



City of Madeira Beach

Personnel Policies and Procedures

Revised through Ordinance 2019-13

Office of the City Clerk

DRAFT 2/15/29



City of Madeira Beach Personnel Policies and Procedures

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ARTICLE I. GENERAL PROVISIONS

Section 101. PURPOSE. (Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995)

The Personnel Policies and Procedures were adopted by Ordinance in fulfillment of, and pursuant to, Section ~~6-6~~ 5.7 (C) of the City Charter of the City of Madeira Beach. These Personnel Rules apply to all employees of the City, except elected officials. While this manual is meant to provide general information, it does not include all policies and procedures. Employees who are covered under a Collective Bargaining Agreement shall also be subject to the City of Madeira Beach's Personnel Policies and Procedures. If any conflict occurs between the City and the collective bargaining agreement, the Collective Bargaining Agreement shall take precedent.

Section 102. ADMINISTRATION. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837- 07/05/1995; Ordinance 2019-13:08/13/19)

As Chief Administrative Officer, the City Manager shall be responsible for the administration and maintenance of the City Personnel Policies and Procedures but may delegate responsibilities as they see fit. These Personnel Policies and Procedures may be amended or revised by Ordinance in the following manner:

- A. The City Manager may recommend changes or revisions to these Personnel Policies and Procedures. Any changes or revisions of these policies and procedures recommended by the City Manager shall be reviewed by the Civil Service Commission.
- B. The Civil Service Commission may propose amendments, changes or revisions to these Personnel Policies and Procedures. Any amendment, change, or revision prepared by the Civil Service Commission will be submitted to the City Manager. If the City Manager concurs in the amendment, change or revisions submitted by the Civil Service, it will then be submitted to the Board of Commissioners to approve with or without changes.

~~All references to employees in these policies and procedures designate both sexes, and wherever either gender is used, it shall be construed to include both genders.~~

Section 103. JURISDICTION. (Resolution 07.06: 02/27/2007; Resolution 04.14: 09/28/2004; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)

The Civil Service Commission will have advisory only jurisdiction over classified City employees as defined in these Personnel Policies and Procedures.

Section 104. CIVIL SERVICE COMMISSION

The duties, powers, and reservations on power shall be set forth in these Personnel Policies and Procedures or as otherwise provided by the Ordinance adopted by the Board of Commissioners.

Section 105. CITY MANAGER

As provided in Section 5.4 C (1) of the City Charter of the City of Madeira Beach, the City Manager will appoint and, when they deem it necessary for the good of the City, suspend or remove ~~any~~ all City employees and appointive administrative officers provided for or under the Charter that the City Manager is empowered to appoint, of the City of Madeira Beach, except as otherwise provided by law, the Charter, contract or personnel rules adopted pursuant to the Charter. The City Manager may authorize any administrative officer who is

subject to ~~his/her~~ the City Manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office, or agency.

Wherever this Ordinance conflicts with specific terms of any Collective Bargaining Agreement in effect, the Collective Bargaining Agreement shall apply.

ARTICLE II. DEFINITIONS (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.23: 10/19/1999, and Resolution 9.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))

~~Anniversary Date. The date that signifies one or more years of employment from the date of hire. It is used to calculate increases in annual leave accruals.~~

~~City Manager~~— Chief Administrative Officer of the organization authorized to appoint, assign, discipline, or remove employees, subject to the provisions of the [City Charter](#), Civil Service [Commission](#) and Personnel Policies.

~~Civil Service Commission (CSC)~~— An advisory board consisting of five Madeira Beach residents who are appointed by a majority vote of the Board of Commissioners and serve ~~overlapping~~ three-year terms. The CSC works with the City Administration on relevant personnel matters and represents an impartial hearing board for all classified employees.

~~Classified Employee~~— All employees of the City not employed as a charter officer, department head, or confidential employee. ~~Classified employees are typically FLSA non-exempt, paid hourly, and are eligible for overtime.~~

Non-Classified Employee— Any employee who is not a classified employee. ~~Non-classified employees are typically FLSA exempt, paid a salary and not eligible for overtime.~~

~~Demotion~~— The change of an employee from one job title to another, when the move results in a lower pay scale. This will only occur by Department Director recommendation and City Manager approval. Demoted employees are subject to Intermediate Review and Evaluation.

~~Department Director~~ - Non-classified employees who manage a recognized organizational subdivision of the City of Madeira Beach and who report directly to the City Manager.

Employee- Employees are defined as follows:

- A. Full-time – A position with a working schedule of thirty (30) hours or more per week. They are entitled to receive benefits and overtime compensation ~~as described herein.~~ [according to the Fair Labor Standards Act](#). A part-time employee going to full-time status must complete the benefit waiting period from the first date of full-time status.
- B. Part-time – A position with a working schedule of less than thirty (30) hours per week. Part-time employees are not eligible to receive benefits. On occasion, part-time employees are required to work more than thirty (30) hours per week due to unforeseen circumstances. This will not change the employees' classification as part-time; however, depending on an annual calculation of hours worked may be eligible for benefits as full-time employees receive as described by the Fair Labor Standards Act, as amended.
- C. Probationary – A newly hired employee performing assigned duties during an assessment period lasting

six (6) months. Based on the recommendation of the Department Director and approval of the City Manager, this assessment period may be extended an additional three (3) months. Successful completion of the assessment period will be documented by an evaluation. During this time, a new employee may be discharged, demoted, or suspended without the right of appeal.

- D. Seasonal and Temporary - An employee who has been appointed to a position not to exceed four (4) months consecutively without City Manager approval. All such employees, as defined herein, are not entitled to benefits. Work hours are to be determined by the Department Director and not to exceed the City Manager's purchasing threshold. All applicants are subject to the same required screening process as regular employees.

NOTE: Temporary employees ~~should not~~ should not be confused with "Temps" or "Contract" employees hired through an agency for specific assignments. These agencies are responsible for paying the individual's salary and worker's compensation benefits. These people are not considered City employees.

~~Family. For the Family Medical Leave Act (FMLA), "family" shall consist of the employee's natural or foster child(ren), spouse, or parent(s), as defined by the Federal guidelines.~~

Interim Appointment - An interim appointment may be needed and authorized by the City Manager to fill a vacant position. The appointment will not be for more than six (6) months, pending selecting an individual for a regular appointment as prescribed in these rules. Employees may receive an additional 10% compensation, or the minimum bottom of the interim appointments pay grade whichever is higher.

Anniversary date - The one-year "anniversary" of the employee's hire date used to calculate increases in annual leave accruals. Any changes to specific employees' positions (promotion, demotion, or reclassification) will not change the anniversary merit date due to benefit and accrual purposes, unless otherwise agreed upon by collective bargaining unit.

~~Merit Date.~~ Anniversary date - The one-year "anniversary" of the employee's hire date used to calculate increases in annual leave accruals. Any changes to specific employees' positions (promotion, demotion, or reclassification) will not change the anniversary ~~merit~~-date due to benefit and accrual purposes, unless otherwise agreed upon by collective bargaining unit.

Pay Status - Status of an employee who is working on a regular scheduled basis to include hours off for annual leave, sick leave, administrative leave, military leave, jury duty, bereavement leave, FMLA, leave with pay, training time or Worker's Compensation. Extended leave without pay is not considered a pay status.

~~Pay Status. - An employee's right to receive compensation for the time worked or leave taken, except when absent on leave with-out pay to suspension without pay. Pay status means all hours for which an employee receives pay.~~

Probationary Period, Initial - This assessment period is from the employees' initial date of employment to the point where the supervisor has had an opportunity to decide whether the employee should be retained or terminated. Probationary periods will normally be six months. Successful completion of the Probationary Period will be documented by an evaluation at the end of the probationary period. During the probationary period, a new employee may be discharged, demoted, or suspended without ~~the~~ right of appeal.

Promotion - The change of an employee from one job description to another, generally with more responsibility, when the move results in movement to a higher pay scale. This will occur upon Department Director recommendation and City Manager approval. Promoted employees are subject to an assessment

period that will normally be three months, followed by a performance evaluation.

Reclassification - The assigning of an employee to a different job description, regardless of whether it is considered a promotion or demotion. Reclassified employees are subject to an assessment period that will normally be six three months, followed by a performance evaluation.

Rehire - A previous employee in good standing is rehired and must complete the benefits waiting period the same as a new hire.

Seniority - City seniority is a member's most recent date of employment or re-employment. Seniority will continue to accrue during all types of leave except for a leave of absence without pay for thirty (30) calendar days or more, which shall cause this date to be adjusted for an equivalent amount of time over 30 days. Leaves of absence without pay for periods less than thirty (30) calendar days shall not cause the City seniority date to be adjusted. City seniority/anniversary date shall be used for computing vacations, pensions, service awards, and other benefits based on length of service.

Transfer - The lateral change of an employee from one job description to another, with similar responsibilities, and when the move results in an equivalent pay scale. This will occur upon Department Director recommendation and City Manager approval. Transferred employees are subject to an assessment period that will be normally be six three months followed by a performance review.

ARTICLE III. EMPLOYMENT PROCEDURES

Section 301. ANTI DISCRIMINATION POLICY. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)

There shall be no discrimination against any person in recruitment, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age ~~(40 or older)~~, handicap or marital status. The City will provide a reasonable accommodation as required by law to any qualified individual with a disability.

If any applicant feels he or she has been discriminated against in the opportunity for employment or promotion, a written appeal may be made to the Human Resources Personnel in writing as soon as possible. If the matter is not resolved to the satisfaction of the applicant, a further appeal may be made to the City Manager in writing.

Section 302. VACANCIES. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)

As determined by the Charter, Section ~~6-6~~ 5.7 (A), a All appointments and promotions of city employees shall be made solely based on merit and fitness demonstrated by examination or other evidence of competence. Vacancies may be filled via promotion, transfer, advertisement, or any other means deemed appropriate by the City Manager. After consulting with the City Manager and Department Director where the vacancy exists, the Human Resource Personnel may advertise the position in-house, publicly, or both.

All vacancies shall be published internally and externally. To prevent undue favoritism or nepotism and ensure a diverse, well qualified work force interested internal and external applicants will apply. Internal applicants that meet or exceed the job requirements will receive an interview, however the position will be awarded to

[the most qualified candidate that best suits the City's needs.](#)

Section 303. APPLICATION FOR EMPLOYMENT. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/199; Ordinance 2019-13:08/13/195)*

Applications for Employment are accepted [via the City's electronic application portal on our website. Should an applicant need an accommodation or not have access to a computer, they should contact Human Resources for assistance.](#)

All submitted applications must be fully completed using the [online](#) application and signed [electronically](#) by the applicant. The [electronic](#) signature represents certification that the statements contained therein are true. [Resumes](#) will be accepted as part of the application process but shall not serve in lieu of the completed application form.

Applications will be considered active for a period of six (6) months from the date of the application and retained for a period of two years. After which time ~~inactive~~ applications will be destroyed pursuant to State Law. Unsolicited applications have no retention requirements.

The City Manager may reject any applicant, who does not possess one or more of the minimum requirements as specified in the public announcement. Applicants may also be denied employment if the applicant is unable, with or without reasonable accommodation, to perform the essential duties of the position [for which they applied.](#)

Grounds for rejection [after provisional hire](#) also include:

[Criminal History:](#) [includes review of criminal convictions and probation. The following factors will be considered for applicants with a criminal history:](#)

- [The nature of the crime and its relationship to the position.](#)
- [The time since the conviction.](#)
- [The number \(if more than one\) of convictions.](#)
- [Whether hiring, transferring, or promoting the applicant would pose an unreasonable risk to the ~~City~~ business, its employees or its customers and vendors.](#)

[Motor Vehicle Records:](#) [provides a report on an individual's driving history in the state requested. The results of this search will be considered when driving is an essential requirement of the position or if the position uses a City vehicle.](#)

~~**[Drug Test:](#)** [Per the City's Drug-Free Workplace Program certain "safety sensitive or special risk positions" failure to pass a drug test or refusal to submit to testing may result in disqualification of further employment consideration.](#)~~

[Pre Employment Screenings](#) – after a conditional offer is made applicants that applied to safety sensitive positions will need to pass a drug screening, pre employment physical and background check. Non safety sensitive position will be subject to passing a preemployment physical and background check.

[Grounds for rejection or termination before or at any time during employment: ~~a prior conviction for a felony or any misdemeanor, which directly relates to the position sought.~~](#)

Fraudulent or false statements made by an applicant (orally or on the application itself), ~~or~~ by others at ~~the applicant's~~ his or her request, or with their knowledge represents cause for rejection from the employment process. Should any falsehood on the application become known after the employee is hired, regardless of the length of service, they will be terminated. Employees disqualified from this process will not be considered for future employment with the City of Madeira Beach.

Section 304. EXAMINATIONS. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999, Ordinance 837: 07/05/1995)*

Examinations, oral and/or written, may be used to determine the fitness of applicants for particular positions. The City Manager and appropriate Department Director will determine which positions require testing. Whenever testing is required, assistance may be sought from any source deemed appropriate in creating and administering the exam. All other aspects of the examination process will be determined and approved by the City Manager or Human Resources Director.

Section 305. SELECTION. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))*

The Human Resources Personnel will provide the appropriate Department Director with the applications for employment and/or written examination results of each applicant who has applied [for the vacant position via our online applicant tracking system.](#) ~~or is on file for the vacant position. An initial interview may be conducted by the Human Resources Personnel with recommendations to the Department Director.~~ Qualified candidate(s) selected [by the Department Director](#) shall be interviewed [in compliance with the City's hiring practices.](#) The interview will include the Department Director and at least one other employee of the City ~~by the Department Director, the supervisor (if appropriate), and the Human Resources Personnel~~ prior to a final interview with the City Manager (if appropriate). [There shall be no one-on-one interviews with any applicant at any stage of the interview process.](#)

The Human Resources Personnel shall perform a 'due diligence' background check on the top candidate(s). Final selection of an individual for employment or promotion shall be made by the City Manager, using the recommendation of the Department Director, ~~and the~~ Human Resources Personnel, [and the results of the City's hiring practices.](#)

Whenever an offer for employment is made, it is contingent upon the successful completion of a thorough background investigation, [and](#) a pre-employment physical examination (by the City's designated physician), and ~~when deemed necessary for safety sensitive positions~~ a pre-employment drug screening [for safety sensitive positions.](#)

Section 306. VETERAN'S PREFERENCE. *(Ordinance 837: 07/05/1995)*

U.S. Armed Forces Veterans will be given special consideration during the selection process as required by state and federal law.

Section 307. EMPLOYMENT OF RELATIVES (NEPOTISM). *(Resolution 07.06 – 2/27/07; 99.01- 01/05/99, Ordinance 837-7/5/95; [Ordinance 2019-13:08/13/19](#))*

Per Florida Statute 112.3135 (d) "Relative" for purposes of this section only, with respect to a public official,

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

The City does not encourage the employment of relatives. This Section is not intended to serve as an absolute prohibition of the employment of relatives, or to impact on those City employees who are now related or who become related by this definition. However, in no instance will approval be granted for the employment, promotion, or transfer of a relative as defined herein to a position where a City employee would be supervising or directly influencing the activity of a relative. Also included are person's cohabitating in the same household, but not necessarily legally married to the employee.

Where an employee is supervising or directly influencing the activity of another employee becomes related to that employee by marriage, one of the two employees may be transferred to the same job title, if such transfer is available, or may apply for another position if a vacancy exists. If a transfer or another position is not available, one of the two employees must resign.

ARTICLE IV. THE PAY AND CLASSIFICATION PLAN

Section 401. GENERAL PROVISIONS. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)*

Purpose – The Pay and Classification Plan provides a systematic method for identifying positions within the City and providing a basis of compensation.

Use of the Plan – The Plan will be used to draft job qualifications, prepare examinations, determine salaries to be paid for each position, identify lines of promotion, develop employee training programs, and to provide understandable and uniform terminology of jobs.

Content of the Plan – The plan consists of various elements which when grouped together provide an overall management tool.

- A. Classification Plan. The classification plan consists of a grouping of related or similar work tasks within each department, an analysis of the actual tasks performed, and the conditions under which the work is accomplished.
- B. Job Title. The identification of a job title, which clearly describes the work performed under a specific grouping of tasks in the classification plan.
- C. Job Description. A detailed written analysis of the nature of work and responsibilities of the position, together with an outline of the knowledge, skill, abilities, experience, training, physical demands, work environment, selection criteria, and any tasks deemed necessary by the Department Director.
- D. Pay Plan. A table of basic pay rates for each position categorized by job classification.

Administration of the Plan. The addition of new job titles, classifications, deletion of existing positions or classifications, or the change of either positions or classifications shall be executed by the Human Resources

Personnel at the City Manager's direction. Upon completion, the City may present changes to the Civil Service Commission for review prior to the Board of Commissioners for final approval and adoption.

All related issues affecting employees as the result of any personnel change will be determined by the City Manager.

Section 402. NEW APPOINTMENTS. *(Ordinance 837: 07/05/1995)*

All new appointments in the City will be made at the lowest pay rate established for the job title to which the appointment is made or a higher rate depending on experience and/or qualifications. The City Manager may establish a higher starting salary provided the appointee has special qualifications.

Section 403. MERIT INCREASES. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999, Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)*

The City Manager may approve merit pay increases within the established pay range. Increases will not be automatic and are dependent upon a ~~written recommendation~~ **formal evaluation** from each Department Director, based on standards of performance as indicated by the employee's performance evaluation. Under normal conditions, merit pay increase will not be considered more than once per fiscal year (12 months). No merit pay increase shall be granted above the maximum pay rate for the position. Any deviations from the normal merit pay increase dates will be only authorized by the City Manager.

No merit increase shall be granted to any employee who has received a formal disciplinary action (suspension, or involuntary demotion) in the previous six months of anniversary date.

A lump sum merit pay-out shall be granted to all employees ~~for excess hours~~ over the maximum of their pay grade ~~as a result of~~ **because of** work requirements.

~~The amount of each merit increase will be decided upon by the Board of Commissioners based on an adopted budget and in coordination between the Civil Service Commission, Finance Director, Human Resource Personnel, and the City Manager.~~

Effect of Personnel Changes on Pay Rate, Probationary Period, and Merit Eligibility. All (promotion, demotion, reclassification, transfers) personnel changes may result in:

- 1) A pay change, where applicable, to be determined by a performance matrix.
- 2) The initiation of probationary period; or appointment into acting or interim role.

The effective date of any pay change will be the first day of the closest complete pay period, to employee's anniversary date, or as determined by a Collective Bargaining Agreement.

Section 404. WORK PERIOD AND CALCULATION OF OVERTIME. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Resolution 99.01: 01/05/1999; Ordinance 837-07/05/1995; Ordinance 2019-13:08/13/19).*

~~Policy:~~ - The City's general policy is to avoid generating overtime. Department Directors may authorize or direct an employee to work overtime, when necessary **to** meet operating needs of the City. All overtime hours must be authorized (in advance when not an emergency) by a Department Director **otherwise an employee may face disciplinary action.** ~~before payment will be approved.~~

7-Minute Rule - The City adheres to the FLSA minimum wage and overtime pay requirements if the employer always rounds down. Employee time from 1 to 7 minutes may be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time.

Work Period - Unless otherwise specified by collective bargaining agreement, the City policy for a work period will be 7 days (40 hours) in length [with a 30 minute duty free lunch beginning 12am Monday until midnight the following Sunday](#). Overtime [for non-exempt employees](#) will be paid in accordance with City policy [and the FLSA](#), at the rate of one and one-half times over the employee's regular hourly wage during each 7-day work period. Overtime is payable in increments of quarter-hours. Sick leave, jury duty, bereavement leave, and any leave of absence without pay will not be considered as time worked for the calculation of overtime. Paid annual and holiday leave will be considered as time worked for the calculation of overtime.

Call Back - Any employee that is called back to work will receive a minimum of two hours pay, or as outlined in their respective collective bargaining agreements. Calculation of overtime will only be considered after first 40 hours worked in a 7-day workweek.

Work-at-Home - The Madeira Beach Board of Commissioners does not recognize a "work-at-home" program. There may be times when certain projects— work could be performed by employees who are at home due to extenuating circumstances. Any work at home assignments must be authorized by the department director and approved by the City Manager prior to work being done. City equipment is not to be used outside the regular workplace, unless authorized by the department director and approved by the City Manager. All hours worked at home must be reported.

Section 405. COMPENSATORY TIME. *(Resolution 07.06: 02/27/2007; Resolution 99.15: 6/15/99, Resolution 99.01- 01/05/99; Ordinance 2019-13:08/13/19)*

In an effort to allow Department Directors the flexibility to meet their operational needs, the City does allow the use of compensatory time as a means by which they can better meet budgetary constraints without suffering a corresponding inability to maintain pace with the workload they have. In such cases, where the use of overtime is not feasible, the Department Directors may ask an employee to perform additional duties beyond the scope of their normal workweek, and that said time will be earned as compensatory time as opposed to overtime. Compensatory time is granted at one and one-half times the number of each hour of overtime worked and may be used within same pay period as accrued or at a later date. [The FLSA requires that if a non-law enforcement non-exempt employee has accumulated 240 hours of compensatory time, the employer must pay the employee for any additional hours of compensatory time worked. Unused compensatory time cannot be carried over from year to year. Any unused compensatory time on September 30th of each year shall be paid to the employee.](#)

[Employees may be required, at the discretion of the City, to use compensatory time in lieu of vacation pay when requesting vacation time off.](#) Unused compensatory time as of separation of employment, or as of September 30 of each year for individuals still employed by the City of Madeira Beach shall be paid out to the employee during the first fullpay period in October of the respective year.

On-Call Status - The City of Madeira Beach, Florida recognizes the needs of its citizens with regards to public work emergencies (i.e., sanitary and storm water) and authorizes the implementation of On-Call Status for affected City personnel. The affected job descriptions will include rotating on-call status as a form of "tasking" and a condition of employment. During the "On Call" period, an employee will carry a pager, cellular phone, or other device, to be notified of, and respond to, emergency situations. Employee's on-call shall receive six

hours of compensatory time. If an emergency arises and the employee is called back to work, the employee will receive two (2) hours minimum pay at time and one-half after first 40 hours in the workweek, in accordance with the established Personnel Policy for Call Back Pay under Section 404.

Section 406. PAY PERIOD AND PAYROLL TIME REPORTS. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))

Unless otherwise specified by the City Manager, salaried employees , for attendance purposes, are required to use the timeclock to punch in and out for the day. ~~submit payroll sheets, indicating whether they physically worked on any given day on a timesheet for each pay period.~~

All hourly employees shall electronically punch in for the day, out for lunch, return from lunch, then out for the day. This numerically will indicate the number of actual hours. ~~worked or leave hours recorded on a timesheet for each pay period. Timecards or timesheets must include clock in, clock out and time in/out for lunch.~~ Any timecard exceptions (i.e., missed punch, extended lunch, etc.) should be discussed with and approved ~~include comments by the employee initialed for approval~~ by the Department Director. ~~Timesheets should be signed by the employee, approved by the respective~~ Department Directors, shall electronically approve and submit their employees time sheets to and submitted to the payroll administrators in accordance with administrative procedures as established by the City Manager. The City reserves the right to make changes in the method of recording time worked when errors are identified.

Section 407. Section 407. PAY CHECKS. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))

Employee pay checks will be electronically submitted through direct deposit to their perspective bank, credit union, etc. on the scheduled calendar pay date. Employees will access their pay-check paycheck information through the payroll website or app used by the organization. Should a paper check stub be needed, the employee can get payroll administrator can provide a printed copy through the app. ~~when requested.~~ If a payday falls on a holiday, paychecks will be distributed on the last working day before the holiday.

Paychecks may be granted for advance use of annual leave subject to the approval of the City Manager. In no case shall an employee be paid for hours not yet worked, or for annual leave hours, which the employee has not accrued.

Compensation for Hours Worked During a Declared State Of Emergency

During the Emergency Period, non-exempt (hourly, overtime eligible) non-bargaining unit employees shall be paid at a rate of one and one-half times (1.5x) base straight pay for each hour of their normally scheduled hours that they work and one and one-half times (1.5x) for all hours worked outside their regular scheduled work hours during the declared emergency conditions, when other employees are allowed administrative leave, until the City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy.

During the Emergency Period and Post Impact/Recovery period, exempt employees shall be compensated by receiving pay for all time worked in excess of their regularly scheduled hours in each work week during the declared emergency/disaster and Impact/Recovery period. However, in the case of exempt employees, the duration of the recovery period shall be determined on a department by department basis. The duration of the recovery period may be longer for some departments than for others. The rate of pay for such additional hours worked shall be equivalent to the exempt employee's hourly rate of pay computed as if the employee was not paid on a salary basis. The additional compensation shall be in addition to the employee's regular salary. Each department will provide the appropriate forms for exempt employees to document their hours

worked. Nothing herein shall be construed to affect the exempt status of such employees.

To be eligible for this benefit employees must physically report to their duty station.

If deemed an essential employee you must report to work or face possible disciplinary action up to and including termination. Only confirmed and documented medical conditions or extraordinary incidents of inability to report wholly beyond the employee's ability to control will be excused.

Employees who are out on prior-approved leave or who called in sick or otherwise took personal leave during any of the three periods will continue to be charged for such leave.

ARTICLE V. EMPLOYEE PERFORMANCE EVALUATIONS

Section 501. GENERAL PROVISIONS. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, 99.01-01/05/99, Ordinance 837- 07/05/1995; Ordinance 2019-13:08/13/19)*

The City Manager or his designee will establish and administer a program for rating the work performance of all classified employees. The City Manager will establish and administer the program for rating the work performance of ~~all non-classified employees~~, (normally Directors, Charter Officers and confidential employees).

The evaluation is used to measure the employee's performance by reviewing the employee's achievement of assigned duties responsibilities and participation in continued training or learning opportunities. It can also be used in estimating an employee's potential for advancement or for documenting job performance in support of disciplinary actions. It ~~may~~ will also be used as a factor in granting merit pay increases, or as evidence in a hearing before the Civil Service Commission concerning grievances employee appeals ~~disciplinary actions~~. Merit increases are awarded on the basis of ~~based on~~ meeting or surpassing performance standards established. A satisfactory performance evaluation does not, in and by itself, guarantee a merit increase. Merit pay increases will not be retroactive unless authorized by the City Manager. A Supervisor may initiate an evaluation at any time during the year.

All employees of Madeira Beach may, at their election, draft and submit a written response to any performance evaluation given by management. Such written responses, which shall be free of profane, discriminatory, abusive or inflammatory language, and which should address and respond to the evaluation, will be appended to the evaluation being responded to, and placed in the official personnel file.

Section 502. FREQUENCY. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)*

All City employees shall receive an evaluation at least once every twelve months. The date of evaluation will depend on the employment date for classified employees. Non-classified employees will be evaluated in the same manner as these described above, regardless of whether merit was awarded. Evaluation reminders shall be given to directors in accordance with the schedule maintained by the Human Resource Personnel.

ARTICLE VI. BENEFITS AND LEAVES OF ABSENCE

Section 601. HOLIDAYS. *(Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Resolution 2014-52: 12/10/2014; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)*

The following days will be recognized as holidays for employees of the City of Madeira Beach:

New Year's Eve	Veteran's Day
New Year's Day	Thanksgiving Day
Martin Luther King Day	Day after Thanksgiving
Presidents Day	
Memorial Day	Christmas Eve
Juneteenth (June 19)	
Independence Day (July 4)	Christmas Day
Labor Day	Floating Holidays (2)

Floating Holidays. May be requested by the employee with advance approval of the Department Director. Floating Holidays must be used during the calendar year in which they were earned, or they will be forfeited. Part-time employees will remain not eligible for floating holidays. *Should and employee separate employment and return within the same year, they will not receive floating holidays until January 1 of the next year.* (Res. 08.14, adopted 10/28/08, [2019-13: 08/13/19](#))

Eligibility for Holiday Compensation. Only full-time and part-time employees as defined herein, are eligible to receive holiday compensation. (Res. 08.14, adopted 10/28/08)

Full-time employees required to work on the holiday shall receive (8) eight hours, *if full time, or (4) four hours of holiday pay, if part-time,* at the regular hourly rate in addition to the pay due for their normal hours worked. Unless otherwise documented by a collective bargaining agreement, *those* employees required to work shall be given the option of taking another day off with pay within 30 days after the holiday or receiving straight pay for the holiday *in addition to the pay due for their normal hours worked.* This option must be discussed and agreed upon with the employee's *S*upervisor prior to the actual holiday.

Part-time employees required to work on the holiday shall receive (4) four hours of holiday pay for the number of hours they would otherwise have worked; in addition to their actual hours worked. (Res. 08.14, adopted 10/28/08)

In order to receive holiday compensation, *both hourly and salaried* employees are required to work their normal working day before and their normal working day after the holiday as a regular part of their scheduled work period, or as determined in a collective bargaining agreement. Should an employee call in sick the working day before or the working day after a holiday they will receive holiday pay only if a *physician's healthcare provider's* note is provided otherwise will be required to use sick time for the holiday.

Holidays falling on a Saturday will be observed on the preceding Friday and holidays falling on a Sunday will be observed on the following Monday.

A new employee whose first day of work begins the day after a holiday will not be eligible for holiday pay. Temporary and seasonal employees are not eligible for any holiday compensation. (Res. 08.14, adopted 10/28/08)

Employees who do not work holidays as a regular part of the scheduled work period are eligible for holiday pay provided they work their scheduled working day before and scheduled working day after the holiday.

In order to meet the eligibility criteria for either of the above situations, the employee must work all scheduled hours of the workday to be considered in attendance, unless approved by the Department Director.

Eligible employees on Leave of Absence with pay will receive holiday pay as part of their regular leave pay, when substantiated by a healthcare provider's note. Otherwise, the employee will be charged sick leave for the holiday.

Eligible employees on Leave of Absence without pay on a holiday will not receive the holiday pay.

Employees whose normal work schedule requires them to work on the holiday **are expected to report to work. If an employee fails to report to work as scheduled they** must either work or take Annual Leave **and may be subject to discipline.** Any hours over 40 in a work week will count towards overtime.

Section 602. ANNUAL LEAVE. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))

Purpose: - The purpose of annual leave is to provide full-time employees with an opportunity to be absent from work for approved reasons without loss of pay or benefits and to enjoy periodic rest and relaxation. Only full-time employees of the City of Madeira Beach are eligible to receive annual leave benefits part-time and temporary/employees are not eligible for annual leave.

In order to be eligible to use annual leave, an employee must have successfully completed the probationary or rehire probationary period. A new hire or rehire will accrue leave at the listed rates but cannot use it until probation is complete. The City Manager may approve an exception to this policy for specific reasons.

An employee who leaves the employment of the City before completing the probationary period will forfeit all annual leave. Annual leave will not be accrued while an employee is on [any type of a](#) leave of absence without pay, or in any other non-pay status.

Accumulated annual leave will be tracked by [payroll the Human Resources Personnel](#). Maximum accrual for an employee is twice the annual accrual amount. ~~On or about November 1st of each calendar year, notices will be sent to employees who are projected to have excess annual leave as of December 31 of each year.~~ Employees may cash out any excess accrued hours, with the [Ceity Mmanagers](#) approval, over the allowable amounts or it will be forfeited as of January 1st of the following year. The decision to make to cash-out excess annual leave must be made prior to the first full pay period in December and paid out on the second pay period of December.

Accruals will be tracked by the [Payroll Department Human Resources Personnel](#) on the last day of each calendar month, crediting each eligible employee with leave earned for the month past. [\(December accrual to be booked on December 31st\)](#). Advance annual leave payments will only be made when approved by the City Manager and will be distributed on a regular payday. Advance annual leave payments will be considered along with early paycheck request provisions, as defined in Section 406. **Annual leave will NOT count as time worked for the calculation of overtime.**

Upon separation from City employment, employees, except for those on initial probation, will be paid for all accumulated annual leave pro-rated to the date of separation, at the employee's current hourly wage. The City does ~~not~~ pay-out annual leave for **eligible Deferred Retirement Option Program (DROP)** participants. Annual Leave may not be used for last days of employment in lieu of working [unless approved by the City Manager](#).

Request for annual leave use will be made in advance wherever possible. Department Directors will approve

requests consistent with operational requirements. Restrictions regarding scheduling remain a management right and may be necessary during certain periods of the year. Annual leave may be taken in fifteen (15) minute increments **and does not**

Years of Service	Annual Leave Accrual Earned Days (hours per month)	Minimum Accrual	Maximum Accrual Allowed 400 hours
0 through 4 years, 11 months	10 days (6.66 hours per month)	80 hours	160 hours
5 years through 9 years, 11 months	15 days (10 hours per month)	120 hours	240 hours
10 years through 19 years, 11 months	20 days (13.33 hours per month)	160 hours	320 hours
20 years or more	20 days plus one day per year of service over 20 years with a maximum of 25 days annual leave per year	160 hours	320 hours
21 years	21 days (14 hours per month)	168 hours	336 hours
22 years	22 days (14.66 hours per month)	176 hours	352 hours
23 years	23 days (15.33 hours per month)	184 hours	368 hours
24 years	24 days (16 hours per month)	192 hours	384 hours
25 years	25 days (16.66 hours per month)	200 hours	400 hours
Employees may accrue up to two times their max, but any over max must be used by Dec. 31 each year			

Annual leave for Department Directors shall be 15 days (10 hours/month) for 0-9 years of service and shall thereafter follow the accrual rate of general employees.

Employees who become hospitalized while on annual leave may use sick time for such period of illness, provided they submit a doctor's certificate documenting same.

In the event of an employee's death, all accumulated annual leave time **and any other compensation due** will be paid to the employee's estate, **beneficiary, or spouse, as determined by law or by executed forms in the employee's official personnel file.** ~~or as otherwise defined by law.~~

Section 603. SICK LEAVE. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)

Sick leave is granted to all full-time employees at the rate of 96 hours per year (8 hours/month). Part-time and temporary employees are not eligible to receive this benefit. The use of sick leave for other than its intended use should not be considered as a right of the employee. Sick leave will be granted for the employee's personal illness, disability, or other medical needs. Sick leave may be used for illness of a family member, which requires the employee to take time from work. Employees are encouraged to save their sick leave to meet serious illness situations.

Sick leave will NOT count as time worked for the calculation of overtime.

Cash Out - Sick leave may be accrued with no maximum. ~~Non-exempt employees shall be allowed to cash out up to 24 hours of their earned sick leave at the end of each fiscal once a year in September for having perfect attendance without sick leave used during previous that fiscal year.~~ The final payout upon separation will be made on 25% of the accrued hours, subject to Article XI, Section 1101: Resignations. Employees shall not be permitted to use sick time during the last two weeks of employment unless a healthcare provider's note is submitted to the Human Resources Personnel.

When sick, annual leave, and accrued holiday or compensatory time has been exhausted, any additional leave will be without pay.

Notification Procedures. An employee who is unable to work must notify ~~with~~ their immediate supervisor, Department Director, or Human Resources **within 4 hours of his/her the employee's scheduled reporting time** giving the expected length and reason for the absence. Sick notices may be left on a voicemail system or emailed if unable to communicate directly. This procedure shall be followed for each day an employee is unable to work unless specific prior approval waiving this requirement is granted by the Department Director.

The Department Director may require a Healthcare Providers statement for the employee's absence prior to payment authorization regardless of the length of time away from the job.

Excessive Use of Sick Leave- - An employee who utilizes excessive leave for reported illnesses or injuries or is otherwise frequently absent from duty for medical reasons ~~may will~~ be required to provide [Human Resources](#) a physician's statement prior to being authorized sick leave. An employee failing to comply with this requirement shall not be granted sick leave. Excessive is defined as three (3) unexcused absences in a three-month period. However, one continuous week-long bout with the flu would be considered one (1) absence.

The City reserves the right in all cases of reported illness to require an employee to furnish a physician's report. Chronic use or abuse of sick leave or tardiness shall constitute grounds for discipline and/or review of an employee's fitness for duty (Section 610).

Unauthorized absences from work for a period of three consecutive workdays may be considered as the employee's voluntary resignation by the City Manager. Following this period, the City will notify the employee by certified mail or other means necessary, that the employee's actions are considered voluntary resignation.

If the employee is unable to inform the City of their absence due to a valid substantiated reason such as temporary disability, then the absence will not be considered unauthorized.

Employees shall forfeit all sick leave payouts under this section if employment terminates because the employee:

- (1) Has been found guilty in a court of competent jurisdiction of committing, aiding, or abetting any embezzlement or theft from the employee's employer or bribery in connection with the employment; or
- (2) Has been terminated by reason of the employee having admitted to committing, aiding, or abetting an embezzlement or theft from his or her employer or by reason of bribery; or
- (3) Is adjudged by a court of competent jurisdiction to have violated any state law against strikes by public employees; or
- (4) Has been found guilty by a court of competent jurisdiction of violating any state law prohibiting strikes by public employees; or
- (5) Was terminated for having committed any felony with the intent to defraud the public or a public agency of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.
- (6) The forfeiture of leave payout pursuant to this policy is supplemental to any other forfeiture requirements related to public officers or employees provided by law.

(7) Forfeiture shall also occur where the employee resigns from employment after having been charged by the City or other law enforcement authority with any of the above acts but prior to having been terminated.

Section 604. DONATION OF SICK OR ANNUAL LEAVE. (Resolution 07.06: 02/27/2007; Resolution 99.23: 10/19/99; Ordinance 2019-13:08/13/19)

Policy. The City of Madeira Beach recognizes an employee subjected to a long-term, non-work-related catastrophic illness or injury may deplete all their accrued sick and annual leave allowance, leaving the employee without any form of continued compensation.

The City of Madeira Beach also recognizes that some City employees may wish to contribute a portion of their accrued, unused sick, or annual leave to the affected employee suffering from a catastrophic illness.

* “Catastrophic illness or injury” is defined as being one that is unanticipated, non-job-related, not self-inflicted, and life-threatening. Catastrophic illness or injury does not include short-term ailments such as flu, colds, virus, or doctor or dentist appointments. Elective surgery and maternal leave are also not included.

Eligibility. All full-time employees who have completed at least one year of service with the City of Madeira Beach.

Procedure. The affected employee must have exhausted their own sick/annual leave, and floating holidays before filing the necessary forms for benefits with the City Manager.

The Human Resource Personnel may request additional medical information during the benefit period. All donation requests must be approved by the City Manager, who shall have final authority in considering, approving, or disapproving a request for donations.

The maximum donation period will be 90 calendar days, at which time long-term disability will take effect. While receiving donated leave, the receiving employee shall not accrue sick or vacation leave. A paid holiday occurring during an approved benefit period will be paid as a sick day. If an employee does not utilize all donated leave, the remaining hours shall be pro-rated and returned to donating employees.

Donated leave shall be deemed used (spent) leave, removed from the donating employee’s accrued leave account, and is not refundable unless provided in this section. The minimum donation is eight (8) hours. Maximum donation is twenty-four (24) hours. Donations are not converted based upon hourly wages, rather transferred “hour for hour”.

Section 605. INSURANCE. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995)

Unless otherwise stated in a collective bargaining agreement, tThe City provides health, dental, group term life and long-term disability insurance for all full-time employees, ~~including firefighters, at no cost~~ to the employee. The selection of providers for said coverage will remain at the discretion of the City Manager. Dependent coverage may be available; however, dependent premiums are the responsibility of the employee. Coverage ends on the last day of the month in which termination or resignation occurred. COBRA coverage will be offered at the time of termination, (unless termination was for misconduct) or upon resignation if employee completed probation period.

An employee moving from part-time to full-time must wait a full 30 days from date of change before becoming eligible for benefits which would start on the first day of the next full month after the 30 days and will immediately begin intermediate probationary period.

Section 606. RETIREMENT. *(Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999, Resolution 2013-49: 09/10/2013; Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))*

The City is currently a member of the Florida Retirement System (FRS) for all employees hired prior to 01/01/1996. All retirement benefits will be governed by the Florida Statutes. There is no cost to the employee for membership. All full-time employees hired after 01/01/1996, other than firefighters, will not participate in the Florida Retirement System (FRS).

The City provides a 401(a) Retirement Plan through the ICMA (International City Management Association) Retirement Corporation Governmental Money Purchase Plan & Trust for those employees hired or rehired after 01/01/1996. The ICMA Retirement Plan will be available to full-time employees, and after the completion of the six (6) month (or nine (9) months extended) probationary period, the benefits accrued will be retroacted to the employee's date of hire.

Vesting will occur as follows:

- a) Employees who have completed two (2) years of employment shall be vested at 25%
- b) Employees who have completed three (3) years of employment shall be vested at 50%
- c) Employees who have completed four (4) years of employment shall be vested at 75%
- d) At ~~(5)~~ five [\(5\)](#) years of employment with the City the employee shall be vested at 100%

Details on the plan will be determined by the City Manager and are available from the Human Resources Personnel. Should an employee leave employment with the City the vesting schedule above will determine their retirement benefit. Upon retirement, employees may choose [COBRA](#) to continue using the City's Insurance Plans ~~or COBRA~~ at their own expense.

Additional ancillary plan options, such as 457 Plan or a Roth IRA Plan, are available for all full-time employees to purchase in addition to the 401(a) Plan provided by the City.

Section 607. PROFESSIONAL DEVELOPMENT

Purpose. To encourage employees to obtain education and training to enhance job performance, and to prepare for broader job responsibilities. Reimbursement may be granted for courses offered by educational institutions with prior approval by the City Manager.

4. The following policies apply to costs related to degree programs and non-degree courses:

- A.** Non-degree courses or seminars: Costs of training courses or seminars not taken as part of a college or university program terminating in the award of a degree may be paid for or reimbursed only if the course or seminar is designed to improve the effectiveness or efficiency of an already qualified employee in the position which the employee already holds and works in, and is not designed to qualify an employee for his/her current duties. However, such costs may be paid for or reimbursed for courses or seminars which will allow an employee to advance within established career ladders, or to obtain or maintain certifications required by state or federal laws or regulatory authorities.

- B. ~~TUITION REIMBURSEMENT.~~ Degree Programs**

Courses taken toward an [accredited](#) college degree related to the employee's present job or a

reasonable promotional objective are acceptable. 'Reasonable promotional objective' will be determined by the employee's Department Head and the City Manager. Other vocational and/or technical courses may be considered on a case-by-case bases and approved by the City Manager.

Tuition reimbursement is available to any full-time employee under the following guidelines:

Employee must have successfully completed their employment initial probationary period and be in good standing with the City.

No tuition reimbursement shall be authorized to any employee who has had a formal disciplinary action (suspension, involuntary demotion, ~~or probation~~) within the previous six months. Any employee receiving such action after pre-approval was granted shall not be reimbursed.

The maximum tuition rate authorized cannot, under any circumstances, exceed that of the University of South Florida (USF), [Tampa](#) for the appropriate level of course-work (graduate/undergraduate). ~~In cases where rates vary from USF campus to campus, the USF Tampa rate will be used.~~

Whenever possible, the employee is to take courses at a Community College rather than at a higher institution.

In order to be eligible for reimbursement, the employee must submit an Educational Reimbursement Pre-Approval Form prior to the enrollment in the class or course of study.

1. If the employee is pursuing a degree, the employee is to provide proposed curriculum, [accreditation](#), and estimated time for completion of degree to the City Manager for review.
2. At no time may an employee take more than two courses per semester.
3. Course attendance will be on the employee's own time and will not interfere with job duties.
4. Lab fees, books, student activity fees, flat fees, student athletic fees, room and board or application fees [or any other fees](#) are not eligible for reimbursement.
5. After the completion of any class(es), the request for reimbursement must be made by submitting an original receipt showing specific amount of eligible payment, along with a school document indicating grade received to the Human Resources Personnel ~~Assistant City Manager/Finance Director~~ for processing.
6. The resignation or discharge of an employee automatically terminates their eligibility for benefits under this program. Voluntary separation from City employment prior to one year after completion of reimbursed courses shall cause the employee to repay, or have deducted from ~~his/her~~ [the employee's](#) salary, all costs incurred by the City under this reimbursement program.

Reimbursement: - Employees shall be eligible for reimbursement with a passing grade of A, B [or C](#) at 100%. Courses offered on a pass/fail basis only must be passed to be eligible for 100% reimbursement.

Section 608. LEAVE OF ABSENCE WITH PAY. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Ordinance 837- 07/05/1995; Ordinance 2019-13:08/13/19)*

The following leaves of absence with pay shall be allowed upon presentation to the City Manager and reviewed by the Human Resources Personnel for ~~of~~ appropriate certification showing such leave is required. Such absences will not be charged against an employee's accrued annual leave.

Jury/Court Duty - A leave of absence with pay is granted to an employee when he is called for jury duty or subpoenaed as a witness on behalf of the City or any public agency. The City will pay the employee's regular salary. The employee will furnish proof of such service and will work any part of their regular schedule when not required to serve. Employees who appear as a voluntary witness or litigant against the City, its officers, or departments, are not eligible for leave with pay.

Employees, who become involved in litigation not relating to their employment, may use accumulated annual leave.

If a holiday occurs during a court/jury assignment, the employee will be eligible to receive the holiday pay, subject to Section 601.

Proof of duty will be required before compensation is approved. Proof will be considered a Court Summons or Pay Voucher from the Court. The City reserves the right to require a signed statement from the Court Clerk noting each day spent on duty.

Reserve Training - **Upon presentation of orders**, an employee who, by reason of membership in one of the United States military reserve components, is ordered by an appropriate authority to attend a training period or encampment shall be granted leave of absence with supplemental pay corresponding to the time spent in active military reserve training. The City will supplement the employee's reserve training pay to bring the employee's salary to the level earned at the time ~~he/she~~ **the employee** was called to military reserve training status. Such leave shall not exceed seventeen calendar days in any twelve-month period.

Active Military Service - In the event an employee who is a reservist is called to active military service, the employee may be granted a leave of absence to perform active military service.

Upon presentation of orders, the employee will be granted up to ninety (90) days supplemental pay corresponding with the time spent in active military service thereby supplementing the employee's military pay to the level earned at the time ~~he/she~~ **the employee** was called to active military duty. The employee will have health insurance and other existing benefits, where allowable, carried forward for this period. Should the active military status continue past ninety days, certain medical benefits may be continued through COBRA (Consolidated Omnibus Budget Reconciliation Act), depending on existing coverage. Upon return from active military service, the employee will be reinstated with the pay and benefits, which were allowed prior to being called to active duty as required by the USERRA Restoration Act. Each month of military service performed counts as a month actively employed by the employer.

Bereavement Leave - Full-time employees shall be granted time off with pay to observe the passing of an immediate family member. Three days shall be granted for in-state deaths or out-of-state deaths where the employee does not attend the funeral. Five days shall be granted for the employee to attend an out-of-state funeral. Immediate family shall consist of the employee's spouse, parent(s), child(ren), brother, sister, step-parent(s), step-child(ren), father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents,

grandchildren. Bereavement Leave shall not be charged to annual or sick leave. Computation of leave shall be based on consecutive workdays, unless approved by the respective Department Director. If requested, the employee shall provide the Department Director with evidence that the death occurred.

Veteran's Leave - A City employee filling a regular established position and who has been rated by the United States Department of Veterans Affairs or its predecessors to have incurred a service-connected disability and has been scheduled by the United States Department of Veterans Affairs to be examined or treated for the disability, shall be granted veteran's leave for such reexamination or treatment without loss of pay or benefits. The maximum veteran's leave authorized for this purpose shall not exceed six (6) calendar days in any one annual period beginning January 1 and ending December 31. Hours used are not counted as hours worked toward overtime.

Approved b Bereavement leave required in excess of the above referenced leave will be charged to annual leave or leave without pay at the employee's option.

Administrative Leave - Leaves with pay may be authorized by the City Manager for any reason, which is deemed to be in the best interest of the City and the employee. These may include leaves of absence pending investigations, or attendance at official and educational functions, threatening weather, fitness for duty physical, voting, etc. Each Administrative Leave shall be evaluated independently.

Domestic Violence Leave – Pursuant to Florida Statutes 741.313, an employee who has been employed for 3 or more months is permitted to request up to 3 working days of paid or unpaid leave during any rolling 12 month period if the employee, or a family or household member of the employee is the victim of domestic violence, where such leave is taken to:

- a. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence.
- b. Obtain medical or mental health care for the employee or family or household member to address injuries resulting from an act of domestic violence.
- c. Make the employee's home secure from the perpetrator of domestic violence or to seek new housing to escape the perpetrator; or
- d. Seek legal assistance or attend court proceedings arising from an act of domestic violence.

Domestic violence leave shall be coded as paid vacation or sick leave (depending on whether the reason for taking the leave is to seek medical treatment or not) to the extent the employee has sufficient balances in his or her **their** relevant leave account. Otherwise, the leave shall be coded as no pay.

Except in cases of imminent danger to the health or safety of the employee or family or household member, an employee seeking domestic violence leave must provide appropriate advanced notice of the leave request, and may be required to produce sufficient documentation to support the requested leave. To the extent an employee provides personal identifying information related to a request for domestic violence leave, such information shall be maintained by the department as confidential and exempt from public records disclosure, pursuant to Florida Statutes 741.313(4)(c)(2).

Flex time is the generic term for flexible scheduling programs - work schedules that permit flexible starting and quitting times within limits set by management. Each City department has the option to use flextime, if it can be adapted to better meet that organization's unique needs.

Flex Time - Salaried employees are to understand their positions are paid at a rate which anticipates more

than a typical 8-hour day or 40-hour week. However, when extraordinary hours are demanded or required, the City Manager has the authority to grant up to three (3) consecutive vacation days without the use of benefit time, referred to as “flexed salaried time.” It is expected that salaried individuals shall be required to put in additional hours to complete their normal workload and such hours are not considered “extraordinary” for the purpose of this section.

Family and Medical Leave Act (FMLA) Eligibility:-

This section of Policy is intended to set guidelines only and does not represent the Family and Medical Leave Act (FMLA) of 1993 in its entirety. The City complies with U.S. Department of Labor and the Family and Medical Leave Act. The FMLA procedures may differ from other types of City leave but FMLA does not provide any additional paid leave accruals over the City’s other leave awards. If further information is needed, contact the Human Resources Department or search the Department of Labor website. FMLA use will be tracked concurrently with other types of leave where the reason for the leave is an FMLA qualifying event. There are two general FMLA types, Basic Leave and Military Family Leave.

Eligibility. An eligible employee is one who has been employed for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

Eligible employees are entitled to take up to 12 workweeks of FMLA leave in a 12-month period for any of the reasons listed below:

- The birth of a child and to bond with the newborn child within one year of birth.

An employee’s entitlement to the FMLA leave for the birth and bonding expires 12 months after the date of birth. Both mothers and fathers have the same right to take FMLA leave for the birth of a child. Birth and bonding leave must be taken as a continuous block of leave unless the employer agrees to allow intermittent leave (eg., allowing a parent to return to work on a part-time schedule for 10 weeks).

- The placement with the employee of a child for adoption or foster care and to bond with the newly placed child within one year of placement.

FMLA leave may be taken before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be entitled to FMLA leave to attend counseling sessions, appear in court, consult with ~~his or her~~ an attorney or the birth parent’s representative, submit to a physical examination, or travel to another country to complete an adoption before the actual date of placement. FMLA leave to bond with a child after placement must be taken as a continuous block of leave unless the employer agrees to allow intermittent leave. An employee’s entitlement to FMLA leave for the placement of a child for adoption or foster care expires 12 months after the placement.

- A serious health condition that makes the employee unable to perform the functions of ~~his or her~~ the employee’s job.

An employee is “unable to perform the functions of the position” where the health care provider finds that the employee

- Is unable to work at all, or
- Is unable to perform any one of the essential functions of the employee’s position.

An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.

- To care for the employee’s spouse, son, daughter, or parent who has a serious health condition.

An employee must be needed to provide care for ~~his or her~~ a spouse, son, daughter, or parent because of the family member’s serious health condition in order for the employee to take FMLA leave. An employee may be needed to provide care to the family member, for example:

- When the family member is unable to care for ~~his or her~~ their own medical, safety or other needs, because of the serious health condition or needs help in being transported to the doctor; or

-
- To provide psychological comfort and reassurance to the family member with a serious health condition.

~~Qualifying Events. Eligible employees have the right to take paid or unpaid leave for a period of up to 12 workweeks in any twelve-month period for the following reasons.~~

- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty.

Qualifying exigencies are situations arising from the military deployment of an employee's spouse, son, daughter, or parent to a foreign country. Qualifying exigencies for which an employee may take FMLA leave include making alternative child care arrangements for a child of the military member when the deployment of the military member necessitates a change in the existing child care arrangement; attending certain military ceremonies and briefings; taking leave to spend time with a military member on Rest and Recuperation leave during deployment; or making financial or legal arrangements to address a covered military member's absence; or certain activities related to care of the parent of the military member while the military member is on covered active duty. See Fact Sheet 28M(c): Qualifying Exigency leave under the FMLA. An employee may take qualifying exigency leave for the deployment of a son or daughter of any age.

- ~~1. The birth of a child.~~
- ~~2. The placement of a child for adoption or foster care.~~
- ~~3. Care of a family member (child, spouse, or parent) with a serious health condition.~~
- ~~4. Serious health condition, which renders the employee unable to do his/her job.~~

~~The Leave Year. -~~ The leave is a rolling year is determined by calculating a 12-month period measured backward from the date the employee's FMLA begins. An employee taking FMLA leave must first use any vacation or paid absence days as part of the leave. The remainder of the leave will be unpaid.

An eligible employee may also take up to 26 workweeks of FMLA leave in a single 12-month period:

- To care for a covered servicemember with a serious injury or illness if the employee is the spouse, son, daughter, parent, or next of kin of the servicemember (military caregiver leave). Eligible family members of both current servicemembers and certain veterans are entitled to military caregiver leave.

~~Application for Leave. -~~ An employee who requests FMLA must complete the appropriate Application for Family and Medical Leave Form. ~~If an employee is requesting medical leave, his or her physician must complete the Certification of Physician or Practitioner Form prior to beginning leave.~~ Forms are available from the Human Resources Department or the Department of Labor website and are required to be submitted to Human Resources ~~be returned in~~ within 15 days of first date of absence to certify the leave under FMLA. Holidays are considered paid (for those eligible) absence days and therefore are paid during FMLA. Larger chunks of time when the city is closed, however, do not count as leave under FMLA.

Employees on approved FMLA are required to report on their status and intent to return to work by telephone to the Human Resources Personnel and/or Department Head bi-weekly.

Benefits/Contributions. - An employee on FMLA is entitled to have health benefits maintained while on leave.

The employee is responsible for making any required contributions monthly during the FMLA time.

NOTE: If an employee is more than 30 days late in paying required contributions, coverage will terminate. The City reserves the right to seek recovery of any premiums paid for health insurance if the employee fails to return to work at the conclusion of the leave.

Pay increases and further accumulation of benefits will be deferred during periods of unpaid FMLA.

Returning to Work After Medical Leave - If an employee takes FMLA due to a serious medical condition, ~~he or she~~ **the employee** must be certified as able to return to work by a physician.

Section 609. LEAVE OF ABSENCE WITHOUT PAY. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837-07/05/1995)

Involuntary - ~~An employee may be placed on leave of absence without pay by the City Manager, pending investigation into the employee's conduct and potential disciplinary action or where the City Manager deems it to be in the best interest of the City.~~

Other Leaves - Other leaves without pay may be authorized by the City Manager for any reason that which is deemed to be in the best interest of the City and the employee.

While on any leave without pay employees will not accrue annual, sick leave or holiday benefits. If insurance benefits are extended to an employee on an unpaid leave, all premiums paid by the employee must be made in advance for the period of the leave.

~~An employee granted a leave of absence without pay in excess of twelve (12) weeks shall be permitted to return to work providing a vacancy exists in their prior position. If such vacancy does not exist, the employee shall be terminated and may reapply for a vacant position for which qualified.~~

Employees reinstated to their prior position from a leave without pay will be entitled to receive their prior rate of pay in addition to any cost of living increases applicable to all other employees.

A leave of absence without pay for thirty consecutive days or longer will result in a corresponding adjustment of the employee's anniversary date of employment and time in position.

Section 610. EMPLOYEE ASSISTANCE PROGRAM. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999)

The City of Madeira Beach recognizes that personal situations which may affect an employee's well-being and job **performance** and is committed to providing programs and services to assist those employees. Therefore, the City ~~sponsors~~ **is sponsoring** a confidential Employee Assistance Program (EAP) which offers employees and their families' short-term professional counseling and assistance for any type of personal problems including relationship issues, emotional distress, and chemical dependency.

Self-Referrals - An eligible employee may contact the EAP **to schedule a confidential consultation** at any time for professional assistance by calling the telephone number noted in the EAP brochure ~~to schedule a confidential consultation~~.

Management Referrals - If an EAP referral is indicated, based on performance issues, or the employee seeking advice regarding a personal problem, the City Manager or his designee shall contact an EAP counselor to review the issues and assist in scheduling a meeting with the employee. The employee will be instructed to

arrange an appointment with the EAP counselor, and although the final decision to use the program is left up to the employee, the employee is still responsible for job performance related issues and may be subject to disciplinary actions for these issues. Failure to report for mandatory referral may result in administrative leave pending disciplinary proceedings, up to and possibly including discharge,

In safety sensitive occupations, the EAP referral may be mandatory as “~~F~~itness for ~~D~~uty”. The employee will be responsible for providing proof of attendance, and if required, certification of Fitness for Duty.

Any time off from work to attend an EAP counseling session is subject to established policy for absenteeism. If the EAP counseling session is being mandated by the City, the employee must make every effort possible to make sessions during their time off from work. If not possible and the mandated session causes time off from work, the employee will not be penalized in accordance with the absenteeism policy.

Section 611. RETURNING TO WORK AFTER MEDICAL LEAVE FITNESS FOR DUTY

The physical fitness of employees is vital to the level of service provided to the public. In the event an employee’s mental or physical fitness for duty is questioned the following procedures will be implemented:

A) A. If the employee has been seen by their licensed medical provider (MD):

1. The employee is responsible for providing a medical release to their specific position when reporting back to work. If the employee does not have a medical release, the supervisor may request the employee to leave their shift until such time as the employee returns with the appropriate release. Time spent obtaining the form is charged to the employee’s sick leave bank.
2. Medical release must be returned to the City within three (3) calendar days of the request.
3. In the event an employee is not able to perform the essential functions of their position, the time from work will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated annual leave, holiday, and compensatory time, if any.
4. The City reserves the right to request a second opinion when there is reason to question the employee’s fitness for duty. ~~The City shall determine the extent of the examination based upon the employee’s job description, the physician, and bear the cost for the second opinion.~~

B) B. If the employee has not been seen by any medical provider:

1. The supervisor may send the employee to the City’s physician, or local emergency room, if appropriate. The time spent in receiving initial medical evaluation is charged to Administrative Leave.
2. Whenever the City has cause to believe that an employee is unable to perform the essential functions of ~~his~~ their position with or without reasonable accommodation, it may require a fitness for duty examination, which would be limited to the examination of the employee’s fitness to perform the essential functions of the job.
3. If the medical provider states the employee is not able to perform the essential functions of their position, the time from work following the appointment, will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated annual leave, holiday, and compensatory time, if any.

ARTICLE VII. EMPLOYEE TRAINING *(Resolution 07.06: 02/27/2007; Resolution 00.10-10/17/00, Ordinance 837: 07/05/1995)*

In order to remain knowledgeable about important policies and procedures, and to stay in compliance to state and federal regulations, City employees may be required to complete mandatory trainings. Human Resources will inform employees of needed trainings.

The City Manager, through the Department Directors, may establish and develop an educational program for employees of the City, when deemed appropriate. The purpose of such a program is to increase the operational efficiency of employees in their present positions and to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Employee participation in some training programs may be declared mandatory by the City Manager, while other non-mandatory trainings will be made available to all employees for completion towards merit evaluation/consideration.

Department Directors shall be responsible for determining which additional training programs will benefit the department and the employee(s).

Approval must be received prior to registering for training. The City reimburses the employee for mileage, meals, and lodging, if applicable. No overnight stay will be approved for training within a 50-mile radius of the City. Any exceptions to this rule must be approved by the City Manager.

Internship – The City internship program provides students with paid and non-paid opportunities to experience and learn the inner workings of a local government. The City will provide legitimate opportunities for professional and educational experiences approximately equal in quality to those provided in a college classroom. Hours and day of employment will be specified at the start of the internship and maintained throughout the program. Under no circumstances will the City demand additional hours of work from the intern without appropriate permissions.

ARTICLE VIII. ACCIDENT PREVENTION, WORK SAFETY AND WORKERS' COMPENSATION

Section 801. GENERAL PROVISIONS. *(Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

The City of Madeira Beach, in the interest of both employee and public safety and its commitment to provide a safe working environment, will establish and maintain a Workplace Safety Program pursuant to the requirements of the Florida Occupation Safety and Health Act, Chapter 93-415, §52-74, Laws of Florida, and Rule 381-17 of the Florida Administrative Code.

Section 802. INJURY TREATMENT AND REPORTING. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999)*

Medical treatment for all workers compensation injuries will be provided pursuant to Florida Statute 440.134 and in accordance with the Workers Compensation Procedures. A routine post-accident drug test will be performed on all employees who have contributed to an accident ~~requiring medical treatment~~ as well as employees who receive medical treatment for an injury obtained on the job.

Section 803. VEHICLE ACCIDENT REPORTING PROCEDURE. *(Resolution 07.06: 02/27/2007; Resolution 00.10:*

In all cases when a City-owned vehicle is involved in any kind of motor vehicle accident/incident, employees will immediately notify in addition to their supervisor, the designated Law Enforcement Agency, if within the City of Madeira Beach, or the appropriate law enforcement agency if outside the City. In the event the employee's ~~S~~supervisor is not available, another ~~S~~supervisor from within that department will be dispatched to the accident scene.

Employees (operator) who are found to be at fault may be responsible for repair costs up to the current insurance deductible and will be subject to disciplinary action, up to and possibly including discharge.

The designated ~~S~~supervisor will ensure that a Vehicle/Property damage form is completed on all accidents ~~with~~ involving a ~~C~~city vehicle and copies of this report are forwarded to the Human Resource Personnel and/or City Manager's office within three working days of the accident.

A routine post-accident drug test will be performed on all employees who have contributed to a motor vehicle accident where any liability to the City has occurred.

Section 804. INCIDENT/LIABILITY REPORTING PROCEDURE. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2019- 13:08/13/19](#))

Any incident which happened or is alleged to have happened, where the City could conceivably share liability, will require an Accident/Incident form or a Notice of Injury to be completed, will be reported to the employee's immediate supervisor and the Human Resources Personnel within twenty- four hours of occurrence.

Section 805. WORKERS COMPENSATION. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

Payment of Workers' Compensation to an employee, who is incapacitated, because of an injury arising out of and in the course of performing ~~his/her~~ the **employee's** duties, will be governed by the State of Florida Workers' Compensation Law. All City Employees, Interns, Temporary and Volunteers shall be covered under the City's Worker's Compensation Program.

Workers' compensation injuries will, in many cases, constitute a "serious health condition" as the term is defined in the Family Medical Leave Act (FMLA). When an employee begins workers' comp leave, there will be a determination of whether that ~~particular injury~~ constitutes a serious health condition and whether the workers' comp leave will be designated as FMLA leave ~~and run concurrently~~. While on workers' comp/FMLA leave, the employee's group insurances will be continued to the same extent as when they were working, and the right to be reinstated to their former position will be fully protected for up to twelve weeks, depending on whether they have previously used any of their annual twelve-week allotment of FMLA leave.

Section 806. TRANSITIONAL DUTY ASSIGNMENTS. (Resolution 07.06: 0 2/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

The City may offer Transitional (not permanent) Duty Assignments (TDA) for eligible employees who have been restricted by their physician due to an on-the- job injury or job-related illness. If the employee is still unable to perform all the duties of ~~his/her~~ **their** regular position at the end of the TDA, ~~he/she~~ **the employee** may be placed on workers' compensation leave. A physician may be asked to re-evaluate the physical status of an employee on workers' compensation leave, or in a TDA every 30 days.

Employees in a TDA may be assigned to any department and on any shift. Employee in a TDA is bound by the same work conditions and requirements as any other employee, except as noted below. Only employees capable of performing all the essential job functions of the position need be considered for that option. An employee who reaches maximum medical improvement (MMI) will no longer be considered for TDA.

If the employee is eligible for FMLA leave, and is offered a TDA with duties ~~he/she~~ **the employee** is able to perform, ~~he/she~~ **the employee** will have to choose between working or taking leave as explained below:

Option 1 (Taking Leave): Employees may choose to exercise their right to take FMLA leave instead of returning to work in the TDA. However, such employees will lose their temporary (wage loss) workers' compensation benefits because they declined available work. If they recover while on FMLA leave, they must be reinstated to their previous or like position in accordance with FMLA requirements. If they continue on workers' comp leave after their FMLA leave has expired, the City may terminate their group medical insurance and issue a COBRA notice. They may also be eligible for reinstatement if they are subsequently able to return to their former position if there is a suitable vacancy. However, reinstatement need not be guaranteed after FMLA leave has been exhausted.

Option 2 (Working): Employees may accept the TDA. While working in the TDA they have the right to be reinstated to their regular position for up to 12 weeks. If they cannot return to their regular job, and they still qualify for FMLA leave, they have the right to take any balance of their 12-week entitlement not yet used. The employer may eliminate the TDA at any time, but the time spent working in the TDA does not count as part of the FMLA leave as provided by FMLA Regulation 825.2209(d).

Failure to accept a TDA within their physical restrictions by employees who are not eligible for FMLA will be considered grounds for termination.

ARTICLE IX. ~~GRIEVANCES AND~~ **CLASSIFIED EMPLOYEE APPEALS.**

(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)

The Civil Service Commission may render advisory opinions based on its findings to the City Manager. The commission will provide the City Manager with a copy of its statement of opinions, which shall also be provided to the ~~grieved~~ **affected** employees.

Per the Charter Section 4.6 (c) Prohibitions - Interference with administration. Except for the purpose of inquiries and investigation, the Board of Commissioners or its members shall deal with the City officers and its employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners or its members shall give orders to any such officers or employee, neither publicly nor privately, except as provided under the emergency powers section of this Charter. The Board of Commissioners or any of its committees or members, individually or collectively, shall not direct or request the appointment of any person or ~~his/her~~ **their** removal from, office by the City Manager or any of ~~his/her~~ **the City Manager's** subordinates or in any manner, directly or indirectly, take part in the appointment or removal of any officers or employees or members of Boards in the Administrative Service of the City of Madeira Beach, Florida. The Board of Commissioners nor any member thereof shall **not** give orders to any subordinate or Officer of said City, either publicly or privately, directly or indirectly.

In order to provide and maintain the best possible conditions of work for classified employees, and preserve and improve cooperation between and among staff members, the City of Madeira Beach encourages the

prompt, fair settlement of ~~grievances~~ **appeals** through an orderly ~~grievance-appeal~~ procedure, without interference or reprisal. An **appeal grievance** is defined as a classified employee's expression of dissatisfaction concerning a job-related action such as disciplinary action, including termination. The employee may not appeal verbal or written warnings or performance evaluations.

Temporary/Seasonal or probationary employees are not permitted to appeal disciplinary actions.

The ~~grievance~~ appeal procedure consists of three successive steps, which must be followed, in order and within the time frame provided for in this policy.

~~Grievance~~ **Appeals** must be filed within ten (10) calendar days after the action or incident and contain the reasons why the employee considers the action inappropriate or inequitable. Appeals to the successive steps must be filed within ~~five (5)~~ ten (10) calendar days following receipt of the decision made in the preceding step, or the ~~grievance~~ **appeal** will be presumed settled and not subject to further consideration. All notifications and filings must be in writing and signed by the author(s).

STEP ONE – Immediate Supervisor

The ~~grievance~~ **appeal** must be submitted by the employee to the employee's immediate Supervisor. The Supervisor must address and respond to the ~~grievance~~ **appeal** within five (5) calendar days. If the employee is not satisfied with the decision at Step One, or if the ~~grievance~~ **appeal** directly involves the Supervisor, the employee has the right to present the ~~grievance~~ **appeal** at Step Two. **All notifications and filings must be in writing and signed by the author(s).**

STEP TWO – Department Head

The ~~grievance~~ **appeal** must be submitted by the employee to the Department Director with a copy to the Human Resource Personnel and City Manager. A meeting will be held with the Department Director, the aggrieved employee and the Human Resource Personnel and City Manager. This meeting will be held within ten (10) calendar days of the filing of the ~~grievance~~ **appeal**. **All notifications and filings must be in writing and signed by the author(s).**

Within ten (10) calendar days of this meeting, Department Director must notify the employee of the decision. If the employee is not satisfied with the decision at Step Two, the employee has the right to present the ~~grievance~~ **appeal** at Step Three. **All notifications and filings must be in writing and signed by the author(s).**

STEP THREE – Appeal to the Civil Service Commission

A request for further consideration must be presented to the Civil Service Commission via the Human Resource Personnel in thirty (30) calendar days of receipt of the Step Two decision. The Civil Service Commission shall have the power to issue subpoenas to compel attendance. ~~so that it is limited solely to the grievances-appeal.~~

Per Charter Section 5.7. **Grievance Appeal** procedures - including procedures for the hearing of ~~grievances~~ **appeals** by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee.

The Civil Service Commission will conduct a comprehensive review of all available information concerning the ~~grievance~~ **appeal** and, if deemed appropriate, will meet with the aggrieved employee. Following the investigation, the Commission's findings will be forwarded to the City Manager as a recommendation. The City Manager may request a meeting with all parties. The aggrieved employee will be notified within ten (10) calendar days of the City Manager's decision, which is binding.

Madeira Beach prohibits retaliation against any employee for using the Employee Appeal Procedure or for participating or cooperating in any way in connection with this Procedure.

1. An employee who believes that he/she has been harassed or retaliated against for having used this complaint procedure may, within ten (10) calendar days of the occurrence, file such allegation with the Human Resources Department for further investigation. After completion of its investigation, the Human Resources Department will submit a report of its investigation to the City Manager, who will take appropriate action.
2. Violation of this subsection is subject to disciplinary action up to and/or including discharge.

ARTICLE X. DISCIPLINARY ACTION

Section 1001. GENERAL PROVISIONS. *(Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999: Ordinance 837: 07/05/1995; [Ordinance 2019-13:08/13/19](#))*

The City Manager shall when they deem it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for or under this Charter that the City Manager is empowered to appoint, except as otherwise provided by law, this Charter, contract, or personnel rules adopted pursuant to the Charter (City Charter, Section 5.4 C(1)).

It is the policy of the City of Madeira Beach that discipline should be corrective rather than punitive ~~g~~Guidance of employees for the following constitute the reasons for which an employee may be removed from employment. However, the City Manager is not limited to these offenses and may remove any employee and appointive administrative officer from employment that the City Manager is empowered to appoint whenever it is deemed in the best interest of the City.

Probationary and temporary employees who are disciplined, suspended, demoted, or discharged by the City shall not be subject to any ~~grievance or~~ appeals procedure. Rules and regulations are necessary to ensure efficiency and effectiveness and promote proper employee conduct. When circumstances permit, Supervisors are encouraged to utilize "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of discipline shall be documented and placed in the employee's personnel file.

The following guidelines are divided into four (4) levels, which reflect the seriousness of the offenses. These levels are written counseling, written reprimand, suspension, and discharge. In each level and for each infraction, consideration will be given to the severity of the offense, the actual or potential cost or damage involved, the time interval between infractions, the length and quality of service records, and any other pertinent information. In considering disciplinary action on a current infraction or offense, the City will consider any prior infractions and consider length and quality of service.

~~Probationary and temporary employees who are disciplined, suspended, demoted or discharged by the City shall not be subject to any grievance appeal or appeals procedure.~~

The progressive discipline policies specified herein are guidelines only and shall not be interpreted as creating a condition precedent to the issuing of justified disciplinary action or any particular level of discipline.

Furthermore, due to the severity of discharge, where a director is considering discharge (in cases where discharge is not mandatory), in addition to considering the most recent conduct or performance which give rise to the need to discipline, the director shall also consider the employee's entire performance and discipline history, how the director has handled similar conduct or performance in the past, and how the performance or conduct impacts the employee's co-workers, the City's operations and reputation, and the City's citizens. While each case and each employee will have its unique factors, directors should strive to administer discipline in a consistent manner across his or her department and over time.

The City retains the right to treat each occurrence of misconduct individually without creating a precedent for other future cases. The rules and regulations provide recommended progressive discipline to apply for specific offenses; however, the recommended penalties may be modified by management and may include a lesser or more severe penalty when extenuating circumstances exist.

The following rules and standards of conduct are not to be construed as a limitation upon the retained rights of the City but are to be used only as a guide.

Supervisors may use their discretion in determining or recommending appropriate disciplinary action. When an employee's conduct can be considered to fall into two categories provided in these guidelines, the Supervisor may select the category they believe to be the most appropriate. If an employee's conduct does not fall within any of the categories described, the supervisor may determine or recommend disciplinary action in accordance with the group offense they believed to be is most appropriate. The following guidelines do not override any specific rule contained herein or any policy issued by the City.

Immediate supervisors have the authority to issue verbal warnings to all employees under their control and may recommend action of a higher degree as appropriate. Department Directors have the authority to issue disciplinary action up to and including a written reprimand based on the circumstances of the violation. Department Directors may recommend to the City Manager that the employee be suspended without pay or discharged.

When a supervisor determines that an employee's behavior or performance fails to meet standards established by the City or violates any provision of this policy, the supervisor should discuss such concerns with the employee and recommend a course of action for improvement. The discussion should include the following interactive process:

- a. Clearly outline the behavioral problem or performance deficiency.
- b. Allow the employee to respond to the concerns.
- c. After considering the employee response, explain expected conduct or performance changes.
- d. Establish a reasonable time frame in which improvement can be noted. In some cases, it is reasonable to expect quick improvement; other times, months may be more appropriate.
- e. Tell the employee what the consequences will be if performance does not improve.
- f. Ask the employee for a commitment to improve performance and correct the problems and follow up with the employee, providing feedback where appropriate.
- g. Document this process on official Counseling/Warning or Discipline forms as

appropriate.

Step 1 - Oral Counseling or Warning. Progressive discipline may begin with an informal discussion between the supervisor and the employee.

Step 2 - Written Counseling or Warning. Absent an improvement in performance, or upon recurrence of a minor violation, the supervisor issues a written warning or counseling to the employee on appropriate City form. A copy of the counseling/warning, together with a copy of the employee's response (if any) will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 3 - Written Discipline Notice, Suspension without Pay, Probation, Demotion. Absent an improvement in performance following a written counseling/warning, or upon the occurrence or recurrence of a serious violation, the department director may discipline with written notice, suspend without pay, place on probation, or demote, the employee. These measures are coordinated with Human Resources. Discipline actions shall be taken through issuance of the City's official Notice of Employee Discipline form, and will be sent to Human Resources for inclusion in the employee's official personnel file.

Step 4 - Discharge. Absent an improvement in performance following suspension without pay, probation, or demotion, or upon the occurrence or recurrence of a serious violation, the department director may decide to discharge the employee. Documentation associated with discharge will be included in the employee's official personnel file.

No employee shall be terminated without a Pre-Termination Hearing by the City Manager at a time and date specified by ~~him/her~~ **the City Manager** and with or without the **employee's** presence. Pre-Termination Hearings shall mean those hearings when it has been alleged that an employee has violated a Departmental or City rule that could lead to termination. The employee shall be given 72 hours' notice, in advance, of a Pre-Termination Hearing and shall be afforded due process during the hearing.

The City Manager or designee has the sole authority to suspend an employee with/without pay or to discharge an employee for cause.

Section 1002. GROUP I OFFENSES. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837:07/05/1995)*

<u>First Offense</u>	<u>Written Counseling</u>
<u>Second Offense</u>	<u>Written Reprimand</u>
<u>Third Offense</u>	<u>Suspension without pay and/or demotion</u>
<u>Fourth Offense</u>	<u>Discharge</u>

1. Neglect, **carelessness**, or failure to observe departmental safety rules or disregard of common safety practices.
2. Neglect or carelessness, which results in repetitive or preventable accidents, which do not involve personal injury.
3. Tardiness is defined as reporting late for work, over-extending breaks, or meal periods. One offense is equal to three occurrences in any thirty-day **(30)** calendar, or a continuous pattern, once documented.
4. Employee has hindered the regular operation of the department because of chronic or

excessive absenteeism. Excessiveness is more than three occurrences in any thirty-day (30) calendar period which have not been approved.

5. Wasting time, loitering, or leaving assigned work areas during working hours without permission.
6. Competence, productivity, and workmanship do not meet standards of performance, as established by the Department Director.
7. Engaging in horseplay and scuffling as determined by the Department Director.
8. Creating or contributing to unsafe and unsanitary conditions or the failure to keep workarea clean.
9. Distributing written or printed matter of any description on City premises unless authorized by Department Director.
10. Operating, using, or possessing tools, equipment, or machines to which the employee has not been assigned or performing other than assigned work.
11. Failure to carry out assigned work or instructions by a supervisor.
12. Discourtesy while in the performance of duties.
13. Pervasive negative attitude which affects the delivery of services by other employees.
14. Wearing a City uniform in a manner, which discredits the City, as determined by the Department Director, whether during normal working hours or after hours.
15. Operating a City vehicle without having the required driver's license in your possession.
16. Violation of any departmental rule or administrative policy, ~~W~~ which is considered within the Group level of severity, as determined by the Department Director with City Manager concurrence.
17. Unauthorized use of City telephones for charging personal long distance or toll calls to the city.

Section 1003. GROUP II OFFENSES. *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

<u>First Offense</u>	<u>Written Reprimand</u>
<u>Second Offense</u>	<u>Suspension without pay and/or demotion</u>
<u>Third Offense</u>	<u>Discharge</u>

1. Unauthorized use of City property.
2. Sleeping during working hours.
3. Operating a City owned, or other vehicle (or piece of equipment) used in the service of the City in a negligent manner not involving personal injury.
4. Transportation of unauthorized passengers in City vehicles.
5. Failure to report an incident or accident occurring while on duty immediately to a supervisor, regardless of whether property damage or personal injury resulted.
6. Failure to comply with oral or written orders and instruction.
7. Mistakes due to carelessness causing material, parts, or equipment to be damaged, scrapped or wasted.
8. Failure to report a request for information or receipt of a subpoena or summons from an attorney, law firm, or court of law in connection with City related business.
9. Engaging at any time in employment or activity, which creates a conflict of interest with the duties, functions, and responsibilities of a City employee.
10. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the City, or its operation which would bring the company's reputation into disrepute, whether it was realized or not.

11. Conduct unbecoming a City Employee, as determined by the City Manager and supervisor in consultation with Human Resources Personnel.
12. Violation of any departmental or administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is ~~considered to be~~ within the Group II level of severity.
13. Permitting another person to use your City identification information, or using another person's identification card, or altering a City identification card.
14. Political activity while on City time.

Section 1004. GROUP III OFFENSES. (Resolution 99.01:01/05/1999; Ordinance 837: 07/05/1995)

First Offense	Suspension without pay and/or demotion.
Second Offense	Discharge

1. Provoking or instigating a fight.
2. Malicious mischief, demonstrations on the job, or other acts of disorderly conduct, as interpreted by the Department Director.
3. Driving a motor vehicle while on duty without a valid State of Florida driver's license (operator or CDL), or failure to report the loss or suspension of a driver's license, within one day of the loss or suspension, when an employee is required to drive while on duty.
4. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions of supervisory personnel, including the use of abusive language or behavior directed toward a ~~S~~supervisor or a member of management.
5. Revealing confidential information without prior approval from the City Manager.
6. Disclosing or using information not available to the public for personal gain or benefit.
7. Failure to disclose partnership, controlling interest, or employment with a business entity subject to City regulations or that has substantial business commitments with the City. A sworn disclosure statement must be filed within forty-five (45) days after employment with the City or after the acquisition of such position or material interest.
8. The unauthorized use of City equipment or vehicles for personal financial gain.
9. Violation of any Departmental or Administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is ~~considered to be~~ within the Group III level of severity.

Section 1005. GROUP IV OFFENSES. (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995)

First Offense	Disciplinary action up to and including discharge
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1. Serious neglect in the performance of assigned duties, as determined by the City Manager or Department Director.
2. Drinking alcoholic beverages or using illegal drugs while on City property, including City vehicles.
3. Drinking alcoholic beverages or using illegal drugs while on City time.
4. Deliberately misusing, destroying, damaging, or causing any City property to be damaged, or the property of any employee.
5. Actively participating in a fight at any time while on City property or while acting as a representative for the City.
6. Dishonest, disrespectful, threatening, intimidating behavior, ~~lying to cover up the truth~~ or

- ~~coercing-coerce~~ fellow employees, ~~S~~supervisors, ~~agents of the~~ City or the public.
7. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation, unemployment compensation, health insurance payments, or other benefits, or failure to repay overpayment for which not entitled, in a timely manner.
 8. The possession or use of illegal controlled substances while on duty, including breaks and/or while on lunch periods. The consumption of alcoholic beverages while on duty, including breaks and/or while on lunch periods.
 9. Violation of the City's Drug-Free Workplace Policy.
 10. Receipt from any person of a fee, gift, or other item of value, as defined in the Code of Ethics, Section 1203, in the course of work when such fee, gift, or other item is given or accepted in the hope or expectation of receiving a favor or better treatment than is accorded other persons.
 11. Deliberately hitting, shoving, striking, or physically abusing another individual at any time.
 12. Violation of the City's EEO or Harassment Policy.
 13. Instigating, leading, or participating in a strike or any concerted activity against the City as defined in Florida Statutes.
 14. Failure to obtain and maintain licenses, certifications or other qualifications required for an employee's job, whenever a demotion is not possible or appropriate.
 15. Knowingly falsifying the payroll record of an employee, or any unauthorized altering of all payroll related records.
 16. Being absent from duty for a period of three consecutive working days without proper authorization.
 17. Failure to return from an authorized leave of absence within three working days from scheduled date of return.
 18. Failure to return from a Worker's Compensation Lost Time injury, whereupon the Managed Care Physician has rendered the opinion that the employee has reached ~~MMI~~ (Maximum Medical Improvement (MMI) and can perform some kind of work.
 19. Possession or use of firearms, explosives, or other weapons on City property.
 20. Use or attempted use of political influence or bribery to secure an advantage of any kind.
 21. Theft of City property.
 22. Failure to report an arrest for a crime.
 23. Violation of any Departmental ~~P~~policy or Administrative ~~R~~rule, as defined by the Department Director with City Manager concurrence, which is considered to be within the Group level of severity.
 24. No employee is to report to or be at work under the influence of drugs or alcohol.

ARTICLE XI. SEPARATIONS

Section 1101. RESIGNATION. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995)

Voluntary Resignation - Any employee wishing to leave the City Service in good standing shall file with the Human Resource Office, through the Department Director, a written resignation stating the date on which the employee is leaving and the reasons for leaving. Such resignation must, unless reasonable extenuating circumstances exist, be submitted at least two weeks before the effective date of the resignation. Failure to comply with this procedure shall be cause for denying such employee future employment with the City, as well as forfeiture of all leaves and negating normal compensation for unused sick leave. Only dated and signed resignations will be accepted as such.

Any employee who resigns and is considered for re-employment within six (6) months may begin their employment, with “time in” grade, benefits (excluding insurances and retirement), and seniority, as approved by the City Manager.

Discharge

- A. A regular employee, not probationary, at-will, or otherwise ineligible for appeal per Section XI.A, whose conduct is under investigation or whose discharge is contemplated, may be placed on administrative leave without pay pending a final decision. Such employee shall be offered a pre-termination meeting unless the discharge is in accordance with Section XX of this Policy or immediate dismissal is required to protect the health, safety or welfare of City employees or the public. The purpose of a pre-termination meeting is to provide the employee an opportunity to hear the charges against him or her, and to present reasons why his/her employment should not be terminated. In the event the employee is discharged, a post-termination hearing before the Civil Service Commission will be offered. In the alternative, and where the facts of the case appear to warrant it, the City Manager, in his/her discretion, may forego a pre-termination meeting and may instead place the employee on administrative leave without pay, and conduct, either in person or through a designee a full evidentiary hearing in accordance with the procedure set forth in Section XI.D.2.c before the final decision is made.
- B. A regular employee, (not probationary, at-will, or otherwise ineligible for appeal per Section XI.A), who has been discharged for cause, and who was not afforded a full evidentiary hearing before the discharge, may file a written request for a post-termination hearing with the Human Resources Department within ten (10) calendar days following the date the notice of termination is mailed.
- C. The jurisdiction of the Civil Service Commission is to interpret this Policy and any other relevant City policies, and to ultimately find if the City had factual and legal just cause to impose the discipline. In reaching its decision, the Civil Service Commission sits in an appellate advisory capacity. The focus is on whether the City has proven, through documents and witness testimony and by a preponderance of evidence, facts which demonstrate that the employee violated the cited City rules and policies. In addition to the question of proof of violation, the Civil Service Commission may also hear and consider an employee’s argument that termination was not warranted. However, as to this question of proportionality, the Civil Service Commission should not impose its own managerial philosophy on the administration. Rather, it should consider factors such as whether the discipline imposed is required or allowed in this Policy, whether the director issuing the discipline has dealt with similar past cases in the same manner in light of the particular appellant’s entire record vs. other employees the appellant may seek to compare him or herself to.
- D. The Civil Service Commission does not have jurisdiction over, and may not rule upon, or make findings about, any allegations of a violation of a county, state or federal law. Appellants seeking to raise such violations should do so by way of the appropriate statutory procedures.
- E. Employees may not appeal letters confirming job abandonment, letters confirming separation due to inability to perform due to health issues or loss of license or qualification, last chance agreements or voluntary separation agreements, as these are not forms of discipline.
- F. Discharges for violation of Section XX based on test results must proceed with the test result challenge process in that Section prior to being granted a post-termination hearing. Employees failing to challenge a test

result will be deemed to have waived any right to a post-termination hearing.

Upon timely receipt of a request for a post-termination hearing, the following will occur:

- (1) The City Manager will refer the request to the Civil Service Commission, which will work with Human Resources staff to schedule a hearing date in a prompt and reasonable time.
- (2) The Human Resources Department will serve as the Clerk for the proceedings, and shall maintain the official record of evidence submitted and meeting notes. The Clerk will set the time and place of the hearing, and will notify all interested parties. The Clerk shall also ensure that hearing officers are provided with appropriate standard hearing procedures to permit an orderly, efficient and fair hearing.
- (3) The Civil Service Commission will conduct the post-termination hearing pursuant to quasi-judicial procedures developed with the assistance of the City Attorney. At a post-termination hearing, the City and the discharged employee may present evidence, examine and cross-examine witnesses, raise objections, and be represented by counsel.
- (4) The Civil Service Commission will make findings of fact and conclusions as to the application of those facts to the City's policies.

~~Involuntary Resignation. If it becomes necessary for the City to terminate an employment relationship due to repetitive disciplinary actions, failure to abide by safety rules, or other incidents listed in Group Offenses, the employee will forfeit all accumulated sick leave and the employee's personnel records will reflect ineligibility for re-hire.~~

Section 1102. DISABILITY. *(Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995)*

An employee may be separated when a physical or mental impairment prohibits them from performing the essential functions of their position with or without reasonable accommodation. In **certain** cases, such separations ~~shall~~ **may** be supported by medical evidence acceptable to the City Manager. The City may require examinations at its expense to be performed by physicians of its choice. Such examinations may include physical and/or mental evaluations, as well as the completion of current medical history reports to be reviewed by the City's physician.

Section 1103. DEATH. *(Ordinance 837: 07/05/1995)*

Separation shall be effective as of the date of death unless already addressed by another applicable section of the Personnel Policies and Procedures. All compensation due to the deceased employee as of the effective date of separation shall be paid to the beneficiary of record, surviving spouse, or the estate of the employee, as determined by law.

Section 1104. RETIREMENT. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

Separation shall be effective as of the date of retirement. Terms of retirement will be governed by applicable State and Federal laws and the current retirement system.

Section 1105. EXIT INTERVIEWS. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01- 01/05/99; Ordinance 837: 07/05/1995)*

An Exit Interview may be conducted for all full-time employees leaving the City's employment for any reason. The City's management shall use the Exit Interview as a tool in gaining an awareness of potential personnel problems. The Human Resource Personnel and/or Department Director will conduct these Exit Interviews utilizing a form/format approved by the City Manager.

Section 1106. RETURN OF CITY PROPERTY. *(Resolution 07.06: 02/27/2007; Resolution 99.01-01/05/99; Ordinance 837: 07/05/1995)*

Unless previously returned, upon separation and prior to receiving final compensation, all records, books, assets, uniforms, keys, tools, I.D. card, and City property in the employee's custody shall be returned to the Department. The employee's supervisor shall document receipt of City property. Money or City property due to the City shall be collected through deduction from final compensation or other appropriate action. If a terminating employee has a direct payroll deposit, the Finance Department may choose to issue a manual check to recover City funds or property.

Section 1107. LAYOFFS. *(Ordinance 837: 07/05/1995)*

The City Manager may lay off any employee whenever such action becomes necessary because of a shortage of work or funds, ~~an~~ the abolishing of a ~~abolished~~ position, organizational changes, or as described in the Disability section of the Personnel Policies and Procedures.

ARTICLE XII. MISCELLANEOUS POLICIES AND PROVISIONS

Section 1201. HARASSMENT POLICY. *(Resolution 07.06: 02/27/2007; Resolution 00.10-10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

~~This section applies to all employees of the City.~~

~~All the City employees are responsible for maintaining high standards of honesty, integrity, impartiality, and conduct to ensure the proper performance of the City's business and maintain the citizens' confidence. This City's policy is that any form of harassment in the workplace is unacceptable conduct, and it may result in disciplinary action up to and including discharge.~~

~~Harassment based on race, color, religion, gender, pregnancy, or national origin is a violation of Title VII of the Civil Rights Act of 1964, as amended, and of the Equal Employment Opportunity Commission (EEOC) guidelines on discrimination.~~

~~Harassment shall include such behavior as sexual harassment, unreasonable conduct, discrimination, and/or unwelcome behaviors that create a hostile, intimidating, or offensive work environment. Employee conduct, which violates these standards, will not be tolerated. This policy is equally applicable to harassment between supervisors and workers, between co-workers and/or between employees and non-employees on City property.~~

~~**Hostile Environment.** The safety and security of employees are of paramount importance to the City of Madeira Beach. Threats, threatening behavior, or acts of violence against employees by citizens, visitors, or other individuals or acts of violence initiated by employee(s) of the City of Madeira Beach will not be tolerated. Violations of this policy will lead to disciplinary action and may include dismissal, arrest, and prosecution.~~

~~Hostile environment occurs when discrimination, unreasonable conduct and/or unwelcome behavior create~~

~~an intimidating or offensive work environment. To constitute a “hostile environment,” the action must be pervasive and repeated. The following examples are not intended to be inclusive:~~

~~Discrimination. – Discrimination occurs whenever employment decisions are based upon race, religion, color, national origin, age, sex, disability, marital status citizenship, national origin, handicap or any other characteristic protected by law.~~

~~Unreasonable Conduct. – Unreasonable conduct is treating individuals as if they were inferior. This behavior includes refusing to take someone’s comments and concerns seriously and/or verbal abuse and negatively impacting the targeted employee's work performance.~~

~~Unwelcome Behavior. – Included in “unwelcome behavior” are: (1) unwanted, or unwelcome verbal and/or behavior that have overtones related to an individual’s race, color, religion, sex, age, disability, marital status, citizenship, national origin, handicap, or any other characteristic protected by law, and (2) verbal/behavior that an employee did not solicit or invite, and the employees regards as offensive.~~

~~Sexual Harassment. – Unwelcome sexual advances, request for sexual favors and/or verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

~~Submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual;~~

~~Such conduct has the purpose, or effect, of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.~~

~~For the purpose of this policy statement, an employee shall be defined as any individual, regardless of classification, employed by the City of Madeira Beach or volunteer working under the supervision of the City.~~

~~Prohibited Behavior. – Sexual harassment is a prohibited personnel practice when it results in the following (but not limited to incidents): discrimination for, or against, an employee based on conduct not related to performance, such as the taking, or refusal to take, a personnel action, including promotion based on whether employees submit to sexual advances or protest sexual overtures.~~

~~A Supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect an employee's career, salary, or job is engaging in sexual harassment. Similarly, a City employee who behaves in this manner toward their co-workers in the process of conducting City business is engaging in sexual harassment.~~

~~Any employee who participates in deliberate or unsolicited verbal comments, gestures, or physical contact of a sexual nature that is unwelcome and interferes in work productivity is also engaging in sexual harassment.~~

~~Comments, gestures, or physical contact of a sexual nature are entirely inappropriate, unwelcome, or not. Individuals who participate in such behavior shall be subject to discipline up to discharge.~~

~~Any employee found to be guilty of harassment shall be subject to discipline, up to and including dismissal, under the provisions defined in these personnel rules and regulations.~~

~~In addition, any Department Director or Supervisor who observes, or has reported to them, instances of harassment shall take the following steps:~~

- ~~1) Report such action to the Human Resource Personnel or the City Manager as soon as possible so that corrective measures may be taken.~~
- ~~2) Take immediate action to prevent similar occurrences and properly document such action taken and immediately report the situation to the City Manager or Human Resources.~~

~~Department Directors and Supervisors failing to obey the above directive shall be subject to discipline up to and including discharge.~~

~~Remedies. Under applicable laws and regulations, the City of Madeira Beach is responsible for the acts of its agents and employees with respect to harassment, regardless of whether the specific acts complained of were authorized or even forbidden by the City, and regardless of whether the City knew, or should have known, of their occurrence. Any employees who feel they are victims of acts of harassment are responsible for reporting such acts, as follow:~~

- ~~1) In the case of acts of alleged harassment by non-employees, the affected individual should immediately contact their Supervisor or Department Director;~~
- ~~2) In the case of acts of alleged harassment by and between co-workers, the affected individual should immediately notify their Supervisor or, if appropriate under this regulation, the Human Resource Personnel, or the City Manager;~~
- ~~3) In the case of alleged harassment by supervisory personnel, the affected employee should immediately notify the Department Director or, if appropriate under this regulation, Human Resource Personnel or the City Manager.~~

~~Any Supervisor, Department Director who becomes aware of alleged harassment anywhere within the agency shall promptly report the facts to the Human Resources Personnel, who shall initiate an investigation into the allegations. The investigation results will be forwarded to the City Manager for appropriate disciplinary action.~~

~~This policy authorizes employees to go beyond their immediate Supervisor in cases where the Supervisor is involved in the alleged harassment or fails to take appropriate action.~~

~~All the City employees are obligated to take appropriate actions to prevent harassment from becoming an issue in the work environment. On an annual basis, management and supervisory employees will be given appropriate training. In addition, this policy shall be circulated and posted along with EEOC guidelines relative to the subject.~~

Policy

1. Madeira Beach is committed to providing workplaces that are non-discriminatory and afford equal treatment to all. The City will not condone or tolerate illegal discriminatory behavior. This specifically includes sexual harassment and any other type of harassment or discriminatory conduct based on race, color, national origin, religion, gender, marital status, age, citizenship or disability (protected class).
2. Employees shall not engage in conduct which violates this policy at any time during working hours, or on City premises while off duty, or while off duty and interacting with fellow employees (including interactions on social media).

3. All administrative and supervisory personnel are expected to abide by the City's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.
4. Due to the severity of illegal discriminatory conduct, and the legal questions which are often involved in investigating such conduct, the procedures in this policy shall be used in investigating and dealing with illegal discrimination complaints. The City's general Complaint Procedure shall not be used to address such complaints.

Definitions

1. Illegal harassment or discriminatory conduct can be any verbal or physical conduct that belittles or otherwise shows hostility or aversion toward an individual or group based upon that individual's or group's race, color, religion, gender (including sexual orientation or transgender status), national origin, marital status, age, citizenship or disability, and that for a reasonable person:
 - (a) has the effect of creating an intimidating, hostile, or offensive work environment; or
 - (b) has the effect of unreasonably interfering with an individual's work performance; or
 - (c) otherwise adversely affects an individual's terms and conditions of employment.
2. Examples of illegal harassment include, but are not limited to, epithets, slurs, jokes, negative stereotyping, or other acts which are threatening, intimidating, or hostile in nature, that relate to a protected class, or any display of written or graphic material such as photographs or cartoons that belittles or shows hostility or aversion toward an individual or group because of the same.
3. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's gender, when:
 - (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
 - (b) submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 - (c) such conduct has the effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.
4. Examples of conduct which may constitute sexual harassment may include, but are not limited to, the following:
 - (a) unwelcome sexual advances, flirtations, or propositions
 - (b) actual or implied demands for sexual favors in exchange for favorable treatment or continued employment

- (c) unwelcome jokes or remarks of a sexually oriented nature
- (d) verbal abuse of a sexual nature
- (e) unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency
- (f) any display in the workplace of sexually suggestive objects, pictures, posters, or reading material
- (g) a coerced sexual act or assault
- (h) uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person
- (i) uninvited leering, whistling, or gestures of a sexual nature

Procedure

1. Any employee or applicant who believes that he or she is being or has been illegally discriminated or retaliated against or harassed must file a timely written complaint with the Human Resources Staff. To the extent the City maintains an official form for the purpose of filing a charge under this section, such form must be used and all questions therein responded to fully.
2. Directors, managers and supervisors must not initiate investigations on their own but are responsible for immediately bringing any allegation or concern related to potential cases of illegal discrimination or harassment to the attention of Human Resources.
3. The Human Resources Department will be responsible for evaluating all complaints under this policy with legal advice as needed, and making the determination on whether an internal investigation is warranted. In cases where such an investigation is determined to be warranted, the City Manager will designate an appropriately qualified person or persons from outside the employee's department who shall be responsible for conducting a prompt, thorough and objective investigation.
4. Employees questioned during the course of an investigation are obligated to cooperate in a full and honest manner. No employee shall face any form of reprisal for making a complaint or for his or her cooperation with an internal investigation. Employees who either refuse to cooperate in an internal investigation, or who intentionally give false information at any point within an investigation, shall be subject to disciplinary action.
5. Once an internal investigation has been concluded, the Human Resources Department will review the investigator's written report with the City Manager and appropriate senior staff, to include the department director(s) at-interest. In appropriate cases, the City Attorney may also be present to advise. This panel will determine the remedial action to be taken, if required. A final written report containing final findings and the actions taken will be generated at the conclusion of the investigation and review, with a copy provided to the complainant. Individuals against whom allegations were raised will likewise be entitled to receive a copy of the final report upon request.
6. Once an investigation has been concluded, it shall be the responsibility of the department director at-interest to implement the remedial actions which were determined by the review panel to be appropriate. The Human Resources Department shall be responsible for monitoring the workplace

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

7. This internal complaint and investigation process does not preclude an aggrieved employee from filing a complaint with the United States Equal Employment Opportunity Commission and/or the Florida Commission on Human Relations. However, failing to utilize this internal procedure may under the law result in the loss of important legal rights

Section 1202. FLORIDA CLEAN INDOOR AIR ACT (FS 386.201 through 386.211). (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; [Ordinance 2010-12:08/13/19](#))

The purpose of the Florida Clean Indoor Air Act is to protect the public and the environment by creating areas in public places and at public meetings that are reasonably free from tobacco and e-cigarette smoke. No person may smoke tobacco, vapeing, or use e-cigarettes in any City of Madeira Beach building, facility, or vehicle. All offices, workplaces, and common areas are accessible to other employees and the general public and therefore are not eligible to be designated as a smoking area.

Any employee who smokes tobacco or e-cigarettes in a City building, facility, or vehicle will be considered in violation of a Group Offense and subject to disciplinary action.

Section 1203. CODE OF ETHICS. (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

Public Officials (Elected officials, City Board members) or employees, their spouses, and minor children are prohibited from soliciting or accepting any compensation, payment, or thing of value such as a gift, loan, reward for promise of future employment favor or service from any person or corporation when they know or with an exercise of reasonable care should know, it is given to influence their official action or judgment.

Public Officials or employees are prohibited from using or attempting to use their official position to obtain a special privilege for themselves or others.

Public officials or employees shall not directly or indirectly accept any gift, favor, or service in their official capacity from any person or corporation, including Christmas gifts, exceeding a value of ~~\$25100.00~~

Employees acting as a purchasing agent are prohibited from purchasing, renting, leasing any realty, goods, or services from any agency in which the employee, spouse, or child has any ownership or financial interest or who would financially benefit from the transaction, without the expressed, written consent of the City Manager.

Any public official or employee who violates this rule shall be considered in violation of misconduct and could be subject to review and appropriate disciplinary action.

Officer and Employee Ethics: Officers and employees are required to conduct the affairs of the City in an ethical manner in accordance with the Code of Ethics for Public Officers and Employees (Florida Statutes 112.311 - 112.326), including, but not limited to, the following:

- a. Duties and obligations will be discharged in a manner that reflects credibility upon the City. Conduct that gives the appearance that decisions and actions are motivated by personal relationships or for personal gain do not meet the standards of conduct for employees under the Policy.

- b. In conducting the affairs of the City, no employee shall seek or assure a favorable decision or service by any person or entity, public or private, through acceptance of gifts, loans, favors, or any other form of unethical or unlawful conduct.
- c. Employees shall not be employed or accept employment with any business entity or agency or engage in a professional activity which might result in a conflict of interest or cause/require the employee to disclose confidential information acquired as a result of his/her official capacity with the City. Approval of secondary employment shall be obtained as provided for in Section XVII of this Policy.
- d. No City officer or employee shall solicit or accept anything of value to the recipient such as a gift (including Christmas gift), favor, loan, reward, promise of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the officer or employee in the discharge of his or her official duties or give the appearance of improperly influencing the officer or employee.
- e. No City officer or employee shall disclose/use information not available to members of the general public and gained by reason of his or her official position for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- f. No City officer or employee shall transact, or solicit to transact any business in his or her official capacity with any business entity of which the officer or employee, or his or her spouse or child is an officer, director, agent, or member, or in which the officer or employee or his/her spouse or child owns a financial interest, or otherwise has any material interest therein. Nor shall a City officer or employee, acting in a private capacity, transact or solicit to transact any business with the City, or with any of its subdivisions or agencies.
- g. No City officer or employee shall have personal investments in any business which would reasonably create a conflict between his or her private interests and the City's interest.
- h. No City officer or employee or his or her spouse or minor child shall, at any time, accept any compensation, payment or thing of value when he or she knows, or with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.
- i. No City officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of, or is doing business with the City, or any part of the City of which he or she is an officer or employee. Nor shall any City officer or employee have or hold any employment or contractual relationship which will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties, or that would impede the full and faithful discharge of his or her public duties.
- j. Violations of the Code of Ethics for Public Officers and Employees are violations of State law and can result in fines, removal from employment, and criminal conviction; as well as in discipline including discharge from City employment.
- k. Constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies (CRAs) are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. Ethics training is offered to all employees and a certificate of completion is added to each employee's personnel file.

Section 1204. ARRESTS - (Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

Employees, who are arrested for any felony or misdemeanor, shall report such incidents to the Department Director on the next scheduled workday. Failure to do so may result in disciplinary action, as described herein.

Section 1205. ATTENDANCE - (Ordinance 837: 07/05/1995)

Employees shall be in attendance at work by their established starting time in accordance with these rules and general departmental regulations. Employees shall notify their Department Director and request authorization for leave whenever they cannot report to work on time or fulfill their work assignment. Employees who fail to verbally notify a Supervisor or Department Director of Human Resources of an absence at least four hours of their starting period or as soon as practicable report their absence in accordance with authorized leave are subject to disciplinary action. Voicemail and/or email notifications are ~~not~~ accepted forms of notification, or as otherwise provided by a Collective Bargaining Agreement.

Unauthorized absences from work for a period of three (3) consecutive workdays may be considered as the employee's voluntary resignation by the City Manager, as described in Section 1101.

Section 1206. BORROWING CITY EQUIPMENT. (Resolution 07.06: 02/27/2007, Resolution 00.10: 10/17/2000; Ordinance 837: 07/05/1995)

Any City equipment or City property for personal use is prohibited.

City Property and Supplies

1. Employees are expected to take proper care in the handling and use of all City equipment and property. Employees are not to remove City property from the premises without authorization by the department director with the exception of those items that have been authorized for use off the premises such as cellular phones, pagers, laptop computers, etc.
2. Employees are not permitted to "recycle," "scavenge" or take for personal use any used or excess supplies, tools or equipment, including construction materials and office supplies, absent a published City policy on re-use or recycling of such materials.
3. Upon request or separation from employment, employees shall return all City property to the City. By accepting employment with the City, employees agree that the replacement cost for all property damaged, lost or not returned may be deducted from the employee's paycheck without need to file any further legal action against the employee, except to the extent a deduction would reduce pay to an hourly rate below the prevailing minimum wage.

Section 1207. APPEARANCE AND PERSONAL HYGIENE. (Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995 Ordinance 2019-13:08/13/19)

Public employees must be aware of the importance of appearance and good personal hygiene where the public and co-workers are concerned. While no attempt is made to set specific standards, the important factor is the overall impression created.

What is appropriate for employees in one function may not be appropriate for another. Work clothes and uniforms provided for many functions generally set the standard for the position. Determination of employees'

specific dress, appearance, and personal hygiene is a proper supervisory function and will be treated as such.

Dress Code -~~RESS CODE~~ All City of Madeira Beach staff are expected to present a professional and business-like image to clients, visitors, customers, and the public. Supervisors should communicate any department-specific workplace attire and grooming guidelines to staff members during new-hire orientation and evaluation periods

The following attire may not be appropriate for some departments, and dressing appropriately will be required. For recreational employees, the items such as sweatpants, leggings, exercise gear, and shorts should only be worn when working in the department and as approved by the Department Director. All employees must not wear low rise or crop tops, short shorts, or extremely short skirts/dresses at any time. All clothing must be free of rips, tears, and fraying, beachwear including flip-flops, showing midriffs, spaghetti straps, or any excessively revealing clothing are prohibited.

Any staff member who does not meet the attire or grooming standards set by the City will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work-time missed because of failure to comply with the designated workplace dress code. Acceptable personal appearance and proper hygiene are a requirement of employment with the City of Madeira Beach.

Section 1208. OUTSIDE EMPLOYMENT. *(Resolution 00.10: 10/17/2000; Ordinance 837: 07/05/1995; Ordinance 2019-13:08/13/19)*

Employees who wish to seek employment outside the City service may do so under the following conditions:

- a) An employee who wishes to engage in outside employment shall make arrangements to be relieved from their outside employment duties if and when called for duty by the City.
- b) All injuries sustained while engaged in outside employment must be reported to the employee's Department Director prior to their next scheduled working day. An employee may not use City Worker's Compensation benefits or accrued sick leave for sickness or injury sustained while engaged in outside employment.
- c) Outside employment may not, in any way, interfere or in any way cause a conflict of interest with City employment and must be approved by the City.
- d) Employees who expect to engage in any outside employment shall receive written authorization from the City Manager prior to accepting such employment. Employees who fail to notify their Department Director may be subject to disciplinary action.
- e) Employees who fail to notify their Department Director may be subject to disciplinary action as determined by the Department Director and City Manager.
- f) Outside employment requests shall include the location, nature, and extent of such employment. Any change in this information shall be reported to the Department Director, where a new determination will be made as to whether the position is acceptable.
- g) Employees holding a full-time position shall not hold any other position in governmental or private employment or as an independent contractor when such other position may have the effect of reducing the efficiency of such employee in the City's service. In determining whether outside

employment is inconsistent, incompatible, or in conflict with an employee's duties or responsibilities with the City, the City Manager shall take into account the following factors:

- h) Impairment of efficiency as a City employee
- i) Fatigue with respect to accident proneness
- j) Failure to abide by any of the [conditions](#) may result in the City Manager requesting the employee's resignation from City employment, a modification in the conditions of the outside employment, or resignation from the outside employment. If the original request is disapproved, the employee will be disciplined in accordance with this paragraph if they are found to have accepted outside employment.

Section 1209. REIMBURSEMENT FOR TRAVEL EXPENSES. *(Resolution 07.06: 02/27/2007; 9.01: 0 1/05/1999, Ordinance 837: 07/05/1995)*

When an employee travels on City business, they are entitled to receive reimbursement for:

- a) Expenses pursuant to Florida Statutes 112.061: Per Diem and travel expenses of public officers, employees, and authorized persons.
- b) Travel authorization forms must be completed and approved before travel arrangements are ~~performed~~ [made](#). No deposits or expenses may be made before travel has been approved by the Finance Director and the City Manager.
- c) Actual expenses, identified with receipts, incurred for meals (excluding alcohol), lodging, registration, tolls, other forms of transportation, and any other expense approved by the Department Director and the City Manager.

To receive reimbursement, the employee must fill out an After Travel Expense Report and submit to the Finance Department for processing. Failure to submit receipts as proof of expenditure will eliminate those expenses submitted as being reimbursable. Forms are available in the Finance Department.

Section 1210. DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE PREVENTION PROGRAM. *(Resolution 99.01: 01/05/1999, Ordinance 837: 07/05/1995; [Ordinance 2019:08/13/19](#))*

The City of Madeira Beach believes the safety and health of its employees and the public are of utmost [importance and](#) does participate in random drug screening. In a commitment to provide a safe working environment for all employees and safeguard the health of our employees and the public, the City will establish and maintain a Drug-Free Workplace Policy pursuant to the Drug-Free Workplace Program requirements under Florida Statutes (FS) 440.102, and Florida Administrative Code Rules 38 F-9.007 "cut-off" levels. The following employees are subject to random testing for substance abuse and at any time during working hours:

1. Employees whose job requires them to operate any city vehicle or use their own vehicle for city business.
2. Employees whose job requires them to operate machinery or heavy equipment.
3. Employees in public safety occupations such as police officer, firefighter, or emergency medical personnel.

Employees are prohibited from smoking, using e-cigarettes, or vaping in places where smoking is banned, including City vehicles, [childcare](#) facilities, state/government buildings and enclosed workspaces. The use of such products can lead to safety issues and is not consistent with the Florida Clean-Air Policy. Florida Law does provide employers the right of refusal to hire someone who is a smoker.

For employers of drug-free policies and programs provides that “this section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy.” Additionally, the [statute expressly](#) prohibits medical marijuana users from using medical marijuana at their place of employment without their employer’s permission. Ref. Florida Statute §381.896.

Section 1211. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM. *(Resolution 07.07: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

- Policy. The City of Madeira Beach government exists to serve equally all people without regard to [race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws](#). The purpose of this Section is to express the City's policy formally. The City has established and will maintain an Equal Employment Opportunity/ Affirmative Action Plan to provide Equal Employment Opportunities to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives, and regulations of Federal, State, and Local governing bodies or agencies thereof.

The City will take Affirmative Action to ensure all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, ~~promoting, upgrading,~~ demotion, transfer, recruitment or recruitment advertising, selection layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.

The City prohibits the harassment of any employee or job applicant [based on](#) their protected class status.

The City will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

~~The City will evaluate the performance of its management and supervisory personnel based on their involvement in achieving these Affirmative Action objectives and other established criteria. Any employee of the City or subcontractors to the City who do not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives, and regulations of the Federal, State, and local governing bodies or agencies will be subject to appropriate legal sanctions.~~

The City Manager or his designee will serve as the EEO Personnel to manage the Equal Employment Opportunity Program. The responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes they have been discriminated against, an appeal may be made to the designated EEO Personnel pursuant to the Internal EEO complaint Procedures. Notice of this policy and the designation of the EEO Personnel will be posted on the City Hall break-room bulletin board and in a prominent place within each department.

Discrimination Complaints – Internal Complaint procedures have been established and will be maintained

under the City's Equal Employment Opportunity/Affirmative Action Plan. An applicant or employee who feels they have been discriminated against may file a written complaint with [the City Manager or Human Resources Personnel](#). Alleged discrimination complaints must be filed within the appropriate guidelines for Equal Employment (EEO) or the Florida Commission on Human Relations (FCHR). The written complaint shall address:

- a) The complainant's name, address, and phone number.
- b) The name of the employee(s) alleged to have committed the violation.
- c) The basis for the complaint (i.e., race, color, sex, sexual orientation, age, religion, national origin, handicap, or any other reason prohibited by law).
- d) Date(s), location, and circumstances surrounding the alleged act of discrimination, including names and addresses of any witness.
- e) Signature of the complainant.

Section 1212. DONATION OF SICK OR ANNUAL LEAVE. ~~(Resolution 07.06: 02/27/2007; Resolution 99.23: 10/19/99; Ordinance 2019-13:08/13/19)~~

~~**Policy.** The City of Madeira Beach recognizes an employee subjected to a long-term, non-work-related catastrophic illness or injury may deplete all their accrued sick and annual leave allowance, leaving the employee without any form of continued compensation.~~

~~The City of Madeira Beach also recognizes that some City employees may wish to contribute a portion of their accrued, unused sick, or annual leave to the affected employee suffering from a catastrophic illness.~~

~~* **"Catastrophic illness or injury"** is defined as being one that is unanticipated, non-job-related, not self-inflicted, and life threatening. Catastrophic illness or injury does not include short term ailments such as flu, colds, virus, or doctor or dentist appointments. Elective surgery and maternal leave are also not included.~~

~~**Eligibility.** All full-time employees who have completed at least one year of service with the City of Madeira Beach.~~

~~**Procedure.** The affected employee must have exhausted their own sick and annual leave before filing the necessary forms for benefits with the City Manager.~~

~~The Human Resource Personnel may request additional medical information during the benefit period. All donation requests must be approved by the City Manager, who shall have final authority in considering, approving, or disapproving a request for donations.~~

~~The maximum donation period will be 90 calendar days, at which time long-term disability will take effect. While receiving donated leave, the receiving employee shall not accrue sick or vacation leave. A paid holiday occurring during an approved benefit period will be paid as a sick day. If an employee does not utilize all donated leave, the remaining hours shall be pro-rated and returned to donating employees.~~

~~Donated leave shall be deemed used (spent) leave, removed from the donating employee's accrued leave account, and is not refundable unless provided in this section. The minimum donation is eight (8) hours. Maximum donation is twenty-four (24) hours. Donations are not converted based upon hourly wages, rather transferred "hour for hour".~~

Section 1212 Employees Giving Back

Madeira Beach encourages employees to become involved in their communities, lending their voluntary support to programs that positively impact the quality of life within these communities.

The following guidelines are for Madeira Beach's employees who serve as volunteers in City approved partnership programs such as City sponsored clean ups or other city sponsored events requiring volunteers..

Volunteer Time

Typically an employee is permitted to use 8 hours of paid time off each year. Employees must use the time in no less than 4 hour increments. The City Manager has the authority to approve more time if warranted, and the decision to allow more time for the employee to volunteer is at the sole discretion of the City Manager.

Volunteer time must be requested in advance and when possible, should be regular and on a set schedule to help with the coordination of other work-related responsibilities.

Volunteer time should not conflict with the peak work schedule and other work-related responsibilities, create need for overtime or cause conflicts with other employees' schedules.

Eligibility

All full-time employees are eligible.

Interested employees should have expected performance or above.

Interested employees should put in a written request to their supervisor to meet and discuss their volunteer choice, volunteer/work schedule for approval. Once approved by the supervisor the request must be submitted to the City Manager for final approval.

Section 1213. THE PINELLAS COUNTY SCHOOL PARTNERSHIP. *(Resolution 07.06: 02/27/2007; Resolution 99.23: 10/19/1999)*

Policy - The City of Madeira Beach, Florida, desires to support our local elementary and middle school by means of encouraging staff to volunteer time as Mentor or Tutor to children in need as determined by the participating school. Each volunteering staff member must be willing to commit one-half hour per week or one hour every two weeks to the program's approved time with pay up to a maximum of two (2) hours per month. At no time will the Partnership Program take priority over the City's needs

and responsibilities.

Procedure - Each employee interested in participating in this program must receive approval from their respective supervisor/department head. All requests are subject to final approval from the City Manager.

The employee selects whether to participate as a MENTOR or TUTOR at Madeira Beach Fundamental K-8 School

Mentors work with discouraged students. The major task is to motivate the student to stay in school. Through tutoring, setting short-term goals, and serving as a role model, volunteers can provide encouragement and friendship to a student who needs to build self-esteem. New school mentors are required to attend a Pinellas County Schools mentor workshop.

A tutor may work one-on-one with a student or with a small group of students who need remedial help in academic subjects to reinforce basic skills. Placements are made with students from kindergarten through middle school.

Section 1214. E-MAIL. *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Ordinance 2091-13:08/13/19)*

The E-mail system is to be used for business purposes to facilitate intra and inter-City transmittal of [business-related](#) information.

All employees waive any right to privacy in e-mail messages and consent to the access and disclosure of e-mail messages by authorized City employees. The City reserves the right to access and disclose the contents of [all](#) referenced messages.

Individuals shall not use discriminatory or otherwise offensive comments, vulgarities, obscenities, jokes, sarcasm, or exaggeration in their e-mail messages. The use of such language is a ground for disciplinary

action up to and including termination. Nor shall the e-mail system be used to solicit commercial ventures, religious or political causes, outside organizations, or other personal matters unrelated to the job.

Email messages should be transmitted only to those individuals who have a business need to receive them. Distribution lists should be constructed and used carefully. Employees may make a public records request to gain access to another employee's personnel file of e-mail messages. Management, however, reserves the right to enter an employee's e-mail files at any time.

SOCIAL MEDIA POLICY – The information that employees post or publish may be public information for a long time. Employees should be aware that the City may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is inappropriate including commentary, content or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. Employees are not to publish, post or release any information that is considered confidential or not public. ~~The~~ Social media should be understood to refer to blogs, wikis, micro-blogs, message boards, chat rooms, electronic newsletter, online forums, social networking sites, and other site and services that permit users to share information with others in a contemporaneous manner. When using City computer systems, the use of social media for business purposes is allowed but personal use of social media networks or personal use is discouraged and could result in disciplinary action. Subject to applicable law, after-hours online activity that violates the Cities Code of Conduct or any other company policy may subject an employee to disciplinary action or termination.

CITY CELL PHONE POLICY

When the job or business needs demand immediate access to an employee, the company may issue a business cellphone (subject to approval by the Department Head) to an employee for work-related communications. Employees in possession of company equipment such as cell phones or other electronic devices are expected to protect the equipment from loss, damage, or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

When job or business needs demand immediate access to an employee, the employee may use their own personal cell phone (subject to approval by the Department Head) and be reimbursed a small monthly stipend. The City provides Apps for employee personal convenience to view their pay, W2's and to punch in and out if at a remote location. The use of these Apps does not in itself qualify for the monthly stipend.

This policy outlines the use of issued and private cell phones at work; email and texting for official business are subject to public information laws. Florida has moved to include records of these electronic communications, even on personal devices, as items subject to a request under local Sunshine Laws. This policy applies to the personal use of business and/or personal cell phones and the safe use of cell phones by employees.

Employees whose job responsibilities include regular or occasional driving and require a cell phone or other electronic device for business use are expected to refrain from using their phone or other electronic device while driving; use of a cell phone or other electronic device is not required by the company. Safety must come before all other concerns. An employee who uses a City supplied vehicle is prohibited from using a cell phone, hands-on or hands-off, or similar device while driving, whether the business conducted is personal or company-related. Therefore, you are required to stop your vehicle in a safe location so that you can safely use your cell phone or similar device if you need to make or respond to a phone call. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

Section 1216. VIOLENCE IN THE WORKPLACE. *(Resolution 08.14: 10/28/2008)*

The City of Madeira Beach clearly denounces and will not tolerate violence or any form of physical harassment and endangerment. No employee or visitor (with the exception of sworn law enforcement officers) shall bring any weapon into any City facility, including but not limited to City Hall, Recreation, Marina, Public Works, out of doors work areas, etc.

The City of Madeira Beach exercises an Early Intervention and Low Tolerance philosophy towards threats and weapons of any kind. Employees shall report any threats of violence they anticipate, observe, or experience.

DEFINITIONS OF WORKPLACE VIOLENCE:

Aggression - A forceful act or pattern of actions usually intended to intimidate, [dominate](#), or master another individual or situation. The intent to hurt or gain an advantage over another without resorting to physical injury. Also included are hostile actions and behaviors.

Assault - A violent attack, either physical or verbal.

Harassment - The act of creating a hostile work environment through unwelcome words, [actions](#), or physical contacts, but not resulting in physical harm. Persistent and inappropriate attention and annoyance which may inflict worry or other mental tribulation.

Physical Attack - Aggression results in a physical battery with or without the use of a weapon of any type. Setting upon someone or something with violent force.

Threat - Any words or actions involving or implying the intent to inflict harm or injury on oneself or any other person or damage to any property. An indication of impending danger, harm, or menace.

Weapon - For purposes of this policy, any device intended for use in an offensive manner is considered a weapon. For example, a pistol, knife, rifle, [blackjack](#), brass knuckles, etc. Pepper spray or any type of defensive gas, MACE, or noisemaker is not considered a weapon.

Workplace Violence - Any physical assault, threatening behavior or verbal abuse occurring in any work setting. It includes, but is not limited to beatings, stabbing, suicides, shootings, and rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence and harassment of any nature such as being followed, sworn, or shouted at.

Violent Acts in the Workplace - There are many acts that can be considered violent or predictive of violence. These include, but are not limited to:

- Prejudice or harassment
- Threats of violence (bomb, hostage, etc.)
- Acts of sabotage
- Destruction of property
- Violent confrontations
- Armed robberies
- Stalking
- Unauthorized carrying of a concealed weapon
- Work-related assaults or battery

- Random violence and un-precipitated attacks, i.e., shooting spree, etc.

The City of Madeira Beach works diligently to provide safe, [pleasant](#), and professional working environments. However, perceptions of certain activities and situations may lead to violence on the part of a limited. Some of these situations may involve:

- Motivation by intimidation or coercion
- Polarization between employees and management
- Chronic communication problems
- Inconsistency in policy and decision-making
- Discouragement of creativity and new ideas
- Continuous time pressures
- Reactive vs. proactive planning and decision-making

Even the perception of these types of activities and situations may lead to violence. This may be acted out in two ways: verbal (i.e., profanity, psychological threat) and/or physical (i.e., assault or physical attack).

As a public service organization, the City is subjected to continual exposure to the public and frequently must communicate with and serve hostile individuals. Therefore, it is paramount that we ensure internal and external consistency in proactive safety and anti-violence measures. Due to the enforcement nature of many of the City's activities, certain departments and employees may be more likely than others to be exposed to or observe violent, threatening behaviors and actions.

WHAT, WHEN & HOW TO REPORT: If any employee or person associated with the City of Madeira Beach feels a genuine threat has been made against them (or their family); it should immediately be made known to their supervisor or the City Manager. Serious accusations and threats shall be treated with appropriate attention, [contacting law enforcement if needed](#), and confidentiality [to the degree possible](#).

That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

That this Ordinance shall take effect in the manner as provided by law.

PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, Florida, held on the ____ day of _____, 2022.

Published the ____ day of _____, 2022. (CITY CHARTER ____)

ADOPTED ON SECOND READING AND PUBLIC HEARING this ____ day of _____, 2022.

Aye _____, Nays _____, Absent, Abstain _____

John Hendricks Maggi Black, Mayor

Date

ATTEST:

Clara VanBlargan, City Clerk

Date