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CITY OF WAUCHULA



RULES AND REGULATIONS

FOR

PERSONNEL MANAGEMENT SYSTEM

Personnel Policy

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SECTION 1

GENERAL PROVISIONS

1.01 PURPOSE

The purpose of these personnel Rules and Regulations (hereafter referred to as “PRR” or “Rules”) is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which will arise. The final interpretation and application of these Rules shall be made by the City of Wauchula (hereinafter “City”) or its designee. The City reserves the right to amend, alter, modify, delete and add to these Rules as it deems appropriate to serve the best interest of the residents and citizens of Wauchula, Florida. The policies set forth in the PRR are not to be construed to create contractual obligations of any kind and nothing in the PRR should be construed as a promise of employment for any specific duration.

1.02 POSITIONS COVERED

Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees except:

- A. Elected officials.
- B. Persons hired as independent contractors on a contractual, fee, or retainer basis.
- C. Temporary, part-time, or casual employees.
- D. Persons employed solely under the provisions of government programs or grants.

For persons and employees covered by these Rules, continued employment, discipline and position placement shall be at the will and pleasure of the City under such terms and conditions as are determined by the City, or its designee, unless the law or a contract approved by the City Commission provides otherwise. The City manager shall serve at the will and pleasure of the City Commission as provided by the City Charter.

1.03 ADMINISTRATION

Under the supervision and direction of the City Manager and HR Department, Department Heads are responsible for the efficient and effective operation of their department and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. Such responsibilities include, but are not limited:

- A. To administer, interpret and enforce these Rules, regulations and standard operating procedures and to recommend modifications.
- B. To recruit, hire, supervise, direct, discipline subject to these Rules and any applicable collective bargaining agreement (hereinafter "CBA").
- C. To provide initial orientation of employees to include familiarization with policies, rules and regulations, benefits, working conditions, etc.
- D. To provide and/or coordinate employee training programs.
- E. To conduct periodic wage and benefit surveys.
- F. To foster and develop programs for the improvement of employee relations, morale and effectiveness.
- G. To maintain departmental records relating to employment.
- H. To recommend, enforce and administer departmental rules, regulations and standard operating procedures not inconsistent with these Rules or any applicable collective bargaining agreements.

1.04 GENERAL EMPLOYMENT POLICY

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, pregnancy, sexual orientation, national origin, ethnicity, legally-recognized disability, genetic information, veteran status or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.

- B. Persons with known legally-recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.
- C. In accordance with applicable law, the City will provide reasonable accommodations to a qualified applicant's or employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless doing so would pose an undue hardship. The pregnant employee or applicant (or the employee's or applicant's representative) must communicate any known limitations for which the employee or applicant is seeking accommodation. Requests for reasonable accommodation should be directed to Human Resources Department.

The City reserves the right to request the employee provide medical or other supporting documentation to the extent permitted by applicable law. Such medical documentation may include information demonstrating a need for accommodation, information pertaining to the employee's ability to perform the essential functions of the job, information concerning possible accommodations that may permit the employee to perform the essential functions of the job, information pertaining to any limitations that may affect the employee's ability to perform the job, the duration of any restrictions or needed accommodations, and any other information necessary for the City to administer the reasonable accommodation interactive process.

Before making a final decision regarding an accommodation, the City and the pregnant employee or applicant will engage in an interactive process and communicate regarding potential reasonable accommodations that may be effective and available without imposing an undue hardship. During this process, the employee or applicant is encouraged to suggest possible accommodations. The City will not require an employee or applicant affected by pregnancy, childbirth, or related medical conditions to accept any accommodation without first engaging in this interactive process with the employee or applicant.

The City will not mandate an employee or applicant use a reasonable accommodation where the employee or applicant is able to perform the essential functions of the position. Additionally, the City will not require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to

the pregnancy, childbirth, or related medical conditions of the qualified employee.

The City will not deny employment opportunities to any qualified employee or applicant based on the need, or potential need, to provide a reasonable accommodation. The City will not take adverse action against any qualified employee or applicant on account of the employee or applicant requesting or using a reasonable accommodation pursuant to this policy.

For purposes of this policy, a qualified employee or applicant means: (1) An employee or applicant who, with or without accommodation can perform the essential functions of the position; or, (2) An employee or applicant who is unable to perform the essential functions, but (i) any inability to perform an essential function is temporary, (ii) the essential function could be performed in the near future, and (iii) the inability to perform the essential function can be reasonable accommodated.

- D. In accordance with applicable law, the City will provide a reasonable accommodation for an employee's sincerely held religious beliefs and practices unless doing so would pose an undue hardship. Requests for reasonable accommodation should be directed to Human Resources Department.
- E. The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way which violates applicable law.

1.05 AMENDMENTS AND REVISIONS

Amendments to the PRR shall be promulgated by the City Manager and approved by the City Commission. Copies will be distributed to all departments upon approval by the City Commission as required per Section 7.05 of the Wauchula City Charter.

1.06 COLLECTIVE BARGAINING AGREEMENT

Where these Rules or departmental rules and regulations are in conflict with the express terms of the CBA, the terms of the CBA shall take precedence.

1.07 MEMOS, POLICIES AND REGULATIONS

All prior memos, policies, procedures and regulations inconsistent with this PRR are null and void.

1.08 DEPARTMENTAL RULES, REGULATIONS, STANDARD OPERATING PROCEDURES AND GENERAL ORDERS

All departmental Rules, Regulations, Standard Operating Procedures and General Orders shall be subject to approval of the City Manager. If inconsistent with these PRR, the PRR shall prevail.

1.09 PAY AND CLASSIFICATION PLAN

- A. The City has a Pay and Classification Plan which is periodically revised by the Administration and recommend to the City Commission for review, revision and final approval. The purpose of such a Plan is to provide competitive wages consistent with available funds and prudent financial judgment.
- B. Adjustments to the Pay Plan as well as the annual adjustments in the wages of employees are considered each year as a part of the budget process which is subject to final approval by the City Commission.

SECTION 2

DEFINITION OF TERMS

Anniversary Date -- The date an employee begins employment and the same date in following years. This is the date upon which entitlement to fringe benefits is based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

Commission -- The City Commission of Wauchula, Florida.

Classification Seniority -- (also referred to as job or position seniority) -- The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority under Section 9.02, the permanent transfer, promotion, demotion or reassignment to or from one job classification to another.

Collective Bargaining Agreement (also referred to as "CBA") -- An agreement between an employee organization and the Commission negotiated and ratified as required by the Public Employees Relations Act.

Compensation Plan -- The official schedule of pay assigning rates of pay to each position classification.

Compensatory Time (also referred to as Comp Time) -- Time off from work in lieu of overtime pay.

City Seniority -- The total time an employee has worked for the City without loss of seniority under Section 9.

Demotion -- Permanent reassignment of an employee to a lower-level job classification for a disciplinary reason.

Department Head -- A person who is assigned the overall responsibility for the operation of a recognized department or area of City operation.

Departmental Seniority -- The length of time an employee has been continuously employed in a department.

Dismissal or Termination -- Involuntary separation from City employment.

Exempt Employee -- An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week.

FLSA -- The Fair Labor Standards Act.

FMLA -- Family Medical Leave Act.

He/His/Him -- Are generic and used for reference purposes only to signal reference to both males and females.

Insubordination -- The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

Job Description -- A written description of some but not all of the duties and responsibilities of a job.

Promotion --Permanent assignment of an employee to a higher-level job classification.

Reemployment -- The hiring of a person who formerly worked for the city. Persons rehired shall be new employees for all purposes, unless the Department Head recommends and the City Commission approves otherwise in a particular case.

Regular Full-Time Employees -- Employees who have successfully completed their initial probationary period, are assigned a regular schedule of forty (40) hours or more per week and are designated as regular full-time employees by the City. All regular full-time employees are considered disaster essential employees.

Part-Time Employees -- Employees who are assigned to work a regular schedule of less than thirty (30) hours per week.

Temporary Employees -- Any employee appointed for a special project or other work of a temporary or transitory nature.

Transfer -- The permanent reassignment of an employee from one position to another.

Work Day -- The scheduled number of hours an employee is required to work per day.

Work Week or Work Period -- The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Commission for an employee or group of employees.

Working Time -- Working time shall be all time employee performs actual work for the City.

SECTION 3

STANDARDS OF CONDUCT AND MISCELLANEOUS

POLICIES

3.01 POLICY

- A. To an unusual extent and in a special way, employees in the City organization are “Good Will Ambassadors”. Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.
- B. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- C. It is the policy of the City to expect from employees compliance with these PRR, state statutes, federal regulations and departmental rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, departmental rules, or the PRR shall be subject to disciplinary action.

3.02 CONFLICT OF INTEREST

- A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. Employees shall not accept loans, advances, gifts, gratuities, or favors from a supplier, bidder, or other person doing business with the City with the expectation of receiving preferential treatment.
- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.

- D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the Department Head in writing as soon as that relationship is known. Failure to so advise the Department Head may result in immediate termination.
- F. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict of interest no longer exists.

3.03 POLITICAL ACTIVITY

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.
- B. Employees shall not wear or display political badges, buttons or stickers when on duty, riding in or on City equipment or when in a City uniform, or otherwise identified as a city employee.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Wauchula so long as the position in no way interferes with their work as a City employee.
- E. The Florida Law contains F.S. Chapter 99 which includes what is commonly known as the "Resign to Run Law". Subject to the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City. Any questions concerning this issue should be addressed to the Human Resource Department or City Attorney.

3.04 EMPLOYMENT OF RELATIVES

The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits.

- A. As a general guideline, however, employees should know that the City will not allow the employment of relatives in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as:
 - 1. a relative working under the direct supervision of another;
 - 2. one relative being responsible for the job performance evaluation of another;
 - 3. one relative being directly involved in job actions with regard to another; or
 - 4. one employee being in possession of confidential information about another employee.
- B. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.

3.05 OUTSIDE EMPLOYMENT

- A. Subject to paragraphs B - G below, employees are discouraged but not prohibited from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the City or the duties for which the employee is responsible as a City employee.
- B. Employees who have other jobs or who seek to have other jobs, must immediately notify their Department Head.
- C. If in the judgment of the Department Head, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operations of the City or his responsibility as an employee of

the City, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins. The Department Head shall report the situation to the City Manager who shall decide what to do, which may include termination if the City Manager determines the other employment adversely affects City operations and the employee declines to follow the direction of the City Manager.

- D. If permission to engage in other employment is granted, it may be withdrawn at any time if in the opinion of the City Manager the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the City.
- E. Equipment, facilities, vehicles or property of the City shall not be used by employees for other jobs without the approval of the City Manager, or his designee.
- F. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City's Workers' Compensation Plan.
- G. Employees who have accepted outside employment may not use paid sick leave at any time (including time out for eligible Family Medical Leave if using sick time) to work on the outside job. Fraudulent use of sick leave will result in disciplinary action.

3.06 RELEASE OF INFORMATION/PUBLIC RECORDS REQUESTS

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will direct all request to the appropriate department. Refer to City Clerk's office.

3.07 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain during duty hours or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work. Such solicitation includes solicitations on behalf of or in opposition to a labor organization.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

3.08 USE OF CITY PROPERTY

- A. Employees shall not use City property, equipment or vehicles except in the performance of official duty, nor shall they permit their use by an unauthorized person, either on or off duty, unless approved by the City Manager, or his designee.
- B. Employees shall not use any tobacco products including electronic nicotine delivery system in city vehicles or/on city equipment.

3.09 UNIFORMS, DRESS AND APPEARANCE

- A. Employees supplied uniforms by the City, or safety apparel, or expected to wear uniforms in the performance of their job, shall report in a clean full uniform on each day worked.
- B. Employees are expected to report to work in appropriate and clean clothing.

- C. Employees are expected to observe normal and reasonable standards of personal hygiene. Failure to do so may result in the employee being sent home to correct the situation or for the day without pay. Repetition of such conduct shall subject the employee to discipline.
- D. Beards and mustaches will be allowed, except as otherwise prohibited by law or where in the opinion of the Department Head they interfere or tend to interfere with the safe and efficient performance of the job. All hair, beards and mustaches must be of a length so as not to create operational or possible safety problems and must be maintained in a clean, neat and orderly fashion.
- E. Uniforms supplied by the City will be replaced by the City when they become unusable through normal wear and tear.
- F. The employee is responsible to return uniforms supplied by the City upon separation of employment or to reimburse the City for uniforms lost or damaged through the employee's negligence.

3.10 GENERAL PROHIBITIONS

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect, and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various units of the City.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

3.11 BULLETIN BOARDS

There shall be an official City bulletin board in each department. Announcements of special events, changes in policies, transfer/promotional opportunities and other items relating to official City business will be posted there. No other information is to be posted on such bulletin boards.

3.12 ELECTRONIC COMMUNICATIONS USAGE AND RETENTION

The availability of e-mail, other electronic communication, and Internet resources, such as Face book and Twitter, are offered to the employees for the furtherance of their work as City employees. However, occasional email communications for personal reasons under circumstances that do not take away from or interfere with any employee's duties are not prohibited except:

- A. No e-mail will contain any material which is political, slanderous, controversial or which contains vulgar language or reference to sexual matters or is otherwise inappropriate.
- B. E-mail for personal reasons should be used only when it is important for the employee to communicate with another employee at work about a personal matter and another method of communications would take time away from the employee's work.
- C. E-mail to persons not employed by the City and/or for non-city business purposes is acceptable so long as it is used only when necessary for matters that cannot be handled during non-working hours and the privilege is not otherwise abused. If such emails are deemed an interference with your job duties or blatant wasting of city time, the privilege may be revoked.
- D. E-mail transmissions, e-mail passwords, and any information transmitted via the City e-mail network in or on a computer owned by the City, or other electronic equipment owned by the City or utilized in the performance of City business are the property of the City and are open to examination by the public, news media or the City Manager. Employees have no expectation of privacy with respect to the contents of such communications. The City reserves the right to make public all personal e-mails; therefore, employees should not put anything in an e-mail they do not want to be made public upon a proper request made in accordance with applicable law. E-mail transmissions are governed by F. S. Chapter 119 and will be retained by the City in accordance with that statute.

- E. E-mail transmissions and website activities that are sexual in nature, vulgar, offensive, obscene, discriminatory, harassing or otherwise inappropriate are prohibited.
- F. Checking personal email accounts (i.e., AOL, Hotmail, etc.) through City computers is acceptable, as long as the privilege is not abused, otherwise the privilege may be revoked. Responses to emails are restricted by Section 3.12(c) above.
- G. Chat room usage is expressly prohibited unless it is a requirement in the performance of the employee's job.
- H. E-mail transmissions that unlawfully distribute copyrighted materials, coordinate illegal activities (e.g., gambling) and facilitate illegal conduct are strictly prohibited.
- I. E-mail passwords and corresponding accounts are non-transferable. Employees are responsible for maintaining the confidentiality of their passwords and corresponding accounts.
- J. Employees may not install unapproved software packages on their computers without obtaining advance permission from the City Manager or his designee.
- K. Refer to the social media Policy for rules and guidelines regarding the use of the City -provided social media by employees and elected officials.
- L. To ensure that the use of the City's electronic communication system is consistent with the City's legitimate business interests and not a violation of this section, authorized representatives of the City may monitor the use of such equipment from time to time. No notice of such monitoring will be given.
- M. Employees shall not utilize cell phones while driving or operating City vehicles or moving equipment or vehicles or moving equipment owned by others but being used by employees in the performance of City business. Use of ear buds and head phones are prohibited while driving.

The Police Chief is authorized to establish a standard operating procedure to address the needs for police officers as it relates to the use of cell phones and other electronic equipment in patrol cars and other City Police Department vehicles.

Remember, our computer system is for City business and any personal use should be limited as much as possible and must comply with all of the standards set forth in this policy.

3.13 DOMESTIC VIOLENCE

The City will provide eligible employees with up to three (3) working days of unpaid leave in a 12-month period for domestic violence-related reasons.

In calculating the 12-month period under this policy, the City uses a "rolling, backward-looking" method. Under this method, a rolling twelve-month period is measured backward from the date the employee uses any leave under this policy, such that each time an employee takes leave under this policy the remaining leave entitlement would be any balance of the 3 days' of leave which has not been used during the immediately preceding 12 months.

A. Eligible Employees

To be eligible for leave under this policy, the employee must have been employed by the City for at least three months.

B. Circumstances Where Domestic Violence-Related Leave is Available

Leave may be taken under the terms of this policy if the employee or a family or household member of the employee is a victim of domestic violence and the leave is necessary to:

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

5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.

C. Exhaustion of Paid Leave Required

Prior to receiving leave under this policy, the employee must exhaust any available paid leave.

D. Notice and Supporting Documentation Required

Except in cases of imminent danger to the health or safety of the employee or a family or household member, advance notice of the need for leave is required. Where advance notice is required, the employee is required to provide notice to the City as soon as the need for leave becomes known. Where advance notice is not required due to the imminent danger to the health or safety of the employee or a family or household member, the employee must inform the City that the leave was taken pursuant to this policy as soon as he or she returns to work.

Documentation supporting the need for the leave under this policy must be submitted with the request for leave. In cases of imminent danger to the safety of the employee or a family or household member, supporting documentation must be submitted as soon as the employee returns to work.

E. Confidentiality and Prohibition of Retaliation

1. All information relating to leave under this policy shall be considered confidential and will not be disclosed to any other individuals unless required for legitimate business or otherwise compelled by law.
2. Leave taken or requested under this policy will not result in any adverse action against the employee. Employees who believe they have been subjected to retaliation as a result of leave taken or requested under this policy must initiate a complaint in the same manner as required by the City's Equal Employment Opportunity complaint procedure.

SECTION 4

TYPES AND TERMS OF EMPLOYMENT

4.01 BASIS OF EMPLOYMENT

Employees are employed by the City as either regular full-time or part-time employees.

4.02 PARTICIPATION IN BENEFITS

Regular full-time employees shall receive full fringe benefits. Other classifications of employees do not receive any fringe benefit other than their wage, unless required by law or otherwise specifically provided in these PRR.

4.03 TERM OF EMPLOYMENT

- A. Regular full-time employees are employed at the will and pleasure of the City and shall be entitled to have their grievances resolved under Sections 12 and 13 of these Rules.
- B. Temporary, part-time or full-time employees who have not successfully completed their initial probationary period, and casual employees serve at the will and pleasure of the City and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these PRR. All decisions concerning their wages, hours, and working conditions shall be made by the City, or its designee.

4.04 PROBATIONARY EMPLOYEES

- A. All regular full-time employees shall serve an initial probationary period of one hundred and eighty (180) days, with the exception of sworn law enforcement personnel, who shall serve a probationary period of twelve (12) months. Said probationary period may be extended by the Department Head for up to an additional sixty (60) days.
- B. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the probationary period shall be

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as set forth in paragraph A, the period of the successful completion of the training program, or successful certification or licensing, whichever is longer.

4.05 PROMOTIONAL PROBATION

- A. An employee promoted to a higher-level job classification shall serve a probationary period of ninety (90) days unless extended upon mutual agreement of City Manager and the Department Head as necessary.
- B. During the probationary period, if in the opinion of his Department Head the employee cannot satisfactorily perform the duties of the higher position but has otherwise performed satisfactorily: (1) if the position from which he was promoted has not been filled, he will be returned to his former position; (2) if the job from which he was promoted has been filled, the employee will be given preferential treatment for six (6) months from the date of his removal for any vacancy in the City for which the Department Head considers him to be qualified to perform all the duties.

SECTION 5

HIRING PROCEDURES

5.01 VACANCIES

All persons inquiring about employment should be directed to the Human Resources Department where they will be required to complete the standard application form. Assistance will be provided for those persons who cannot read or write or who have a language problem.

5.02 BASIS FOR SELECTION

Employment with the City shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.

5.03 TESTING

At its option, the City may use valid written or oral examination and performance tests to assist it in the selection process. In addition, psychological and polygraph testing for Law Enforcement Officer (LEO) positions may be used.

5.04 DRUG TESTING

- A. To the extent allowed by law, the City will require submission to and successful passing of testing for the use of illegal controlled substances as a condition for consideration for employment with the City.
- B. Employees of the City shall be subject to drug testing as provided in Section 24 of the PRR.

5.05 DISABILITY AND MEDICAL EXAMINATIONS

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered employment.

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- B. If with the prior approval of the Department Head, an applicant is placed on the payroll prior to having completed a required medical examination, he shall be advised at the time he is placed on the payroll that his employment will be conditioned upon taking a medical examination.
- C. Employees may be required to take a medical and/or psychological examination at any time by the City for reasons connected with their job (e.g., an accident on the job).
- D. Applicants and employees who are directed to take a medical examination under paragraphs A, B or C above and who refuse to do so will be automatically terminated.
- E. Applicants and employees who take a medical examination pursuant to paragraphs A, B or C above shall not be employed, or, if previously employed, shall be terminated immediately if the results of the medical examination show that they are unable to perform the essential functions of the job; however, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential job functions of the job without undue hardship to the City and such action shall be subject to applicable federal, state and local laws dealing with disability status.

5.06 JOB OPPORTUNITIES FOR NON-EMPLOYEES

When there is a permanent vacancy in a full-time position and the City Manager or his designee has decided not to fill it with an internal candidate under Section 8, the following procedure shall apply:

- A. The Human Resource Department shall advertise the vacancy. The advertisement and notice shall contain the title of the position, the minimum qualifications for the job, the date beyond which applications will no longer be received, the anticipated hiring date, the phrase "The City of Wauchula is an Equal Opportunity Employer," and shall state that all applications or inquiries shall be directed to the Human Resources Department. At its option the City may elect to consider applicants from applications held on file.
- B. All applications for employment shall be on a form provided by the Human Resources Department. All applications received shall be maintained on file in the Human Resources Department in accordance with public records retention law.
- C. After the close of the advertising period, which shall be at least one week, the Human Resources Department shall accumulate all timely applications and

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submit them to the Department Head. The Department Head shall interview or offer to interview all timely applicants whom he determines meet the minimum qualifications and select the applicant whom he believes best meets all the qualifications for the job presented. If after the interviews, the Department Head determines none of the applicants is sufficiently qualified, the procedure shall be repeated unless the Department Head otherwise fills the job.

SECTION 6

TYPES OF SEPARATIONS

6.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in the City service are designated as one of the following types. Personnel forms shall show the reason for the separation, and the last day and hour worked. The effective date of the separation shall be the last day on which the employee is present for duty.

1. Resignation
2. Retirement
3. Disability
4. Death
5. Reduction in force (layoff)
6. Dismissal or discharge
7. End of assignment

6.02 RESIGNATION

- A. An employee wishing to leave the City in good standing shall file with his supervisor a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two weeks prior to the date of separation. A resignation under threat of potential dismissal or investigation, as determined exclusively by the City, shall not be considered a resignation in good standing. Employees who resign in good standing with the required notice may be considered for reemployment.
- B. An employee that resigns, for whatever reason, relinquishes all rights and privileges he/she is entitled to under the PRR at the time of resignation, unless otherwise required by law or the PRR otherwise provides.

6.03 RETIREMENT

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City Pension Plan and ceases to work for the City. This does not include those who are eligible for taking an In-Service Distribution, as described in Section 23.02 (4) (c) of the PRR

6.04 DEATH

All compensation and benefits due to a deceased employee, if any, shall be paid to the employee's legal representative as determined by law.

6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accord with Section 9.

6.06 DISMISSAL OR DISCHARGE

- A. Temporary, part-time, casual and initial probationary employees are subject to dismissal from City employment pursuant to Section 4.03.
- B. Regular full-time employees are subject to dismissal from City employment pursuant to Section 11.

6.07 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.
- B. All outstanding voluntary debts to the City incurred by the employee, (such as the cost of non-mandatory training when the employee ceases employment before the cost to the City is recouped, any, shortages or advances of leave or expense accounts, any advances on pay and any other standing debts due to the City) will be deducted from the employee's final paycheck.
- C. All deductions under paragraphs A and B above shall be subject to the applicable state and federal law.

SECTION 7

TRANSFERS AND WORK OUT OF CLASSIFICATION

7.01 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

- A. A Department Head, with the approval of the City Manager or his designee, may temporarily pay an employee the minimum rate for a higher classification in extraordinary circumstances where the City determines, in its sole discretion, that a formal temporary assignment to a higher classification is appropriate.
- B. When a non-exempt employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.

7.02 PERMANENT TRANSFERS

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
 - 1. At the employee's request if, in the opinion of the Department Head it is in the City's best interest;
 - 2. By the Department Head for operational or efficiency reasons;
 - 3. By the Department Head for disciplinary reasons under Section 11.
 - 4. In all cases involving more than one (1) department, both Department Heads must agree to the transfer, unless in a particular case, the City Manager decides otherwise.
- B. An employee permanently transferred shall be paid not less than the minimum rate of the pay range of the job into which he is transferred but may be paid up to the mid-point of the pay range based on the receiving Department Head's evaluation of the employee's qualifications.

SECTION 8

PROMOTIONS/DEMOTIONS/TRANSFERS/VACANCIES

8.01 POSTING

Except when determined operationally necessary and efficient, or otherwise in the best interests of the City by the City Manager, all full-time, non-managerial vacancies within the City will be posted on bulletin boards for five (5) working days. Whenever deemed appropriate, the City may also advertise the position externally at any time.

8.02 APPLICATION

Employees who wish to be considered for the vacancy must apply by completing a written request and turning it into the Human Resources Department during the posting period. While selection is being made, the Department Head may utilize any employee or other person he wishes to perform the work.

8.03 POOL OF QUALIFIED APPLICANTS

The Department Head will determine which of the applicants, if any, meet the minimum qualifications for the job.

8.04 INTERVIEW

Except where the City determines that it would not be necessary, those applicants determined by the Department Head to meet the minimum qualifications for the job will be interviewed. Any employee or applicant entitled to veteran's preference and who meets the minimum qualifications for the position will be afforded an interview. As set forth in 8.06 below, final selection for the position will be based on the City's determination as to which candidate for the position is best qualified for the position.

8.05 NO SUFFICIENTLY QUALIFIED APPLICANTS

If after completing the interview and evaluation of employee applicants and external candidates, the Department Head determines that none of the applicants who meet the minimum qualifications for the job are sufficiently well-qualified for the job, the Department Head may fill the position in any manner he wishes, provided the selection is approved by

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the City Manager. The City also reserves the right to re-advertise the vacancy, wherever deemed appropriate.

8.06 BASIS OF SELECTION

Consistent with Chapter 5, in determining whom to fill the position from among all qualified candidates, if any, the Department Head shall consider any job-related factor he or she deems appropriate for determining which applicant is best qualified for the position. Such factors may include, but are not limited to:

1. Qualifications and ability to perform the job.
2. The candidate's past work-related experience with the City and elsewhere.
3. The candidate's past performance and discipline record with the City and elsewhere.
4. Relevant skills, experience, training and education.
5. If currently employed by the City, the employee's City Seniority.

8.07 DEMOTION

A demoted employee's pay rate shall be set within the range of the job into which he/she is demoted, but will not exceed the maximum rate for the lower classification.

SECTION 9

SENIORITY LAYOFF AND RECALL

9.01 ACCRUAL

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences of thirty (30) or more consecutive days without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

9.02 LOSS OF SENIORITY

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A Discharge.
- B Retirement.
- C Voluntary resignation.
- D Layoff exceeding one (1) year.
- E Failure to report to the Department Head the intention to return to work within three (3) calendar days of receipt of a recall notice.
- F Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management.

9.03 LAYOFF SELECTION

In the event the City decides to lay off employees within a department, the City will normally first lay off those employees employed on a part-time, temporary, or casual basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A Ability to perform all of the work available.
- B Special skills essential to the performance of the available work.
- C Job performance as reflected by the job evaluations for the past three years or the most recent evaluations available.
- D Job classification seniority.

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When, in the opinion of the Department Head, factors A, B and C are relatively equal among employees, factor D shall be determinative.

9.04 PERMANENT LAYOFFS

In some cases, the City may utilize a layoff under circumstances where there is no reasonable expectancy to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

9.05 RECALL

Except for employees laid off pursuant to Section 9.04 above regular full-time employees who are recalled by the City within twelve (12) months shall have their City service, departmental, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

9.06 DECISIONS FINAL

Decisions made pursuant to this section shall be final and shall not be subject to Section 12 or 13.

SECTION 10

ATTENDANCE -- TARDINESS

10.01 PRESENT AND ON TIME

All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time.

10.02 CALL-IN

Employees are required to call in before they are scheduled to report to work when they are going to be absent or late. Failure to call in before the employee's shift begins may subject the employee to disciplinary action, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

10.03 VERIFICATION

The Department Head, with approval of the Human Resource Department, may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City.

10.04 CONTINUING ABSENCE

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Department Head or supervisor.

10.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor or the Department Head.

SECTION 11

DISCIPLINARY ACTION¹

11.01 GENERAL STATEMENT

- A. It is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees of the Department.
- B. The City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or groups of employees and to determine the appropriate discipline in every matter on a case-by-case basis.

11.02 FORMS OF DISCIPLINE

- A. The City recognizes the following types of discipline:
 - 1. Verbal warnings.
 - 2. Written reprimands.
 - 3. Suspension without pay.
 - 4. Demotion.
 - 5. Combination of the above.
 - 6. Termination of employment.
- B. Management will normally take disciplinary action within ten (10) working days after the incident or violation comes to the attention of management. The Department Head, at his option, may temporarily suspend the employee, with or without pay, to the next working day or shift and thereafter by the City Manager pending investigation and a final decision on the disciplinary action, if any, that will be taken.

¹ Disciplinary action for full time sworn police officers shall be pursuant to a WPD General Order adopted pursuant to F.S. Chapter 112 and approved by the City Manager.

11.03 BASIS FOR DISCIPLINARY ACTION

Continued employment with the City and in any position with the City is at the will and pleasure of the employee and the City and may be terminated by either without cause.

Employees should also understand they may be disciplined, up to and including termination, for violation of any of the offenses listed in Subsection 11.05 below: for violating departmental rules; for any action or failure to act which in the opinion of the City, or its designee, adversely affects the ability of the employee and/or fellow employees to officially perform their responsibilities and/or adversely effects the efficient operation of the City government , or, for any other or no reason except one made illegal by applicable law.

11.04 NOTICE OF DISCIPLINARY ACTION

- A. Employees who are disciplined by verbal warning will have the reasons for said warning explained by their supervisor.
- B. In all cases of written reprimand, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's departmental personnel file.

11.05 TYPES OF OFFENSES

There are two (2) groups of sample offenses for which employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses as set forth in Subsection 11.01(B) above shall apply. Nothing herein shall be construed to require the City to have just cause for any form of disciplinary action, including termination, or to limit disciplinary action to the sample offenses enumerated below.

This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with management in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

GROUP I OFFENSES

First Offense - Written Reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice when no injury to person or damage to property is involved
7. Engaging in horse play, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, cat calls, or other disorderly conduct.
8. Failure to report the loss of a City piece of equipment or other City property entrusted in the employee's custody.
9. Failure to keep the City and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance while on duty or in any fashion that brings disrepute upon the City.
11. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.
12. Failure to properly supervise subordinates or to make disciplinary charges when the facts call for them or to take other appropriate disciplinary actions.
13. Failure to take appropriate action concerning illegal activity.
14. Solicitation of money or anything of value on City property, in a City vehicle, or while wearing a City uniform.

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15. Engaging in any private activity, other than being at home at rest, in the hospital, visiting a doctor, or engaging in other medically related required activities, after reporting being off sick.
16. Failure to submit a properly written and required report within a reasonable time or a prescribed period of time as required by supervision.
17. Unexcused tardiness or absence.
18. Untidy appearance or failure to wear the proper uniform or appropriate clothing.
19. Interference with the dispatching, broadcasting or tampering with radio equipment or other communication equipment, facilities or operations or other inappropriate behavior in connection therewith.
20. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
21. Use of City issued equipment or uniforms when not on duty without permission of the City Manager, or his designee.

GROUP II OFFENSES

First Offense - Up to termination

1. Conviction of a felony.
2. Excessive tardiness and/or absenteeism regardless of the reason.
3. Abuse of leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
6. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.

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8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use, possession or display of fire arms, explosives, knives other than a single pocket knife with a blade of 3 inches or less or other weapons on or in City property or while on City business unless specifically authorized by the City Manager, or his designee..
10. Removal of City property or any other employee's property from City locations without proper authorization; theft of City property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
13. Absent without permission
14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.
15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment.
16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government, unless such discipline is otherwise prohibited by law
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.

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20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty except in self-defense.
22. Unauthorized personal use of the exempt tax number for any reason.
23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
25. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
26. Violation of a safety rule or practice where an injury to person or damage to property is involved.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

11.06 AUTHORITY FOR DISCIPLINARY ACTION

- A. A supervisor may give an employee an oral or written reprimand, with prior concurrence of the Department Head.
- B. A supervisor may recommend any other form of disciplinary action.
- C. Department Heads have the authority to discipline employees utilizing any of the recognized forms of discipline and may delegate to subordinates discipline up to suspension without pay for the balance of a day or shift; with the exception of terminations, which must be approved by the City Manager.

11.07 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay as provided in 11.02(B) above. Alternatively, per 11.07 (B) below, where the City deems it appropriate and is satisfied that its inquiry into the matter warrants it, the City may proceed with disciplinary action while the criminal charge is pending.

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- B. At any time, with the approval of the City Manager, the Department Head shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. In the event that the City Manager elects to wait until the criminal proceeding, or a particular phase thereof, is concluded before considering disciplinary action, the resolution of the criminal proceeding, or phase thereof, will ordinarily be considered but the decision maker shall not be bound thereby and shall make his own determination as to the facts and the appropriate disciplinary action, if any.
- D. Under paragraphs B and C above, unless otherwise directed by the City Manager, the Department Head will generally not consider anything less than a finding by a judge or a jury, of not guilty as indicative of whether the employee engaged in the conduct in question. In this respect, withdrawn or dismissed criminal charges, standing alone, will generally not be considered by the City to be indicative of innocence.

SECTION 12
EMPLOYEE GRIEVANCE PROCEDURE
DISCIPLINARY MATTERS²

12.01 PURPOSE

The grievance procedure is established to provide opportunity to full-time employees who have successfully completed their initial probationary period to appeal disciplinary actions more serious than a one (1) day suspension without pay under Section 11. The submission of an appeal by an employee in good faith shall in no way adversely affect the employee or his employment with the City.

STEP 1 -- DEPARTMENT HEAD

- A. The employee may appeal the discipline in writing to the Department Head within three (3) working days from receipt of Notice of Disciplinary Action.
- B. The appeal shall include:
 - 1. The date the grievance arose.
 - 2. The policy, rule, and/or procedure claimed to have been violated.
 - 3. A statement of the facts as seen by the employee.
 - 4. The relief requested.
- C. The Department Head shall meet with the employee within five (5) working days after receipt of the grievance. The Department Head shall give the employee an opportunity to explain his position, and listen to any witnesses the employee brings to the meeting. The Department Head may require other employee witnesses to be present or may conduct further investigation into the matter on his own. The Department Head shall give a written answer to the employee within five (5) working days after the investigation is completed.

² Appeals of suspensions without pay, demotion or termination by full time WPD sworn employees shall be conducted pursuant to a General Order consistent with F.S. Chapter 112 approved by the City Manager.

Approved _____
Replaces _____

STEP 2 -- CITY MANAGER

- A. If the matter is still unresolved to the employee's satisfaction by the decision of the Department Head, the employee may appeal in writing to the City Manager requesting a review of the appeal. The appeal must be filed within three (3) working days of the decision of the Department Head in Step 1 or the last day for the decision, whichever first occurs.
- B. The City Manager shall meet with the employee and the Department Head, give them an opportunity to explain their position, listen to any witnesses they wish to present, and make the final decision for the City.

12.02 GENERAL PROVISIONS

- A. Attorneys will not be allowed to participate in the meetings without permission of the City Commission unless in a particular case the law requires it. However, an employee may be represented by a fellow employee or other representative if he wishes.
- B. The time limits of this grievance procedure may be extended for reasons considered appropriate by the Department Head in Step 1 or by the City Manager in Step 2. Failure of an employee to file an appeal in a timely fashion will constitute an automatic abandonment of the grievance.

In the event the Department Head does not respond in writing within the time provided in Section 12.01, Step 1(C) above, the response will be automatically deemed a denial of the grievance on the sixth day and the time for appealing to Step 2 shall begin at that time.

SECTION 13

EMPLOYEE GRIEVANCE PROCEDURE NON-

DISCIPLINARY MATTERS

13.01 POLICY

It is the purpose of this grievance procedure to assure non-managerial employees that their non-disciplinary problems and complaints will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their supervisors' matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and supervisors will lead to better understanding of practices, policies, and procedures which affect employees. This will serve to identify and eliminate conditions which may cause misunderstandings and grievances.

13.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about the misapplication or misinterpretation of these PRR or applicable departmental rules and regulations. Disciplinary matters shall not be considered under this Section but only under Section 12.

13.03 PROCEDURE

- A. Step One: An employee shall present his complaint to his immediate supervisor within five (5) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within three (3) working days after the complaint is made to him.

- B. Step Two: If the employee has not received an answer from the immediate supervisor within five (5) working days, or if the employee feels the answer received is not satisfactory, he will reduce to writing the facts and circumstances of the problem and present the written statement to his Department Head within five (5) working days after the supervisor's deadline in Step One. Assistance will be provided by the Human Resource Department if requested, including for those employees who cannot read or write or have a language problem. The Department Head will investigate the grievance and meet with the employee to discuss the grievance within five (5) working days.

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Replaces _____

The Department Head will notify the employee of his decision within five (5) days following the meeting date.

- C. Step Three: If the employee has not received an answer from the Department Head within five (5) working days, or if the employee feels the answer received is not satisfactory, he will reduce to writing the facts and circumstances of the problem and present the written statement to the City manager within five (5) working days after the Department Head's deadline in step Two. The City Manager shall investigate the grievance and meet with the employee and supervisors in an attempt to resolve the problem within ten (10) days after receipt of the employee's appeal. The City Manager's decision shall be final and binding.

The HR Department will provide assistance at any state of the grievance procedure, if requested.

No employee will be retaliated against in any way for filing a grievance unless it was filed in bad faith which means the employee filed a grievance knowing the facts, he asserts to support his claim are untrue.

SECTION 14

HOURS OF WORK AND OVERTIME

14.01 HOURS OF WORK

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Department Heads shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Except for uniformed patrol officers in the Wauchula Police Department, employees shall be scheduled for an unpaid lunch break of not less than one-half (1/2) hour but not more than one (1) hour and a paid break before and after lunch, not to exceed fifteen (15) minutes each.

14.02 REGULAR WORK WEEK OR PERIOD

The regular work week shall be forty (40) hours in a seven (7) day period.

14.03 OVERTIME

- A. Non-exempt employees shall be paid or given comp time, at the City's discretion, a rate of one and one-half (1 1/2) their regular hourly rate after forty (40) hours in a seven (7) day work period. Police Department Non-exempt employees shall be paid or given comp time, at the City's discretion, a rate of one and one-half (1 1/2) their regular hourly rate after eighty (80) hours in a (14) day work period.
- B. There shall not be any duplication of overtime or premium pay.

14.04 HOURS COUNTED

Only hours of actual work time will be counted as hours worked for the purpose of determining eligibility for overtime with the exception of holiday time.

Approved _____
Replaces _____

14.05 COMP TIME

The maximum Comp Time allowed is two hundred forty (240) hours for all employees except sworn police officers and the maximum for them is up to four hundred eighty (480) hours. All overtime worked in excess of this cap will be paid at the employee's overtime rate. Overtime not paid shall be placed in the employee's Comp Time bank at one and one-half (1 1/2) times the overtime hours worked. When it is used or paid, it shall be charged to or paid from the employee's Comp Time bank hour for hour. Upon cessation of employment, employees shall be paid the unpaid Comp Time standing in their account at the rate set forth in 14.08.

14.06 TIME OFF

Employees shall take Comp Time off their Comp Time bank only after receiving permission from the Department Head, or his designee. Comp Time will be granted when requested by an employee as long as in the opinion of the Department Head it does not interfere with operational needs of the department.

14.07 RECORDS

The official record of earned Comp Time for all employees shall be maintained by the Human Resource Department.

14.08 RATE OF PAY

Employees will be compensated for Comp Time remaining on the books after termination or separation from the City at the wage rate they were making at the time their employment ceased.

14.09 GUARANTEE

The above sections do not guarantee or place a limitation on the number of hours to be worked in any one day or the number of days per week.

14.10 ON CALL

- A. Non-exempt employees who are placed on call shall be paid one (1) hour at one and one-half (1-1/2) their regular hourly rate for each day they are assigned to be on call.

Approved ____
Replaces ____

- B. Employees on call are free to go about their personal affairs but shall not consume alcohol while on call. They shall be available by land line or cell phone and must respond to the call-in person or by telephone as soon as possible but not later than twenty (20) minutes after the call is received. If responding by telephone, the employee shall report as directed.

14.11 COMPENSATION FOR HOURS WORKED DURING A DECLARED STATE OF EMERGENCY

- A. This policy applies to a City-wide state of emergency which has been expressly declared by the Mayor or in his/her absence the Mayor Pro Tem. This policy applies to all City employees (both exempt and non-exempt) except for the City Manager.
- B. Exempt employees that are directed and required to work in excess of forty-eight hours (48) in a work week during a City-wide state of emergency period and whose work pertains to the protection of life, or property or the effective operation of the City will be paid their regular straight-time base rate of pay for all hours worked. This shall include instances when assistance is provided to other municipalities/agencies during declared state of emergencies through mutual aid or part of a response team for the duration of the state of emergency. All determinations regarding hours worked, hours to be compensated, and applicable rate of pay shall be solely determined by the City and shall not be subject to grievance or appeal.
- C. Exempt employees that are required by the City to shelter on City property or at a location designated by the City (other than the employee's home or a location chosen by the employee) during the state of emergency will be compensated at their straight-time base rate of pay.
- D. Non-Exempt employees that are required to shelter on City property or at a location designated by the City (other than the employee's home or a location chosen by the employee) during the state of emergency will be compensated in accordance with the Fair Labor Standards Act for all hours worked.

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Replaces _____

14.12 SPECIAL EVENT PAY

Whenever approved by the City Manager, a non-exempt employee who is assigned, or who volunteers, to work a City special event outside of the employee's normal work schedule will receive one and one-half their rate for working such hours. This special event pay does not apply to any employee whose normal job duties entails working such special events. This special event pay only applies where the employee is working in his or her capacity as, and is being paid as, a City employee; it does not apply to any special event where the individual is being paid for such work by a third-party (such as in the case of off duty special details being worked by law enforcement officers, or other similar arrangements).

SECTION 15 HOLIDAYS

15.01 DAYS OBSERVED

- A. The City recognizes the twelve (12) holidays as enumerated below. The days such holidays shall be celebrated may be changed by the City Manager for operational reasons. Notice of a change will be given as far in advance as practicable.

<u>Holiday</u>	<u>Normal Day Celebrated</u>
1. New Year's Day	January 1
2. Martin Luther King Day	3rd Monday in January
3. Presidents Day	3 rd Monday in February
4. Good Friday	Friday before Easter
5. Memorial Day	Last Monday in May
6. Independence Day	July 4
7. Labor Day	1 st Monday in September
8. Veteran's Day	November 11
9. Thanksgiving Day	4th Thursday in November
10. Day after Thanksgiving	4th Friday in November
11. Christmas Eve	December 24
12. Christmas Day	December 25

- B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. The City Manager may determine that any department or operation will be open for business on a holiday.

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15.02 WORK ON A HOLIDAY

Employees who are required to work on a holiday shall receive time and one-half (1 1/2) or Comp Time for hours worked on the holiday at the discretion of the City, plus any holiday pay to which they are entitled.

15.03 ELIGIBILITY FOR HOLIDAY PAY

To be eligible for holiday pay, the employee must work his scheduled work day or shift immediately preceding and after the holiday unless the absence is approved or excused by the Department Head.

15.04 HOLIDAY PAY

Non-exempt regular full-time employees who meet the eligibility requirements shall be paid holiday pay at their straight time hourly rate based on their regular weekly schedule.

15.05 ABSENCE DUE TO SICKNESS

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless (1) he notifies his Department Head at least one (1) hour before he is scheduled to report for work and (2) upon request, he presents evidence satisfactory to the Department Head, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury. The employee who fails to follow this procedure will also be subject to immediate termination. The Department Head may excuse the first requirement if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

15.06 HOLIDAY ON A LEAVE DAY

- A. There shall be no scheduled leave taken on a holiday.
- B. If a holiday falls during a leave of absence without pay, the employee shall receive no holiday pay.

SECTION 16

VACATION/PERSONAL LEAVE DAY

16.01 ELIGIBILITY AND RATE OF EARNING

- A. The City provides annual paid vacation time off work to eligible full-time employees to allow for rest, recreation and personal activities. Vacation entitlement is based upon service credit in accordance with the following schedule:

<u>Length of Service</u>	<u>Annual Vacation Entitlement</u>
At least 6 months – Less than 1 year	1 week – 40 hours
At least 1 year – Less than 5 years	2 weeks – 80 hours
At least 5 years – Less than 10 years	3 weeks – 120 hours
At least 10 years – Less than 15 years	4 weeks – 160 hours
15 years and above	5 weeks – 200 hours

- A. Vacation must be taken before December 31st, cashed in or carried over per section 16.01 (H) or it will be lost, unless the City Manager or his designee approves otherwise.
- B. Annual leave credits are accrued based on the schedule in paragraph A, calculated from the first day of continuous employment.
- C. Annual leave shall be recorded, charged, and paid in increments of quarter (1/4) hours.
- D. Employees become eligible for vacation upon completion of your ~~initial first~~ six (6) months ~~probationary period~~ of full-time continuous service credit. Thereafter, vacation entitlement will be determined on a calendar year basis. Additional weeks of vacation per year will be credited upon attainment of the 1st, 5th, 10th and 15th employment anniversaries according to the above schedule.
- E. The established vacation year is the calendar year, January 1st through December 31st of each year. On or before March 1st the Department Head

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Replaces _____

will post the vacation schedules for those who signed up, giving preference based on City seniority, **subject to operational needs**.

- F. Once the Department Head makes the assignments from the sign-up form, that vacation shall not be changed except for important operational reasons and shall not be subject to change by a later request by a more senior employee.
- G. After the assignments are made, subsequent vacation requests shall be made on a "first come, first served" basis subject to operational needs as determined by the Department Head.
- H. Full-time regular employees may carry over or cash in unused vacation subject to the guidelines listed below:

Vacation Entitlement	Maximum Carry Over	Maximum that can be Cashed In
1 week (40 hours)	None	None
2 weeks (80 hours)	1 week (40 hours)	None
3 weeks (120 hours)	1 week (40 hours)	1 week (40 hours)
4 weeks (160 hours)	2 week (80 hours)	2 weeks (80 hours)
5 weeks (200 hours)	2 week (80 hours)	3 weeks (120 hours)

ALL ELIGIBLE EMPLOYEES MUST USE ONE (1) WEEK OF VACATION WITHIN A CALENDAR YEAR IN ORDER TO BE ELIGIBLE TO CASH IN OR CARRY OVER.

16.02 REQUEST FOR LEAVE

- A. Annual leave may be taken only after approval by the appropriate Department Head.
- B. Annual leave may be used only as earned and will not be advanced.
- C. Vacation times should be requested as far in advance as possible but no less than five (5) working days in advance of the time requested.
- D. It will be the responsibility of the Department Head to find operational coverage for the department/duties of the employee who is requesting vacation leave. If the leave does not fall as specified by Section "C" and the leave is not deemed as an emergency, it is the responsibility of the employee to find coverage for the duties of which they are responsible.

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Replaces _____

16.03 USE

- A. Accrued vacation may be used in (1/4) hour increments at a time with prior approval of the Department Head.
- B. Unused but earned vacation may also be used in (1/4) hour increments to supplement leaves approved for sick leave, long-term disability provided by the City, if any, Worker's Compensation, funeral leave and leaves under the Family Medical Leave Act; providing the total compensation received from all sources by the employee shall be no more than forty (40) times the employees straight time hourly rate of pay.

16.04 RECORDING LEAVE

The official record of annual and sick leave credits is maintained in the Human Resources Department. Each department shall receive an accounting of all leave earned, used, and total remaining balance upon request.

16.05 PAY OFF ON SEPARATION

Employees who have more than one year of continuous service with the City shall be paid accrued but unused vacation pay upon cessation of their employment in the following circumstances;

A. Voluntary written resignation under circumstances where the city, in its sole discretion, deems the resignation to be in good standing and where the employee has provided at least a two weeks' notice in advance of his or her resignation. The City's determination as to whether the employee was in good standing at the time of resignation shall not be subject to the grievance procedure or reviewable in any other manner. Illustrative circumstances where the employee will not be deemed to have resigned in good standing include, but are not limited to circumstances where the employee resigned in lieu of discipline, while pending an investigation or other inquiry, after having been recently disciplined, after having received an evaluation which rated the employee less than "above satisfactory" on his or her most recent evaluation, and under any other circumstances where the City determines the employee's employment status to be in jeopardy.

B. Layoff

Approved _____
Replaces _____

- C. Retirement from City service, so long as the retirement occurred as a result of a voluntary resignation/separation deemed by the City to be in good standing as set forth above.
- D. Death during employment, in which case payment shall be made to the spouse or family.

Employees who are discharged for any other reason shall not be paid his or her accrued unused vacation leave, unless the City Manager or his designee, at his sole discretion, elects to permit it. Likewise, any vacation leave not eligible for payout pursuant to the terms of this section shall be deemed forfeited.

16.06 Personal Leave Day

- A. In addition to paid vacation time, full-time employees also receive one paid personal day per year. Employees must request advance approval to use their personal day from their Department Head. The paid personal day shall not count as hours worked for overtime compensation purposes. Paid personal days shall not carryover from year-to-year and any unused personal day will not be paid out on separation.
- B. Employees become eligible for personal leave day upon completion of your ~~initial~~ first six (6) months ~~probation period~~ of full-time continuous service credit.
- C. The paid personal day under this section shall be 8 hours for employees who are normally scheduled to work 8-hour shifts, and shall be 12 hours for employees who are normally scheduled to work 12-hour shifts.

SECTION 17

SICK AND FUNERAL LEAVE

17.01 ELIGIBILITY

Regular full-time employees are eligible under paragraphs 17.02 and 17.03 for paid sick leave for absences due to sickness or injury, provided, upon request, they present evidence, including a medical doctor's excuse if requested, satisfactory to their Department Head to establish their absence was due to a bona fide sickness or injury. Sick leave may also be used for funeral leave as provided in 17.08 below.

17.02 RATE OF EARNING AND ACCRUAL LIMITS

Regular full-time employees shall accrue eight (8) hours per month paid sick leave upon successful completion of their first six (6) months probation period of full-time continuous service credit. A completed month is any month the employee works, is on paid leave or military leave, or any combination of them, for all the employee's regularly scheduled hours of work. There is an accrual limit of 1040 sick leave hours that may be used for bona fide illness or injury.

17.03 CHARGING LEAVE

- A. Sick leave taken shall be recorded, charged and paid in increments of quarter (1/4) hours.
- B. Paid holidays which occur during paid sick leave shall not be chargeable to sick leave.

17.04 REQUEST FOR LEAVE

To be eligible to receive pay for sick or funeral leave, the employee shall notify his immediate supervisor or Department Head for approval as soon as possible.

17.05 UNPAID MEDICAL LEAVES

When paid sick leave and accrued annual leave is exhausted for absence due to bona fide sickness or injury, the employee may be given additional sick leave without pay for up to six (6) months.

17.06 RETURN FROM SICK LEAVE

- A. At the option of the City, the employee may be required to supply medical release from a doctor acceptable to the City to return to work from a medical leave whether the leave was with or without pay.
1. An employee who is released from sick leave and who wishes to return to work shall notify the City. If the leave was less than thirty (30) days, the employee shall be placed in the job he held before the leave and there shall be no adjustment of his anniversary date, or City seniority or departmental seniority, or classification seniority.
 2. Subject to applicable law FMLA if the leave is longer than thirty (30) days but less than one hundred eighty (180) days, the employee will be given his job or a substantially equivalent job that is vacant if he is qualified to perform all the essential requirements of the vacant job. If the absence was due to a legally-recognized disability, reasonable accommodation that will not cause undue hardship to the City will be offered. Adjustments of his anniversary date, seniority and classification seniority dates shall be as provided in other unpaid leaves under Section 9.
 3. The Department Head may make exceptions to the above for operational reasons upon the request of the employee.

Approved _____
Replaces _____

17.07 USE

- A. Paid sick leave may be used in increments of one quarter (1/4) hour provided it is approved for the following purposes:
1. Bona fide sickness or injury off the job.
 2. Medical, dental, optical or chiropractic examination or treatment which cannot be scheduled during non-duty hours.
 3. Medical needs of a member of the employee's immediate family which requires the personal care or attention of the employee, or the death of a member of the employee's immediate family. Immediate family includes any of the following: spouse, parent, child, sister, brother, grandparent, mother/father-in-law, spouse's immediate family, other relative who is a member of the employee's household.
 4. Funeral leave.
 5. An unpaid leave under the FMLA.
- B. Use of sick leave for any purpose not specified above may be considered misconduct and may be grounds for disciplinary action.

17.08 EXTRAORDINARY CIRCUMSTANCES-DONATION OF SICK TIME

Sick leave may be donated from employee to employee for a documented serious health condition including catastrophic, non-work related extended medical problem, which may include FMLA leave, with the following conditions.

- A. The employee receiving the donation has exhausted all other paid leave. However, employees who have a history of exhausting their sick time as they have accrued it are not eligible to receive donations.
- B. The donation will not reduce the donating employee's sick leave time below 100 hours.
- C. A maximum of 160 hours per occurrence may be donated/received within the calendar year. The City Manager may extend the maximum number of hours beyond 160 hours, if the circumstances warrant such consideration.

17.09 USE AS A SUPPLEMENT

Sick leave may be used to supplement long-term disability provided by the City, if any, or leave due to an on-the-job injury but capped at forty (40) times the employees straight time rate of pay for all compensation received.

17.10 PAY OFF ON SEPARATION

An employee hired before January 1, 2012 OR who has completed 15 years of continuous service with the City is entitled to be paid for 50% of accrued but unused sick leave capped at 520 hours.

- A. Voluntary written resignation under circumstances where the city, in its sole discretion, deems the resignation to be in good standing and where the employee has provided at least a two weeks' notice in advance of his or her resignation. The City's determination as to whether the employee was in good standing at the time of resignation shall not be subject to the grievance procedure or reviewable in any other manner. Illustrative circumstances where the employee will not be deemed to have resigned in good standing include, but are not limited to circumstances where the employee resigned in lieu of discipline, while pending an investigation or other inquiry, after having been recently disciplined, after having received an evaluation which rated the employee less than "above satisfactory" on his or her most recent evaluation, and under any other circumstances where the City determines the employee's employment status to be in jeopardy.
- B. Layoff
- C. Retirement from City service, so long as the retirement occurred as a result of a voluntary resignation/separation deemed by the City to be in good standing as set forth above.
- D. Death during employment, in which case payment shall be made to the spouse or family.

Approved ____
Replaces ____

Employees who are discharged for any other reason shall not be paid for any of his or her accrued unused sick leave, unless the City Manager or his designee, at his sole discretion, elects to permit it. Likewise, any unused sick leave not eligible for payout pursuant to the terms of this section shall be deemed forfeited.

17.11 LIGHT DUTY

If an employee is released by their physician for “light duty” return to light duty shall be at the option of the City based on its operational needs. Refusal to accept a light-duty assignment the employee is capable of performing in accordance with applicable law will result in termination of employment, unless the employee is entitled to take leave under the FMLA

17.12 FUNERAL LEAVE

- A. Approved funeral leave in the event of the death of a member of the employee’s immediate family (as defined in Section 17.07(A)(4)) will be granted as provided below for up to three (3) working days and up to five (5) working days for funerals that take place out of state.
- B. The employee may be required to provide the City with proof of death in the immediate family, as defined, before compensation is approved.
- C. If in the opinion of the City, additional days off are necessary to attend the funeral of a member of the immediate family, accrued annual leave may be used or the employee may be given additional time off without pay. If the employee wishes to attend the funeral of someone outside his immediate family, the employee may be allowed time off without pay but only if the City determines the absence will not affect operations.

SECTION 18

FAMILY MEDICAL LEAVE POLICY

18.01 POLICY

Employees who have worked for the City of Wauchula for at least twelve (12) months and at least 1,250 hours during the preceding twelve (12) months may:

- A. Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
 - 1. The birth of the employee's child and to care for the newborn child;
 - 2. The placement of a child with an employee for adoption or foster care;
 - 3. In order to care for the employee's spouse, child or parent who has a serious health condition;
 - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position;
 - 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a regular, retired or reservist member of the military on active duty deployed to a foreign country or has been notified of an impending call or order to such active duty.

- B. Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is either
 - 1. A military service member (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness or.
 - 2. A veteran military service member who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a military service member (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date

on which the veteran undergoes medical treatment, recuperation, or therapy.

18.02 DEFINITIONS

The following definitions apply for purposes of Section 18:

- A. **Serious Health Condition** -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., the inability to work, attend school or perform other regular daily activities), or any subsequent treatment in connection with the inpatient care; or (2) continuing treatment by health care provider, as defined by the FMLA and the pertinent regulations.
- B. **Serious injury or illness** – In the case of a member of the Armed Forces, an injury or illness incurred or aggravated in the line of duty on active duty that may render the member medically unfit to perform the duties of his or her office, grade, rank or rating. In the case of a veteran who was a member of the Armed Forces at any time during the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy, a "serious injury or illness" means an injury or illness incurred or aggravated in the line of duty on active duty in the Armed Forces and that manifested itself before or after the member became a veteran.
- C. **Child** – Except as otherwise noted in this policy, "child" means a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self-care because of a mental or physical disability.
- D. **Parent** – Parent means a biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents "in law."
- E. **Next of Kin** – The "next of kin" of a military service member means the nearest blood relative other than the service member's spouse, parent or child, in the

following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

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

18.03 MEASURING THE TWELVE-MONTH PERIOD AND COUNTING FMLA LEAVE

- A. For leave taken for any of the reasons listed in Section 18.01(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelve-month period measured backward from the date an employee uses any FMLA leave. In this respect, whenever a need for FMLA leave arises, the amount of FMLA that an employee would be entitled to use is measured by counting how much FMLA leave the employee has used during the prior twelve months. If during that prior twelve-month period the employee has already used 12 weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve weeks of FMLA leave during the prior twelve-month period, he or she is entitled to the balance of the twelve weeks that has not been used.
- B. For leave taken for the reason listed in Section 18.01(B), the single twelve (12) month period for calculating leave needed to care for a military service member begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 18.01(B) may not exceed twenty-six (26) weeks in any single twelve (12) month period when combined with other FMLA-qualifying leave under any section of this policy.

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Replaces _____

- C. For leave taken for the birth of a child or placement of a child for adoption or foster care, the entitlement to leave under this policy expires twelve (12) months from the date of the child's birth or placement.
- D. If both parents work for the City, their combined leave shall not exceed twelve (12) weeks in a twelve (12) month period for leave taken for the birth of the employee's child, to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- E. If both parents work for the City, their combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in section 18.01(B) above for leave taken for the birth of the employee's child, to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a service member with a serious injury or illness.
- F. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

18.04 INTERMITTENT LEAVE OR LEAVE ON A REDUCED SCHEDULE BASIS

- A. In the case of leave based upon a serious health condition or a service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City's operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, FMLA leave must generally be taken in a continuous block. Intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.

Approved ____
Replaces ____

- D. In the case of unpaid leave for a serious health condition, the leave may be taken intermittently or on a reduced-hours basis only if such leave is medically necessary. If intermittent or reduced hours leave is required, the City of Wauchula may in its sole discretion temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates that type of leave.

18.05 EMPLOYEE AND EMPLOYER NOTICE AND CERTIFICATION REQUIREMENTS

- A. For leave that is foreseeable, the employee must provide the City with notice as soon as the need for leave is known and, in any event no less than thirty (30) days' advance notice. If the need for leave is not foreseeable, the employee is required to provide the City with as much notice as is practicable once the need for leave becomes known. Requests for leave should be on approved forms, which are available from the human resources department.
- B. After being notified of the employee's need for FMLA-qualifying leave or whenever the City becomes aware that an employee's leave of absence may qualify under the FMLA, the City will determine if the employee is an "eligible employee" under the terms of this policy and the FMLA and will also advise the employee of any rights and responsibilities. Though not required, the City will endeavor to use the model Notice of Eligibility and Rights and Responsibilities form for such purposes (i.e., Form WH-381, available online at <https://www.dol.gov/whd/fmla/forms.htm>).
- C. The City will require that leave based upon a serious health condition, or a service member's serious injury or illness, be supported by a medical certification from a health care provider. The City will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary. Generally, the employee will be afforded no less than 15 days to have the certification form completed and submitted. Though not required, the City will endeavor to use the appropriate model medical certification form where appropriate (i.e., Form WH-380-E, WH-380-F, WH-385, WH-385-V, available online at <https://www.dol.gov/whd/fmla/forms.htm>). In accordance with applicable regulations, the City may request, at the City's expense, a second opinion from a health care provider of the City's choice (as well as a third opinion if the second opinion conflicts with the first opinion).

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- D. Once any required certifications forms are submitted or the City otherwise obtains the necessary information to determine if the employee's need for leave qualifies as an FMLA-qualifying reason, the City will designate the leave accordingly and advise the employee of the designation. Notably, all leave which qualifies as FMLA leave will be designated as FMLA leave, including whenever the employee is on leave for workers' compensation, disability, and sick leave. Though not required, the City will endeavor to use the appropriate model Designation Notice for this purpose (i.e., Form WH-382, available online at <https://www.dol.gov/whd/fmla/forms.htm>).
- E. The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in conjunction with an absence, or more often to the extent permitted by applicable law (though ordinarily not more than every thirty days). No second or third opinion will be required for recertification.
- F. The City will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active-duty orders or other similar documentation. Though not required, the Company will endeavor to use the appropriate model qualifying exigency certification form where appropriate (i.e., Form WH-384, available online at <https://www.dol.gov/whd/fmla/forms.htm>).
- G. Certification forms to be completed under this section are available from the human resources department. If an employee's certification or recertification is deemed by the City to be incomplete, the City will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- H. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements. When the employee gives unequivocal notice of his or her intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continue leave, maintenance of health benefits, and reemployment will cease.
- I. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing

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the essential functions of his or her position before the employee will be allowed to return to work.

18.06 HEALTH INSURANCE PREMIUMS

- A. During family leaves of absence, the City of Wauchula will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period; provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City of Wauchula for the City's portion of health insurance premiums during the family leave, unless the employee does not return due to a serious health condition which prevents the employee from performing his or her job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

18.07 ACCRUAL

During leave, the FMLA does not require accrual of employment benefits, such as vacation pay, sick days, seniority, etc. Accordingly, during unpaid FMLA leave, accrual of benefits and seniority shall be on the same basis as for any other unpaid leave of absence. Pension benefits will be determined in accordance with DOL rules. Employment benefits to which an employee may be entitled on the day on which the Family and Medical Leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

18.08 RELATIONSHIP TO PAID LEAVE

- A. For unpaid leaves under this policy, the City will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is receiving partial pay (such as when the employee is on a workers' compensation leave or a leave of absence under a disability plan), the employee's accrued paid leave may be used to supplement the employee's pay to bring him or her up to his or her full salary, but only to the extent that both the City and the employee agree.
- C. To the extent the City of Wauchula does not provide paid sick/medical leave for a condition covered by the FMLA, neither this policy nor the FMLA entitles the employees to paid leave.

18.09 RETURN FROM FMLA LEAVE

With the exception of certain key employees, employees who return to work from FMLA leave within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

As noted above, for leave taken because of the employee's own serious health condition, the employee is required to furnish a return-to-work medical certification prior to returning to work.

18.10 FAILURE TO COOPERATE

Employees who fail to provide information the City of Wauchula is allowed by law to require the employee to provide may have their leave delayed and be subject to discipline up to and including discharge as permitted by law.

SECTION 19

COURT/WITNESS LEAVE

19.01 WITNESS LEAVE FOR THE CITY

Employees who appear as witnesses on behalf of the City in any judicial or administrative proceeding or who are directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

19.02 OTHER COURT-RELATED LEAVE

Those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay.

19.03 JURY DUTY LEAVE

The City considers it a civic duty to serve on a jury if you are summoned and supports your participation in the process.

- A. You are required to bring the Summons Notice to your supervisor on the first working day following the receipt of the notice.
- B. All full-time and part-time employees called upon to serve on a municipal, county, federal, or grand jury, or to be examined as a juror, are eligible for compensation at their regular rate of pay capped at eight (8) hours per day minus pay received from the Court for jury duty. A completed, authorized Request for leave Form and verification must be submitted with the Payroll Report for pay period affected.
- C. Employees are required to report off work daily. If and when released from the court the employee is required to report for work if two (2) or more hours remain on your shift.
- D. In order for an employee to be compensated at their regular rates of pay, the employee must provide evidence satisfactory to the HR Department of the pay received from the Court.

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19.04 RETURN TO WORK

Employees who attend court on any other legal proceeding for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released.

SECTION 20

GENERAL LEAVE WITH/WITHOUT PAY

20.01 GENERAL LEAVE WITHOUT PAY

Except as required by applicable law, the decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. All accrued vacation leave and comp time shall be exhausted before leave without pay (LWOP) is approved. For leave without pay requested due to sickness or a medical issue, all accrued sick leave must also be exhausted before LWOP is approved. Accrued sick leave shall not be used for LWOP if the reason for the LWOP is not due to sickness or a medical issue. It shall be the responsibility of each department head to weigh each case on its own merits. Leaves without pay that exceed forty (40) hours in a 12-month period shall require City Manager approval.

20.02 EXTENSION

Employees on leave shall report for duty at the end of the leave unless they have obtained a written extension from their department head or have been notified not to return.

20.03 RETURN TO WORK

- A. An employee who is on approved non-medical or non-FMLA leave without pay for less than ten (10) working days shall be returned to his former position.
- B. When the leave is more than ten (10) but less than sixty (60) working days without pay the employee shall be returned to his former position or another position for which, in the opinion of the Department Head, he is qualified to perform all of the duties, if one is vacant, otherwise, he shall be laid off.

20.04 ANNIVERSARY DATE, CITY AND CLASSIFICATION SENIORITY

- A. Employees returning from a non-medical unpaid leave of thirty (30) working days or less shall retain their anniversary date, City, departmental and classification seniority dates.
- B. Employees returning from longer unpaid leave will not lose seniority but the time they are out beyond thirty (30) days will not be counted for benefit calculation

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20.05 OTHER EMPLOYMENT

Employees on leave without pay of any kind, including unpaid medical leave, shall not accept employment elsewhere.

20.06 ACCRUAL OF SICK AND VACATION LEAVE

No paid sick or vacation leave will be earned while on any unpaid leave, including non-medical leave of more than ten (10) working days in a month.

20.07 CONFERENCE LEAVE

When deemed in the best interest of the City, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's service to the City. All such leave and travel expenses will be subject to the approval of the Department Head in accordance with State law.

20.08 ADMINISTRATIVE LEAVE

Administrative and supervisory personnel who do not earn or accrue overtime may be granted reasonable time off without loss of pay, to conduct personal business which cannot be conducted during off-duty time upon approval of the City Manager.

20.09 MILITARY LEAVE

Employees ordered to annual military training as a member of any of the U.S. Armed Forces Reserves or National Guard, will be granted up to 240 working hours of leave without loss of pay in a calendar year. Leaves for annual military training in excess of 240 working hours in a calendar year will be without pay.

For employees ordered to perform active military service, the first 30 days of such leave will be without loss of pay. Leaves for active military service in excess of 30 days will be without pay. Re-employment by the City following a period of active military service will be granted in accordance with applicable law.

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

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20.10 EFFECT OF LEAVES ON INSURANCE COVERAGE

A. Compensable Leave

The City shall continue the employee's group life and AD&D during compensable leave of absence at no additional cost to the employee.

B. Non-Compensable Leave

Subject to the Family Medical Leave Act and subparagraph (A) above, if an employee is on an unpaid leave of any type, including medical leave, he shall be responsible to pay the premium for group life and AD&D insurance beginning the month after the month in which the leave began. The employee shall be entitled to continue coverage for the period of the approved leave provided he pays the premiums subject to any restrictions imposed by the insurance carrier.

SECTION 21

EQUAL EMPLOYMENT OPPORTUNITY & PROHIBITION OF INAPPROPRIATE, DISCRIMINATION, HARASSMENT, AND RETALIATION POLICY

21.01 EQUAL EMPLOYMENT OPPORTUNITY POLICY AND PROHIBITION OF INAPPROPRIATE DISCRIMINATION

The City is an Equal Opportunity Employer. It is the policy of the City to administer its employment decisions without regard to race, color, creed, religion, national origin, ethnicity, age sex/gender, pregnancy, sexual orientation genetic information, marital status, veteran status or disability. This policy applies to all employment decisions and personnel actions including, but not limited to, recruitment, screening, selection, hiring, training and development, determinations of pay and benefits, evaluation, scheduling, job assignments, promotion, transfer, demotion, layoff, discipline and dismissal.

21.02 REASONABLE ACCOMMODATION OF DISABILITIES

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

21.03 PROHIBITION OF INAPPROPRIATE HARASSMENT

The City is committed to maintaining a work environment free of harassment based upon race, color, creed, religion, national origin, ethnicity, age, sex (including gender), pregnancy, sexual orientation, marital status, genetic information, veteran status or disability. The City will not tolerate the inappropriate harassment of any of its employees or any other individual who does business with the City. It is the affirmative responsibility of all personnel for maintaining a workplace that is free from harassment and intimidation.

The City is committed to promptly and thoroughly investigating all complaints of harassment

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

Improper harassment includes harassment on the basis of one's sex. Prohibited forms of sexual harassment includes, but is not limited to, offensive sexual advances, requests for sexual favors, unwelcome sexual propositions; sexual innuendo; sexually suggestive remarks; vulgar or sexually explicit comments, gestures, noises or conduct; sexually-oriented kidding, teasing or practical jokes; physical contact of a sexual nature such as brushing against another's body, pinching, grabbing, rubbing, hugging, poking or patting; publication or display of documents, objects, text, pictures, or graphics in the workplace that contain material that is of a sexual nature; and using the computer or other electronic equipment to access any content that contains material of a sexual nature.

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

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

21.04 REPORTING OR MAKING COMPLAINTS

All personnel are responsible for ensuring compliance with this City's Policy prohibiting discrimination, harassment, and retaliation, and for otherwise maintaining a workplace that is free of such impermissible discrimination, harassment and retaliation. Any employee who experiences or witnesses impermissible discrimination, harassment or retaliation has an affirmative obligation to report it to either his or her immediate supervisor, any Department Head, the Human Resources Department, or the City Manager. Employees who witness impermissible discrimination, harassment or retaliation and fail to report it are subject to disciplinary action, up to and including dismissal.

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

Upon receiving a complaint of impermissible discrimination, harassment or retaliation, the City will promptly investigate the allegation and take any action deemed appropriate based upon the results of the inquiry. Investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. The investigation may also entail reviewing pertinent documents, e-mail communications, pictures and/or any other relevant physical evidence. All investigations will be conducted in a fair and impartial manner.

- A. Any employee found to have violated this policy will be subject to disciplinary action, up to and including dismissal. The City may also require remedial training concerning its policies and procedures relating to prohibited discrimination, harassment and retaliation, and may take any other measure determined to be necessary for the effective enforcement of this policy.

21.05 PROHIBITION AGAINST RETALIATION

Any individual who files a complaint under this policy or who participates in an investigation will be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or participating in an investigation. An employee who believes he or she has been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation, must immediately report it pursuant to the complaint process outlined above. Any employee determined to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and including dismissal.

SECTION 22

EMPLOYEE HEALTH AND INSURANCE

22.01 GROUP MEDICAL, DENTAL AND VISION INSURANCE

The City makes available to all full-time employees' group medical, dental and vision insurance after a certain number of days of employment as follows:

- A. Participation is voluntary.
- B. For those employees who elect to participate, the City pays a flat amount per month for single coverage and a different amount for family coverage, provided the employee pays his share of the premium, if any.
- C. The current employee contribution rates are available from the Human Resource Department as are the various options as to coverage and types of insurance available.
- D. A booklet explaining the plans, contributions, and how and where to file claims is also available through the HR Department.

22.02 SUPPLEMENTAL INSURANCE

The City has an IRS-approved cafeteria plan by which eligible employees may purchase intensive care, cancer, life, death and disability and other types of insurance through payroll deduction with before-tax dollars. Contact the HR Department for details.

22.03 RETIREES MEDICAL INSURANCE

- A. Employees hired after January 1, 1999, and their eligible dependents, will be entitled to continue to participate in any City insurance plan upon retirement but at their own expense.
- B. Employees hired prior to January 1, 1999, are entitled to continue to participate in the group medical insurance plan upon retirement at the City's expense until becoming eligible for Medicare, and their eligible dependents may continue to participate at the employee's own expense. Once becoming eligible for Medicare, such retirees and their eligible dependents may continue to participate in the City's medical insurance, but at his or her own expense.

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- C. The City reserves the right to eliminate retiree, retiree's spouse's and dependent's eligibility to participate in City-sponsored insurance plans, including Medical and Health Insurance or to modify the conditions under which they are eligible to participate.

22.04 LONG-TERM DISABILITY INSURANCE

In the event the City decides to provide Long Term Disability Insurance, employees who are eligible will be provided a summary of the benefits and the conditions for receipt of same.

SECTION 23

PENSION

23.01 GENERAL PROVISIONS

The City maintains a defined benefit pension plan for full-time employees who meet the eligibility requirements. The contributions to the Plan are made by the City and the eligible employees.

All eligible employees will be provided a copy of the Summary Plan Description. All eligible employees may review a copy of the full text of the Plan upon request made to the Human Resource Department. Some of the more important points of the current Plan are described in Section 23.02 below; however, in the event of any inconsistency in that description and the actual Plan, the actual Plan shall prevail.

23.02 GENERAL DESCRIPTION OF THE PLAN

A. The City's-defined benefit plan currently includes:

1. Employee contributes ten percent (10%).
2. Employee must remain in full-time employment with the City of Wauchula for a period of not less than six (6) continuous years in order to be vested in the pension plan.
3. Employee must be at least fifty (50) years of age before receiving any portions of his/her retirement benefits.
4. Participants in the City of Wauchula's pension plan must receive his/her full benefits in one of three options:
 - (a) Lump sum distribution based on actuarial computations.
 - (b) Monthly allocation of an annuity payment based on actuarial computations.

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(c) In service distribution based on actuarial computations refer to Article VII (a) (6) (A) & (B) of the City of Wauchula Pension Plan Third Amendment and Restatement.

5. The City of Wauchula reserves the right to modify this plan at any time, in accordance with applicable ordinances and statutes.

- A. Copies of the Plan are available at the HR Department. To the extent there is any inconsistency between the PRR and the actual Plan itself, the Plan shall prevail.
- B. The City reserves the right to revise, modify or eliminate the Defined Benefit Plan, including, but not limited to contribution level, employee eligibility, the multiplier and all other and benefits and conditions of participation as and when it determines it is in the best interest of the City to do so. Employees and beneficiaries will be notified in writing of any changes.

SECTION 24

Drug-Free Workplace and Alcohol Policy

24.01 - GENERAL POLICY

The City's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and wellbeing of employees, citizens and others, or that adversely affect or might affect the effective operation of City operations. This policy has been implemented in accordance with sections 440.101 and 440.102 of the Florida Statutes.

24.02 - PROHIBITIONS

- A. Illegal Controlled Substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to manufacture, sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off City property. Illegal controlled substances are defined by applicable state and federal laws. Please be advised that marijuana, even if prescribed for a medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under federal law. As such, the City strictly prohibits the use of marijuana for any purpose.
- B. Alcohol Abuse. Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle; while operating a piece of City equipment; or while being transported in City vehicles at any time. In addition, employees are prohibited from reporting to work under the influence of alcohol and from otherwise using alcohol in a manner at any time which adversely affects or might adversely affect the interests or operations of the City.

24.03 - DEFINITIONS

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

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

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

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

24.04 -LEGAL USE OF PRESCRIPTION AND NON-PRESCRIPTION DRUGS

The legal use of prescription and non-prescription drugs is often necessary. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription drugs. Employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner.

24.05 - DRUG AND ALCOHOL TESTING

- A. Job Applicant Testing. Applicants for employment in special-risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the City.
- B. Routine Fitness-for-Duty Testing. Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.
- C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.
- D. Reasonable Suspicion Testing. An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:
 - 1. Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
 - 2. Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;

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3. A report of drug use, provided by a reliable source;
4. Evidence that an individual has tampered with a drug test during his or her employment with the City;
5. Information that an employee has caused or contributed to an accident or injury while at work;
6. Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
7. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.

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

- E. Random and/or Suspicionless Testing. Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicionless basis.
- F. Other Lawful Testing. The City reserves the right to conduct any other type of lawful drug or alcohol testing.

24.06 - DRUGS TESTED FOR AND COMMON MEDICATIONS THAT MAY AFFECT RESULTS

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

- Alcohol (including a distilled spirit, wine, malt beverage or other intoxicating liquor)
- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (marijuana)
- Cocaine
- Methadone
- Methaqualone

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- Opiates (heroin, morphine, codeine)
- Phencyclidine (PCP)
- Propoxyphene
- Any other hallucinogen, synthetic narcotic, designer drug or a metabolite of any of the substances listed above

B. Common Medications Which Could Alter or Affect Test Results. Certain prescription and non-prescription medications may alter or affect a drug or alcohol test. Employees and applicants that are subject to testing are obligated to report any prescription or non-prescription medication which could alter or affect test results to the independent Medical Review Officer (“MRO”). The MRO is Dr. Terrence Delikat , who can be reached at 130 E Main St Ste C-1, Bartow Florida 33830 and 863-533-7484 . Employees and applicants subject to testing have the right to confidentially consult with the MRO for additional or technical information regarding medications which may alter or affect test results. The most common medications which may alter or affect a test include, but are not limited to:

<u>Drug</u>	<u>Medication Which May Alter or Affect Test</u>
Alcohol	Liquid medications containing ethyl alcohol (ethanol). For example, many cough syrups, Vicks Nyquil, Comtrex, Listerine contain alcohol
Cannabinoids	Marinol (Dronabinol, Tetrahydrocannabinol (THC))
Amphetamines	Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastine
Cocaine	Cocaine HCl topical solution (Roxanne)
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Pectoral Syrup, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (hydromorphone), M-S Contin and Roxanol (morphine sulfate),

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	Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Activan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Paxipam, Restoril, Centrax
Methadone	Dolphine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

24.07 - TEST RESULTS

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

An employee or applicant who receives a positive confirmed test result may contest or explain the result to the MRO identified above within five working days. If the MRO determines that the employee's explanation is unsatisfactory, the MRO will report the positive test to the City. The employee or applicant may contest a positive confirmed test result pursuant to this policy, section 440.102 of the Florida Statutes, or other applicable law. If an employee or applicant seeks to contest the laboratory result, it is his or her responsibility to contact the laboratory to advise of any administrative or civil proceeding challenging the results and to request that the test sample be preserved.

Within 180 days of receiving written notification of a positive test result, an employee or applicant may, at his or her expense, have the positive sample retested at a different laboratory licensed and approved by the Agency for Health Care Administration.

Within five working days after receipt of a positive confirmed test result from the MRO, the City will inform the employee or applicant in writing of the test result, the consequences of the test result and any options that the City may elect to afford the employee or applicant in accordance with this policy. Within five working days after receiving notice of a positive confirmed test

result from the City, the employee or job applicant may submit information to the City explaining or contesting the test result and explaining why the test result does not constitute a violation of this policy. If the City determines that the explanation is unsatisfactory, the City will provide a copy of the test result to the employee or applicant along with a written reason as to why the explanation was deemed unsatisfactory.

24.08 - CONSEQUENCES OF A POSITIVE CONFIRMED TEST, A REFUSAL TO SUBMIT TO TESTING OR TAMPERING WITH A TEST

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

24.09 - CONFIDENTIALITY

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

24.10 - EMPLOYEE ASSISTANCE PROGRAMS

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

For more information, please contact the Human Recourses Department

Other Helpful Numbers

Drug/Alcohol Abuse Help line: 1-800-362-2644
Drug/Alcohol Abuse 24-hour Crisis Line: 1-800-283-2600
Alcoholics Anonymous: 1-800-252-6465
Drug Abuse Alcoholism & Cocaine: 1-800-333-4444

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

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

24.11 - REPORTING VIOLATION OF THE POLICY

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

24.12 - COORDINATION WITH THE HUMAN RESOURCES DEPARTMENT

All action taken by supervisors under this policy must be coordinated through the Human Resources Department to ensure compliance with all applicable laws.

24.13 - REPORTING AND CONVICTION OF ARRESTS AND/OR ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

All employees must report to their supervisor any arrest, indictment, conviction, plea or pretrial interventions of any type, of a drug or alcohol-related violation or alleged violation of law not later than the next work day

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after they become aware of it. Failure to so report may result in immediate termination.

Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.

Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether this policy has been violated. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee. The City shall not be obligated to await the outcome of any pending criminal or legal action prior to taking disciplinary action.

SECTION 25

EDUCATION COSTS REIMBURSEMENT BENEFIT

25.01: PURPOSE

The purpose of this policy is to provide a framework in which the employees of the City of Wauchula are encouraged to further their professional and personal development through educational pursuits. These may include participating in targeted skills course work, certification classes, or courses that are a part of a recognized degree program.

25.02: POLICY

In order for the City of Wauchula to continue its high-quality service, and to continuously improve that level of service to its customers, the employees of the organization should have opportunities for professional and personal improvement. The City benefits from providing, at no cost to the employee, education and development opportunities for certain technical positions that require certifications, licensure, and continuing education. The City believes that this benefit should also include other educational programs. As a result, the organization will not only see an enhancement in service delivery, but a commensurate increase in organizational morale and loyalty. To that end, the City will provide to its employees an Education Costs Benefit whereby participants in the benefit can request advance payment for training, or recoup a portion, or all, of their tuition and other education-related costs.

Approval for payment or reimbursement of tuition, education, or training costs under this policy must be sought by the employee in advance of taking the course and incurring the expense. Whether payment or reimbursement will be provided shall be determined by the City in its sole discretion. When approved, such payment or reimbursement will generally be provided according to the provisions of this policy and any tuition payment or reimbursement agreement required by the City as a condition of receiving such payment or reimbursement.

25.03: PERSONNEL COVERED BY THIS POLICY

- A. The provisions of this Policy shall be applicable to all City employees except:
1. City employees who have not yet completed their initial ~~6-month~~ probation period; or whose probationary period has been extended under the provisions of Section 4.04.A of the Personnel Rules and Regulations.
 2. Elected Officials.
 3. Persons hired as independent contractors on a contractual, fee, or retainer basis.
 4. Temporary, part-time, or casual employees.
 5. Persons employed under the provisions of government programs or grants.
 6. Employees who are not in good standing within their department because of factors related to performance and/or other disciplinary concern.

25.04: PROCEDURES

A. Budget Considerations

All reimbursements for education costs contemplated within the provisions of this policy are subject to budgetary constraints as defined by the Department Head and approved by City Commission within the context of the annual budget allocation process.

B. Participation in the Education Benefit

1. Relevance of Coursework

The Department Head must approve the operational relevance and value of all course or class work for which the participant is requesting assistance. If the employee is requesting assistance for course work that is part of a degree program, the Department Head should consider the value of the degree to the City's operations. It is up to the discretion of the Department Head to set applicability and relevance criteria for all training and education, and to determine

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whether it is necessary to approve each individual course within a degree-granting program.

2. Application for Participation

In order for an employee to qualify for City educational assistance under the provisions of this policy, the employee must submit a formal request to participate in the benefit to the Department Head (See the Form 27-A at the end of Section 27). The Department Head must approve participation in advance of enrollment in any classes or other educational opportunity.

3. Department Head Participation

In the event that a Department Head is making the request, approval for such participation may come from the City Manager

C. Covered Costs

1. Certifications and Licenses

When determined by the Department Head to be operationally necessary or beneficial, a Department Head may require or encourage an employee to secure certain licensures, training, and/or certifications. In such cases, the City may pay in advance for all classes, textbooks and materials, testing, and continuing education for such technical certifications and licenses. The City may cover travel and lodging (if necessary) on a reimbursement basis. Examples of such training include, but are not limited to:

- a. Water and Waste Water Treatment certifications
- b. Mechanic certifications, specifically ASE certificates
- b. Chemical handling and application licensure
- c. Notary Public license
- d. Specialized law enforcement training and/or certification

2. Skills Development Classes and Seminars

From time to time, employees may wish to participate in short-term educational classes and seminars that target specific skills, including computer applications (Excel, Word, PowerPoint, etc.), supervisory

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training, customer relations training, and others. The Department Head may authorize pre-payment for such activities, or reimbursement for participation. Such reimbursement requires proof of participation such as a completion certificate from the training provider.

3. Degree Granting Programs

Most positions within City employment do not require 2-year, 4-year, or advanced degrees. The City, however, recognizes that encouraging adult learners to complete such a program has long-term benefits for both the employee and City operations. Participation in the Education Cost Benefit to obtain a formal degree shall be on a reimbursement basis unless otherwise approved by the City Manager. Approval for tuition reimbursement must be sought by the employee in advance of taking the course and incurring the expense. Whether tuition reimbursement will be provided shall be determined by the City at its sole discretion. When approved, the reimbursement will generally be provided according to the provisions of this policy and any tuition reimbursement agreement required by the City as a condition of receiving reimbursement.

a. **Credit Hour Rate**

The City will reimburse the employee for course work up to \$300.00 per credit hour for under graduate or \$400.00 per credit hour for graduate. The City Manager may approve a higher credit hour rate on a case-by-case basis.

b. **Enrollment Fees, Lab Fees, and Textbooks**

The City will reimburse the employee for enrollment fees and lab fees based on the grade-based schedule detailed in the Reimbursement section below. Textbook reimbursement will be 50% of the receipted cost.

c. **Reimbursement**

The employee shall pay for all enrollment fees, classes, and labs up front. Costs to be reimbursed upon successful completion of each course based on the following schedule:

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<u>Grade</u>	<u>% Reimbursement</u>
A-B	100%
C	70%

Employees will not receive reimbursement for any class in which the grade upon completion is lower than “C.” Upon providing documentation of successfully passing an approved course with a “C” or better, the employee should request reimbursement through their Department Head. Form 27-A contains a section for authorizing reimbursement of education costs.

d. Other Education Funding Sources

In the event that the employee receives education assistance from other sources, such as government and private grants, it is the responsibility of the employee to notify their Department Head of such assistance. The intent of the City of Wauchula is to only cover those approved expenses that are not covered by any other financial resource.

e. Employee Retention

Employees will be required to sign an agreement to remain employed with the City of Wauchula for a minimum of two years after completing a degree-granting program. If employees violate the terms of the agreement, they may be required to re-pay the City any funds that were reimbursed as part of this education benefit. If the City terminates the employment of an employee who has received reimbursement under the terms of this benefit, the employee shall retain such reimbursement. In the event of any inconsistencies between this policy and the employee’s agreement, the agreement shall govern.

EDUCATION BENEFIT APPLICATION

Name Last (Please print)	First	Initial	Date	Title	Department
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**SECTION 1
Employee Request**

I request approval of the following course(s) for tuition reimbursement. Reimbursement for books will be in addition to cost of tuition, lab fees, and registration.

Educational Institution	Course Title	Course Number	Credit Hours	Course Start	Course End	Cost per Credit	Total Tuition
						\$	\$
						\$	\$
						\$	\$
						Lab Fees & Registration	\$
						Books and Materials	\$
The above course(s) is (are) being taken:						TOTAL	\$

As part of a curriculum leading to the degree of _____ (degree and major). Expected completion date for this degree is _____ (month/year). Number of degree hours required for this degree is _____ hours. Number of hours completed to date is _____ hours.

As a special, non-degree granting course.

Explain in your own words how this educational opportunity will improve your performance in carrying out your duties for the City of Wauchula. Use additional paper if necessary.

Requested by:	Date:	This request to participate in the City of Wauchula's education benefit is approved. Reimbursement for expenses related to this application is subject to successful completion of the course of study, and approval by the Department Head (Section 2 -- below).	
Supervisor:	Date:	Department Head:	Date:

**SECTION 2
Reimbursement Approval**

This request for tuition reimbursement for the following course(s) is approved.							Department Head Signature: _____		Date: _____
Educational Institution	Course Title	Course Number	Credit Hours	Cost per Credit	Total Tuition	Books, Fees, Labs	TOTAL		
				\$	\$	\$	\$		
				\$	\$	\$	\$		
				\$	\$	\$	\$		
Finance Director: _____						TOTAL	\$		
Date: _____									