

# CITY OF PAHOKEE

## PERSONNEL RULES & REGULATIONS

207 ~~Begonia Drive~~ ~~Bacon Point~~  
~~Road~~ Pahokee, FL33476

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## **NOTICE**

This manual contains certain policies of the City of Pahokee relating to your employment. The policies serve as guidelines to help City employees: (1) understand the personnel program of the City; (2) clarify action to be taken to minimize the possibility of unauthorized personnel action; and (3) work together in achieving our common goals.

The contents of this Manual are presented for your information. Nothing in this Manual is intended to, or shall create any contractual obligation of any kind. Every employee is an at-will employee. The City reserves the right to terminate an employee at any time. No promise of employment or employment-related benefit(s) for any specific period of time is offered, established, or to be implied, in or from anything in this Manual, and no representative of the City has any authority to enter into any agreement for employment for any specified period of time or agreement for remuneration or any other benefit of employment, except the City Commission. Any oral or written statements or promises to the contrary are expressly disavowed and should not be relied upon by any existing or prospective employee.

All provisions in the Manual are subject to change by the City at any time if it is in the best interests of the City to do so.



## PREFACE

Out of a desire to assist City employees to understand the role of key individuals and groups who play a major part in administering the personnel function, it is appropriate to include in this introduction a brief description of the roles that those key participants play.

### Form of government

The commission-manager form of government combines the strong political leadership of elected officials of a governing body with the strong managerial experience of an appointed local government manager. The commission-manager form establishes a representative system where all power is concentrated in the elected commission and where the commission hires a professionally trained manager to oversee the delivery of public services. The City of Pahokee has operated under a commission-manager form of government for several years.

### Role of City Commission

In a commission/manager form of government, the role of a city commissioner is to make policy decisions on issues that are responsive to citizens' needs and wishes. For example, the Commission approves the budget and determines the tax rate. The Commission approves the personnel policy. The Commission also focuses on the community's goals, major projects, and long-term issues such as community growth, land use development, capital improvement plans, capital financing, and strategic planning. Under the City's Charter, the City Commission is not permitted to be involved in the day-to-day operations of the City. The Charter requires the City Commission to hire a City Manager to carry out the Commission's policy and ensure that the entire community is being served.

### Role of City Manager

Under the City's Charter, the City Manager is responsible to carry out the Commission's policies and the day-to-day operations for all departments in the City. These responsibilities include administering and implementing the personnel policy. The City Manager has the sole authority to recruit, promote, suspend, discipline or discharge employees; to establish work, productivity and performance standards; and to introduce new or improved methods, staffing, equipment or facilities. The City Manager serves the community and brings the benefits of training and experience in administering local government projects and programs on behalf of the City Commission. The City Manager prepares a budget for the Commission's approval; and serves as the Commission's chief adviser. The City Commission and citizens count on the City Manager to provide complete and objective information, pros and cons of alternatives, and long-term consequences. The City Manager makes policy recommendations to the Commission, which the Commission may adopt, modify or reject. The City Manager is bound by whatever action the City Commission takes. The city manager's agreement/contract may operate differently in many areas as it pertains to vacation, sick, salary, termination, or resignation.

### Department/Division Heads and Supervisors

Department/Division Heads and supervisors are responsible for directing the work of departments and assisting the City Manager in carrying out the procedures in the personnel policy within their respective departments. Department Heads are responsible for determining work assignments and methods as well as maintaining necessary discipline.

## Non Supervisory Employees

Every employee is an integral part of the City's day-to-day operations and plays a major role in delivering City services to residents. Each new employee shall be introduced to the Commission as soon as possible upon being hired. Personnel rules, policies and procedures should facilitate the performance of work in a professional manner, with a minimum amount of red tape and procedure. Employee input can also be of value in periodically reviewing City policies and rules. The point of view of employees as groups and individuals should be given consideration in the decision-making process.

### **MANAGEMENT RIGHTS**

The City Manager possesses the sole and exclusive right and authority to operate and direct the employees of the City and its various departments in all aspects. These rights include, but are not limited to, the following illustrations of authority:

1. To plan, direct, and control the means and places of operations or services to be conducted by employees of the City;
2. To schedule and assign work;
3. To direct the working forces, create job descriptions and positions;
4. To assign overtime;
5. To employ and assign or to transfer employees within the City organization;
6. To promote, designate salary, suspend, discipline or discharge employees;
7. To lay off or otherwise relieve employees;
8. To introduce new or improved methods, equipment or facilities;
9. To specify and contract out for goods and services;
10. To establish work, productivity and performance standards;
11. To take any and all actions as may be necessary to carry out the mission of the City in situations of civil emergency as may be declared per Section 2-1(d) of the Code of Ordinances. The Mayor, in consultation with the City Manager and PBSO, shall determine if civil emergency conditions exist, which may include, but not be limited to, riots, civil disorders, tornado conditions, hurricane conditions, floods or other similar catastrophes;
12. The Mayor and the City Commission have the sole authority to determine the purpose and mission of the City and the amount of budget to be adopted thereto.
13. The City Manager may delegate his authority to the appropriate staff member, except that only the City Manager has authority to approve the hiring or termination of any employee.

## **DEPARTMENT RULES**

These Personnel Rules and Regulations do not limit the power and authority of any Department/Division Head to make departmental rules and regulations governing the conduct and performance of employees. However, Departmental Rules and Regulations shall not conflict with provisions of these rules, and any such rules shall be published and a copy furnished to each employee to whom they apply. Such Rules and Regulations, when approved, published, and distributed as herein provided, shall have the force and effect of rules of that department/division and disciplinary action may be based upon breach of any such rules and regulations.

## **RELEASE OF INFORMATION**

All public information requests are to be directed to the City Clerk and/or the City Manager. Employees shall not release such information without specific authorization or as may be authorized by City rules and regulations.

## **POSITIONS COVERED BY THESE RULES AND REGULATIONS**

These personnel rules and regulations shall apply to the following positions:

1. The City Manager and Clerk, with the exception of the Grievance and Termination provisions; and
2. All fulltime and part-time employees, as provided in this manual.

## **SICK AND VACATION POLICY FOR CITY MANAGER AND CITY CLERK**

The City Manager shall notify the Mayor if he/she is ill and unable to work. The Mayor shall approve of vacation time requested by the City Manager or City Clerk in advance. The City Clerk must obtain prior approval from the City Manager or Mayor to be absent from work, attend conferences, etc. The City Commission shall be consulted for vacation time exceeding one week. The City Manager shall notify the Mayor by phone or email of vacations and shall indicate who should be contacted in his/her absence.

## **MATTERS NOT COVERED BY THESE RULES AND REGULATIONS**

A matter not covered within the personnel rules and regulations shall be governed by practices and procedures of the City, or as otherwise required by law.

## **BACKGROUND SCREENING POLICY**

### Purpose of Background Screening

The City of Pahokee requires a background screening for all full-time and part-time employees. The background screenings are required once a conditional offer of employment has been extended by the City of Pahokee Human Resources Department and when employees are transferred or promoted (as deemed necessary).

Background screenings serve as an important part of the hiring and selection process at the City of Pahokee. This information is collected as a means of promoting a safe work environment for current and future City of Pahokee employees. Background screenings will include, but are not limited to, criminal history checks, drivers' license checks, and past employment verifications.

### Policy and Procedures

The City of Pahokee will ensure that all background screenings are completed in compliance with all federal and state statutes. When a criminal history record check is required, the internal or external applicant for the position must authorize, in writing, the background investigation using the City-provided form. All background screenings will be initiated and processed by and through the City of Pahokee's Human Resources Department.

Level I Background Screenings will be conducted on all full-time and part-time employees within the City of Pahokee's Public Services Department, Cemetery Department and City Hall through FDLE. Level II Background Screenings will be conducted on all full-time and part-time employees within the City of Pahokee's Parks and Recreation Department following the Florida statutes and the Department of Children and Families.

Although a disqualification is possible, in accordance with federal and state statutes, a previous conviction does not automatically disqualify an applicant from consideration for employment with the City of Pahokee. Depending on a variety of factors, (for example, the nature of the position, the nature of the conviction, age of the applicant when the illegal activity occurred), the applicant may still be eligible for employment with the City of Pahokee (see, Review and Use of Background Information, below).

However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the applicant will be disqualified from further employment consideration in any position with the City. Employee transfers and/or promotions within the City will require a background screening. If the employee is found to have falsified any information, the employee may be immediately discharged.

### Operation of Motor Vehicle

Each applicant who seeks a position requiring the operation of motor vehicles shall undergo a motor vehicle record check. Traffic offenses and misdemeanor offenses shall not automatically disqualify an applicant from employment.

### Review and Use of Background Information

Each applicant's history shall be reviewed in relationship to the job sought, including:

1. Age at time of offense, and how long applicant has gone without offenses;
2. Type of record (does it relate to a safety issue, financial issue, violence, sexual misconduct, etc.);
3. Does record show repetitive offenses;
4. Current status (has applicant successfully completed probation, rehabilitation programs, have applicant's rights been restored in the case of a felony);
5. Any other relevant matters.

The Human Resources Director and City Manager will evaluate all applicants' knowledge; skills and abilities in relation to the position sought and decide whether or not to offer the applicant the position. The City Manager, as part of the employment offer, may extend the probationary period of any applicant with a criminal or motor vehicle history that reveals offenses.

### Recordkeeping

All information attained from the background screening process will only be used as part of the employment process.

### **RESIDENCY**

Residency within the City or at any specific distance from the City is not a prerequisite for initial or continued employment unless specifically required by the Charter. NO employee will be denied employment based solely on residency or distance from the City of Pahokee.

### **PROHIBITION OF EMPLOYMENT OF RELATIVES**

1. Relatives of any City Commissioner or Mayor in the City are disqualified from being hired as a charter officer, as defined in Article III of the City of Pahokee Charter, during the term for which said official holds office. Should a relative already be employed as a Charter Officer by the City at the time of election, that employee is prohibited from attempting to influence the Commission member's vote on any issue related to the operation of the City.
2. City employees are prohibited from hiring, recommending the hiring or promotion of, or supervising, a relative.
3. Relative is defined as spouse, child, parent, sibling, uncle, aunt, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparents, grandparents-in-law, stepfather, stepmother, stepson, stepdaughter, half-brother or sister.
4. CITY COMMISSIONERS AND THE MAYOR ARE PROHIBITED FROM HIRING, RECOMMENDING THE HIRING OF, OR PROMOTION OF A RELATIVE PURSUANT TO STATE LAW.

## **POLICY ON ROMANTIC RELATIONSHIPS AT WORK**

In the course of business operations, we have found that work relationships are usually more productive and rewarding if these relationships remain professional in nature and business oriented. If a sound and secure business relationship is impaired by emotional or personal involvement, all of us can be affected adversely -- employees, management and customers. As an example, a manager dating another employee could be viewed by others as favoritism or discrimination and could provide a basis for a serious employee morale problem.

Therefore, we have established a policy on romantic relationships at work which states that no supervisor or member of management is allowed to date or maintain a romantic relationship with any employee under his or her direct or indirect supervision. In addition, no supervisor or member of management may date or maintain a romantic relationship with any employee whose duties could create a real or apparent conflict of interest. Should a romantic relationship develop, it is the supervisor's responsibility to notify management so that appropriate preventive action may be taken. Violation of this policy may be grounds for disciplinary action, up to and including dismissal from employment.

## **PROBATIONARY PERIOD**

### Defined

The probationary period shall be an integral part of the examination process and shall be utilized as an opportunity to observe an employee's work, to train the employee, and/or to reject any employee whose work performance fails to meet required work standards. A probationary employee may be terminated at any time during the probation period. The probation period shall be ninety days (90) from the first day of work.

### Positions Subject to Probation

The following positions are subject to a probationary period of ninety (90) days:

- A. Initial employment of any position.
- B. Transfer to another position.
- C. Re-employment (after thirty (30) days from separation).

### Extension

If an employee is absent from work for more than 15 working days during the probationary period for any reason, such absence shall serve to extend the probationary period by the length of the absence.

### Layoff

If an employee with a satisfactory record is laid off during a probationary period and he/she is subsequently re-appointed to the same position in the same department, he/she shall be given credit for the portion of the probationary period completed before he/she was laid off.

### Use of Vacation Leave

Employees shall accrue, but are not eligible to use vacation time during their probationary period. Employees may request to use vacation time accrued during the probationary period prior to the end of the probationary period, but this request must be approved in writing by both the Department Head and the City Manager prior to use. Should an employee who uses vacation time during his/her probationary period no longer be employed at the end of the probationary period for any reason other than the death of said employee, vacation time used will be deducted from the final paycheck of said employee.

### Supervision of Performance

Supervisors shall observe the employee's work performance and shall counsel a probationary employee whose work performance is marginal or inadequate.

### Completion of Probationary Period

Prior to the completion of the employee's probationary period the supervisor, with the approval of the Department/Division Head, will recommend one of the following actions to the City Manager:

- A. Recommend that the employee be removed from probationary status, and receive any associated pay increase.
- B. Recommend that the employee's probationary period be extended for a period not to exceed three (3) months, at which time the employee will not receive a pay increase until performance is deemed satisfactory.
- C. Recommend that the employee be dismissed.
- D. Recommend that the employee be demoted or returned to a former position in which he/she has regular status, unless the reasons for his/her failure to complete his/her probationary period would be cause for dismissal.
- E. Recommend with approval from City Manager rate increase.

None of the foregoing actions shall be subject to review or appeal by the employee.

### Notice

An employee who has completed one (1) year of probationary service (i.e., probation was extended), and who has not received before completion of one (1) year service a written notice from the City that the employee's services are terminated or that the probationary period has been extended, shall be considered to have successfully completed the probationary period.

## **PHYSICAL EXAMINATIONS**

### Examination Required

Every full-time employee, part-time, seasonal and/or temporary employee as designated by the City Manager, who has been offered a position with the City, shall undergo and satisfactorily pass a complete physical examination prior to probationary appointment by the City. The purpose of this examination is to

determine whether the prospective employee possesses the standards of health and fitness required for the position for which he/she will be appointed.

A physician's certificate shall be completed for all pre-employment physicals. The examining physician shall be appointed by the City. The City will pay for the initial physical.

#### Additional Medical Tests

Additional medical tests may be required if the initial examination findings dictate them. The initial examination and any additional medical tests shall be conducted by a physician or physicians appointed by the City and at the City's expense.

#### Special Physical Examinations and Medical Tests

The City Manager or a Department/Division Head may require any employee to undergo a physical examination or medical test at any time when, in the judgment of such City official, a reasonable suspicion exists that such City employee is not able to perform the job to which they have been assigned. All such examinations and tests shall be performed by a physician or physicians appointed by the City, and at the City's expense. Circumstances which may warrant a special physical examination or medical test shall include, but shall not be limited to the following:

1. An inability to perform job-related duties because of a physical or mental problem or condition.
2. The employee's return from an extended absence because of a serious injury, when time lost has exceeded thirty (30) working days.
3. The transfer of an employee to a position that requires greater physical capabilities.
4. An employee's frequent use of sick time or disability benefits.
5. An employee who is observed to be working in an impaired state due to the use of alcohol or controlled substances may be required to report immediately to a physician selected by the City for an examination and testing to determine the presence of alcohol and controlled substances.
6. An employee who has been involved in an abnormal number of on-the-job injuries or repeated recurrences of disability from a previous on-the-job injury.

#### Drug Free Work Place

The City is committed to maintaining a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, transfer, purchase, sale, or use of a controlled substance or any amount of alcohol, and/or being under the influence of alcohol or illegal drugs while on the City's property, while on duty, or while operating a vehicle or machine leased or owned by the City is prohibited. Employees shall not report for work while under the influence of medications that may adversely affect the safety of any person or property or job performance.

In keeping with the City's commitment to safety, upon reasonable suspicion that an employee is in violation of this policy, an employee may be required to submit to a drug test. Reasonable suspicion may include:



- 1) Observable phenomena while at work, such as direct observation of drug use or the physical symptoms or manifestations of being under the influence of a drug.
- 2) Conduct or erratic behavior while at work or a significant deterioration in work performance.
- 3) A report of drug use provided by a reliable and credible source.
- 4) Evidence that an individual has tampered with a drug test during that individual's employment with the City.
- 5) Information that an employee has caused, or contributed to, or been involved in an accident while at work.
- 6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery or equipment.

The City of Pahokee, Florida Drug-Free Workplace Policy, set forth in Exhibit "A", is hereby adopted.

The City reserves the right to determine which type of drug/alcohol test is appropriate — breathalyzer, hair sample, blood, and/or urine analysis. In addition, an employee who is involved in an accident while on duty may be required to submit to a drug test.

### **SAFETY-SENSITIVE POSITIONS**

Subsequent to a conditional offer of employment, candidates for certain safety-sensitive full and part-time positions shall be required to undergo a drug test. These positions are safety sensitive, operate heavy equipment, machinery or City vehicles, work with children, handle cash, or include some other essential function or requirement which necessitates pre-employment drug testing from a safety perspective. Any person refusing such a test will not be employed. Employees in safety-sensitive positions are subject to random drug testing at any time, without notice or reasonable suspicion of usage of alcohol or drugs.

Employees who are undergoing medically prescribed treatment, which may limit their ability to perform on the job, must report this information to their Supervisor.

### **REPORTS OF INJURY**

#### Safe Work Habits

Each employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees and to conserve City property and equipment.

#### Reporting

Employees who are injured while performing their duties for the City shall make an immediate report of the injury to their immediate supervisor. The failure of an employee to report an on-the-job injury shall be deemed to be grounds for disciplinary action. Every injury, including those not requiring medical attention,

shall be reported in writing to the Department/Division Head and the Human Resources Department by the injured employee's supervisor within twenty-four (24) hours of the injury. Department/Division Heads shall be responsible for notifying the City Manager of all injuries reported by employees under their jurisdiction and shall insure that proper written reports are prepared and forwarded to appropriate officials.

#### Immediate Medical Care

If an employee is injured to such an extent that the employee requires immediate medical care, the employee shall go immediately to a physician designated by the City for treatment.

#### Return to Work

After medical attention, if the employee is released for regular light duty, if available, as determined by the department in conjunction with the Human Resources Department, the employee shall obtain from the attending physician a certification that the employee can return to work. Employees shall be required to release all medical information relative to the injury to the City or its authorized agents. In addition, the employee shall be responsible for securing the necessary documentation to justify workers' compensation payments. In the case of an employee who has been released for light duty, said employee may be placed on light duty, if available and at the discretion of the Department/Division Head, in a temporary position consistent with the light duty conditions specified by the attending physician and at the employee's normal rate of compensation, until such time that the attending physician releases the employee for regular duty.

### **INSURANCE**

#### Health and Life

All full-time employees of the City and dependents are eligible to participate in the City group health and life insurance program. Insurance coverage shall commence after sixty (60) days of employment, and shall cease on the employee's final day of full-time employment with the City. A brochure describing the provisions of insurance coverage shall be furnished to each employee. Benefits and premiums are subject to change each year.

#### Consolidated Omnibus Budget Reconciliation Act (COBRA)

Federal legislation requires that the City arrange for an employee to continue certain benefits that may be in force for the employee and/or his/her dependents upon the occurrence of certain events which would normally result in termination of coverage under the Plan. Further information can be obtained from the Human Resources Department.

#### Workers' Compensation and Unemployment

Every employee of the City is covered by workers' compensation and unemployment insurance as provided for by state statutes. The total cost of this coverage's is paid by the City. An employee who is injured from a cause arising out of and in the course of his/her employment may be eligible for benefits under workers' compensation as provided by state law. The employee must comply with the accident reporting procedures outlined elsewhere in these Personnel Rules and Regulations.

#### Seat Belt

Failure to wear a seat belt could result in reduced workers' compensation benefits if you are injured in a work-related vehicle accident.

## **TUITION REIMBURSEMENT**

In order to contribute to employee development and retention the City of Pahokee has established a tuition reimbursement program. This program is designed to encourage employees to develop their professional skills by taking recognized educational courses related to their current or future career goals with the City of Pahokee.

To be eligible for the City of Pahokee Tuition Reimbursement program the employee must be considered a regular full-time employee. Meaning, the employee must work a minimum of 37.5 hours per week. In addition, the employee must have completed their probationary period and be in good standings with the City of Pahokee one (1) year prior before being approved for program. The tuition reimbursement program is limited to three (3) employees per calendar year. Selections are determined on a first come first serve bases. Curriculum must align with current job description or future municipal job.

The City of Pahokee Tuition Reimbursement program shall apply only to courses in the pursuit of associate, bachelor and postgraduate degree and must be related to the same or similar field in which the employee currently works for the city. Reimbursement in the amount of 100% will be paid for the instruction or tuition fees, providing that the employee obtains a letter grade of "A". A letter grade of "B" constitutes reimbursement in the amount of 80%. A letter grade of "C" constitutes reimbursement in the amount of 40%. Reimbursement will not be paid out for any additional expenses incurred (i.e. text books, transportation, equipment, etc.).

Prior to receiving reimbursement, the employee must complete a tuition reimbursement form, located in the Human Resources office. They must also obtain authorization from their immediate supervisor and the City Manager. The tuition reimbursement form and evidence of a successful grade must be submitted to the expense department within 30 days of completing the course. Reimbursement will occur as per standard City of Pahokee expense procedures.

The total tuition reimbursement costs of the City of Pahokee shall not exceed \$2,000 per employee per fiscal year (October 1st – September 30th).

The employee will be responsible for their schedule to attend classes. However, classes must be attended during off duty hours. Employees may not attend during normal working hours, without written approval by the City Manager.

All employees receiving, any reimbursement under this program must remain employed by the City of Pahokee for a minimum of one (1) year following the date the tuition reimbursement is paid to the employee. However, those employees separating from employment for whatever reason, whether voluntary or involuntary, before expiration of the required period, the employee must refund the City of Pahokee for reimbursement. The refund can be in the form of a lump sum amount or no more than 6 monthly payments upon separation date approved by the Finance Director and the City Manager.

## **OUTSIDE EMPLOYMENT**

The City of Pahokee strongly discourages, but does not prohibit, outside employment subject to the following conditions. Outside employment cannot:

1. Be conducted on City time.
2. Interfere with working hours or overtime requirements of the employee's position.

3. Involve the use of City uniforms, facilities, equipment or supplies of any kind.
4. Involve the use of official information not available to the public.
5. Give the appearance to the public to be an official act of the City.
6. Create a conflict of interest, or give the appearance of impropriety.
7. Reflect adversely upon the employee or the City.
8. Be in conflict with the employee's position with the City. This shall include work which an employee would be expected to do as part of his/her normal duties; work requiring approval or review of the City, or work which would tend to influence the exercise of improper judgment on any matter coming before the employee in the course of his/her City employment.
9. Inhibits the employees' ability to perform their job with the City.

An employee must obtain permission to hold outside employment. All requests for outside employment shall be in writing and reviewed by both the employee's direct supervisor, the department head and the City Manager.

If an employee holds outside employment and is injured at their job with the City, the City shall assume no responsibility for wages lost at the outside employment as a result of the injury.

#### Injuries in Outside Employment

If an employee suffers an injury or illness during or resulting from an outside employment activity, the City will not be responsible for any workers' compensation benefits from the City.

### **DEATH OF AN EMPLOYEE**

In the event of the death of an employee, in addition to City-paid life insurance and pension benefits, if applicable, his/her designee shall receive the deceased's final paycheck and the monetary equivalent of his/her accumulated annual vacation leave and sick leave as would normally be paid to an employee upon termination of employment. The employee's estate shall surrender to the City all City uniforms and equipment in the employee's possession, prior to receipt of said payment. The City will pay the final paycheck to the person who is designated by the employee at hiring or subsequently named.

### **VEHICLE ASSIGNMENT**

Employees in the City's service will not be permanently assigned a City-owned automobile unless it is determined by the City Manager that one of the following applies:

1. The nature of the employee's work requires that the majority of his/her time is spent in field activities requiring extensive travel throughout the City.

2. The nature of the employee's work requires that he/she is on call twenty-four (24) hours a day and is expected to respond on short notice to emergencies or weather related events.
3. The nature of the employee's work requires that he/she operate specialized vehicles or vehicles with specialized equipment.
4. City vehicles, although assigned to particular individuals, are to be kept available for use by other City employees when not in use by the individuals to whom they are assigned.

### **USE OF CITY VEHICLES AND EQUIPMENT**

1. In using the City's vehicular equipment, employees must keep in mind that they are representatives of the City government and that their conduct in adhering to the rules and safety and courtesy on the road is a reflection on the City. It is imperative that such employees abide by these rules. Any fines incurred by an employee while operating a City vehicle due to traffic or parking violations shall be the sole responsibility of the employees. The City Manager has the sole authority to issue or revoke the use of all city equipment and fleet vehicles.
2. City vehicles, equipment, supplies, tools and uniforms shall not be used for private or unauthorized purposes. At no time should an employee utilize a city vehicle for personal errands or transportation. The City Manager is the only chartered member allowed a personal take-home vehicle.
3. Employees shall be responsible for the proper care and use of City vehicles and equipment and shall report promptly any accident, breakdowns, or malfunction so that repairs may be made.
4. Employees shall not dispose of City property including sale, auction, disposal, etc., without the approval of the City Manager. The City Manager shall adhere to the policy established for the sale of surplus property.
5. City vehicles and equipment storage thereon shall be properly locked whenever the vehicle is left unattended.
6. Employees, including the City Manager, are required to report any moving violations to their immediate Supervisor; supervisors should immediately report violations to the Human Resources Department.

### **USE OF CITY TELEPHONE**

1. Employees are permitted to use City telephones for personal local calls in cases of necessity. This is a privilege and not a right and may be withdrawn by the Department/ Division Head if abused through excessive use or if telephoning causes interference with work duties.
2. Employees are expected to treat callers in a helpful and courteous manner and to assist them to the extent possible in resolving their problem in a way that will reflect favorably upon the City of Pahokee.

### **MILEAGE REIMBURSEMENT**

Any employee utilizing his/her private vehicle for City business as approved by the respective Department/Division Head or the City Manager, in case of Department/Division Heads shall be entitled to reimbursement in accordance with Florida Statutes.

### **PERSONAL BELONGINGS LOST, DAMAGED OR DESTROYED IN THE PERFORMANCE OF DUTY**

Employees bringing personal property to work do so at their own risk. Employees suffering damage or loss of personal belongings on-the-job will not be reimbursed by the City.

### **CHANGE OF NAME, ADDRESS, MARITAL OR FAMILY STATUS**

Employees shall report all changes in name, address, telephone number and marital or family status to Human Resources within 72 hours.

### **IDENTIFICATION CARDS**

Identification cards may, at the discretion of the City Manager, be issued to employees for use in the performance of official business for the City such as identification to citizens or to local merchants when making an inspection or authorized purchase. Any use of the ID card for nonofficial business is prohibited.

The employee's Department/Division Head or supervisor shall be notified immediately if an ID card is lost or stolen. Upon termination of employment, the ID card shall be surrendered to the employee's Department/Division Head.

### **PAYROLL INFORMATION**

#### Pay Periods

Employee salaries shall be payable on a biweekly basis. Employees who terminate their employment in the middle of the pay period shall be paid for the actual time worked during that pay period. Terminated employees shall receive their final paycheck on the first regularly scheduled pay day which follows their date of termination.

#### Direct Deposit Policy

As a condition of employment with the City of Pahokee employees are required to participate in payroll direct deposit. An employee payroll will be deposited directly into their bank account at a participating banking institution each payday.

Each employee would receive a statement showing gross pay, itemized deductions and net pay. The statement would also show the number of hours for which the employee being paid, including such benefits as vacation time, sick and holiday hours.

The benefits of direct deposit are:

- Employees' payroll is automatically deposited directly into an account of their choice.
- Prevents loss or stolen pay checks
- Employees' pay available on pay day even in the event of natural disasters, illness, holiday closing, vacation or any other events.

Please see HR Manager for enrollment forms.

#### Maintenance of Time Records

Department/Division Heads shall maintain daily time records and shall furnish the City Manager with payroll records for all employees under their supervision, duly certified for payment on the working day after the close of the payroll period, unless otherwise authorized. Department/Division Heads shall review and sign their payrolls, and shall report any irregularities to the City Manager immediately. Salaried employees or their Supervisor shall be required to complete weekly time sheets.

#### Compensation Received from Outside Agencies

In any case in which the compensation for services of any employee is paid by any outside agency or from private sources for services performed as a representative of the City, such payments shall be remitted directly to the City.

#### Pay Rates and Pay Rates For Higher Skills

In any case where an employee is qualified for and is temporarily required to serve and accept the responsibility for work in a more responsible position with a higher pay range, such employee may receive the entrance rate of that position or can be advanced in the higher pay range to a level above his or her present rate, whichever is higher, while so assigned, subject to approval of the City Manager. Such temporary assignment, to qualify for the higher rate of pay, shall be regular and continuous in character for at least thirty (30) consecutive days.

#### Rates of Pay for Part-Time Employees

A Department/Division Head may, with the approval of the City Manager, compensate part-time, seasonal and temporary employees at an hourly rate of pay. These hourly rates will be consistent with the duties and responsibilities of the position, and will be established from time to time at competitive levels.

#### Garnishment of Employee's Salary

The City will follow state and federal laws regarding any court-ordered garnishment of an employee's salary. The City Attorney will review all garnishment papers and advise the City Manager as to what the appropriate procedure is on a case-by-case basis.

## **TRANSFER, PROMOTION AND DEMOTION**

### Transfer

When an employee is transferred, the employee's rate of pay in the new position will be determined in the following manner:

- A. If an employee transfers into a position in a new department which is identical to his or her previous position, his or her rate of pay will remain the same.
- B. If an employee voluntarily transfers into a position with a pay range lower than that of his/her previous position, his or her rate of pay will be established at the lower pay range. Note that a transfer into a lower classification may not be considered a demotion.

### Promotion

When an employee is promoted, effective on the date of promotion, the employee's rate of pay in the new position will be adjusted to that step in the pay range for the new position. Pay increases are at the discretion of the City Manager based on performance evaluations, change in position, and education components.

### Demotion

When an employee is demoted, the employee's rate of pay in the new position will be adjusted to the rate of pay of the lower position.

## **OVERTIME PAY/BONUS**

### General Policy

Department/Division Heads make every effort to maintain service level standards while keeping overtime use to a minimum. When the department budget is insufficient, the department/division heads will consider offering compensatory time to the employees.

### Overtime Eligibility

Except as listed below, full-time, nonexempt employees shall be compensated for periods worked in excess of forty (40) hours per week, at a rate of one and one-half (1-1/2) times their regular straight-time rate of pay.

Unless otherwise authorized, personnel in the following job classifications shall be exempt from the overtime provisions of these rules and regulations. These employees will be expected, as part of their responsibility, to work in excess of forty (40) hours per week from time to time as required by special circumstances, and may receive compensatory time-off at the discretion of the Department/Division Head or the City Manager.

### Prior Approval Required

All overtime work must be approved by the Department/Division Head and the City Manager, or their designee.



## Bonuses

Bonuses may only be awarded in a manner consistent with 215.425, Florida Statutes, as amended.

## **COMPENSATORY TIME**

### Defined

A nonexempt full-time employee may, at the employee's discretion, select to be compensated in paid time off from work in accordance with the State of Florida and the Federal Fair Labor Standards Act (FLSA) Rules and Regulations. The choice of overtime or compensatory time should be reached prior to the performance of the assigned overtime.

### Accrual

Compensatory time off shall be accrued at a rate equal to one and one-half (1-1/2) the number of hours actually worked in excess of forty (40) in any work week.

### When Taken

Accrued compensatory time off may be taken by the employee at times mutually agreeable to the employee and the Department/Division Head. Compensatory time off shall accrue at one and one-half (1-1/2) times their regular straight-time rate of pay.

### Maximum Accrual

Compensatory time off may be accrued up to a maximum of eighty (40) hours at any time during any fiscal year.

### Use of Compensatory Time

The employee must receive advance approval from their supervisor prior to using compensatory time.

### Pay Deductions

All required pay deductions shall be withheld from any payments made to any employee there under.

### Termination of Employment

Any non-exempt employee leaving the City shall be compensated for compensatory time accrued and unused at the date of separation at the employee's straight-time rate of pay.

### Salaried Exempt Employees

Employees not eligible for overtime may accrue up to eighty (80) hours of compensatory time during any fiscal year for attending meetings or functions specifically assigned to the employee by the supervisor if the assignment does not fall within the normal job description and is approved in advance. The compensatory time must be used within the fiscal year accrued. Upon termination, the employee shall not be entitled to any payment for accrued compensatory time.

## **FLEX TIME**

### Hourly Employees

Whenever an hourly employee is required to work beyond their normal work hours by their supervisor, upon agreement between the supervisor and the employee, the employee shall be entitled to flex time on a 1:1 basis for hours worked. Supervisors must allow employees to use flex time accrued during the pay period the flex time was accrued. The employee and supervisor shall reach agreement on the appropriate time off for usage of flex time.

Employees shall not take off flex time without the supervisor's prior permission. Flex time will not be approved a day before a holiday or day after a holiday. Flex time will not be granted on Fridays of a work week.

### Salaried Employees

Salaried employees are required to work until the assigned job is complete. Many times this requires working more hours per week than standard work hours, attending night meetings, and out of town events. Salaried employees are, therefore, given more flexibility in their work schedule, as long as the job assigned is completed. Salaried employees are expected to act professional in all aspects of their employment and especially with the flexibility, their schedule allows. An agreement will be reached between the employee and the supervisor regarding work hours. Abuse of a salaried employee's schedule flexibility will be cause for dismissal.

## **HOURS OF WORK& ATTENDANCE**

### Working Hours

In general, normal working hours for City employees shall be 8:00 a.m. to 5:00 p.m., Monday through Friday, except Public Works employees whose normal working hours are Monday through Friday, 7:00 a.m. to 4:00 p.m.

The normal work week shall be forty (40) hours, eight (8) hours per day. However, due to the specific responsibilities of various departments, different hours and days of work and different tours of duty may be established for certain positions. Each employee will be notified by the Department/Division Head as to the specific hours of work.

### Break Periods

Department/Division Heads shall establish reasonable lunch periods of no more than one (1) hour, 1 break periods of no more than fifteen (15) minutes each during each work day, and shall arrange them in the most appropriate manner for maintaining departmental operations. Work and lunch breaks which are not taken shall not result in additional compensation to the employee. Employees shall not leave the premises while on break without permission from their supervisor.

### Reporting for Work

Employees shall report promptly at their designated working place and shall devote their entire efforts during working hours to assigned duties. In the event that an employee is unable to report for work as scheduled, his/her supervisor shall be notified by telephone within one hour before his/her designated starting time. Failure to notify the supervisor as provided herein may result in loss of all or a portion of that day's pay.

### Absence Without Leave

Unauthorized and unreported absences shall be considered absent without leave and may constitute grounds for dismissal.

## **PERSONNEL FILES**

### Responsibility for Maintenance

The City Manager and/or Human Resources shall maintain a personnel file of all employees in the City's service. The files shall consist of, but not be limited to, dates and records of sick leave, injuries, vacation, commendations, reprimands, performance evaluations, accidents, or damage involving City property, education and special training received at City expense. Access to an employee's personnel file shall be limited to the employee, the employee's Department/Division Head, the City Manager, and such personnel as the City Manager may designate or as otherwise authorized by law.

### Record of Action

All appointments, separations and other personnel transactions involving any or all City departments shall be made on forms designated by the City Manager. No transactions will be completed until the appropriate forms have been submitted and approved.

### Public Information

Personnel files are available for public inspection in accordance with the City's public records request policy. However, prior to the release of the personnel information, the personnel file shall be forwarded to the City Attorney for review and compliance with privacy laws. Information released for public inspection shall be made available at reasonable times during regular work hours.

### Inspection

The City shall, upon an employee's written request, be permitted to inspect any personnel file which is, has been or is intended to be used in determining that employee's qualifications for employment, promotion, transfer, additional compensation, discharge or other disciplinary action, except as provided herein or as otherwise authorized by law.

### Copying Files

An employee may obtain a copy of the information or part of the information contained in the employee's personnel file, and will be charged per the City's Public Records Request Policy.

### Dispute

If the employee disagrees with any information contained in his/her personnel file, the employee may submit a written statement explaining the employee's position. The City shall attach the employee's statement to the disputed portion of the personnel file. The employee's statement shall be included whenever that disputed portion of the personnel record is released to a third party as long as the disputed record is a part of the file. The inclusion of any written statement attached in the record without further comment or action by the City shall not imply or create any presumption of City agreement with its contents.

## **EMPLOYEE DEVELOPMENT, TRAINING AND TRAVEL REIMBURSEMENT**

### Employee Development and Training

The City Manager, Department/Division Heads, City administration, employees and others may foster and promote programs of in-service training of City employees for the purpose of improving the quality of employee services rendered to the City and to help employees prepare themselves for advancement in the City's service.

### Types of Training

The following types of training may be offered employees at the discretion of the supervisor and the City Manager. Permission for all training must be approved in advance.

1. Recruit training. Formal training programs which must be completed during the probationary period following original appointment as a prerequisite to continued employment.
2. In-service training. Training conducted during working or nonworking hours on an individual or group basis to improve skill performance, introduce new techniques, and/or keep abreast of developments in the employee's field.
3. Specialized training. Attendance of vocational, technical, or professional training programs directly related to service functions.
4. Academic instruction. Completion, by correspondence or classroom attendance, of course work provided by accredited educational institutions where such information will benefit the City. Prior Approval Required

Training may be recommended by Department/Division Heads and approved by the City Manager prior to registration. Approval, if given, shall be made in accordance with the criteria set below. No reimbursement for training expenses shall be made without such approval.

### 5. Training Decisions

Decisions as to which training sessions may be authorized are based upon budgetary considerations. In general, no more than one state conference outside the Palm Beach County area may be authorized for any general management/supervisory employee in any year and in each case must be approved in advance by the City Manager. Various local conferences for all other employees may be authorized as funds and duty conditions permit.

### 6. Membership in Professional Organizations

City employees are encouraged to affiliate with and the City may pay the membership fees for professional organizations for which they qualify by education or training provided that such affiliation produces observable benefits for the City and is authorized in advance by the City Manager.

### 7. Professional Licenses

The City shall pay the cost of all federal and state license registration and certification fees required by the employee's position.

8. Travel, Reimbursement and Payment of Training Expenses

- a) The City desires to establish standard travel reimbursement rates, procedures, and limitations, with certain justifiable exceptions and exemptions, applicable to all employees in accordance with **U.S. General Services Administration §112.061, Florida Statutes**.
- b) There shall be no allowance made for meals when the travel vicinity is confined to Palm Beach County.
- c) Expenses for recruit, in-service, and specialized training including tuition, fees, supplies, and books may be reimbursed by the City, as budgetary constraints allow. Employees should consult with the Department/Division head prior to registering for training to ensure that proper funding is available. Documented travel, lodging, and other related costs will be reimbursed in accordance with Florida statutes and City policy.

**PERFORMANCE EVALUATIONS**

Responsibility

A formalized program for evaluating the work performance of all employees in the City's service shall be maintained. The City Manager, in cooperation with Department/Division Heads, will administer a system of rating employee performance. The standards of performance recommended as a basis of such rating will have reference to the quality and quantity of work done, the manner in which the work is done, the conduct of employees and faithfulness to their duties, and other characteristics which measure the value of the employee.

Purpose of Evaluation

The purpose of these evaluations is to enable employees and supervisory personnel to work together to improve job performances and, therefore, the service provided to the citizens of the City. A copy of the job performance evaluation will be provided to and discussed with the employee involved. The employee will have a space provided on the evaluation to comment on the rating. The employee, as well as all individuals involved in the rating process, will be required to sign and date the form. The original evaluation shall be placed in the employee's personnel file.

Use of Evaluations

Performance evaluations may also be used for the following:

- 1. To determine the successful completion of an employee's probationary period.
- 2. Disciplinary actions, including dismissal;
- 3. Salary increases;
- 4. Training, promotions, demotions and transfer.

Frequency of Evaluations

Each department supervisor shall prepare evaluations of the performance of all probationary, full-time and part-time employees, which will be evaluated at 30, 60, 90 and 120 (director's discretion) days. Job performance evaluations will be due at the end of one (1) year of employment for probationary employees, and thereafter at least once annually for all full and part-time employees based on their anniversary date. This does not preclude more frequent evaluations, which may be prepared by the supervisor or Department/Division Head.

#### Seasonal/Temporary Employees

Seasonal/temporary employees are not covered by the City's performance evaluation program. Seasonal/temporary employees who are re-employed in the same position may be awarded a step increase at the discretion of the City Manager; provided, however, those seasonal/temporary employees shall not be eligible for more than one (1) salary increase in a twelve (12) month period.

### **HOLIDAYS**

#### Defined

The number of paid holidays is subject to change each year-based calendar. The following eleven (11) Holidays are paid holidays recognized each year for all full-time City employees. Holidays that fall on weekends can be recognized the Friday before or following Monday.

1. New Year's Day (New Years Eve at Discretion of City Manager)
2. Martin Luther King, Jr. Day
3. President's Day
4. Memorial Day
5. Independence Day
6. Labor Day
7. Columbus Day
8. Veteran's Day
9. Thanksgiving Day Before (Wednesday Half Day, Discretion of City Manager)
10. Thanksgiving Day & Day After
11. Christmas Eve & Christmas Day (Day after Christmas is considered a holiday)

#### Personal Day

An employee who has completed ten (10) years of service shall be given their anniversary date off work with pay.

THE COMPLETE HOLIDAY SCHEDULE IS SUBJECT TO CHANGE EACH YEAR AND ADDITIONAL HOLIDAYS MAY BE ADDED UPON APPROVAL BY THE CITY COMMISSION.

#### Holidays Falling on Weekends

If a recognized holiday falls on a Saturday, the designated holiday shall be on the previous Friday. If a recognized holiday falls on a Sunday, the designated holiday shall be on the Monday following the holiday.

#### Holiday Pay

Some employees may be scheduled to work on a holiday. In those cases, the employee shall be given credit for the holiday. Employees who are on leave of absence without pay or disability leave shall not be entitled to holiday compensation or an additional day off with pay.

### City Manager Discretion

The City Manager will determine additional discretionary days for any department or operation will be closed in observance of a holiday.

### Sick Leave Before or After a Holiday

Employees calling in sick the day before or the day after a holiday will not be compensated for the holiday. At the City Manager's discretion, an employee with a written doctor's note may be compensated for the holiday.

## **VACATION LEAVE**

Vacation leave may be accrued up to a one (1) year maximum (325). Employees who have accrued one (1) year of vacation time will be required to take their annual vacation time off work. Employees can only carry over 225hrs on January 1<sup>st</sup>. Employees will accrue vacation leave from the first day of hire; however, the employee must be employed (6 months) prior to taking vacation leave. If an employee's vacation leave accrual exceeds the maximum allowed, no additional time will be added to the employee's annual leave until the total is reduced below the one (1) year maximum.

Both the department head and the City Manager must approve pre-paid vacation. Vacation request must be submitted 2 weeks prior of vacation start date. The employee is required to fill out a vacation leave request form signed by the employee, and the department head and City Manager. Request for leave is forwarded to the Personnel Office. HR Manager will provide a signed copy to employee. Vacation leave can be taken before or after a holiday, however employees who abuse this privilege maybe denied future use of vacation time during holiday periods without exception. Vacation leave can also be denied during this time period if it directly affects the operations of a department or city-wide functions.

### Payment of Vacation Upon Separation

Employees who have accrued vacation leave shall be paid for one-hundred (100% percent) of their accrued but unused vacation leave upon their voluntary or involuntary termination of employment from the City. At the discretion of the City Manager any employee leaving the City involuntary or without giving proper notice shall not be compensated for accrued but unused sick leave. City Manager's leave and sick are specified in the city manager's contractual agreement approved by commission.

### Vacation Leave Accrual – General Employee

1. Non-Department Head:
  - 0-60 months accrue 3.08 hours bi-weekly pay period (2 weeks)
  - 60-120 months accrue 4.62 hours bi-weekly pay period (3 weeks)
  - 10 years or greater 6.15 hours bi-weekly pay period (4 weeks)
  
2. Department Head:
  - 0-60 months accrue 4.62 hours bi-weekly pay period (3 weeks)
  - 10 years or greater 6.15 hours bi-weekly pay period (4 weeks)



## **SPECIAL LEAVE**

### Bereavement Leave

In the case of death in the employee's immediate family, the employee shall be given three (3) days of paid leave. The employee's supervisor may authorize an additional two (2) days, which will be deducted from sick leave. Immediate family is defined as spouse, son or daughter, mother, father, sister, brother, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents, grandparents-in-law, aunt, uncle, grandchildren, son-in-law or daughter-in-law. (Special leave shall not be accrued, carried over or paid back upon separation.)

Full-time employees not on a 40-hour work week shall receive benefits under this section on a pro-rated basis computed by the Department/Division Head.

### Verification

A Department/Division Head may require verification of the funeral and the employee's relationship to the deceased.

### Jury Duty

If you are notified to appear for jury duty, inform your Department Head immediately in order to allow the Department Head to arrange for coverage during your absence, if necessary. You will be paid regular wages, as if you had worked, for a maximum of ten (10) days. If you are released from jury duty more than four hours before the end of your scheduled work shift, you must report to work that day or be charged for half a day off of work. If you are scheduled to call-in rather than report directly to jury duty, you must appear for work as usual until being notified to report to jury duty.

### Court Appearances

1. Job related – Employees required to appear in court for job-related purposes shall be considered on duty with the City and shall receive compensation in salary and benefits equal to that associated with the employee's regular duty. Transportation expenses will be reimbursable based on the provisions of these personnel rules and regulations. Any monies received for court appearances or subpoena fees will be forwarded to the City Finance Department for payment into the general fund of the City. Under no circumstances may an employee keep subpoena or court appearance fees and receive compensation from the City.
2. Non-job Related – Employees subpoenaed to court for any reason unrelated to their employment with the City, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, traffic violations, etc., must use vacation time, compensatory time or personal holidays as compensation for their time.

## **SICK LEAVE**

### Accumulation of Sick Leave

Each full-time employee shall accrue sick leave at the rate of 3.69 hours on a bi-weekly basis. Sick leave benefits accrue from the first date of hire, but may not be taken until the employee has completed ninety (90) days of service. In no event shall sick leave accumulate beyond 200 hours/25 days for a non-exempt or exempt employee. City Manager's leave and sick are specified in the city manager's contractual agreement approved by commission.

### Use of Sick Leave

Sick leave shall not be considered personal time which an employee may use at his or her discretion. It is intended to insure employees against occasional illness and to provide time off with pay during periods of short-term disability.

### Scheduling of Sick Leave

Employees that need to use sick leave must notify their supervisor immediately after becoming aware of this need, but in any event no later than (30) minutes after the employee's scheduled start time. Failure to notify immediate supervisor of the need to use sick leave in a timely manner may result in disciplinary actions. If an employee has requested sick leave for a period of three (3) consecutive working days, a physician's certification must be furnished as evident of an employee illness or any injury that prevents attendance at work. If there is a reasonable suspicion that an employee is abusing sick leave, he or she may be required to present a physician's certification for any period of time for which sick leave is being requested. Failure to present required documentation may result in disciplinary actions up to termination. If sick leave is required the day before or after a holiday a physician's note can be required by City Manager or Director of Department.

### Maximum Allowable Sick Leave Carryover

The maximum allowable sick leave that may be accrued and carried into the next calendar year for all employees is 125 hours/21.5 days. Chartered employee is per contract agreement.

### Payment of Sick Leave Upon Separation/Termination

Employees who have accrued sick leave shall be paid for fifty (50%) percent of their accrued but unused sick leave upon their voluntary termination of employment from the City. At the discretion of the City Manager any employee leaving the City involuntarily or without giving proper notice shall not be compensated for accrued but unused sick leave. In no case shall an employee be compensated for more than 125 hours of accrued sick leave. Chartered employees (city manager) determination is per contractual agreement with City Commission.

### Family and Medical Leave Policy

In accordance with the Family and Medical Leave Act of 1993, as amended ("FMLA"), the City will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

1. The birth of a child and in order to care for such child or the placement of a child with the employee for adoption or foster care (leave for this reason must be taken within the 12-month period following the child's birth or placement with the employee); or
2. In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition; or

3. The employee's own serious health condition that makes the employee unable to perform the functions of his/her position.
4. Exigent Circumstances Leave: to handle a qualifying exigency for a covered military member who is the parent, spouse, or child of the eligible employee.

## Military Caregiver Leave

The City also will grant job-protected unpaid FMLA military caregiver leave to eligible employees for up to 26 weeks per 12-month period in order to care for a covered service member with a serious injury or illness that occurred in the line of duty on active duty who is the parent, spouse, child, or next of kin of the covered service member.

### Definitions

1. "12-Month Period" means a rolling 12-month period measured forward from the date leave is first taken. The next 12-month period begins the first time FMLA leave is taken after the completion of the previous 12-month period.
2. "Spouse" means a husband or wife as defined or recognized under state law for purposes of marriage, including common law marriage, and does not include unmarried domestic partners. If both spouses work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for either the birth or placement for adoption or foster care of a child or to care for a sick parent, or an aggregate of 26 weeks to care for a covered service member.
3. "Child" means a child either under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability. An employee's "child" is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster, or step-child.
4. "Parent" means a biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter.
5. "Covered Military Member" for purposes of Exigent Circumstances Leave means a covered service member is a **current** member of the Regular Armed Forces, National Guard, or Reserve, including those on the temporary disability retired list (TDRL), but not including former members or members on the permanent disability retired list. The service member must be receiving medical treatment or oversight by a Department of Defense or Veterans Affairs health care provider or by a Department of Defense TRICARE network or non-network authorized private health care provider.
6. "Next of Kin" means the nearest blood relative other than a spouse, parent, or child, with priority given to blood relatives who have been given legal custody, followed by brothers, sisters, grandparents, aunts and uncles, and first cousins. The service member also may designate the next of kin in advance.
7. "Qualifying Exigency under Military Leave" means a qualifying exigency is a non-medical activity that is directly related to the covered military member's active duty or call to active-duty status.
8. "Qualifying Exigencies" means (1) short-notice deployment; (2) attendance at military events and related activities; (3) childcare and school activities: where as a result of the military member's active duty or call to active duty status, the covered employee is required to arrange for alternative childcare arrangements, provide childcare on an urgent, immediate basis, enroll or transfer a child to a new school or daycare center, or attend meetings with staff at a school or daycare facility; (4) financial and legal arrangements: a covered employee may take leave to make financial or legal arrangements that address the covered military member's absence while on active duty or call to

active-duty status; (5) counseling; (6) rest and recuperation (for which an employee may use up to five (5) days of leave to spend with a covered service member for each instance of rest and recuperation during the period of deployment up to a maximum total of twelve (12) weeks); (7) post-deployment activities, including attendance at arrival ceremonies and reintegration briefings; and (8) additional activities, where the employer and employee agree to the leave.

9. "Serious Health Condition" means an illness, injury, impairment, or a physical or mental condition that involves:
  - A. Inpatient care in a hospital, hospice, or residential medical-care facility; or
  - B. Any period of incapacity requiring absence from work for more than three calendar days AND that involves continuing treatment by a health care provider; or
  - C. Continuing treatment by a health care provider for a chronic or long-term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or
  - D. Any period of incapacity related to pregnancy or prenatal care.
  
10. "Continuing Treatment" means:
  - A. Two or more visits to a health care provider within 30 days of the beginning of the period of incapacity; or
  - B. Two or more treatments by a health care practitioner on referral from, or under the direction of, a health care provider; or
  - C. A single visit to a health care provider that results in a regimen of continuing treatment; or
  - D. In the case of a serious, long-term or chronic condition or disability that cannot be cured, being under the continuing supervision of a health care provider by visiting the health care provider for the condition or disability at least two times per year.

#### Coverage and Eligibility

To be eligible for family/medical leave, an employee must have worked for the City for at least 12 months (but not necessarily 12 consecutive months) and have worked at least 1,250 hours during the previous 12 months.

#### Intermittent or Reduced Leave

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule to care for an immediate family member with a serious health condition or because of a serious health condition of the employee when medically necessary. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave when the leave is planned based on scheduled medical treatment.

### Substitution of Paid and Unpaid Leave Under This Policy Will Not Exceed 12 or 26 Weeks

An employee may be required to substitute accrued paid leave (including accrued paid vacation leave, accrued paid sick leave, Short Term Disability, Long Term Disability, and/or worker's compensation) for any part of a family/medical leave taken for any reason. When an employee has used accrued paid vacation and/or sick time for a portion of family/medical leave, the employee may request an additional period of unpaid leave to be granted so that the total of paid and unpaid leave provided equals 12 weeks (26 weeks for medical caregiver leave). Requests for all paid leaves shall be in accordance with the City's paid leave policies.

### Notice Requirement

1. An employee is required to give 30 days' notice in the event of a foreseeable leave. A ***"Request for Family/Medical Leave"*** form should be completed by the employee and returned to Human Resources. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, usually verbal notice within one or two business days of when the need for leave becomes known, followed by a completed "Request for Family/Medical Leave" form.
2. If an employee fails to give 30 days' notice for a foreseeable leave with no reasonable excuse for the delay, the leave will be denied until 30 days after the employee provides notice.
3. When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations, subject to the approval of the health care provider.

### Medical Certification

1. For leaves taken because of the employee's or a covered family member's serious health condition, the employee must submit the appropriate completed **"Certification of Health Care Provider"** form, located in the Human Resources Department. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, the City may delay leave until such certification is produced and/or subject the employee to discipline up to and including termination for taking unauthorized leave or excessive absenteeism (except in cases of medical emergency). In the case of a medical emergency, the employee must submit certification as soon as is reasonably possible.
2. The City may require a second or third opinion (at its own expense), periodic reports on the employee's status and intent to return to work, and a fitness-for-duty report to return to work.
3. All documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

### Effect on Benefits

1. An employee granted leave under this policy will continue to be covered under the City's group health insurance plan and life insurance plan under the same conditions as coverage would have been provided if they had been continuously employed during the leave period.
2. Employee contributions to the group health insurance will be required either through payroll deduction or by direct payment to the City by the 15<sup>th</sup> of each month for insurance coverage to continue. The employee will be advised in writing at the beginning of the leave period as to the

amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave. A thirty (30) day grace period will apply to payments and coverage.

3. If an employee's contribution is more than thirty (30) days late, the City may terminate the employee's insurance coverage.
4. If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City for delinquent payments (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments.
5. If the employee fails to return from unpaid family/medical leave for reasons other than (1) the continuation of a serious health condition of the employee or a covered family member, or (2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by it on behalf of that employee (also known as the employer contribution) during the period of leave.
6. An employee is not entitled to seniority or benefit accrual during periods of unpaid leave but will not lose anything accrued prior to leave.
7. No vacation days or personal days are accrued while on leave.
8. Some leaves of absence may also be covered by Short Term Disability (STD) or Long-Term Disability (LTD) as outlined by the City's benefits coverage policies. FMLA leave runs at the same time with any other applicable paid or unpaid leave. Using available paid time off, STD, LTD, or Worker's Compensation will not extend your leave time beyond the maximum time allowed per 12-month period.

#### Job Protection

1. If the employee returns to work within 12 weeks following a family/medical leave or 26 weeks following military caregiver leave, he/she will be reinstated to his/her former position or an equivalent position with equivalent pay, benefits, status, and authority.
2. The employee's restoration rights are the same as they would have been had the employee not been on leave. Thus, if the employee's position would have been eliminated or the employee would have been terminated but for the leave, the employee would not have the right to be reinstated upon return from leave.
3. If the employee fails to return to work on or before the previously agreed upon return to work date, in absence of further communication with the Human Resources Department, he/she will be considered to have abandoned his/her job.
4. Should an employee choose not to return to work during the 12-week or 26-week leave, he or she should notify the Human Resources Department. Once notification is received, the employee is no longer eligible for leave or any the benefits associated with the leave.
5. Certain highly compensated or "key employees" may be denied restoration to their prior or equivalent position. Key employees are those employees who are among the highest paid ten

percent of the employees of the worksite. The worksite is defined by all the employees employed by the City within a 75-mile radius. Denial is based on the following conditions:

A. The denial is necessary to prevent substantial economic injury to the employer;

B. The employer has notified the employee of his/her "key" status as well as its decision to deny restoration should the leave take place or continue; and

C. The employee elects not to return to work after being notified of the employer's decision. The City will comply with any state law regarding family and medical leave that may vary from this policy. For additional information about state laws or this policy, please contact the Human Resources Department.

#### General Leave of Absence

If you do not meet the eligibility requirements for FMLA leave, but need time off due to medical or personal reasons, the City may grant up to four (4) weeks of unpaid leave, but job reinstatement is not guaranteed. Thirty (30) days advance notice is required regarding foreseeable medical or personal needs. If the need is unexpected, notice should be provided as soon as possible. You will be paid for your accrued sick and vacation time as part of the leave. You are required to pay for your portion of group health insurance by the 15th of each month for insurance coverage to continue. A leave of absence may be extended at the discretion of management. In the event of an extended leave of absence last longer than one month, employees are required to pay the full group health insurance monthly premium after the first month. The City cannot guarantee reinstatement to the former position or to a position with similar status and pay, except in the case of FMLA leave.

#### Maternity Leave of Absence

Maternity leave of absence will follow the same guidelines, benefits, and limits as the family/medical leave.

### **SEPARATION, DISCIPLINARY ACTION&STATUS CHANGES**

#### Undated or Incomplete Forms

No person shall demand or request that an employee sign an undated resignation or any blank form. No employee shall be required to sign such a form. Any such demand shall entitle the employee to immediate use of the City grievance procedure.

#### Modification to Forms

Any information placed on a form or any modification or alteration of existing information made on a form subsequent to having been signed by an employee shall be null and void insofar as it may affect the employee, the employee's position or condition of employment unless the modification or alteration is initialed and dated by the employee. Any employee required to sign any form prepared pursuant to these Rules shall be given a copy of it at the time the employee's signature is affixed. The employee, as well as all individuals involved, will be required to sign and date all disciplinary forms for purposes of acknowledgment only.

#### Return of City Property



An employee leaving City employment shall return all City property to his/her Department/Division Head. Failure to return City property will result in the employee's final check being held up and the value of outstanding City property deducted from it.

#### Status Memo

Upon separation, staff/directors shall prepare a memo summarizing all outstanding projects, including the status, progress reports, last actions taken, action that needs to be taken, all important time frames, contact information for vendors and/or state agencies involved with a particular project. The memo shall be forwarded to the City Manager/or Director prior to receiving a final paycheck and benefits package.

#### Exit Interview

Any time an employee permanently terminates employment with the City, the employee's Department/Division Head shall schedule an Exit Interview with the employee and the City Manager or Human Resources. Exit interviews shall not affect in any manner, any monies or benefits due to the employee by virtue of the separation. The employee shall complete an Exit Interview Questionnaire and be encouraged to provide input into matters directly associated with their employment with the City such as:

- (a) Job satisfaction.
- (b) Personnel matters.
- (c) Training, both in-house and outside.
- (d) The employee's impression of his/her supervision.
- (e) Compensation and benefits including employee's rights under applicable state and federal laws.
- (f) General suggestions as to how to improve the delivery of services to both the employee and the citizen.
- (g) The employee's reason for leaving.

An employee wishing to voluntarily terminate City employment in good standing shall file with his/her Department/Division Head a letter of resignation stating the reason or reasons for the termination not less than fourteen (14) calendar days prior to termination date. The Department/Division Head with the approval of the City Manager may agree to permit a shorter period of notice due to extenuating circumstances.

Voluntary termination of employment by the employee without adequate notice shall be accomplished in the same manner as if adequate notice was given, except that the employee shall not be compensated for any accrued vacation or sick leave.

### Computation of Final Paycheck

An employee leaving City employment in good standing shall be entitled to receive the monetary equivalent of all earned vacation time (100%). All payroll withholdings shall be deducted from the final paycheck. If the employee qualifies for a reimbursement for unused sick leave, this will also be included. Final payments will be authorized by the City Manager, if all prerequisites of Status Memo (pg 33) are adhered.

### Disposition of the Final Paycheck

The final paycheck shall be ready to be picked up at City Hall on the regularly scheduled pay day following the involuntary or termination date. An employee may request Human Resources to mail the final check to the employee.

If an employee elects to withdraw from and thereby forfeit his/her pension benefits, if eligible, he/she shall be provided with proper forms and directions from the authorized agent of the employee's pension fund.

### Re-employment

An employee who resigns or is laid off from City employment, in good standing, and who subsequently applies for re-employment, may be considered in filling positions in the City service for which he/she is qualified. An employee who has resigned from City employment in good standing and is re-employed shall not be credited with prior City service in the computation of seniority or vacation time earned. An employee who resigns without fourteen (14) calendar days' prior written notice, resigns while disciplinary action is pending against him/he; or is dismissed from employment, shall not be eligible for re-employment.

## **LAYOFF**

### Authority

The Department/Division Head with the approval of the City Manager retains full authority to layoff and assign work. Layoffs may be implemented by reason of, e.g., shortage of work or funds, the abolition of the position, material changes in the duties or organization, or for other reasons which may be determined by the City. The temporary or permanent separation of an employee from employment as a penalty or disciplinary action shall not be considered a layoff.

### Transfer

If an employee is scheduled to be laid off, he/she may request a transfer to another position in the employee's occupational category if a vacancy exists and he/she is qualified to fill the vacant position.

### Approval of City Manager

Prior to the implementation of layoffs, the names and position titles of any and all employees scheduled for layoff shall be submitted to the City Manager for review and approval.

### Layoff Procedure

In the event that employee layoffs are to occur within a department, the Department/Division Head, under the direction of the City Manager, may use the following layoff procedure:

1. Temporary, part-time, and probationary employees in the affected position classification within the department shall be laid off prior to the layoff of full-time employees.
2. The basis for determining layoffs of full-time employees shall include, but is not limited to, seniority, performance appraisals, conduct, and qualifications.
3. Subject to approval by the City Manager, an employee may request a voluntary transfer to another position for which the employee is qualified, if any are available.

The Department/Division Head shall follow the procedures for voluntary termination when laying off an employee, except that the Notice of Layoff form shall be completed, rather than the Employee Voluntary Notice of Resignation.

### Recall List

Employees who are laid off shall be placed on a recall list for a period of one (1) year. If there is a recall, employees who are on the recall list shall be recalled in the inverse order of their layoff, provided they are presently qualified to perform the work in the position classification to which they are recalled without further training.

### Recall Procedure

Employees who are eligible for recall shall be given written notice of a recall which shall be sent to the employee. The employee shall notify the City Manager, in writing, of his intention to return within three (3) calendar days after receiving notice of recall or seven (7) calendar days from the date of the mailing of the notice, whichever is less. The City shall be deemed to have fulfilled its obligations by mailing the recall notice to the employee's last known mailing address; it being the obligation and responsibility of the employee to provide the City with his/her latest mailing address. Recalled employees shall report for work within fourteen (14) calendar days after their notification of intent to return.

## **DISCIPLINE**

It shall be the duty of all employees to maintain high standards of conduct, cooperation, efficiency, and economy in their work for the City. Department/Division Heads and Supervisors shall organize and direct the work of their units in a manner calculated to achieve these objectives.

Discipline is established for the good of everyone, the City and its employees. It is intended to improve employee performance, or to correct unacceptable employee action. Discipline may include talking and counseling with an employee, and special training of an employee in his/her job. Discipline may also include imposing a penalty for violations of the personnel policy or for actions that are detrimental and/or disruptive to the effective discharge of City functions.

**THE FOLLOWING EXAMPLES ILLUSTRATE THE TYPES OF ACTIONS OR SITUATIONS WHICH MAY SUBJECT THE EMPLOYEE TO DISCIPLINE AND/OR TERMINATION. IN MOST CASES, DISCIPLINARY ACTION WILL INCLUDE A REVIEW OF THE SERIOUSNESS OF THE OFFENSE, THE CIRCUMSTANCES AND THE EMPLOYEE'S PAST WORK RECORD. THE FOLLOWING LIST ARE EXAMPLES ONLY AND ARE NOT TO BE CONSTRUED AS BEING THE ONLY SITUATIONS FOR WHICH AN EMPLOYEE MAY BE DISCIPLINED.**

1. Falsification, material omission or fraud in securing employment.
2. Intoxication, use or possession of non-prescribed drugs or use of prescribed drugs without notifying the supervisor while on duty.
3. Theft, destruction or loss of City moneys, equipment or property.
4. Any act which endangers the safety, health, or well being of another City employee or which causes disruption of City operations or discredit to the City.
5. Failure to perform the duties of the position.
6. False representation as to the quality or quantity of work performed.
7. Solicitation of gifts, bribes, donations, or any other thing of value for any personal purpose in exchange for special or preferential treatment related to City business.
8. Unauthorized use of City property or services of other employees for non City-related purposes.
9. Abuse of leave privileges.
10. Conducting personal business during working hours.
11. Failure to report to work after leave of absence has been expired or has been disapproved, revoked, or canceled by the employee's superior.
12. Excessive absenteeism or tardiness.
13. Failure to follow safety procedures, including failure to submit accident reports, or to report accidents in a timely manner.
14. Insubordination.
15. Over-extension of rest or lunch periods.
16. Using or threatening to use or attempting to use personal or political influence in securing additional benefits, including transfer of position or character of work.
17. Displaying an abusive attitude, language or conduct unbecoming an employee of the City while on duty.
18. Falsifying any City records.

19. Making a false workers' compensation claim or assisting another employee in making a false workers' compensation claim.
20. Failing to properly supervise employees or take appropriate disciplinary steps if necessary.
21. Violation of any policy.

#### Formal Disciplinary Procedures

The City Manager and/or department head may, at his/her sole discretion, choose to utilize one of the disciplinary procedures set out below:

1. Oral Reprimand – Unless the severity of the employee's actions requires a stronger or more direct response, the supervisor may determine that the first course of disciplinary action is an oral reprimand. An oral reprimand shall reference the actions for which the reprimand is issued. Although an oral reprimand shall not be kept in the personnel file, record of such shall be documented by the individual who has issued it.
2. Written Reprimand – Unless the severity of the employee's actions requires a stronger or more direct response, the second step in the disciplinary procedure is a written reprimand issued to the employee by the supervisor or Department/Division Head. This reprimand will include a description of the actions for which the reprimand is issued, an outline of the circumstances surrounding them, and a statement regarding the resolution of the incident. The employee shall be given an opportunity to respond to the reprimand in writing, which shall be attached to it, and to sign indicating receipt of such a written reprimand. Failure to sign shall be noted.
3. Suspension – An employee may be suspended by the Department/Division Head for a period of up to ten (10) working days when the offense or infraction is appropriate. When a suspension is enacted, the Department/Division Head taking such action will provide a letter of documentation, and a copy of this letter will be placed in the employee's personnel file. The employee shall sign the Suspension Order and shall be given an opportunity to respond to the suspension in writing, which shall be attached to the order. Failure to sign shall be noted. An employee may be suspended with or without pay for an indefinite period when the Department/Division Head determines such action is necessary and in the best interests of the City, e.g., in cases where an employee is charged and awaiting trial for a criminal offense or pending a decision to terminate the employee. When an employee has acted or is alleged to have acted in a manner which would be cause for dismissal, the employee may be suspended while such charges are investigated.
4. Demotion – An employee may be demoted or assigned to less responsible work, when their work has not been satisfactory or for other reasons. A reduction in salary shall accompany such demotion. When a vacancy exists in a lower classification for which the employee is qualified, the Department/Division Head may place the employee in the vacancy. When no such vacancy exists, the Department/Division Head shall notify the City Manager, and the employee will be terminated without prejudice and become eligible for re-employment to another position which he/she is qualified with the City.
5. Dismissal – Dismissal is the final course of disciplinary action. Whenever the actions or attitudes of an employee conflict with the policies, rules and practices of the City, the Department/Division Head may dismiss an employee with prior notification to the City

Manager. Any employee subject to termination shall be afforded a pre-termination meeting as required by law.

## **GRIEVANCE PROCEDURE**

All employees are entitled to have the opportunity to resolve workplace issues via this process when the employee cannot resolve the issue with the employee's direct supervisor. It is the purpose of this grievance procedure to assure that employee issues will be considered fairly, rapidly and without reprisal. However, it is incumbent upon the employee to invoke this process as soon as practical in order to timely and fairly attempt to resolve the issue.

### Procedure

1. Present your complaint to your immediate supervisor within five (5) working days from the time the problem occurs. Your supervisor shall attempt to resolve the problem within three (3) working days after you make the complaint.
2. If you have not received an answer from your immediate supervisor within five (5) working days, or if you are not satisfied with the answer, write a short memo and include the facts and circumstances of the problem. Present the written statement to your supervisor's Director within five (5) working days after the supervisor's deadline in Step One. If you want help in writing the memo, you can ask Human Resources to assist you. The Director will investigate the grievance and meet with you to discuss the grievance within five (5) working days thereafter. The Director will render a decision within five (5) working days following the meeting date.
3. If you have not received an answer from the Director within five (5) working days, or if you are not satisfied with the answer, give a copy of your memo and the Director's decision to the City Manager, or his designee, within five (5) working days after the Director's deadline in Step Two. The City Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days. The City Manager, or his designee, will notify the employee of his decision within five (5) days following the meeting date.
4. If you have been terminated and wish to appeal that decision, write a short memo and include the facts and circumstances surrounding the termination, and why you feel you should not have been terminated. Give the memo to the City Manager. The City Manager will arrange to meet with you and will render a decision within two (2) days. If the City Manager was involved in the termination, or for some other reason it is not practical to appeal directly to the City Manager, forward your memo to the Human Resource Manager, who will forward your memo to the City Attorney (or other designated objective, unbiased person) for review. Keep in mind that there is no guarantee of re-employment, even if the decision-maker agrees with you.

## HARASSMENT PROHIBITED

The City has a zero-tolerance policy for any type of behavior that could be construed as sexual harassment and/or discrimination, and is committed to providing a work environment that is free of this type of atmosphere, including all other forms of harassment.

Sexual harassment includes any unwelcome sexual advances, any requests for sexual favors, and any other conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
2. Submission to or rejection of such conduct is used as a basis for making employment decision; or
3. Such conduct has the purpose or effect of substantially interfering with work performance or creating an intimidating, hostile, or offensive work environment. Conduct commonly considered to be unlawful sexual harassment includes:
  - (a) Verbal – Unwelcome sexual jokes, pressuring a subordinate to go out on a date, sexual innuendos, gender-specific insults, inappropriate references to anatomy, or threats.
  - (b) Non-verbal – Suggestive or insulting sounds, whistling, or "catcalls," or suggestive bodily gestures.
  - (c) Visual – Posters, signs, pin-ups, or slogans of a sexual nature.
  - (d) Physical – Unwelcome touching, hugging, kissing, pinching, or intentionally brushing the body; coerced sexual conduct; or actual assault.
  - (e) Other – Denying qualified individual job opportunities because of an unqualified individuals' voluntary or coerced submission to sexual conduct.

The best guard against every form of harassment is to treat all persons with whom you work in a professional manner without regard to their gender, race, or other characteristics. This is what the City demands from all of its employees.

Employees should promptly report all incidents of sexual or other unlawful harassment to any supervisor or directly to Human Resources. Employees can raise concerns and make reports without fear of reprisal.

Because false accusations regarding harassment can have serious effects on the person or persons accused, false accusations will be dealt with as a form of harassment.

The City will investigate in a prompt and fair manner. It is hoped that all such complaints can be resolved through the City's own efforts.

## EQUAL EMPLOYMENT OPPORTUNITY

The City is fully committed to the concept of Equal Employment Opportunity as a necessary element of basic merit system principles that all persons shall be afforded equal access to positions limited only by their ability to do the job. To that end, the City shall not discriminate against or harass any employee or applicant for employment because of race, religion, sex, color, national origin, ancestry, age, disability, sexual orientation, marital, or veteran status.

### **SMOKE-FREE WORK PLACE**

Smoking is prohibited inside all City offices and other City facilities. This includes all work spaces, private offices, lounges, restrooms, stairwells, etc., and City-owned vehicles. In addition, smoking is prohibited within fifty (50) feet of the entrances and exits, including emergency exits to City buildings. Employees may smoke during authorized break times at locations designated as smoking areas.



## **COMPUTERS, E-MAIL & CITY DOCUMENTS**

City employees are not authorized to utilize City computers or the City e-mail system for their own personal use. However, the City understands that on occasion, an employee may receive a personal e-mail at work. All e-mails and the e-mail address of the sender may be subject to disclosure under the public records law.

All documents created for City business, whether on City computers or on an employee's personal computer, and all e-mails related to city business are a public record. (Also, city documents not created on computers are generally public record.) Therefore, any document, and e-mails sent and received related to City business shall not be deleted or destroyed. State law regulates the retention and destruction of public records. Documents and e-mails can only be deleted upon authorization from the City Clerk, who is in charge of retention of all public records. An employee caught deleting City-related e-mail or documents shall be subject to immediate termination.

Employees should discourage others from sending personal, private correspondence of any nature to an employee's City e-mail address. Any questions about destroying files or documents should be forwarded to the City Clerk.

## **SOCIAL MEDIA POLICY**

We understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all associates, employees, appointed and elected officials who work on behalf of the City of Pahokee.

### *Guidelines*

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City, as well as any other form of electronic communication. The same principles and guidelines found in the City policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City or Company's legitimate business interests may result in disciplinary action or violation of ethical standards for local government.

### *Know and follow the rules*

Please ensure your postings are consistent with the policies contained in the employee handbook. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### *Be respectful*

Always be fair and courteous to fellow associates, customers, members, suppliers or people who work on behalf of the City. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your co-workers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage customers, members, associates or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

#### *Be honest and accurate*

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City, fellow associates, members, customers, suppliers, and people working on behalf of the City or competitors. Such practices are a direct violation of the Code of Ethics of Palm Beach County and Florida Statute **Chapter 112, CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES**

#### *Free Speech*

The U.S. Constitution guarantees every citizen the right to free speech. However, there are parameters to free speech. Free speech may not be used to support defamation of character, defame, deliver erroneous information, or create social media hysteria as it pertains to appointed officials, elected bodies, or employees for the City of Pahokee.

#### *Post only appropriate and respectful content*

Maintain the confidentiality of the City trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications. Social media posting of this type of information is violation of the Code of Ethics and Florida Statute

Do not create a link from your blog, website or other social networking site to a City website without identifying yourself as a City associate. Express only your personal opinions. Never represent yourself as a spokesperson for the City. If the City is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the City, fellow associates, members, customers, suppliers or people working on behalf of the City. If you do publish a blog or post online related to the work you do or subjects associated with the City, make it clear that you are not speaking on behalf of the City. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the City."

#### *Using social media at work*

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager. Do not use the City email addresses to register on social networks, blogs or other online tools utilized for personal use.

#### *Retaliation is prohibited*

The City prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for

reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

#### *Media contacts*

Employees should not speak to the media on the company's behalf without contacting the City Manager/Mayor. All media inquiries should be directed to the City Manager, and the Community and Economic Development.

If you have questions or need further guidance, please contact your HR representative.

### **UNIFORMS, DRESS & APPEARANCE**

As representatives of City government, all City employees must appear appropriately dressed for the employee's particular job. Additionally, employees are expected to observe normal and reasonable standards of personal hygiene, and to present a professional appearance at all times, free from unpleasant odors. This includes among other things, bathing regularly, and brushing teeth, washing hair, using mouthwash if needed, and using deodorant/antiperspirant. All hair, beards and mustaches must be of a length so as not to create operational or safety problems, and must be maintained in a clean, neat and orderly fashion.

Human Resources may require any employee who comes to work dressed inappropriately or in an unclean manner to return home and change or clean up appropriately, on the employee's own time (without pay). If an employee is in need of personal hygiene assistance, or has questions about appropriate work attire, contact Human Resources.

Employees who are required to wear uniforms shall report in a clean full uniform on each workday. Uniforms must be worn in the manner prescribed by the Department Director or the City Manager. Failure to comply may result in the employee being sent home for the day without pay. Uniforms shall not be worn at times other than during the performance of City duties, unless approved by the City Manager in advance. Employees are responsible for laundering uniforms and for minor repairs.

An employee is responsible to reimburse the City for the employee's uniform that must be replaced due to becoming lost, damaged or otherwise, except for normal wear and tear. Uniforms must be returned upon leaving employment with the City. If uniforms are not returned, the City may withhold from the employee's pay reimbursement to the extent allowed by law.

### **WORKPLACE VIOLENCE PREVENTION**

The City is committed to preventing workplace violence and to maintaining a safe work environment. All employees should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of the City without proper authorization.

Conduct that threatens, intimidates, or is disrespectful to another employee, a customer, vendor, contractor, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any

other characteristic protected by federal, state, or local law. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific as possible about details.

All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your work station, do not try to intercede or see what is happening. The City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

The City encourages employees to bring their disputes or differences with other employees or members of the public to the attention of a director or the City Manager before the situation escalates into potential violence. The City is eager to assist in the resolution of these disputes and will not discipline employees for raising such concerns.

### **PETS IN THE WORKPLACE**

Pets in the workplace shall be prohibited. The City will allow any employee to possess a service animal or an emotional support animal with proper documentation that said animal qualifies for the accommodation pursuant to a state or Federal law.

### **DELIVERIES TO THE WORKPLACE**

Personal deliveries to the workplace of any kind shall be strictly prohibited.

## **CITY OF PAHOKEE ETHICS TRAINING POLICY**

### **PURPOSE:**

The purpose of this policy is to provide guidelines to all personnel regarding required ethics training.

### **UPDATES:**

Future updates to this policy will be the responsibility of the City of Pahokee's Human Resources Department. Such designee will act as the liaison between the jurisdiction and the Commission on Ethics (COE). The assigned designee will be the Director/Assistant Director of Human Resources. Periodically, the COE may recommend changes, modifications or updates to the ethics training policy.

### **POLICY:**

*According to the Palm Beach County Code of Ethics §2-446(a), Officials and employees shall be informed of their ethical responsibilities at the start of their public service, and shall receive updates and training materials on ethics issues throughout the span of their public service. The City of Pahokee's Human Resources Department shall establish by policy a mandatory training schedule for all officials and*

*employees which shall include mandatory periodic follow-up sessions.* In accordance with these mandates, the following policy and procedure is recommended for adoption by the City of Pahokee's City Commission.

**PROCEDURE:**

1. All City of Pahokee employees and officials (elected and appointed) must participate in the Palm Beach County Code of Ethics training within sixty (60) days of hiring or taking office upon election, reelection, appointment, or reappointment. This training requirement may consist of live training by COE staff, on-line training through use of the training video available on the COE website, or DVD presentation upon request.
2. As part of the required training, all City employees, elected and appointed officials must read the Palm Beach County Code of Ethics. The code is available on the COE website as well as in the *Ethics Pocket Guide*, published by the Commission on Ethics.
3. After initial training, periodic mandatory follow-up training is required for all employees and officials (elected and appointed) every year. The COE will coordinate with the City's Director/Assistant Director of Human Resources, to provide timely and effective follow-up training.
4. After completing training and having read the Code of Ethics, all employees, elected and appointed officials shall complete an approved acknowledgment form, available on the Commission on Ethics website, <http://www.palmbeachcountyethics.com/forms.htm>, indicating that they attended a live COE training or viewed the appropriate web-video or approved DVD provided by the COE. The training acknowledgment form must be signed by the employee or official and submitted to Human Resources for inclusion in their personnel file.
5. The City's Human Resources Department and designated administrator will coordinate all mandated training and compliance audits with the COE.
6. The policy is effective on March 1, 2024 with a thirty (30) day grace period. All employees and officials who take ethics training and read the Code of Ethics from January 1 – February 31 will be considered trained and in compliance with this policy.

**EFFECTIVE: MARCH 1, 2024**

## **CODE OF ETHICS**

City employees are bound by Chapter 112 (Part III) of the Florida Statutes, the “Code of Ethics for Public Officers and Employees” which states, in part:

No officer or employee of a state agency or of a county, city or other political subdivision of the state shall have any interest, financial or otherwise, direct or indirect, engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest.

Employees should be aware of the obligations of public service and their responsibility to protect the public trust. This obligation can be met by abiding by three (3) core concepts of ethical concerns:

1. Employees shall not use public office for private gain, and;
2. Employees shall act impartially and not give preferential treatment to any private organization or individual.
3. Employees acting as a purchasing agent or acting in an official capacity are prohibited from purchasing, renting or leasing any realty, goods, or services for the City of Pahokee, directly or indirectly, from a business entity in which the employee, or a relative of the employee, is an officer, partner, director or proprietor, or in which the employee, or a relative of the employee, has a material interest or owns more than a 5% interest in the vendor’s business. Relative is defined in Florida State Statutes 112.3135(d).

In addition, employees must strive to avoid any action that would create the appearance that they are violating the Code of Ethics. A City employee who may encounter a potential conflict of interest above must disclose the information by filing a “Conflict of Interest Disclosure Form” with Human Resources. This form should be filed immediately upon the employee becoming aware of the conflict.

**CITY OF PAHOKEE**

**Receipt & Acknowledgement of City of Pahokee  
Personnel Rules & Regulations**

This City of Pahokee Personnel Rules & Regulations is an important document intended to help you become acquainted with the City. This document will serve as a guide. It is not the final word in all cases. Because the general business atmosphere and economic conditions are always changing, the contents of this document may be changed at any time at the City’s discretion.

Please read the following statements, general rules, and guidelines, and sign below to indicate your receipt and acknowledgement of the City of Pahokee Personnel Rules & Regulations.

- \* I have received and read a copy of the City of Pahokee Personnel Rules & Regulations. I understand that the policies, rules, and benefits described in it are subject to change at the sole discretion of the City at any time. I understand that this document replaces (supersedes) all other previous personnel rules and regulations.
- \* I further understand that my employment is terminable “at will,” either by myself or the City, regardless of the length of my employment or the granting of benefits of any kind.
- \* I understand that no contract of employment other than “at will” has been expressed or implied, and that no circumstances arising out of my employment will alter my “at will” employment relationship unless expressed in writing.
- \* I understand that, should the content of this document be changed in any way, the City may require an additional signature from me to indicate that I am aware of and understand any new policies.
- \* I understand that my signature below indicates that I have read and understand the above statements and have received a copy of the City of Pahokee Personnel Rules & Regulations.

\_\_\_\_\_  
Employee’s Printed Name

\_\_\_\_\_  
Employee’s Signature

\_\_\_\_\_  
Date