employment Opportunity as a necessary element of basic merit system principles that all persons shall be afforded equal access to positions limited only by their ability to do the job. The City recognizes that positive steps must be taken to remove conditions that could result in unlawful discrimination and to ensure that equal employment opportunity is a reality. It is in this spirit that this program is adopted.**

Questions concerning the application of this policy should be directed to the Director of Administrative Services.

## **16.02. POLICY AGAINST WORKPLACE VIOLENCE (Issued August 9, 1996)**

Nothing is more important to the City of Cooper City than the safety and **security of its employees. Threats, threatening behavior, or acts of Violence** against employees, visitors, guests or other individuals by anyone on City property will not be tolerated. It is the policy of the City of Cooper City to expressly prohibit any acts or threats of violence by any employee, former employee, or by any other individual on City property at any time. Violations of this policy by City employees will lead to disciplinary action which may include dismissal, arrest and prosecution. Violations of this policy by other individuals **against City employees may also be cause for arrest and prosecution.**

Any person who makes substantial threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises **as quickly as safety permits, and shall remain off City premises pending the** outcome of an investigation. The City of Cooper City will initiate an appropriate response. This response may include, but is not limited to, **suspension and/or termination of any business relationship, reassignment of job duties, suspension or termination of employment, and/or criminal prosecution of the person or persons** involved.

No existing City of Cooper City policy, practice or procedure should be interpreted to prohibit decisions designed to prevent a threat from being carried out, a violent act from occurring or a life-threatening situation from developing.

All City of Cooper City personnel are responsible for notifying the management representative designated below of any threats which they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent, when that behavior is job related or might be carried out on a City site, or is connected to City employment. Employees are responsible for making reports regardless of the relationship between the individual who initiated the threat or threatening behavior and the person or persons who were threatened or were the focus of the threatening behavior. If the employee's supervisor is not available, personnel should report the threat to the department head, or may report directly to the Director of Administrative Services.

All individuals who apply for or obtain a protective or restraining order which lists City locations as being protected areas, must provide to their supervisor a copy of the petitions and declarations used to seek the order, a copy of any temporary protective or restraining order which is granted, a copy of any

protective or restraining order which is made permanent, and a photograph of the person or persons who are the subjects of the protective or restraining order.

The City of Cooper City understands the sensitivity of the information requested and has developed confidentiality procedures which recognize and respect the privacy of the reporting employee(s).

To support the City's objectives to provide a safe and healthful work environment, in accordance with the City's safety and health policies, the City is committed to the following:

1. To take prompt remedial action, up to and including immediate termination, against any employee who engages in any threatening behavior or acts of violence or who uses any obscene, abusive, or threatening language or gestures.

2. To take appropriate action against customers, former employees or visitors to the City's facilities who engage in such behavior. Such action may include notifying the police or other law enforcement personnel and prosecuting violations of this policy to the maximum extent of the law.

3. To prohibit employees, former employees, customers and visitors from bringing unauthorized firearms or other weapons onto the City's premises.

4. To establish practical security measures to ensure that the City's facilities are safe and secure to the maximum extent possible and to deal properly with access to City facilities by the public, off duty employees and former employees.

#### WARNING SIGNS OF POTENTIALLY VIOLENT INDIVIDUALS

There is no exact method to predict when a person will become violent. One or more of these warning signs may be displayed before a person becomes violent, but does not necessarily indicate that an individual will become violent. A display of these signs should trigger concern as they are usually exhibited by people experiencing problems.

Verbal, nonverbal or written threats or intimidation. Fascination with weaponry and/or

acts of violence. Expressions of a plan to hurt himself or others. Externalization of

blame and/or inability to take criticism.

Unreciprocated romantic obsession. Fear reaction among coworkers. Displays of unwarranted anger.

New or increased source of stress at home or work. Feelings of being victimized.

**Intoxication from alcohol or other substances.** Expressions of hopelessness or heightened anxiety. Productivity and/or attendance problems. Violence towards inanimate objects.

Steals or sabotages projects or equipment.

### **RECOGNIZING INAPPROPRIATE BEHAVIOR**

**Inappropriate behavior is often a warning sign of potential hostility or violence. When left unchecked it can escalate to higher levels. Employees who exhibit the following behaviors should be reported and disciplined in accordance with City policy.**

Unwelcome name calling, obscene language, and other abusive behavior.

Intimidation through direct or veiled verbal threats.

Throwing objects in the workplace regardless of the size or type of object being thrown or whether a person is the target of a thrown object, particularly when extreme or unwarranted displays of anger are involved.

Physically touching another employee in an intimidating, malicious or sexually harassing manner. That includes such acts as hitting, slapping, poking, kicking, **pinching, grabbing, and pushing.**

Physically intimidating others including such acts as obscene gestures, "getting in your face" and fist-shaking.

1. Purpose: To set forth the City's policy against workplace violence and its procedures for crisis intervention.

2. Employee Assistance: In support of this policy, the City has made available to its employees, through its existing health benefit plans, counseling services. Any employee who displays a tendency to engage in violent, abusive, or threatening behavior or who otherwise engages in behavior that the City, in its sole discretion, deems offensive or inappropriate, will be referred to a mental health professional of the City's choice and at the City's expense, for evaluation in accordance with the provisions of Section 5.14 of the City's Manual of Personnel Policies.

3. Duty to Warn: In furtherance of this policy, employees have duty to warn their supervisors, department head or the Director of Administrative Services, if they are aware of or suspect any problematic workplace activity, situations, or incidents that involve other employees, former employees, customers or visitors. This would include, for example, threats, acts of violence, aggressive behavior, or threatening or offensive acts or comments. Employee reports made pursuant to this policy will be held in confidence to the maximum possible extent. The City of Cooper City will not condone any form of retaliation against any employee for making a report under this policy.

4. Procedures:

A. Crisis Assessment. Crisis assessment is a response to serious actions or threats against individuals or the City. In the event of such actions or threats, a crisis-assessment team will be convened, composed of a Police Sergeant or. Captain, the department head of the affected department and the Director of Administrative Services.

B. Physical Hostile Actions. Physical hostile actions that may be considered endangering or life-threatening by or against any employee or individual on City property, or while an employee is off premises engaged in City business, should be responded to by notifying the supervisor, department head or Director of Administrative Services. Upon such notification, the following procedure will. be observed:

1. The supervisor must notify the Director of Administrative Services and, if warranted, the Police Department.

2. Administrative Services will respond to the scene of the incident, ensure that the police have been contacted, if appropriate, and immediately convene the crisis-assessment team to decide the appropriate action to take.

3. Physical hostile actions or threats by an employee require immediate suspension or termination. Law enforcement action may also be required.

5. Personal Threats Against Individuals or the City: Confrontational threats while at work should be dealt with in the following manner:

A. The supervisor and Director of Administrative Services will immediately meet with the individual or individuals involved.

B. Depending on the seriousness of the threats, actions may include suspension (to allow time for gathering additional facts), written warning, or termination.

C. For employees suspended or terminated, the Police Department must be notified, the employee's badge and/or I.D. card retrieved and cancelled, and the individual escorted out of the building.

D. Use of law enforcement assistance should be considered at any time as appropriate and necessary.

E. Further follow-up through a crisis assessment may be invoked if warranted.

6. Other Threats: Threats against individuals or the City, regardless of how transmitted (written, verbal or electronically), should be immediately reported to the supervisor, department head or the Director of Administrative Services.

A. Administrative Services will immediately notify the crisis assessment team and management at the director level of the individual making the threat, if known and employed by the City.

B. The crisis assessment team will immediately convene to consider the threat, including the nature of the threat, the nature of ongoing communications with the individual, and the circumstances preceding the threat. It will also consider the need for immediate action, including denial of facility access, notification of law enforcement authorities and possible legal action against the individual making the threat.

7. Field Locations: Hostile actions or in-person, written or electronic threats occurring at City locations other than in City buildings, should follow these procedures:

A. Hostile actions and threats must be made known to the senior on-site person or the supervisor immediately. The supervisor should contact the department head or the Director of Administrative Services to determine the next steps to be taken in concert with the crisis assessment team and to determine the appropriateness of contacting local law enforcement agencies.

B. The supervisor will record details of the incident for analysis and review by the crisis assessment team.

8. Documentation: It is critical that any material relevant to the incident be maintained until Administrative Services or the Police Department decides on its proper disposition. In all circumstances, Administrative Services will maintain a complete and detailed log of events that it will review regularly and as needed.

**16.03. City's Policy Promoting Equal Employment Opportunity and Prohibiting Employment Discrimination (Issued April 26, 1994)**

As I am sure you are all aware, the City has three (3) collective bargaining agreements with separate labor organizations -- Fraternal Order of Police (officers and sergeants) ; International Association of Fire Fighters (lieutenants, driver engineers and fire fighters) ; Federation of Public Employees (public works and utility) . All of these contracts reflect the City's policy prohibiting employment discrimination.

Based upon a recent incident, I believe it is appropriate to enact a policy which reinforces and reemphasizes the aforementioned contract provisions and the Manual of Personnel Policies for general employees. Therefore, enclosed is the City's Policy promoting equal employment opportunity and strictly prohibiting employment discrimination (including, but in no way limited to, sexual harassment)

The attached policies are effective immediately and apply to all employees. Any questions that arise concerning these policies should be directed to the Director of Administrative Services.

Issued by Christopher J. Farrell, City Manager



## EQUAL EMPLOYMENT OPPORTUNITY POLICY

The City of Cooper City is firmly committed to equal employment opportunity for all employees as well as for applicants for employment. The City does not discriminate in any employment related decisions on the basis of race, religion, sex, national origin, age and/or disability. The City's policy of equal employment opportunity applies to all organizational levels of the City and to all job classifications.

## EMPLOYEE HARASSMENT STRICTLY PROHIBITED

To maintain a quality working environment for all employees, the City adopts the following policy strictly prohibiting harassment in the workplace.

Harassment on the basis of sex, national origin, race, disability or religion is an offense first against a specific employee or group of employees and, second, an offense against the City. Offenses refer to actions that have the purpose or effect of creating a hostile, offensive or intimidating working environment and/or are based on sex, national origin, race, disability or religion. Examples would include, but are not limited to: physical contact of a sexual nature; jokes, comments, insults, cartoons or innuendo related to sex, national origin, race, disability or religion; or personal conduct that could reasonably be construed as offensive.

It is each employee's responsibility to help eliminate all forms of prohibited harassment. It will be every supervisor's responsibility to prevent such behavior from occurring within their work jurisdiction.

When an employee believes an incident of harassment has occurred, the incident is to be reported to the employee's supervisor and/or the Personnel Director. Complaints involving discrimination on the basis of disability should be filed directly with the City's ADA coordinator in the Personnel Department. All complaints or incidents will be promptly investigated on a case-by-case basis. In those cases where a violation has been determined to have occurred, immediate action will be taken to remedy the situation and to prevent its recurrence.

All persons who are determined to have violated this policy will be subject to disciplinary action up to and including discharge.

All employees are expected to contact the Director of Administrative Services if any questions arise as to the interpretation of this policy.

## **SEXUAL HARASSMENT STRICTLY PROHIBITED**

The City of Cooper City is committed to providing a working environment where women and men can work together comfortably and productively, free from sexual harassment, such behavior is illegal under both state and federal law and will not be tolerated by the City.

This policy applies to all phases of employment - including recruiting, testing, hiring, upgrading, promotion, or demotion, transfer, layoff, termination, rates of pay, benefits and selection for training, travel or City-sponsored social events.

### **Prohibited Behavior**

Prohibited sexual harassment includes unsolicited and unwelcome contact that has sexual overtones. This includes:

- Written contact, such as sexually suggestive or obscene letters, notes, invitations, e-mail, posters, etc.,
- Verbal contact, such as sexually suggestive or obscene comments, threats, slurs, epithets, jokes about gender-specific traits, sexual propositions,
- Physical contact, such as intentional touching, pinching, brushing against another's body, impeding or blocking movement, assault, coercing sexual intercourse, and
- Visual contact, such as leering or staring at another's body, gesturing, displaying sexually suggestive objects or pictures, cartoons, posters, magazines or screen-savers.

Sexual harassment also includes continuing to express sexual or social interest after being informed directly that the interest is unwelcome - and using sexual behavior to control, influence or affect the career, salary or work environment of another employee.

It is impermissible to suggest, threaten or imply that failure to accept a request for a date or sexual intimacy will affect an employee's job prospects. For example, it is forbidden either to imply or actually withhold support for an appointment, promotion, or change of assignment, or suggest that a poor performance review will be given because an employee has declined a personal proposition.

Also, offering benefits, such as promotions, favorable performance evaluations, favorable assigned duties or shifts, recommendations or reclassifications in exchange for sexual favors is forbidden.

The prohibitions contained herein apply as well to employees who are travelling on City business at the City's expense and to employee conduct at City-sponsored social events.

**Harassment by Non-Employees**

In addition, the City of Cooper City will take all reasonable steps to prevent or eliminate sexual harassment of employees by non-employees, including customers, consultants, and suppliers, who are likely to have workplace contact with our employees.

**Monitoring**

The City of Cooper City shall take all reasonable steps to see that this policy prohibiting sexual harassment is followed by all employees, supervisors and others who have contact with our employees. This prevention plan will include training sessions, on-going monitoring of the worksite and a confidential employee survey to be conducted and evaluated every twelve months.

**Discipline**

Any employee found to have violated this policy shall be subject to appropriate disciplinary action, including warnings, reprimand, suspension or discharge, according to the findings of the complaint investigation. If an investigation reveals that sexual harassment has occurred, the harasser may also be held legally liable for his or her actions under state or federal anti-discrimination laws or in separate legal actions.

**Retaliation**

Any employee bringing a sexual harassment complaint or assisting in investigating such a complaint will not be adversely affected in terms and conditions of employment, or discriminated against or discharged because of the complaint. Complaints of such retaliation will be promptly investigated and punished, if appropriate.

Complaint Procedure and Investigation

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The Director of Administrative Services is designated as the Sexual Harassment counselor. All complaints of sexual harassment and retaliation for reporting or participating in an investigation shall be directed to the Director of Administrative Services or to a supervisor or Department Head of your choice, either in writing, or by requesting an individual interview. All complaints shall

be handled as confidentially as possible. The Director of Administrative Services will promptly investigate and resolve complaints involving violations of this policy and recommend to management the appropriate sanctions to be **imposed against violators.**

Investigation of complaints can include a review of all communications made by the employee who has been complained against, including, but not limited to, **internal memos, e-mail messages, internet usage, logs, notes, calendars, etc.** Employees, particularly those in a supervisory capacity, should be aware that **all documents and equipment owned by the City and within any City building, is** the property of the City. Courts have widely construed the Florida Public Records Law to include calendars, journals, handwritten notes, doodles, etc., even those that the employee considered their own personal property, but had brought to their place of work. In accordance with the City's e-mail and Technology policy, City equipment, including computers and telephones, are to be used exclusively for City business and not for any personal or non-work related activities. In addition, verbal communications are subject to review. Employees should be aware that First Amendment Protection from libel and slander allegations does not extend to the utterance of opinions. Employees should restrict themselves to the statement of facts rather than opinions (i.e., when asked about a subordinate's reliability, do not say "I think she is unreliable.", but you may say "His records indicate he was tardy 13 times.").

### **Training**

The City of Cooper City will establish yearly training sessions for all employees concerning their rights to be free from sexual harassment and the legal options available if they are harassed. In addition, training sessions will be held for supervisors and managers, educating them in how to keep the workplace as free from harassment as possible and in how to handle sexual harassment complaints. A copy of this policy will be distributed to all employees and posted in areas where all employees will have the opportunity to freely review it. The City of Cooper City welcomes your suggestions for policy improvements.