

I. FORWARD

The rules and procedures listed in this handbook are intended to serve as a guide for all employees. Even though the Rules and Procedures contain a section on corrective action and provide a grievance procedure, employees of the City of LaBelle are employees at will and may be terminated ~~at any time without cause~~ **for any reason**. The City is not intending to create and does not create any definite term or guarantee of employment for any period of time. This handbook is not a contract and does not create property interests in your employment and the policies and procedures set forth herein are subject to change at any time at the sole discretion of the City with or without advance notice.

These rules and procedures are not intended to preclude departments and divisions from implementing and maintaining additional operating policies and procedures to meet specific operational needs, provided that such policies and procedures do not conflict with any provision of this handbook, the City Charter, City Code, or other applicable law. Any such Department and Division policies and procedures are subject to approval by the Mayor.

II. DUTIES OF THE MAYOR AND CITY COMMISSIONERS

The City of LaBelle operates under a strong Mayor-Commissioner form of government. The elective offices of the City are a Mayor-Commissioner and four City Commissioners. The Mayor holds office for a period of four years and is the executive and administrative head of the city government. Mayoral duties include representing the City on public occasions, and keeping the City Commission advised as to matters affecting the general welfare of the City. The Mayor appoints all heads of departments. ~~Such appointments are to be confirmed by a majority of the City Commission.~~ The Mayor further exercises supervision and direction over all departments, public works, services, public utilities, buildings, structures, property, streets and places of the City.

The legislative power of the city is vested in the City Commission, which is comprised of five members, including the Mayor. The members of the City Commissioners are elected for a term of four years. Each of the Commissioners is a resident of the City and a representative for the City of LaBelle as members at large.

~~Nothing contained in this handbook shall be construed to affect or diminish the City's power in accordance with applicable laws and ordinances. Additionally, the powers of City management are vested in the Mayor and City Commission and/or their designee and include, but are not limited to, all of the following normal and inherent rights of managing the various City departments.~~

- ~~1. — Determining the organization of City government.~~
- ~~2. — Determining the purpose of each of its units and departments.~~
- ~~3. — Exercising control and discretion over the organization and efficiency of operations of the~~

city.

4. ~~Setting standards for services to be offered to the public.~~
5. ~~Managing and directing employees of the City.~~
6. ~~Hiring, examining, classifying, promoting, training, transferring, assigning, scheduling, and retaining employees in positions with the City.~~
7. ~~Suspending, demoting, discharging, or taking other disciplinary action against employees as necessary.~~
8. Increasing, reducing, changing, modifying, or altering the composition and size of the work force, including the right to relieve employees from duty because of lack of work, funds, or for other reasons within the discretion of the City.
9. Determining the location, methods, means and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
10. Determining the number of employees to be employed by the City.
11. Establishing, changing, or modifying the number, types, and grades of positions or employees assigned to an organization, unit, department, or project.
12. Establishing, changing, or modifying of economy, efficiency, technological change, operating requirements, or organizational changes.

III. STATEMENT OF EQUAL EMPLOYMENT OPPORTUNITY PHILOSOPHY

The City of LaBelle, Florida, recognizes the legal and moral responsibility to serve all the citizens of the community by practicing equal employment opportunity. All people, regardless of race, color, **creed**, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, ethnicity, age, parental status, marital status, disability, family medical history or genetic information, political affiliation, military service, veteran status, or other non-merit based factors, have equal opportunity to compete for positions with the City of LaBelle and to be judged on the basis of their individual capabilities. These protections extend to all personnel actions, including, but not limited to, recruitment and hiring practices, appraisal systems, promotions, transfers, training and career development programs, determinations as to pay and benefits, job assignments, layoff, discipline and discharge. "Employees and applicants are also protected against unlawful retaliation. Consistent with applicable federal and state laws, acts of retaliation against an employee who engages in a protected activity will not be tolerated.

IV. REASONABLE ACCOMMODATION OF DISABILITIES

To the extent required by applicable law, the City will provide reasonable accommodations upon request to otherwise qualified individuals with a legally cognizable disability, to the extent that the reasonable accommodation does not constitute an undue hardship to the City or pose a direct threat of substantial harm to the health or safety of the individual or anyone else. Individuals who believe they need reasonable accommodation should submit a request to Human Resources. The City reserves the right to request medical or other supporting documentation to the extent permitted by applicable law.

V. EMPLOYMENT WITH THE CITY

The City of LaBelle Personnel Rules and Procedures shall govern employees of the City of LaBelle.

A. DRUG-FREE WORKPLACE

Employees are expected and required to report to work on time and in appropriate mental and physical condition for work. It is our intent and obligation to provide a drug-free, alcohol-free, healthful, safe, and secure work environment.

1. POLICY STATEMENT

The City's Drug-Free Workplace Policy is aimed at always ensuring zero tolerance to illegal drugs and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well-being of employees, citizens and others, or that adversely affect or might affect the effective operation of City business. This policy has been implemented in accordance with sections 440.101 and 440.102 of the Florida Statutes. In addition, all employees required to have a Commercial Driver's License (CDL) under chapter 49 part 383 are subject to controlled substance and alcohol testing rules established by the Federal Department of Transportation. Regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

2. PROHIBITIONS

a. Illegal Controlled Substances

a The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable State and Federal laws. Please be advised that marijuana, even if prescribed for medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under Federal law. As such, the City strictly prohibits the use of marijuana for any purpose.

b. Alcohol Abuse

Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of the City's

equipment, or being transported in City vehicles at any time; reporting to work under the influence of alcohol; or, from otherwise using alcohol in a manner at any time which adversely affects the business interests or operations of the City.

3. DEFINITION

a. Mandatory Testing Position- Mandatory testing position shall mean a job assignment that requires the employee to:

1. Carry a firearm.
2. Work closely with an employee who carries a firearm.
3. Perform life-threatening procedures.
4. Work with heavy or dangerous machinery.
5. Work as a safety inspector.
6. Work with children.
7. Work with detainees in the correctional system.
8. Work with confidential information or documents pertaining to criminal investigations.
9. Work with controlled substances.
10. Undergo an employee security background check pursuant to section 110.1127 of the Florida Statutes.
11. Perform safety-sensitive job duties and responsibilities.

b. Special Risk Position- Special risk position shall mean a position that is required to be filled by a person who is certified under:

1. Chapter 633 of the Florida Statutes (Fire Prevention and Control);
2. Chapter 943 of the Florida Statutes (Law Enforcement).

4. LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS

The legal use of prescription and non-prescription drugs is often necessary. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription drugs. Employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner. As marijuana remains an illegal controlled substance under Federal law, the City strictly prohibits its use, even if otherwise prescribed for a medical purpose under state law.

5. DRUG AND ALCOHOL TESTING

a. Job Applicant Testing – Applicants for employment in special risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the City. Current employees who are assigned to a special-risk and/or mandatory testing position from a non-special-risk or non-mandatory testing position are subject to being tested at the time of assignment.

b. Routine Fitness for Duty Testing – Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.

c. Follow-up Testing – Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.

d. Reasonable Suspicion Testing – An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

1. Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol.
2. Abnormal conduct, erratic behavior or significant unexplained deterioration in work performance.
3. A report of drug use, provided by a reliable source.
4. Evidence that an individual has tampered with a drug test during his or her employment with the City.
5. Information that an employee has caused or contributed to an accident or injury while at work.
6. Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work.
7. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.

Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.

e. Random and or Suspicion less Testing – Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicion less basis.

f. Other Lawful Testing – The City reserves the right to conduct any other type of lawful drug or alcohol testing. Employees who are subject to the drug and alcohol testing requirements imposed by the Department of Transportation on operators of commercial motor vehicles must fully comply with this policy as well as the DOT-mandated Substance Abuse Policy for Commercial Motor Vehicle Operators. When safety sensitive CDL employees are being tested pursuant to this policy (i.e., the non-DOT policy), the testing procedures set forth below shall apply. When safety-sensitive CDL employees are being tested pursuant to the DOT-mandated policy, the procedures set forth in the policy shall apply.

6. DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS

a. Drugs Tested For – Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:

Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)

Amphetamines

Barbiturates

Benzodiazepines

Cannabinoids (marijuana)

Cocaine

Methadone

Methaqualone

Opiates (Heroin, Morphine, Codeine)

Phencyclidine (PCP)

Propoxyphene

Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above.

b. Common Medications Which Could Alter or Affect Test Results - Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees

and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer (“MRO”). The MRO is Dr. **S Michel/Dash/Leacock**, who can be reached at **546 Franklin Ave. Massapequa, NY 11758 1-800-526-9341**. Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

<u>Drug</u>	<u>Medication Which May Alter or Affect Test</u>
Alcohol	Liquid medications containing ethyl alcohol (ethanol). For example, many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol
Cannabinoids	Marinol (Dronabinol, Tetrahydrocannabinol (THC))
Amphetamines	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose

Propoxyphene	Davocet, Darvon N, Dolene, etc.
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7. TEST RESULTS

The following procedures will be followed if an employee or job applicant has a confirmed positive test result:

- a. An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within five working days. If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the City. The employee or applicant may contest a positive confirmed test result pursuant to this policy, section 440.102 of the Florida Statutes, or other applicable law. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved.
- b. Within 180 days of receiving written notification of a positive test result, an employee or applicant may, at his or her expense, have the positive sample retested at a different laboratory licensed and approved by the Agency for Health Care Administration.
- c. Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or applicant in writing of the test result, the consequences of the test result and any options that the City may elect to afford the employee or applicant in accordance with this policy. Within five working days after receiving notice of a positive confirmed test result from the City, the employee or job applicant may submit information to the employer explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the City determines that the explanation is unsatisfactory, the City will provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

8. CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING OR TAMPERING WITH A TEST.

An employee who has a positive confirmed test, who refused to submit to a test or who tampers with a test is subject to disciplinary action up to and including termination, may forfeit eligibility for workers' compensation medical and indemnity benefits and may forfeit entitlement to unemployment compensation. A job applicant who has a positive

confirmed test, who refuses to submit to a test or who tampers with a test will be ineligible for employment.

9. CONFIDENTIALITY

Absent written consent, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the City's drug testing program are confidential and exempt from the provisions of Chapter 119 of the Florida Statutes (Public Records Law) and may not be used or disclosed except as otherwise provided by section 440.102 of the Florida Statutes or other applicable law.

10. EMPLOYEE ASSISTANCE PROGRAM

The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems, which have not yet adversely affected their job or City operations. Employees who voluntarily seek help, who have not had a positive drug test and who are not participating in EAP at the time or at any previous time, will not be subject to discipline. Employees with drug or alcohol related problems who wish to seek voluntary assistance through the EAP may contact one of the following EAP providers (or any other similar provider):

RESOURCES FOR LIVING

1-800-272-3626

resourcesfor living.com

Username:PRM

Password: 8002723626

Other Helpful Numbers

Drug/Alcohol Abuse Help line: 1-800-362-2644

Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600

Alcoholics Anonymous: 1-800-252-6465

Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

Substance Abuse & Mental Health Svcs Admin Helpline: 1-800-662-HELP (4357)

Employees and applicants who violate this Policy will ordinarily not be eligible to elect participation in EAP in lieu of disciplinary action. The City may permit exceptions to this provision where the Superintendent of Public Works determines, in his or her exclusive discretion, that the specific circumstances warrant. In such circumstances, the City may require that an employee in violation of this policy participate and successfully complete the EAP as a condition of continued employment.

Employees employed in a mandatory testing or special-risk position who enter into EAP, whether voluntarily or involuntarily, will be removed from their mandatory testing or special-risk position and transferred to another position or placed on leave until the successful completion of the EAP. An employee placed on leave may utilize his or her accrued leave, if any, otherwise the leave shall be unpaid.

11. REPORTING VIOLATION OF THE POLICY

It is the obligation of every employee to report violations of this Policy. Failure to report may subject employees to discipline up to and including termination of employment.

12. COORDINATION WITH HUMAN RESOURCES

The City's Drug Free Workplace policy is subject to applicable law and all action taken by members of management hereunder must be coordinated through the Human Resources Director to insure compliance with all applicable laws.

13. REPORTING AND CONVICTION OF ARRESTS AND/OR ALLEGED CRIMES INCLUDING DRUGS AND ALCOHOL

- a. All employees must report to their supervisor any arrest, indictment, conviction, plea or pretrial interventions of any type, of a drug or alcohol-related violation or alleged violation of law not later than the next workday after they become aware of it. Failure to so report may result in immediate termination.
- b. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- c. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether this policy has been violated. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee. The City shall not be obligated to await the outcome of any pending criminal or legal action prior to taking disciplinary action.

VI. ANTI-HARASSMENT POLICY

A. POLICY

The City is committed to maintaining a work environment free of harassment based upon sex (including gender), race, national origin, ethnicity, disability, religion, color, age, pregnancy,

veteran status and marital status. The City will not tolerate the inappropriate harassment of any of its employees, customers or any other individual who does business with the City. It is the affirmative responsibility of all personnel for maintaining a workplace that is free from harassment and intimidation.

The City is committed to promptly and thoroughly investigating all complaints of harassment as set forth in this policy. If, after a thorough investigation, it is determined that inappropriate harassment has occurred in violation of this policy, immediate and appropriate disciplinary action, up to potential discharge, will be taken to promptly end the harassment. Appropriate follow-up steps will also be taken where necessary to ensure that the harassment ceases and does not re-occur.

B. DEFINITIONS AND EXAMPLES

1. Sexual Harassment

Improper harassment includes harassment on the basis of one's sex. Prohibited forms of sexual harassment includes, but is not limited to, unwelcome or offensive sexual advances, requests for sexual favors, and any other unwelcome or offensive physical, verbal or visual conduct of a sexual nature such as:

- Unwelcome sexual propositions.
- Sexual innuendo.
- Sexually suggestive remarks.
- Vulgar or sexually explicit comments, gestures, noises or conduct.
- Sexually oriented kidding, teasing or practical jokes; and
- Physical contact of a sexual nature such as brushing against another's body, pinching, grabbing, rubbing, hugging, poking, or patting.
- The publication to anyone, of documents, objects, text, pictures, or graphics in the workplace that contains material that is of a sexual nature.
- Using the computer to access any content that contains material of a sexual nature.

Sexual harassment may occur when the intended target of the conduct is not offended, but others find the conduct to be intimidating, hostile, or offensive.

2. Other Forms of Prohibited ~~Improper~~ Inappropriate Harassment

In addition to inappropriate sexual harassment, the City also prohibits harassment on the basis of gender, race, national origin, ethnicity, disability, religion, color, age, pregnancy, veteran status, and marital status. Any verbal or physical conduct of an offensive or harassing nature and which is based upon or directed toward any employee based upon any of these characteristics will not be tolerated. Such prohibited conduct includes, but is not

limited to;

- Derogatory, critical, offensive, or uncomplimentary jokes, comments, displays, posters, other written materials based upon another's gender, race, national origin, disability, religion, color, age, pregnancy, and marital status.
- Any physical conduct taken against another individual because of his or her gender, race, national origin, disability, religion, color, age, pregnancy, and marital status.
- Teasing or making fun of another individual's ethnicity, accent, cultural or religious beliefs or practices, mental or physical disabilities or medical limitations and other similar characteristics.

C. THE PREVENTION OF HARASSMENT IN THE WORKPLACE IS EVERY EMPLOYEE'S RESPONSIBILITY.

All personnel are responsible for maintaining a workplace that is free of harassment and intimidation. If any person experiences or witnesses harassment in the workplace, he or she has an affirmative obligation to report the harassment to his or her supervisor, or one of the individuals designated below. If, after an investigation is conducted, it is determined that harassment has occurred, and it is determined that any employee(s) failed to fulfill their affirmative obligation to report it, such a failure may be grounds for discipline.

Upon receiving a report of harassment, supervisors are responsible for immediately reporting it to Human Resources, without regard to whether the harassment involves the supervisor's subordinate employee(s). Failure to report will be grounds for discipline.

Additionally, supervisors, together with Human Resources, are responsible for ensuring that their employees are properly trained on the City's policies concerning prohibited harassment and retaliation.

D. COMPLAINT AND INVESTIGATION PROCEDURES FOR PROHIBITED HARASSMENT

1. Reporting Prohibited Harassment

Any employee who believes he or she has been the subject of harassment prohibited by this policy must immediately report the harassment to either (1) his or her supervisor; (2) Department Head; (3) Superintendent of Public Works; or (4) the Human Resources Director.

Employees are not expected to report harassment to the person they believe is harassing them. However, in such cases, employees are expected to report the harassment to another employee identified above.

2. Confidentiality and Timeliness of Investigation

All complaints will be handled in a timely and confidential manner. Anyone involved in a complaint will be instructed not to discuss the subject outside the investigation. Personnel violating confidentiality are subject to immediate discipline. Communications will be made to others only on a “need to know” basis.

The purpose of this provision is to protect the confidentiality of the employee who files the complaint, to encourage the reporting of any incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment. All investigations will be completed as promptly as the circumstances of the allegations allow.

3. Nature of Investigation and Prohibition of Retaliation

Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The investigation may also entail reviewing pertinent documents, email communications, pictures and/or any other relevant physical evidence.

All persons who participate in such an investigation shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation. Employees who believe they have been subjected to retaliation on the basis of having filed a report of harassment or having participated in an investigation, must immediately report it pursuant to Section D (1) above. Any employee determined to have retaliated against another individual in violation of this policy will be subject to discipline up to and including potential discharge.

4. Conclusion of Investigation

All investigations will be conducted in a fair and impartial manner. If, after a thorough investigation, it is determined that prohibited harassment or retaliation has occurred, immediate and appropriate action will be taken to promptly remedy any improper conduct and to ensure that no prohibited actions occur in the future. Such action may include discipline of anyone determined to be in violation of this policy, remedial training concerning the City's policies and procedures relating to prohibited harassment and retaliation, and any other measure determined to be necessary for the effective enforcement of this policy.

VII. WORKPLACE VIOLENCE PREVENTION POLICY

The City of LaBelle strives to provide a safe and healthy work environment that is free from threats and violence for all employees and other persons in our workplace. We define workplace violence as actions or words that endanger or harm another employee or result in other employees having a reasonable belief that they are in danger. Such actions include but are not limited to, verbal or physical harassment, verbal or physical threats, assaults or other violence, or other behavior that causes others to feel unsafe in the work setting. All employees of The City of LaBelle are expected to treat each other, their customers, the public and all others with courtesy, dignity and respect. All employees are expected to abide by the Employee Code of Conduct. It is the responsibility of all employees to report all threatening behavior to their supervisor, Department Head, or the Human Resources Director immediately. All threatening incidents will be documented by the person receiving the report and investigated by the Human Resources Director. This investigation may involve the assistance of the local law enforcement agency. No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon their report. The City of LaBelle shall not tolerate workplace violence. It is the goal of this policy to promote the safety and well-being of all people in our workplace. A violation of this policy may result in disciplinary action up to and including termination of employment, and, civil and/or criminal sanctions, if appropriate.

VIII. EMPLOYMENT OF RELATIVES

The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits. However, as a general guideline, and as may be required by law, the City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the employment, appointment, promotion, evaluation, advancement or other job action with regard to another, or one employee being in possession of confidential information about another employee. It is the obligation of all affected employees to immediately advise their Department Head if a change in his or her situation occurs or is anticipated that will result in his or her becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.

IX. GENERAL CONDUCT

Your conduct and appearance, both on and off the job, as a City employee, is a yardstick by which the citizens of LABELLE measure the quality of the City services and

responsibility for these services. All employees are required to present a neat, attractive, and business-like appearance.

It is the responsibility of every employee, regardless of his/her position within the classified service, to maintain positive relations with the public through the performance of your job duties and responsibilities in both a courteous and efficient manner.

A. YOUR INTRODUCTORY PERIOD

The first 180 days of employment shall be regarded as an essential part of the evaluation process. Your work will be closely observed to secure the most effective adjustment to your new position. All new and reclassified City employees are placed in an introductory period and upon successful completion your status will change to that of a regular employee. Unless otherwise extended by your supervisor. Employees who successfully complete their introductory period and become regular employees remain “at will” employees.

B. ATTENDANCE

Attendance and punctuality are very important! If you know in advance that you will be absent or late, you must inform your immediate supervisor one-hour ahead of the scheduled workday or in accordance with department policy. This will enable your supervisor to make the necessary arrangements to replace you. Tardiness should be avoided, and excessive lateness or absenteeism may result in disciplinary action. If one employee is late to the job, it delays others. Remember you are a member of a “TEAM” and the work that you do affects the work of others; therefore, it is vitally important that you report for work every day and on time.

~~If you are out for more than two (2) days, a doctor's note will be required upon return to work.~~ (moved to sick leave)

LATE CALL-IN:

1. Employees are expected to report to work and be ready to work at the prearranged time set by your department. Any clock-in after that set time is considered late.
2. If an employee is going to be late to work, he/she must notify their supervisor/director and advise how late the employee expects to be and the reason for the late arrival.
3. The employee is to report to their supervisor/director as soon as he/she arrives at work and clocks in.
4. All instances of lateness are tracked. A warning letter will be sent out whenever an employee has had three (3) late arrivals. If lateness continues

after this letter, then discipline will be the next step up to and including termination.

C. OUTSIDE EMPLOYMENT

City employees may not participate in outside employment if, in the sole opinion of the City, it in any way conflicts with their job duties and responsibilities or working schedules with the City. As a City employee your primary employment responsibility is to the City of LaBelle. If you are going to have any outside employment you must submit a letter to your supervisor requesting approval to do so.

D. RESIGNATION

There may come a time when you wish to leave the employment of the City. To resign in good standing and be eligible to receive all unpaid annual (vacation) leave time earned, the employee MUST give notice in writing to your department head or immediate supervisor at least 14 days prior to the effective date of resignation. At the time of employment termination, all City property must be returned before a final check is issued.

Any items not returned will be deducted from the final paycheck and/or local law enforcement will be notified of possible prosecution. Employees who do not give at least 14 days' notice or who are involuntarily discharged are ineligible for payout of any unused vacation/annual leave.

E. PERSONNEL RECORDS

Complete personnel files are maintained for all employees of the City. To keep all records up to date, it is essential that you notify your immediate supervisor or Human Resources of any changes in address, telephone number, marital status, number of dependents or a change of beneficiary on your life insurance.

F. PERSONNEL BUSINESS

Any personal mail should be sent directly to your home address, not to the CITY OF LABELLE. All personal calls should be kept to an absolute minimum. If any emergency situation should arise, notify your friends and relatives to contact the Human Resources Department and their message will be sent to you or your immediate supervisor promptly.

If you have an outside business do not use City Hall as your business address.

G. SOLICITATION AND DISTRIBUTION

Employee membership or contributions to recognized organizations are purely voluntary.

No coercion of an employee to become a member or to make contributions shall be permitted.

Employees are not permitted to engage in solicitation or distribution of non-City literature during the working time of either the person making the solicitation or distribution or the person who is the target of the solicitation or distribution. Solicitation includes verbal or written communications, the distribution of e-mails, circulars, petitions or other literature. Working time does not include authorized lunch times, break times or other periods when the employee is not being paid to perform actual work. In addition, employees are not permitted to engage in the distribution of literature in working areas at any time. Working areas do not include lunchrooms, breakrooms, parking lots or other areas where work is not performed. Non-employees are not permitted to solicit or distribute literature on City premises at any time. Failure to comply with this policy is grounds for disciplinary action, up to and including dismissal.

H. DRESS CODE AND APPEARANCE

Employees shall take care to present a neat, orderly, and presentable appearance to the public. As the nature of the City's work varies greatly, it is recognized that what is appropriate for employees in one department may not be appropriate for another. Hair styles are to be maintained in a professional manner, especially when dealing with the public. Facial hair, makeup, cosmetics, and similar appearance factors will be displayed in a manner which does not interfere with the safety or productivity of the employee or their co-workers. When wearing jewelry, please do it in a conservative, professional manner.

Determination of any employee's specific dress and appearance is a supervisory responsibility. And such dress or appearance standards prescribed by a department must be relevant to the work to be accomplished.

All **non-uniformed** City employees must be dressed professionally along with the City approved picture ID card at all times when on duty. Garments such as: ~~t-shirts, sleeveless, shirts/blouses, jeans,~~ miniskirts (no shorter than 2" above the knee), spaghetti straps, and see-through attire are not permitted. **For the comfort of our employees during the summer months sleeveless dress clothing will be permitted. However, no spaghetti straps or tank tops.** CLOTHING MUST BE PROFESSIONAL. Non-uniformed City employees will ~~only~~ be permitted to wear jeans ~~on casual Fridays~~.

All **uniformed** City employees must be in appropriate attire at all times. ~~Uniform shirts must be tucked in trousers when entering any public / private facility.~~ All uniformed

employees will wear the City approved picture ID at all times when on duty. Safety vests will be worn when working in areas that have vehicular traffic.

I. TELEPHONE ETIQUETTE

It is always important that you are courteous while talking to the public on the telephone. You are the “voice” of the City and anything you say reflects upon the citizen’s opinions of the City of LaBelle.

J. USE OF CITY PROPERTY

The City provides employees with necessary job equipment, materials, and vehicles to carry out the job assigned to them. When you are assigned any such equipment, it becomes your responsibility to exercise reasonable care in its use to preserve the life of the equipment and to observe all safety precautions. Personal use of vehicles, materials, supplies, tools or other equipment or property is prohibited ~~without the express consent of your supervisor.~~ Violation could result in discharge, prosecution, or both.

No unauthorized persons are to be permitted to operate or be a passenger in a City vehicle

K. VALID DRIVER’S LICENSE

All operators of City vehicles and equipment are required to have a valid State of Florida Operator’s or Commercial Driver’s License and appropriate endorsement, with a good driving record, and to keep supervisors informed of any change in status in their license. Proof of license will be filed in the employee’s personnel file. If the status of your driver’s license changes at any time you must notify your Supervisor and Human Resources immediately.

Suspension or revocation of the driver’s license, of an employee who is required to use a City vehicle as part of his/her position may result in a demotion or discharge.

L. SMOKING AND VAPING

In compliance with Florida Statute 386.206, City of LaBelle has the following policy and procedures relating to smoking or vaping in enclosed indoor workplaces controlled by the City.

Smoking and vaping are prohibited in enclosed indoor workplaces controlled by the City. “Enclosed indoor workplaces” shall be as defined in Florida Statute 386.203(5) and shall include passenger motor vehicles.

In the event a City employee smokes or vapes in an enclosed indoor workplace controlled by the City they are violating policy and may be disciplined.

IX. DISTRACTED DRIVING POLICY

City employees may not use a hand-held cell phone while operating a vehicle – whether the vehicle is in motion or stopped at a traffic light. This includes, but is not limited to, answering, or making phone calls, engaging in phone conversations, and reading or responding to e-mails, instant messages, and text messages.

If a City employee needs to use their cell phones, they must pull over safely to the side of the road or another safe location.

Additionally, The City employees are required to:

Turn the cell phones or other wireless devices off or put them on silent or vibrate before starting the vehicle.

Pull over to a safe place and put the vehicle in “Park” if a call must be made or received while on the road. Employees should consider modifying their voice mail greeting to indicate that they are unavailable to answer calls or return messages while driving.

The City of LaBelle should inform clients, associates, all employees and any other necessary individuals of this policy as an explanation of why calls may not be returned immediately.

Employees should pull over to a safe place and put their vehicle in “Park” to make any adjustments to a Global Positioning System “GPS” or any other navigation devices.

THE CITY OF LABELLE is concerned about the safety and well-being of its employees. This is so important that violations of this policy will be considered serious and may result in the imposition of discipline up to and including termination.

X. OVERTIME AND COMPENSATORY TIME FOR NON-EXEMPT EMPLOYEES

A. It shall be the policy of the City to keep overtime work to a minimum. However, when non- exempt employees are directed by their authorized supervisor to work extra hours in addition to the regular hours or normal work of the department in which they are assigned, they shall be compensated in

accordance with the provisions of the Fair Labor Standards Act. This means that employees who are not exempt from the overtime provision of the FLSA will be paid overtime at the rate of time and one-half for all hours actually worked in excess of forty (40) hours in the established seven (7) day work week.

B. This rule does not apply to those positions determined to be exempt from overtime under the Fair Labor Standards Act and detailed in the PCCP.

C. No paid absences shall be counted in the computation of overtime. Overtime is based on “actual hours worked”, therefore, vacation, sick, holiday, personal day, compensatory time, and other such leaves will not be counted as hours worked or used in the computation of overtime compensation.

D. There shall be no duplication or pyramiding in the computation of overtime pay and nothing in this manual shall be construed to require the payment of overtime or other premium pay more than once for the same hours worked.

E. Employees shall be given as much advance notice as practicable when overtime is required. Notwithstanding, employees are expected to work overtime assignments whenever directed by their supervisor, and the refusal or failure to work overtime as directed is considered grounds for disciplinary action.

F. Employees who are not exempt from the overtime provisions of the FLSA are to work overtime hours only when assigned and authorized. At no time may a non-exempt employee work “off the clock.” “Volunteered time,” though well intentioned, is not permitted. This includes early and late work hours and working through lunch periods. Non-exempt employees who work off the clock will be subject to discipline. Supervisors who request or demand that a non-exempt employee work off the clock will be subject to discipline.

G. In lieu of paying cash overtime, the City reserves the right to provide paid compensatory time off (accrued at a rate of one and one-half hours for each overtime hour worked).

H. Compensatory Time may be taken as operational conditions permit with prior approval by the Department Head. **Must be taken in the same work week it is earned if possible.**

I. During a declared state of emergency all employees including exempt employees will be paid for all time worked. For non-exempt employees, the pay will be calculated in the manner required by the FLSA (as set forth above). For exempt employees, any extra pay over and above the employee’s regular salary will be paid at the employee’s regular time and a half rate for hours worked above the employee’s normal schedule. For exempt employees, all determinations regarding hours worked above the normal schedule, hours to be compensated, and applicable rate of pay shall be solely determined by the City and shall not be subject to grievance or appeal.

J. It is the City's policy to comply with all applicable wage and hour laws and regulations. In accordance with this policy, the City prohibits deductions from the salary of exempt employees except where otherwise permitted by law. If you are an exempt employee and you believe that an improper deduction has been made to your salary, you must immediately report it to the Human Resources Director. Reports of improper deductions will be promptly investigated and, if it is determined that an improper deduction was made, the deduction will be reimbursed.

XII. CLASSIFICATION AND SALARY

All positions in the Classified Service of the City of LaBelle are grouped according to the type of work and level of responsibility required for the specific position. Each classification has an official job title and corresponding job description, which outlines the typical duties performed. The City reserves the right to assign job duties outside of the employee's job description where the City deems it to be in its best interest. All positions in the classified service are paid in accordance with the pay grade assigned to each classification.

Employees are paid on a weekly basis, totaling 52 pay periods per year. The pay period officially begins at 12:01 a.m. each Friday and ends 7 days later at 12:00 midnight on Thursday, followed by a paycheck on Friday for the hours worked in the prior week.

XIII. PROHIBITION ON IMPROPER SALARY DEDUCTIONS

It is the Employer's policy to comply with all applicable wage and hour laws and regulations. In accordance with this policy, the Employer prohibits deductions from the salary of exempt employees except where otherwise permitted by law.

If you believe that an improper deduction has been made to your salary, you must immediately report it to Human Resources. Reports of improper deductions will be promptly investigated and if it is deemed that an improper deduction was made the deduction will be reimbursed.

XIV. BENEFITS

Employees who are regularly scheduled for a 30 hour or more work week will be entitled to all related benefits once they have completed sixty (60) days of continuous employment. A part-time year-round employee working a minimum of 20 hours per week shall be eligible for vacation and sick leave on a pro-rated basis. To the extent any

benefit is governed by an insurance plan, state or federal law, ordinance, or other plan document, the benefits, limitations, waiting periods, etc., shall be governed by the insurance plan, state or federal law, ordinance, or other plan document in the event of a conflict with these policies.

A. JOB OPPORTUNITIES WITH THE CITY OF LABELLE

As the City of LaBelle grows, employment opportunities will steadily increase. One of the questions most frequently asked is: what are the opportunities and benefits of being an employee of the City of LaBelle? There are many! It depends on your willingness to learn and advance, cooperate and show your dedication to the City of LaBelle. Periodically you will be evaluated as to your ability and attitude in carrying out your assigned job duties and responsibilities. These evaluations shall be one of the important tools to advancement. A performance evaluation shall be provided to help you reach these goals. As an employee of the City of LaBelle, you may be eligible to receive, among other benefits, those shown below:

- Paid Vacations
- Life and Health Insurance
- Paid Sick Days
- Retirement Program
- Opportunity for Advancement
- Paid Holidays

As an employee of the City of LaBelle, we expect you to:

- Be Dependable and Punctual
- Have Good Relations with Co-Workers and the Public
- Respect the Rules and Procedures Established by the City of LaBelle

B. PAYROLL DEDUCTIONS

Below you will find a list of voluntary and involuntary deductions to be taken from your paycheck:

Voluntary

- Dependent Medical/Dental Insurance
- Outside Medical/Life Insurance (Colonial, Aflac etc.)
- Voluntary Retirement Contribution Programs
- Other City approved deductions.

Involuntary

- Withholding Tax
- FICA Tax

1% Mandatory Fire Retirement Contribution
3% Mandatory Florida State Retirement Contribution

C. VACATIONS

Vacation time must be taken at the convenience of the department so that it will not interrupt the working schedule. Vacations, where possible, must be taken within the same calendar year in which they are earned. **Vacation time will be capped at 240 hours.** Payment in place of one-half of your vacation will be permitted. Full-time employees begin accruing vacation time immediately and earn vacation at the rate of two weeks per year (10 days) and shall be eligible to take vacation after one full year of continuous employment. Employees earn at the rate of three weeks (15 days) after five years of continuous employment; and four weeks (20 days) after ten years of continuous employment; and five weeks (25 days) after 25 years of continuous employment. Part-time employees that work a minimum of 20 hours per week, 52 weeks per year earn pro-rated vacation.

Accrued, unused vacation pay will only be paid out on separation for employees who resign in good standing and who give at least 14 days' advance notice of the resignation. Employees who are involuntarily separated for any reason, who do not resign in good standing, or who do not give the requisite 14 days' advance notice will forfeit any unused vacation and will not be paid out.

D. HOLIDAYS

The City recognizes the following holidays:

New Year's Day
Martin Luther King Day
President's Day
Good Friday
Memorial Day
Independence Day
Labor Day
Veteran's Day
Thanksgiving Day & Day after Thanksgiving
Christmas Eve & Christmas Day
Employee's Birthday

If a holiday falls on Saturday, the Friday before will be observed and any holiday falling on Sunday, the following Monday will be observed. In order to be eligible for holiday pay, you must be present at work the last scheduled day before and the first scheduled day after the day on which the holiday occurs.

E. SICK LEAVE

As a new or rehired employee, you may be eligible for sick leave after completion of 90 days of continuous employment. Sick leave is earned on an accrual basis of 8 hours per month or a total of 96 hours (12 working days) per year and will not be advanced. Part-time employees that work a minimum of 20 hours per week, 52 weeks per year may receive pro-rated sick leave. Sick leave is granted by the department head or immediate supervisor for personal illness or as emergency leave in the event of serious injury, serious illness or contagious illness of an employee's immediate family members. Sick leave accrual shall be unlimited.

Sick leave can be donated to another employee if the other employee is out due to a medical condition be it illness or injury and they have exhausted all of their sick leave. Donating to another employee must be approved by administration.

After ten (10) years of continuous service sick leave will be paid at 50% when leaving employment in good standing due to retirement, either normal or disability, or upon death. Retirement is defined as any employee immediately entitled to benefits under the pension plan. Payment of such benefits in the event of death is payable to the surviving spouse, and if none, to the estate of the deceased.

If you are out for more than two (2) days, a doctor's note will be required upon return to work.

Abuse of sick leave will affect your performance evaluations and shall result in disciplinary action.

F. Donated Sick/Vacation Leave

An employee with a personal bona fide medical need or with an immediate family member (Grandparent, Mother, Father, Spouse, Sister, Brother, or Child) with a bona fide medical need may receive leave time donated by other employees. Donated leave time will not be used until all accrued sick, annual, and comp time is depleted.

The hours donated will be converted to an hourly rate of pay for the employee who received the time. This conversion will be based on a comparison of the salary of the employee receiving leave and the

employee donating the leave. Donating employees may donate sick and or annual leave up to 80 hours, after the conversion, per co-worker per incident.

All donated leave is subject to the Committee's approval. Requests for the donation of sick or annual leave to a co-worker must be made with prior written approval of the Committee using the standard request for leave form.

Donated time can only be given to a co-worker with a bona fide need when their leave is exhausted. There will be no pool of leave time created for future use for any employee or general use on an as needed basis.

F. FAMILY MEDICAL LEAVE

Section 1: Eligibility and Reasons

The City does not currently employ 50 employees therefore, none of the City employees are eligible to take FMLA leave.

However, if the City employs 50 employees in the future and meets the following requirements then employees may be considered eligible for FMLA leave.

Employees who have worked for the City for at least twelve months, for at least 1,250 hours during the preceding twelve months, and who work at a location where the City has at least 50 employees within 75 miles may be eligible to take FMLA leave.

- A. Take up to twelve weeks of unpaid leave in a twelve-month period for the following reasons:
 - 1. The birth of the employee's child and to care for the newborn child.
 - 2. The placement of a child with the employee for adoption or foster care.

3. To care for the employee's spouse, child or parent who has a serious health condition.
 4. Because of a serious health condition which renders the employee unable to perform essential functions of the employee's position.
 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a regular, retired or reservist member of the military on active duty deployed to a foreign country or has been notified of an impending call or order to such active duty.
- B. Take up to twenty-six weeks of unpaid leave in a single twelve-period to care for the employee's spouse, child (of any age), parent or next of kin who is either:
1. A military service member (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness; or,
 2. A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy.

Section 2: Definitions

The following definitions apply for purposes of this FMLA Policy:

A. Serious Health Conditions – A “serious health condition means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (ie., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (ie., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.

B. Serious Injury or Illness – In the case of a member of the Armed Forces, an injury or illness incurred or aggravated in the line of duty on active duty that may render the member medically unfit to perform the duties of his or her office, grade, rank, or rating. In the case of a veteran who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, a “serious injury or illness” means an injury or illness incurred or aggravated in the line of duty on active duty in the Armed Forces

and the manifested itself before or after the member became a veteran.

C. Child – Except as otherwise noted in this policy, “child” means a biological, adopted, or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen or, if older than the age of eighteen, is incapable of self-care because of a mental or physical disability.

D. Parent – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in place of a parent) to the employee when the employee was a child. Parent does not include parents “in law”.

E. Next of Kin – The “next of kin” of a military service member means the nearest blood relative other than the service member’s spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver); (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

F. Qualifying exigency – A “qualifying exigency” includes leave taken for any of the following reasons: (1) to address any issue resulting from an impending call to active duty deployment on less than seven days’ notice, (2) to attend military events and related activities (such as a military ceremony, briefing, family support program, etc., (3) to make arrangements relating to childcare and school activities, (4) to make financial and legal arrangements, (5) to attend counseling, (6) to spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment, (7) to attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc., and (8) any other exigency agreed upon by the City and the employee.

Section 3: Measuring the Twelve-Month Period and Counting FMLA Leave

- A. For leave taken for any reasons listed in Section 1(A) above, the twelve-month period in which eligible employees may take twelve weeks of leave will be calculated using a “rolling” twelve-month period. This method measures the 12-month period backward from the date the employee uses any FMLA leave.
- B. For leave taken for the reason listed in Section 1(B) above, the single twelve-month period for calculating leave needed to care for a military service member or veteran service member begins when the employee first starts taking leave for that reason and ends twelve months after that date. Leave under Section 1(B) may not exceed twenty-six weeks in any single twelve-month period when combined with other FMLA qualifying leave under any section of this policy.

- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve months from the date of the child's birth or placement.
- D. If both spouses work for the City, the combined leave shall not exceed twelve weeks in a twelve-month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both spouses work for the City the combined leave shall not exceed twenty-six weeks of leave during the single twelve month period described in Section 3(B) above if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a service member or veteran service member with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

Section 4: Intermittent Leave or Leave on a Reduced Schedule Basis

- A. In the case of leave based upon a serious health condition or a service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City's operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or provided, the City may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

- a. The birth and care of a newborn child of the employee.
- b. The placement of the child for adoption or foster care in the employee's home.
- c. To care for a spouse, child, or parent with a serious health condition.
- d. A serious health condition which makes the employee unable to perform an essential function of his job; or
- e. Qualifying Exigency Leave: For qualifying exigencies arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty, in support of a contingency operation. Qualifying exigency leave is available to a family member of a military member in the National Guard or Reserves or the Regular Armed Forces.
- f. Military Caregiver Leave: An employee who is a spouse, son, daughter, parent, or next of kin of a covered service member will be able to take up to 26 work weeks of leave in a single 12-month period to care for a covered service member with a serious illness or injury incurred in the line of duty on active duty.

Spouses employed by the same employer are limited in the amount of family leave they may take for the birth and care of a newborn child, placement of a child for adoption or foster care, or to care for a parent who has a serious health condition to a combined total of 12 work weeks (or 26 work weeks if leave is to care for a covered service member with a serious injury or illness. Leave for birth and care, or placement for adoption or foster care, must conclude within 12 months of the birth or placement.

An eligible employee who takes FMLA leave is entitled to be restored to the same or equivalent position that the employee held when the leave started, provided that the employee returns to work following the end of the leave.

- E. The City requires that accrued paid leave be substituted for unpaid FMLA leave and that all accrued sick (if applicable), vacation leave and compensatory time be exhausted before going on unpaid leave status. Thus, any accrued leave will be used concurrently with any FMLA leave.
- F. The City will designate leave, paid or unpaid, as FMLA qualifying and give notice to the employee of this designation. The City will also notify the employee whether or not he or she is eligible for leave under the FMLA and whether a required leave is counted against the employee's twelve (12) week FMLA entitlement.

- G. Employees shall provide at least thirty (30) days advance notice before FMLA leave is to begin if the need for the leave is foreseeable. Employees shall submit their request for FMLA leave in writing to their immediate supervisor on the appropriate form which may be obtained from the Human Resources Manager. If thirty (30) day notice is not possible or practicable, considering all of the facts and circumstances of the individual case, then notice shall be given as soon as practicable. Employees failing to provide thirty (30) day notice for foreseeable leave with no reasonable excuse for the delay may be denied a leave until at least thirty (30) days from the date the City receives the notice.
- H. The method for determining the “twelve (12) month period” in which the twelve (12) weeks of leave entitlement occurs is a “rolling” twelve (12) month period measured backward from the date an employee uses any FMLA leave. Under this method, each time you take FMLA leave the remaining leave entitlement would be the balance of the twelve (12) weeks which has not been used during the immediately preceding twelve (12) months. For example, if you had taken eight (8) weeks of FMLA qualifying leave during the past twelve (12) months, an additional four (4) weeks of FMLA leave could be taken.
- I. Employees will be required to furnish medical certification of a serious health condition as soon as practical when this is the reason for the FMLA leave. A fitness for duty certificate must be provided prior to being returned to work when the leave is for your own serious health condition. The City may require a second opinion if it has reason to doubt the certification. The City shall pay for the employee to get a certification from a second doctor selected by the City. If necessary to resolve a conflict between the original certification and the second option, the City may require the opinion of a third doctor. The City and the employee will jointly select a third doctor, and the City shall pay for the opinion. The third opinion will be considered final.
- J. The City shall continue the employee’s health coverage during FMLA leave at the same level and under the same condition coverage would have been provided if the employee had continued working. Employees who pay by payroll deduction for dependent health insurance and/or dependent dental insurance, must continue to pay these premiums while on unpaid leave status. An employee will have a thirty (30) day grace period in which to make premium payments. The City will notify the employee at least fifteen (15) days before his or her dependent coverage will be canceled for non-payment while on unpaid leave.
- K. Employees placed on workers’ compensation leave after missing three (3) or more days of work because of a job-related injury or illness shall be required to concurrently use all FMLA leave available to the employee. If the employee is

placed on workers' compensation leave, the leave will begin as of the first day the employee missed work. All policies and procedures of FMLA leave will apply except employees are not required to use accrued paid leave while workers' compensation benefits are provided.

- L. If an employee is taking intermittent leave for a serious health condition or because of the serious health condition of a family member, the employee should try to reach an agreement with the City before taking intermittent leave or working a reduced schedule. If this is not possible, then the employee must provide certification of medical necessity. The City may otherwise require certification of medical necessity. The City may temporarily transfer the employee to an available alternative position with equivalent pay and benefits. Such transfers will not be made to discourage employees from taking such leave but will be made where the alternative position better accommodates the needs of the employee and the City. If FMLA leave is for birth and care, or placement for adoption or foster care, use of intermittent leave is subject to City approval.

G. DOMESTIC VIOLENCE-RELATED LEAVE

Employees are eligible to take up to three (3) working days of Domestic Violence Leave within a 12-month period to deal with issues relating to domestic violence suffered by the employee or a family or household member.

Employees may qualify for this leave for one or more of the following reasons:

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

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

Employees should submit their written leave request to the Human Resources Director and provide advance notice of no less than seven (7) days of the need for leave, except in cases of imminent danger to the health and safety of the employee or to an employee's family or household member. The request must also be accompanied with sufficient documentation of the act of domestic violence. The documentation may include copies of police reports, restraining orders, legal papers to be filed with the court, orders to appear in court, or any other documentation to establish the need for a leave as set out in this policy.

All information relating to an employee's leave under this policy including the circumstances involving the leave request, supporting documentation and time records identifying use of leave shall be kept confidential and exempt from disclosure to the extent authorized by law.

The City will not tolerate retaliation against any employee who takes Domestic Violence Leave.

Definitions

- a. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- b. "Family or household member" means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.
- c. "Victim" means an individual who has been subjected to domestic violence

Pay Status

Employees seeking leave under this policy must have exhausted all vacation, personal days, and compensatory time before unpaid domestic violence leave will be granted.

H. LEAVE OF ABSENCE WITH PAY

Leave of absence with pay shall normally be granted only for jury duty, military reserve duty, and funerals, as detailed below.

1. **JURY DUTY:** If you have been lawfully summoned to report or perform jury service you shall be paid by the City your base rate of pay for such time as you are required to be away from the scheduled workday unless the jury duty extends for an exorbitant period of time, as determined by the Mayor. If excused from jury service during normal working hours, you must report to your supervisor to determine whether you will work the remainder of the normal work schedule. Any money received, except for travel or food must be turned over to the City in order to receive your base pay for jury duty.

2. MILITARY LEAVE:

A. Leave for Active Military Service:

For employees who are members of the U.S. Armed Forces Reserves or the National Guard and who are ordered to active military service, the first 30 calendar days of such leave will be without loss of pay. The City will continue to pay its share of any health insurance coverage for up to 30 days of military leave. Leaves for active military service in excess of 30 days will be without pay, although employees may elect, at their option, to use any accrued unused vacation or sick leave.

Employees are required to provide as much advanced notice as possible of the need for military leave unless giving notice is impossible or precluded by military necessity.

Reinstatement or re-employment by the City following a period of active military service will be granted as follows.

1. If you were discharged from the military, your received honorable discharge.
2. Your military leave from the City did not exceed five years.
3. You reported back to work or applied for reinstatement: (a) within 90 days after release from military service lasting more than 180 days; (b) within 14 days after release from military service lasting between 31 and 180 days; or, (c) on the next regularly scheduled workday following release from military service of less than 31 days.

You will be reinstated in the position you would have attained if not for the military leave absence (or a similar one in terms of status, pay and seniority) and will receive full credit for time spent in the Armed Forces, provided you meet the above requirements.

B. Leave for Reserve or Guard Training:

If you are a member of the Reserve or National Guard, you will be granted a military leave of absence for all time in which you are ordered to engage in training. You should give your supervisor as much advance notice as possible of your intent to be away. Up to 240 hours per year for Reserve or Guard training shall be paid leave. Any training hours required in excess of 240 hours per year shall be without pay.

C. Leave for Named Events or Declared Emergency:

A military leave of absence will also be granted to any employee who is a member of the Florida National Guard and is called to active state duty for a named event or an officially declared emergency or disaster pursuant to Florida Statutes, Section 250.48. Official orders for any such service shall be presented to an employee's immediate supervisor. Leave under this section shall be with pay for the first 30 days of the named event or emergency, and thereafter shall be without pay.

3. **FUNERAL LEAVE:** After completion of 90 days of continuous employment, leave with pay to attend the funeral of a member of the employee's immediate family or other family members living in the employee's immediate household will be granted not to exceed three (3) days for any one bereavement in state and five (5) days out of state. Under unusual or extreme circumstances this may be extended to five (5) days in state with the approval of the appropriate department head. The employee shall, upon request furnish to the City such acceptable information as is necessary for the proper administration of this article. For purposes of this leave, immediate family includes father, mother, spouse, children, father-in-law, mother-in-law, brother, sister, grandparents, grandchildren, brother-in-law, sister-in-law, son-in-law or daughter-in-law or any other relative residing full-time in the employee's household.

I. LEAVE OF ABSENCE WITHOUT PAY

You may be granted a leave of absence without pay for medical, health, education, or military service not to exceed 90 days without the expressed consent of the City

Commission. As an employee, you will retain seniority and re-employment rights within the former classification or a classification of like status and pay upon return from leave. In the event the leave was granted for health reasons, you shall be required to provide a Doctor's Certificate stating that you are physically and mentally qualified to return to work. While on leave of absence without pay you will not accrue vacation or sick leave benefits, and you are responsible to pay insurance premiums.

J. HIPAA – PRIVACY POLICY

The City of LaBelle complies with all applicable provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The City of Labelle has designated the Human Resources Director as the HIPPA Compliance Officer. All questions regarding HIPAA and protected health information should be directed to the HIPAA Compliance Officer. The City of LaBelle will maintain the confidentiality of all protected health information to the extent required by HIPAA and any other federal, state, or local law or regulation.

K. INSURANCE BENEFITS

1. Medical Insurance – Your medical insurance goes into effect on the first day after sixty days of employment with the City. This coverage is paid 100% by the City for you. Dependent Coverage is available at the employee's expense. The City does pay 45% of the dependent coverage cost. Ask Human Resources for the dependent coverage rates. All information regarding your insurance plan is explained in the insurance booklet, which you will receive after 60 days of employment.
2. Dental Insurance – Dental insurance is available to employees at the City's expense. Dependent dental coverage is available at the employee's expense.
3. Vision Insurance – Vision insurance is available to employees at the City's expense. Dependent coverage is available at the employee's expense.
4. Life Insurance – Your life insurance, offered to all regular employees goes into effect on the 1st day of the month after 60 days of employment: Non-Contributory Life Insurance – Paid 100% by the City, additional information regarding life insurance benefits is in your insurance booklet.
5. Retiree Health Insurance – The same health insurance is offered to retirees at their own expense, in accordance with the provisions and limits of applicable law.

L. WORKERS' COMPENSATION

The City provides coverage for injuries and illnesses that occur on the job in accordance with the requirements and limitations of the Florida Workers' Compensation Law, as may be amended from time to time by the Legislature.

Any employee who experiences an on-the-job injury or illness must immediately notify his or her supervisor, or Human Resources if the supervisor isn't available unless precluded from doing so by an emergency that requires immediate medical attention. If precluded from providing immediate notice due to a medical emergency, the employee must notify the City of the injury or illness as soon as practical under the circumstances. This notification requirement applies to all workplace injuries or illnesses, no matter how minor and without regard to whether medical attention is needed. When notified of an injury, a First Report of Injury should be completed.

If you are injured and receive treatment you will need a note from the Doctor stating your status. With or without restrictions and turn it in to your supervisor who will turn it in to Human Resources.

The failure to provide prompt notice of a workplace injury or illness may impact or delay your coverage or benefits under the Florida Workers' Compensation Law. Additionally, to the extent permitted by applicable law, the failure to provide prompt notice may be grounds for disciplinary action.

M. RETIREMENT

The City has two retirement plans:

1. Florida Municipal Pension Trust which is for the firefighters. Firefighters are eligible for this plan immediately. The City contributes 24.19% and the employee contributes a mandatory 1% to their retirement. Retirement age is 55 years old and 10 years of service or 25 years of service. Early retirement is 50 years old and 10 years of creditable service. Monthly retirement benefits are calculated by number of years of service multiplied by ~~2%~~ 3% and multiplied by average final compensation. Early retirement benefits are reduced by 3% for each year under the age of 55 years old.

Disability Benefits In-Line-of- Duty:

A member determined to be totally and permanently disabled from service-connected injury or disease will receive the greater of monthly pension equal to 50% of average monthly compensation or an amount equal to the accrued retirement benefit.

2. Florida Retirement System is for all the general employees. The City contributes ~~11.91% which changes~~ according to the rates approved by the Governor and the

employee must contribute 3% . You will be eligible for a Pension Plan benefit (i.e. be vested) when you complete six years of service (if you enrolled in the FRS prior to July 1, 2011) or eight years of service (if you enrolled in the FRS on or after July 1, 2011) and age 62 or 30 years of creditable service, regardless of your age before age 62. The age after age 62 when you become vested. For further details concerning regular retirement or early retirement refer to the Florida Retirement Systems booklet, MyFRS.com, or contact Human Resources.

These pension plans are governed by state and local law and may be amended from time to time. To the extent that the synopsis of the plans set forth above differs in any respect from the applicable state or local law, as may be amended, the state and local law shall govern. Nothing in this policy or in this handbook should be construed as granting any employee or other individual any pension benefits or rights not otherwise set forth in the applicable state or local law.

XV. SAFETY

In the interest of the safety of our employees and the desire to provide an accident-free workplace, the City of LaBelle is committed to a Loss Prevention Program.

The prevention of accidents is everyone's responsibility; no matter what position he or she occupies. Every employee is considered a member of the City of LaBelle Employee Safety Program and must be constantly alert in reporting and correcting unsafe conditions and acts.

A part of everyone's job is to teach safety to others. Being unsafe seldom affects only one person. Listed below are six important points to remember:

1. Accidents are caused and can be prevented.
2. Safety is a mark of skill.
3. Safety is a personal responsibility.
4. No job is so important or urgent that we cannot take time to perform or work safely.
5. We owe a moral obligation to each other to do everything possible to prevent accidents.
6. The best safety device known is a careful worker.

It is your responsibility to know and abide by all the safety rules applicable to your department. Also, in your Safety Manual. If you are unsure about something STOP and ASK! Feel free also, to contact our Safety Officer.

~~SAFETY VESTS~~ CITY ISSUED REFLECTIVE CLOTHING WILL BE WORN WHEN WORKING IN AREAS THAT HAVE VEHICULAR TRAFFIC!

A. INCIDENT REPORTS:

An incident report is the means by which a written record is made of significant departures from normal operations. An incident report is appropriate for, but not limited to the following:

1. Broken equipment
2. Missing capital equipment
3. Accidents involving property, equipment, or vehicle.
4. Significant encounters with other agencies or persons, either positive or negative
5. Incidents with the potential to generate negative publicity for the City of LaBelle
6. Complaints
7. Any problem encounters with the public or other employees.
8. Any other occasion for which a written record is deemed appropriate.

Incident reports shall be given to the appropriate supervisor/director ASAP.

XVI. DISCIPLINARY ACTION

A. GENERAL STATEMENT

Nothing herein shall be construed to require the City to have ~~just~~ cause for any form of disciplinary action or to limit disciplinary action to particular offenses or to follow progressive discipline. Your employment is at will and may be terminated by you or the city at any time without cause. However, it is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. The City recognizes that similar situations calling for discipline may nonetheless be different in significant ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or groups of employees and to determine the appropriate discipline in every matter on a case-by-case basis.

A non-exhaustive list of examples which will result in disciplinary action, up to and including discharge includes:

1. The use of non-prescribed narcotic drugs or the condition of intoxication or

disorientation resulting from the consumption of alcohol or non-prescribed narcotic drugs during or prior to working hours.

2. Falsification of records, including employment application, time sheets/cards, purchase orders, accident records, etc.

3. Use of official position for personal advantage or acceptance of any valuable consideration given with the intention of influencing the employee in the performance of his/her duties.

4. Conviction resulting from a felony offense.

5. Theft, misuse or deliberate and flagrant damage or destruction of city equipment or property of a fellow employee.

6. Wanton and willful negligence in the performance of assigned job duties and responsibilities.

7. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisor.

8. Deliberate and continued unauthorized absences or abuse of leave privileges.

9. Concerted curtailment or restriction of production or interference with regular work in or about any of the city's work locations including but not limited to instigating, leading or participating in any walkout, strike, slowdown or refusal to return to work at the scheduled time for the scheduled shift or work period.

10. Unauthorized possession or discharge of explosives on city property or work locations.

11. Unexcused absence for two (2) consecutive days or more.

12. Inefficiency, unsatisfactory performance, or lack of application or effort on the job.

13. Committing actions which affect the safety of equipment or personnel.

14. Violating a safety rule or safety practice.

15. Being tardy without proper notice

16. Leaving your job or your regular working place during working hours for any reason without authorization from your supervisor except for lunch, rest periods, and

going to the restroom.

17. Leaving work before the end of the shift or not being ready to work at the scheduled starting time.

18. Reporting to work in an intoxicated condition or under the influence of drugs, possession of illegal drugs on City property, or consuming alcohol or illegal drugs on City property.

19. Violence or inappropriate conduct reflecting on the City.

20. Illegal or inappropriate behavior reflecting on the City.

21. Theft, no matter how small or insignificant, of any amount of money or property from the City, co-workers, residents for visitors.

22. Abuse of paid leave

23. Abusive or discourteous conduct.

24. Release of information without authorization.

25. Fighting or striking another individual.

26. Other than City business use of City equipment and materials.

27. Violating any City policies, including but not limited to, the City's policies prohibiting discrimination, harassment, and retaliation.

28. Engaging in any conduct that adversely impacts on the City's operations or reflects negatively on the City.

29. Non-Disciplinary Separations (inability to perform essential functions of the job, despite accommodations ; loss of license/certifications, etc.

The Mayor and Department Heads have the authority to execute any personnel action, including disciplinary action, up to and including discharge of employees. Nothing contained in these personnel rules shall be construed as a limitation upon such authority of the Mayor or Department Heads.

XVII. GRIEVANCE PROCEDURES

The purpose of the grievance procedure is to provide a beneficial and informal method of settling all complaints or grievances arising between a regular employee, and his/her department head or immediate supervisor. The grievance procedure is applicable to all employees who have completed their introductory period, except for those positions listed in the Executive Pay Plan. Additionally, this grievance procedure shall not apply to any complaint related to the Fire Department, as such complaints shall be made to the Chairman of the Fire Board in accordance with the Rules of Procedure of the Fire Department.

Grievances must be presented within 5 business days from the date on which the complaint arose in the following manner:

1. You must discuss your grievance orally with your immediate supervisor or Human Resources who shall attempt to address the complaint promptly and fairly.
2. If the complaint is not resolved within 5 business days, you may submit your grievance in writing to your Department Head on the proper grievance form, which you may obtain from your department or from the Human Resources Department. The department head shall then make a separate investigation of the complaint and inform you of his/her decision within 5 business days after receipt of the grievance form.
3. If the grievance has not been resolved, you may request in writing a formal review of your grievance by the grievance committee. Such request shall be accompanied by all information pertaining to your grievance and shall be presented to the Human Resource Department within 5 business days from the date of receipt of the decision by your department head or within 5 days from the time the response was due if no decision was given. The Human Resource Director shall, within 10 business days of receipt of the request by you for grievance review, convene a meeting by the grievance committee.

The grievance committee shall consist of City employees and established in the following manner: a designated representative of the aggrieved employee; a representative of the department head; a mutually agreed upon employee who has no direct or indirect involvement in the case, and the Human Resource Director or Superintendent of Public Works who shall act as an impartial and neutral member and will not vote. No parties to or any witnesses to the grievance may serve on the committee.

The grievance committee shall conduct an impartial review of the complaint and relevant facts and shall thereafter submit a written recommendation to the Mayor or his/her designee within 3 business days. The Mayor or his/her designee shall within 5 business days after receipt of the committee's recommendation, render a decision upholding, reversing or modifying the grievance committee's recommendations. The time limit of this grievance procedure may be extended by mutual written consent.

If the grievant is not satisfied after all these steps are taken, the final step is to submit the formal grievance to the City Clerk within 3 business days. Within 30 days, the City Commission shall review the complaint, the relevant facts, and the recommendations from the grievance committee and the Mayor. Thereafter, the City Commission will render a decision upholding, reversing or modifying the grievance committee and/or the Mayor. The decision of the City Commission shall be final and not subject to further appeal.

Any grievance shall be considered settled at the completion of any step unless it is continued in writing within the time limits and manner set forth herein.

A grievance may be withdrawn by the grievant at any time, at any step of this procedure.

XVIII. MISCELLANEOUS

A. POLITICAL ACTIVITIES

It is the policy of The City of LaBelle on a non-partisan basis to support the active interest of individual employees in governmental affairs and in the political life of the community. The City of LaBelle encourages employees to be informed about issues and candidates, and to be concerned with respect to policies and legislation that they personally believe to be desirable and in the interest of good government. The City in no way seeks to influence employees in their choice of political party affiliations or candidates, recognizes that this is a matter for each individual to decide.

B. EMPLOYEE BULLETIN BOARD

Many important announcements, such as current job opportunities are posted on bulletin boards throughout the City offices.

WE HOPE THIS HANDBOOK HAS ANSWERED SOME OF THE QUESTIONS YOU MAY HAVE HAD REGARDING EMPLOYMENT WITH THE CITY OF LABELLE. IF YOU HAVE FURTHER QUESTIONS CONCERNING CITY POLICIES OR PROCEDURES, PLEASE DIRECT YOUR QUESTIONS TO YOUR SUPERVISOR OR CONTACT THE HUMAN RESOURCES DEPARTMENT.

