

**CITY OF OCOEE, FLORIDA**  
**PERSONNEL RULES AND REGULATIONS**

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## SECTION 1

### GENERAL PROVISION

#### **1.01 Purpose and Reference**

The purpose of these Personnel Rules and Regulations is to establish and make known to all employees of the City the terms and conditions of employment for the City of Ocoee. These Personnel Rules and Regulations may also be referred to as “PRR” or “Rules and Regulations”.

#### **1.02 Positions Covered**

##### **A. Exemptions**

These Rules and Regulations cover all employees in the municipal government except they shall not apply to:

1. Mayor and City Commissioners;
2. Members of Boards and Commissions;
3. Persons employed under separate contract for employment executed by the employee and the City Manager unless the contract specifies otherwise; or
4. Personnel employed under the provisions of a governmental program or grant unless otherwise required by the program or grant.

##### **B. Employees Other Than Regular Full-Time**

Temporary, casual, part-time and grant employees (regardless of hours worked) shall serve at the will and pleasure of the City Manager and shall not be entitled to any benefits provided to regular full time employees unless otherwise provided in a specific Article or Section of the PRR or unless otherwise required by applicable law. Sections 15, 16 and 17 shall not apply to temporary, casual, probationary, contract, part-time employees, or to grant employees unless the terms of the grant require otherwise.

##### **C. City Manager**

Absent mutual agreement between the City Manager and the City Commission to the contrary, the City Manager shall serve at the will and pleasure of the City Commission under mutually acceptable terms and conditions. The City Manager shall be covered by the PRR, as provided by Ordinance 97-29.

##### **D. Regular Full-Time At-Will Employees**

1. Those employees in the positions of Administrative or Executive Assistant to the City Manager, Assistant City Manager, Assistant to the City Manager, Chiefs, and/or Department Directors shall:

- A. Serve in their position as employees of the City at the will and pleasure of the City Manager.
- B. Be supervised and evaluated by the City Manager, or designee, and shall not have access to Sections 16 or 17 but shall present any grievance to the City Manager who will resolve the same as determined is in the best interest of the City: provided in the case of termination of their employment they shall be provided due process in accordance with applicable law.

E. Regular Full-Time At-Will Employees – Special Conditions

- 1. Regular full time employees covered by Section 1.02D serve at the will and pleasure of the City Manager and have no property rights in employment or their position, they shall be entitled to receive severance pay excluding allowances if terminated by the City Manager.
- 2. Employees who have served in a position covered by Section 1.02D for more than twelve (12) consecutive months whose employment with the City is terminated will be paid severance pay of one (1) week's pay for each full year of continuous employment with the City but not less than four (4) weeks nor more than twenty (20) weeks of pay at the employee's present rate and in accordance with below.
- 3. To receive severance, the employee must execute any release satisfactory to the City.
- 4. Severance will not be paid to an employee terminated for cause or an employee who fails to be acquitted if charged with a felony or any misdemeanor connected with City business.

**1.03 Administration**

A. City Manager

The City Manager is responsible for the day-to-day operation and administration of the City, the employment, training and supervision of the City work force, and the administration and enforcement of the PRR. The City Manager may adopt procedural policies City wide or by Department to effectuate the administration and enforcement of those PRR so long as they are not inconsistent with the PRR.

B. City Commission

Appointments and removals, except as otherwise provided in this Charter or under the laws of Florida and except for inquiries and investigations into the affairs of the City, no member of the City Commission shall in any way deal with or dictate the appointment or removal of any City officers or employees who are subject to

the supervision or control of the City Manager, or any subordinates of the City Manager, or who the City Manager, or any subordinates of the City Manager, is empowered to appoint; provided, however, that each member of the City Commission shall be entitled to express such member's views pertaining to the appointment and removal of such officers and employees and to fully and freely discuss those views with the City Manager.

C. Other Managerial Employees

Superintendents, Department Directors, and Supervisors are responsible for the administration of the PRR within their respective areas of responsibility under the direction of the City Manager or the City Manager's designee.

**1.04 Florida Statute 112.3135**

- A. "Public Official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.
- B. "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
- C. A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member.

**1.05 Amendments**

Amendments to the PRR shall be promulgated by the City Manager, reviewed by the Personnel Board as provided in the City Charter and shall become effective upon adoption by the City Commission. Copies will be posted on City bulletin boards and distributed to all City employees. Each employee shall sign an acknowledgment upon receipt of a copy of the PRR and any changes which acknowledgments shall be maintained in the

employee's personnel file. Where specifically identified, the City Manager is authorized to make non-substantive changes, without review by the Personnel Board or approval by the Commission (i.e. - addition of terms, edits of administrative policies, etc.).

#### **1.06 Department Policies**

- A. Departmental policies and standard operating procedures must be reduced to writing and submitted to and reviewed by the City Manager for approval. This process will be repeated each time departmental regulations or SOPs are revised.
- B. Approved Departmental policies and standard operating procedures will serve as supplements to these Rules and Regulations. In the event of conflict between a Department policy or standard operating procedure, the PRR shall prevail.
- C. Approved changes in departmental policies and standard operating procedures shall be posted on the respective bulletin boards and distributed to the affected employees. Each employee shall sign an acknowledgment upon receipt of a copy of the Departmental policies and standard operating procedures and changes thereto which acknowledgments shall be maintained in the employee's personnel file.
- D. Any Departmental forms used either internally or for use throughout the City shall be reviewed to determine if any provision conflicts with the PRR or creates policy that is not contained within the PRR. The PRR shall prevail if any conflict has been created.

#### **1.07 Collective Bargaining Agreements**

In the event of a conflict between any provision of a collective bargaining agreement to which the City is a party and a provision of the PRR, the applicable provision of the collective bargaining agreement shall prevail.

## SECTION 2

### DEFINITION OF TERMS

Administrative Leave - Time off for at-will Employees in lieu of overtime, in accordance with section 1.02(D) or as an additional benefit in lieu of paid time off.

Anniversary Date - The date an employee begins full time employment and from which all employee benefits are computed.

At will - An employee “at will” serves at the will and pleasure of the City and has no expectation of continued employment or in any position in City employment with the City of Ocoee.

City Manager - Shall mean the City Manager, or the City Manager’s Designee, unless a specific Article or Section makes the right, obligation or action identified therein exclusively the personal right, obligation or action of the City Manager.

Demotion - Assignment of an employee from one classification to another, which has a lower maximum rate of pay.

Employee -

1. Full-time employee is any employee who is non-probationary and who is assigned a regular schedule of not less than forty (40) hours per week, or the regular full time Section 7(k) schedule for employees covered by such a schedule in the Fire or Police Department.
2. Part-time employee is an at will non-probationary employee who is assigned a regular schedule of less than forty (40) hours per week or less than a full time Section 7(k) schedule in the Fire or Police Department.
3. Probationary employee is a full time employee in an at will status during the initial one year period of time or any extension thereof provided to allow the City the opportunity to evaluate the employee’s performance, ability, and potential and to decide whether or not the employee is to be retained.
4. Seasonal/Temporary employee is an at will employee appointed for a special project or other work of a temporary or transitory nature or for specific times/events, (i.e. Summer, Founders Day, etc.).
5. Contractual employee is an at will employee employed for a specific task under a contract approved by the City Manager.
6. Grant employee is an at-will employee employed under a governmental grant or contract approved by the City and is temporary unless the City specifically otherwise classifies the employee or the grant requires otherwise.

Exempt Employee – An Employee who is ineligible for overtime pay pursuant to the Fair Labor Standards Act.

Non-Exempt Employee - An Employee who is eligible to receive overtime pay pursuant to the Fair Labor Standards Act.

FCRA – The Florida Civil Rights Act.

FLSA – Fair Labor Standards Act

FMLA - Family Medical Leave Act.

Furlough - is a temporary reduction of work hours and/or workweek.

Grievance Procedure - The detailed procedure established in Section 16 & 17 of these Rules and Regulations.

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

Job Description - A written description of illustrative but not all of the duties and responsibilities for a particular job classification, position or assignment.

Leave - An approved type of absence from work as provided by these rules.

LTD – Long-term disability.

Managerial Employee – An employee exempt from coverage of the Public Employee Relations Act.

May - The word “may” shall be interpreted as permissive.

Overtime - Unless otherwise provided in a specific part of these Rules and Regulations, actual hours worked during a work period for which non-exempt employees receive additional compensation in accordance with the Fair Labor Standards Act.

Paid Time Off – This time shall be the hours full time employees accrue to be used when requesting time away from work and will substitute for hours actually worked.

Performance Evaluation - A written report of an employee’s job performance.

Performance Review Date - The date for the Annual Performance Review of the employee, which shall be the employee’s initial full time date of hire. Anniversary dates shall not be changed for any reason.

Promotion - Assignment of an employee from one classification to another which has a higher maximum rate of pay.

PRR - City of Ocoee Personnel Rules and Regulations.

Reassignment – Assignment of an employee from one position to another due to a reorganization.

Reclassification - An official change in an individual job classification or individual job as a result of significant modification of the current job duties, functions and/or responsibilities which is designated by the City Manager as a reclassification.

Resignation - Voluntarily withdrawing from City employment.

Section 7(k) - Section 7(k) of the Fair Labor Standards Act. Referring to Police and Fire personnel schedules for overtime purposes.

Shall - The word “shall” will be interpreted as mandatory.

STD – Short-term disability.

Termination – Involuntary separation from City Employment

Transfer - Assignment from one job classification, position or assignment to another with or without a change in pay grade or without the employee’s request.

Work Week - The normal, scheduled day or days assigned to an employee by the Department Director or any other schedule approved by the City Manager.

## SECTION 3

### POLICY STATEMENT

#### **3.01 Policy of the City**

The City retains the right to expect from its employees compliance with all Personnel Rules and Regulations, State Statutes, and Federal Regulations in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Rules and Regulations or approved departmental rules or whose performance is unacceptable shall be subject to disciplinary action and/or termination.

Any Department Director, Manager or Supervisor that creates a hostile environment, knows of or receives a notice that a hostile environment exists or may exist and that Director, Manager or Supervisor does not report the same to Human Resources shall be subject to disciplinary action and/or termination.

Any Director, Manager or Supervisor that sexually harasses and/or creates a hostile environment with a subordinate that they directly supervise, shall be subject to disciplinary action and/or termination.

Neither the City of Ocoee Policy Manual and/or any other policies including Departmental S.O.P, etc. will alter or supersede the Personnel Rules & Regulations.

In accordance with applicable laws and regulations, but not limited to the following, the City has the right to:

- determine the organization of City Government;

- determine the purpose of each of its units;

- exercise control and discretion over the organization and efficiency of operations of the City;

- set standards for services to be offered to the public;

- manage and direct the employees of the City;

- hire, examine, classify, promote, train, transfer, assign, schedule and retain employees in positions with the City;

- suspend, demote, discharge, or take other disciplinary action against employees subject to these rules;

- increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duties, or furlough employees from duties, because of lack of work, funds, or other legitimate reasons;

determine the location, methods, means and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work;

determine the number of employees to be employed by the City; establish, change, or modify the number, types and grades of positions or employees assigned to an organization, unit, department or project;

establish, change, or modify duties, hours of work, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operation requirements;

take or refuse to take any action allowed by or not prohibited by law for the purpose of attempting to promote the efficient operation of the City government;

take or refuse to take any actions allowed as well as actions not prohibited by law.

City employees shall have the right to be represented by an employee organization of their own choosing or to refrain from so doing in accordance with Florida Statutes Chapter 447.

Employees of the City shall not engage in any strike, slow-down, work stoppage or other interference with work or violate Florida Statute Chapter 447.

City employees shall be prohibited from taking concerted actions (either individually or as a group) against the City, the City Manager, Department Directors, Managers or any other City employee.

### **3.02 Equal Opportunity & Non-Discrimination**

#### **A. Policy**

The City of Ocoee is committed to providing equal opportunity to all employees and applicants for employment and will not discriminate or harass on the basis of gender, race, color, religion, national origin, age, ancestry, disability, sexual orientation, marital and/or veteran status. Standard practice of employment shall be in accordance with applicable equal employment opportunity laws including Federal and State regulations. Furthermore, efforts shall be made to ensure full compliance with the City's Equal Employment Opportunity Program.

1. The City of Ocoee desires and embraces the diversity of people represented within its workforce. America is culturally diverse and multicultural points of view strengthen us as a city. Therefore, the City welcomes and seeks balance within the organization. All employees are expected to respect the added value of the different groups represented at the City of Ocoee.

2. The City of Ocoee enthusiastically accepts the responsibility of providing its employees with good working conditions, competitive salaries and benefits and the personal respect that each employee deserves. The City makes every effort to ensure that all employees are treated fairly. In no case will abuse of any employee be tolerated. No deviation from this policy is considered too trivial for prompt attention by the City. Any concerns regarding the violation of this policy, whether as a victim or as a witness to discrimination, should be reported to the Human Resources Director.
3. Directors and Supervisors are to be cognizant/aware of the EEO Utilization Analysis results when interviewing for new hires and promotional opportunities.

B. Procedure

1. All City employees shall take action to ensure that employment practices and the work environment are free of discrimination and harassment based on the attributes listed above. Employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment, selection, layoff, disciplinary action, termination, rates of pay or other form of compensation, and selection for training, including apprenticeship. In addition, any practice that is not conducive to a workplace free from discrimination and/or harassment will not be tolerated.
2. Any City employee who does not comply with this Equal Employment Opportunity Policy and Procedure will be subject to disciplinary action, up to and including termination.
3. All management and supervisory personnel are responsible for their employees' compliance with these policies, and are directed to report any incident to the Director of Human Resources. Each manager/supervisor will be evaluated on the basis of his/her adherence to this policy, and involvement in achieving the City's Equal Opportunity objectives as well as other established criteria.
4. The City prohibits any form of retaliation against any employee for filing a complaint under this policy or for assisting in an investigation. If after investigating any complaint, the City determines that an employee has knowingly provided false information, disciplinary action may be taken against the individual knowingly filing a false complaint or knowingly providing false information.
5. Questions concerning the application of this policy should be directed to the Director of Human Resources, who shall be responsible to ensure these policies are carried out under the City Manager's authority.
6. Any employee or applicant wishing to make a complaint of discrimination or harassment based on one of the above categories may do so in person

with the Director of Human Resources. The complainant will be given an opportunity to explain the details of the alleged discrimination. After a preliminary inquiry into the complainant's allegations the Director of Human Resources will follow these procedures.

- A. If insufficient evidence exists to establish jurisdiction under Title VII, ADEA, or ADA, the case will be referred to the Labor Relations section of the Human Resource Division, for further review.
- B. If jurisdiction under Title VII, ADEA, or ADA can be established, an investigation will be conducted. A report of findings and recommendations will be prepared and sent through the Director of Human Resources to the City Manager. Additionally, recommendations will be made to the Department.

### **3.03 Social Security Number Collection**

The City of Ocoee, in accordance with Section 119.071(5) of the Florida Statutes, recognizes that an individual's social security number is a unique form of identification that can be utilized to obtain sensitive information regarding that particular individual. However, the City of Ocoee must collect social security numbers under certain circumstances in order for the City to be able to properly perform its duties and functions as a municipal corporation and in order to ensure that such duties and functions are performed accurately and efficiently. Due to the sensitive nature of an individual's social security number the City of Ocoee provides the following statement regarding the City's collection of social security numbers:

**THE CITY OF OCOEE COLLECTS YOUR SOCIAL SECURITY NUMBER ONLY FOR THE FOLLOWING PURPOSES:**

- Identification and verification of employment and payroll;
- Credit worthiness;
- Billing and payments;
- Data collection, reconciliation, and tracking;
- Benefit processing;
- Tax reporting;
- New utility account applications;
- Bank draft authorizations;
- Vendor registration applications;
- Volunteer contracts for background checks;
- Emergency Transport for billing and insurance;
- Police Statements and arrests for verification of identity;
- Voluntary fingerprinting;
- Employee insurance and pension issues;
- Local business tax applications; and
- Training Certifications/Licensure

## SECTION 4

### STANDARD OF CONDUCT

#### **4.01 Conflict of Interest**

To avoid misunderstanding and conflicts of interest which could arise, the following policy will be adhered to by employees of the City. This policy includes but is not limited to Chapter 112 of the Florida Statutes entitled "Public Employees - Code of Ethics".

- A. No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.
- B. Employees shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or others, including gifts of any sort, i.e. meals, tickets of any value or any other form of compensation.
- C. Employees shall not accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official positions or that by nature of the employment give rise to a public perception of a compromise of duties.
- D. Employees shall not disclose confidential information gained by reason of their official positions, nor shall they otherwise use such information for their personal gain or benefit.
- E. If any employees of the City are officers, directors, agents, or members of, or own controlling interests in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City, they shall file a statement to this effect according to State Statutes.
- F. Employees shall not transact any business in their official capacity with any business entity of which they are an officer, director, agent, or member, or in which they own a controlling interest, excluding civic, charitable, non-profit or religious organization.
- G. If any supervisor and a subordinate cohabitate, enter into a business relationship, outside employment relationship, co-partners in any lease, or become intimately, sexually or romantically involved, the supervisor must report the same immediately to their supervisor. Any such relationship shall cause the reassignment of one of the affected employees. Failure to report such a relationship shall cause the supervisor to be subject to discipline.

#### **4.02 Political Activity**

- A. No employees, officials, or other persons shall solicit, orally or by letter, or be in any other manner involved in obtaining any assessments, contributions, or services for any political party or candidate for any office (City, County, State, or Federal) from any employee during their hours of duty with the City.
- B. Nothing herein contained shall be construed to restrict the right of the employees to hold membership in and support a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity. Employee's off duty political activities shall not be conducted in such a manner that they interfere with the employee's job duties or the operations of the City government.
- C. Employees who wish to accept or seek election or appointment to political office shall request a leave of absence without pay upon indicating such intention by formal declaration or other evidence of candidacy if they are seeking office for the City of Ocoee.
- D. The use of City of Ocoee equipment or vehicles for political purposes is prohibited.

#### **4.03 Outside Employment**

- A. Employees are not restricted 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 would interfere with the interest of the City service. The City Manager, or the Department Director in connection with the Human Resources Director, shall determine whether outside employment conflicts with the employee's employment with the City.
- B. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Workers' Compensation on account of disability resulting from outside employment.
- C. Equipment of any nature, facilities, vehicles or property of the City shall not be used by employees for outside employment.

#### **4.04 Solicitation and Distribution**

- A. City employees are prohibited from soliciting any other employee of the City for any reason during work periods. Although employees may make voluntary contributions to recognized charitable organizations, no coercion of an employee to make contributions shall be permitted. It is prohibited to solicit employees in support of or in opposition to any labor organization or association during their working hours or the working hours of the employees sought to be solicited under circumstances which interfere with their work or the work of other employees or the efficient operations of the City.

- B. City employees are prohibited from distributing any non-work related literature, for any purpose, during working hours or at anytime in any area where City work is performed under circumstances which interfere with their work or the work of other employees or the efficient operations of the City unless specifically authorized by the City Manager.
- C. City employees are prohibited from posting any literature on City bulletin boards designated as the Departmental Official Business Bulletin Board, which shall be for Official City Business only.
- D. Each Department will have a separate bulletin board for the use of employees; provided the City Manager reserves the right to remove any materials the City Manager or the City Manager's designee determines is political, religious, slanderous, vulgar, critical of any person or entity, controversial or otherwise inappropriate subject only to applicable law.
- E. City employees are prohibited from using any City equipment such as but not limited to computers, typewriters, recorders or photocopy machines and paper for purposes of distribution or solicitation for other than City business.
- F. Employees may solicit, be solicited or participate in activities as mentioned in section A, above, or conduct other non-work related duties during recognized breaks, meal periods or periods of rest when no work related duties are expected. These solicitations during the employee's non-work related periods are not to interfere with other employees expected work or the efficient continued operations of the work area.

#### **4.05 Use of City Property**

Other than use of computers and E-Mail (which is covered by Section 13.22), employees shall not use City property, equipment, or vehicles except in the performance of official duty, nor permit their use by an unauthorized person, either on or off duty. Employees may be allowed to use vehicles to go to and from work and for educational purposes with the permission of the City Manager or the City Manager's designee. Use of City vehicles for personal reasons is generally prohibited unless a departmental policy properly authorized by the City Manager or applicable union contract allows such usage. Employees who are not certain if such usage applies to their situation should clarify their usage authorization from the respective Department Director.

#### **4.06 Use of City Vehicle**

- A. Employees may be allowed to use vehicles to go to and from work and for valid educational purposes with the permission of the City Manager or the City Manager's designee.

- B. Employees are required to obey all traffic regulations while in a City vehicle and will be responsible for any traffic citations or red light camera fines.
- C. There shall be no use of cell phones or laptop computers while the vehicle is in motion.
- D. Use of City vehicle for personal reasons is prohibited, unless authorized by a Department Manager or the City Manager for reasons beneficial to the City.
- E. Non-City employees are not authorized to ~~not~~ ride in a City vehicle, unless on official City business with authorization from the City Manager. Police and Fire Explorers, City advisory board members, and normally scheduled volunteers are authorized if approved by the department director.
- F. A pool vehicle may be checked out overnight for valid work-related reasons with approval of a Department Manager or the City Manager.
- G. The employee assigned to the vehicle shall be responsible for the appearance and maintenance of the vehicle.

## SECTION 5

### APPLICANTS FOR EMPLOYMENT

#### **5.01 Applicants for Employment**

All applicants shall be referred to the Human Resources Department for processing.

#### **5.02 Basis for Employment**

Employment with the City shall be based on qualifications, experience, skill, past work record, ability, relevant education, attitude and other work-related factors.

#### **5.03 Notice of Vacancies**

All employees within the City who apply for a posted position shall have the right to an interview before selection of the final candidate, if they meet the minimum requirements of the job description, as determined by the Human Resources Director.

#### **5.04 Veterans' Preference in Selection**

Eligible veterans and spouses of veterans will be given preference in appointment as set forth by the guidelines of the Veterans' Preference in Appointment and Retention in Employment rules of the State of Florida. Veterans' preference shall be verified by the Human Resources Director and all such hiring decisions based upon veterans' preference will be administered by the Human Resources Department.

Veterans will be shown preference in reemployment as set forth by the guidelines of the Veterans' Preference in Appointment and Retention in Employment rules of the State of Florida.

#### **5.05 Employment of Family Members**

- A. In order to encourage a diverse and representative work force and to avoid the risks of conflicts between family obligations, family loyalties and City business, the City discourages but does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a family member must be reviewed on its own merits. As a general guideline, however, employees should know that the City will not allow the employment of a family member in any situation where a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise; including but not limited to such things as a relative working under the direct supervision of another, one relative being responsible for the job performance evaluation of another, one relative being directly involved in job actions with regard to another; one relative is subject to learning confidential information about the other, the relationship creates friction among co-workers or other City employees adversely affecting City operations, or where one relative involves himself/herself in the work related problems of the other. It is the obligation of all affected employees

to immediately advise the City Manager if a change in his or her situation occurs or is anticipated which will result in his or her becoming related to another employee so that the effect, if any, of the relationship to and on City operations may be fully evaluated and appropriate action taken.

- B. Family members under this subsection shall include any immediate family member as defined in Section 10.01(B).

## SECTION 6

### TYPES OF APPOINTMENT AND EMPLOYMENT STATUS

#### **6.01 New Employees and Probationary Period**

- A. A new employee may be hired as a full-time, part-time, temporary, contract or grant employee as recommended by the Department Director and approved by the City Manager. Only regular full-time employees are covered by the provisions of the PRR, unless specifically included or excluded.
- B. New employee compensation will normally be at the beginning of the pay grade unless otherwise approved by the City Manager (see Section 12).
- C. Regular full-time employees will be on probation for one (1) year, 365 calendar days, from the date of their initial employment, except for those in the Fire and Police Department covered by a Collective Bargaining Agreement and those covered by Section 1.02D. During the probationary period, full-time employees shall serve at the will and pleasure of the City. After successful completion of the probationary period, such employee's continued employment shall be subject to the terms and conditions of the applicable Personnel Rules and Regulations. Any period of service in a "leave without pay status" shall not count toward completing this one-year, 365 day, period.
- D. Evaluation of Performance - During the probationary period the Department Director shall coordinate with the supervisors concerning the employee's willingness and ability to perform the job duties. The department may extend the probationary period, if approved by the Department Director and Human Resources Director, should the position require a training, certification, and/or licensing requirement that must be completed before the probationary period has been completed. Any extension shall be considered on a case-by-case basis and must be approved at least 60 days in advance of the end of the 365<sup>th</sup> day of probation.
- E. Termination During Probation - The Department Director must coordinate dismissal of probationary employees with the Director of Human Resources and the City Manager. The probationary employee does not have the right of administrative appeal under Section 17, or otherwise.
- F. Probationary employees shall serve six (6) months of the initial probationary period before being eligible to be considered for another position within the City, unless otherwise authorized by the City Manager as staffing needs dictate, on a case-by-case basis.

## **6.02 Transfers**

- A. An employee may be transferred temporarily or permanently as recommended by the Department Director and approved by the City Manager.
- B. A transfer will not change the employee's anniversary date.
- C. An employee temporarily assigned to a position in a higher pay grade is eligible for temporary assignment pay as provided in Section 12.08.
- D. When an employee is permanently transferred, he/she shall be paid in accordance with Section 12.09.

## **6.03 Promotions**

- A. Except when determined operationally necessary and efficient by the City Manager, all full-time non-managerial vacancies will be posted on City bulletin boards for a minimum of five (5) working days before any external advertising.
- B. Employees who wish to be considered for the vacancy must apply during the posting period by signing the promotion bid list in the Office of the Director of Human Resources.
- C. While a selection is being made, the Department Director may utilize any employee he/she determines meets the minimum qualifications for the job.
- D. Human Resources shall evaluate all employees to determine who meet the minimum qualifications to bid on a posted job vacancy and make a recommendation for the promotion to the Department Director. The Department Director shall have the discretion to consider other related factors before making a final decision.
- E. In determining whom to promote from among qualified bidders, the City shall consider:
  - 1. Qualifications and ability to perform the job.
  - 2. The employee's past work related experience with the City.
  - 3. The employee's entire past performance.
  - 4. Years of continuous service as a City employee.
  - 5. The Equal Employment Opportunity Plan.
- F. When it is determined that no employee meets the minimum qualifications for the job and that no bidder is sufficiently qualified for the position, the City shall fill the position in any way that it deems appropriate.

- G. A promoted employee shall be paid in accordance with Section 12.06 and his/her anniversary date shall remain the same.
- H. A promoted employee will serve a minimum of a six (6) month probationary period. If the promoted employee does not successfully complete the probationary period in that position, but his/her performance is otherwise satisfactory, the employee may be returned to the position from which he/she was promoted with the approval of the Department Director from which he/she was promoted. If the position from which the employee was promoted is filled or the Department Director does not approve the return, reasonable efforts will be made to place the employee in a comparable position, if one is available, and if not, in another position that is available within the City. If such a vacancy does not exist, the employee will be laid off.
- I. Promotional probationary period may be waived if the employee previously served the entire probationary period in the same position.

#### **6.04 Demotions**

Demotion is the temporary or permanent assignment of an employee from one classification to another, which has a lower maximum pay rate for disciplinary reasons as set forth in Section 15.

A demoted employee's pay shall be determined in accordance with Section 12.07. The employee's anniversary date shall remain the same; however, a demoted employee will serve a minimum of a six (6) month probationary period. If the demoted employee does not successfully complete the probationary period, but his/her performance is otherwise satisfactory, the employee may be placed in another position that is available within the City, if the employee is qualified for that position and with the approval of the Department Director involved. If the Department Director does not approve the placement or if such a vacancy does not exist, the employee will be terminated.

#### **6.05 Reemployment**

- A. An employee may at the option of the City be rehired and if so within six months of resigning in good standing, the employee may be considered as being in the same status for wages and benefit purposes. Rehire under these circumstances must be approved by the City Manager on a case-by-case basis.
- B. Any employee who is terminated during the probationary period or any employee who is terminated for cause after the probationary period will be required to wait one year before re-applying for employment with the City of Ocoee.
- C. Rehired employees, otherwise and not included in Section A above, are considered new employees.
- D. Rehired employees (excluding those covered by Section A) shall serve a new probationary period of one (1) year. During the probationary period, they shall serve at the will and pleasure of the City.

- E. Rehired employees who have retired from the City or who are eligible to retire are subject to special pension benefit provisions of the pertinent retirement trust fund ordinance in effect at the date of reemployment.

#### **6.06 Reassignment**

Reassignment is the permanent assignment of an employee from one classification or position to another due to a departmental reorganization. Reassignment pay is addressed in Section 12.09.

#### **6.07 Employment References**

Any requests for employment verification, employment references, and/or employment history regarding present employees or previous employees that no longer work for the City of Ocoee, shall be referred to the Human Resources Department. No other Department or person, other than the City Manager or department director, shall provide any of the above information.

## SECTION 7

### HOURS OF WORK, WORK SCHEDULES AND ATTENDANCE

#### **7.01 Basic Work Schedule**

- A. The basic work schedule shall be forty hours (40) for full-time employees under normal situations unless otherwise specified or scheduled by the City Manager or Department Director to meet particular requirements of individual departments. However, the City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. Except in the Police and Fire Department, which operates twenty-four (24) hours a day, seven (7) days a week, the basic work schedule shall be from Monday through Friday of each week unless otherwise specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established in all departments other than on the basic Monday through Friday schedule.
- C. Lunch periods are scheduled at the discretion of the Department Director, or the Director's designee.

#### **7.02 Attendance**

- A. Each Department Director is responsible for the punctual reporting to duty by all persons in the department.
- B. All employees must report for duty at the scheduled time.
- C. If an employee is unable to work for any reason, the employee must notify their immediate Supervisor prior to the scheduled reporting time unless the employee provides evidence satisfactory to the Department Director that he/she did not call in for reasons beyond the control of the employee.
- D. Excessive, habitual, including emergency call offs or unjustified absenteeism or tardiness will result in disciplinary action up to and including termination.
- E. Related Definitions
  - 1. Absence: The incident that occurs when an employee does not report to work for all or a portion of a normally scheduled workday.
  - 2. Tardiness: The incident that occurs when an employee does not report to work at the scheduled start time, or does not return from meal or break periods on time.

3. Scheduled: Absences or tardies are typically scheduled in advance for such events as vacation, medical appointments, military service, family activities, jury duty, funeral services, and other happenings which might not be able to be planned outside of regular work hours.
  4. Unscheduled: Absences or tardies are typically unscheduled for such events as employee illness, family emergencies, family illnesses or death, transportation emergencies, household emergencies, and other happenings which might occur without prior notice.
  5. Excused: Absences and tardies are typically discussed and excused in advance of the absence by the supervisor/manager, for such schedulable events as vacation, medical appointments, military service, family activities, jury duty, funeral services, and other happenings which might not be able to be planned outside of regular work hours.
  6. Unexcused: Absences and tardies are not able to be discussed and excused in advance by the supervisor/manager, for such unscheduled events as employee illness, family emergencies, family illnesses or death, transportation emergencies, household emergencies, and other happenings which might occur without prior notice.
  7. Pattern Absenteeism or Tardiness: Repeated occurrences of unscheduled, unexcused absence or tardiness the day before or after a scheduled holiday or scheduled day off, repeated occasions of unscheduled, unexcused absence or tardiness on the same day of the week, or occurring at the same time interval.
  8. No Call/No Show: Failure to report to work as scheduled without any contact or notification.
- F. Any employee who fails to report to work for three (3) consecutive work days without proper notice to their supervisor/manager (i.e. No Call/No Show) will be assumed to have voluntarily resigned and abandoned their job. In such case, the employee will be voluntarily terminated, however, a No Call/No Show is considered a disciplinary infraction.

### **7.03 Overtime**

- A. All non-exempt employees (those eligible for overtime pay), must maintain a record of the total hours worked each day. These hours must be accurately recorded on a time card that will be provided to the employee by their supervisor. Each employee must sign his/her time card to verify that the reported hours worked are complete and accurate. Time cards must accurately reflect all regular and overtime hours worked, any absences, late arrivals, early departures and meal breaks. Time cards should be submitted to the supervisor for verification and approval at the end of each week. Employees should not sign their time card unless it is accurate. If their time card is not accurate, the employee must notify their supervisor immediately. After receiving each pay check, the employee

should immediately verify that they were paid correctly for all regular and overtime hours worked. Non-exempt employees should not start work early, finish work late, work during a meal break or perform any other extra or overtime work or work any hours that are not scheduled unless authorized by their supervisor to do so and that time is recorded on the time card. Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines. Employees are prohibited from performing any “off-the-clock” work. “Off-the-clock” work means work performed but not reported on the time card. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including termination. It is a violation of the City’s policy for any employee to falsify a time card or to alter another employee’s time card. It is also a violation of the City’s policy for any employee or supervisor to instruct another employee to incorrectly or falsely report hours worked or to alter another employee’s time card or to fail to report any such misconduct. If any employee or supervisor instructs an employee to incorrectly or falsely under- or over-report hours worked, alter another employee’s time records to inaccurately or falsely report that employee’s hours worked, or to conceal any falsification of time-records or to violate this policy, the employee should report it immediately to the Human Resources Department.

- B. All non-exempt hourly employees, except employees on a Section 7(k) schedule in the Fire Department, shall be paid time and one-half their regular hourly rate of pay for all hours in excess of forty (40) in a work-week.
- C. Non-exempt employees in the Fire Department will receive overtime pay in accordance with the Fair Labor Standards Act for all hours worked in excess of one hundred fifty-nine (159) hours in a twenty-one (21) day work cycle or in accordance with the collective bargaining agreement between the City and IAFF.
- D. For the purposes of overtime computation, jury duty, annual military leave and other absences from duty, whether paid or not, shall not be considered as time worked; provided, however, paid holidays, bereavement leave and paid time off used for scheduled leave shall be considered as time worked.
- E. Employees shall be required to work overtime when assigned unless excused by supervision. An employee desiring to be excused from overtime work assignments for good and sufficient reasons shall submit a request to the immediate supervisor.
- F. In lieu of overtime, compensatory time off as defined by the FLSA may be authorized if recommended by the Department Director, approved in writing by the City Manager and administered through the Human Resources Department.
- G. Non-exempt employees who are required to travel for certification training or other related training may be eligible for overtime if they drive or attend these required sessions on scheduled days off. Depending on the schedule of sessions and the time necessary to travel and attend, overtime payments may apply. The Human Resources Department is responsible to interpret the eligibility for

overtime and the Departments shall receive clarification before the end of the pay period after the training occurred.

- H. For purposes of Pension calculation, either in Police and Fire or General Employee Fund Plan(s), the employee shall receive monetary credit as part of their final average compensation for up to 300 hours of overtime as per State Statute.

#### **7.04 Special Detail**

- A. From time to time persons not in the employ of the City of Ocoee seek the services of members of the Police and Fire Department to assist in special details that are not a normal part of the regular day-to-day business of the City of Ocoee. Assignment to special details is limited to qualified sworn reserve and full-time police officers and certified full-time Fire Department employees for the performance of police or fire type functions. All special detail assignments are made through the department and normally occur during the employee's normal time off away from City property.
- B. All special duty assignment opportunities shall be posted on the department bulletin board and assignment to such duty will be made pursuant to departmental S.O.P.
- C. While on special detail assignment, the employee remains an employee of the City, shall be under the direct control and supervision of the employee's departmental supervisor and shall perform only functions that he or she is directed to perform or are considered the normal duties of a police officer or fire department employee of the City of Ocoee.
- D. Employees on special detail assignment shall be in a regular police or fire department uniform, shall have full authority to act as a police officer or fire department employee of the City of Ocoee, and shall make an official record of all incidents or events that would normally require such a report during regular duty.
- E. Hours spent on extra duty assignment shall be paid by a separate City payroll check and shall be covered by Workers' Compensation and other insurances. However, rate of pay is based upon the contractual agreement made between the City of Ocoee and the party asking for the extra duty.

#### **7.05 Call Out Pay**

Call Out Pay is provided to compensate non-exempt employees.

- A. Employees called back to work after having completed their regularly scheduled shift and left the City property or called out during a scheduled day off shall receive Call out pay. Call out pay applies only to work which is of an emergency or unexpected nature and does not include scheduled overtime, or other scheduled work beyond the employee's normal schedule.

- B. Any employee required to continue working after his/her regularly scheduled shift shall be ineligible for Call Out Pay but eligible for compensation at the overtime rate of pay pursuant to Section 7.03.
- C. Call Out Pay shall be a minimum of two (2) hours. If the employee is called out and required to work the employee shall receive a minimum of two hours pay added to his/her total hours worked in that workweek. Should an employee be called out for a subsequent time during the same day/night, there shall not be any overlap of the previous two (2) hour guarantee. (Example: An employee called out at 1:00 a.m. would receive 2 hours of pay, effectively paying him/her up to 3:00 a.m. If the employee is later called out at 2:30 a.m. he/she would received 1.5 hours of pay for the second call out as a result of the half hour overlap between 2:30 a.m. and 3:00 a.m.).
- D. The procedure for selection of employees for Call Out shall be in accordance with a departmental policy approved by the Department Director; provided, however, an employee may be excused from being subject to Call Outs if in the opinion of the Department Director the employee has a valid excuse for not being subject to call outs. Employees that are unfit for duty shall be ineligible for call out.
- E. Department Directors and all salaried employees are not eligible for Call Out Pay. When in the opinion of the City Manager the work load for these non-eligible employees has become excessive because of the amount of time committed to City business, the City Manager may at his/her discretion make arrangements whereby these employees may take time off during the “normal” work period provided said employee’s services are not otherwise required.

#### **7.06 Call Outs In Civil Emergencies**

In the case of civil emergency declared by the City Manager or other emergencies declared by the Mayor, call out pay for non-exempt employees, during the emergency, will be at double time for all hours worked without regard to whether the normal overtime hours threshold has been met, and in addition to regular pay, if appropriate. On a case-by-case basis the City Manager may authorize additional administrative leave for exempt employees to compensate for time worked during an emergency. Any employee designated as an essential employee will be required to be available to work during any declared emergency. Employees should be designated as essential or non-essential by each department and in advance of the emergency when possible.

#### **7.07 Rest and Overtime after Sixteen (16) Continuous Hours**

Except for employees in the Fire Department on a Section 7(k) schedule, employees, including an employee on standby, who has worked sixteen (16) or more consecutive hours shall be paid time and one-half his/her regular hourly rate for all work after the sixteen (16) hours until he/she gets eight (8) hours rest. Any portion of the eight (8) hours of rest which is part of the employee’s regular schedule shall be paid at the employee’s regular rate of pay. Rest time is to be considered hours worked for the purposes of calculating entitlement to overtime but only if it is paid. Employees are expected to report to work for their normal scheduled shift at the end of the rest period or

when the emergency is over. This provision is generally applicable during declared emergencies, otherwise, before employees are required to work more than sixteen (16) hours, the Department Director shall notify the City Manager.

## SECTION 8

### HOLIDAYS

#### **8.01 Days Observed**

- A. When a holiday falls on Saturday or Sunday, the Friday preceding or Monday following shall be designated a substitute holiday and observed as the official holiday.
- B. The observed holidays are:
- |                            |                                                                        |
|----------------------------|------------------------------------------------------------------------|
| January 1                  | New Year's Day                                                         |
| January - Third Monday     | Martin Luther King, Jr. Day                                            |
| May - Last Monday          | Memorial Day                                                           |
| July 4                     | Independence Day                                                       |
| September - First Monday   | Labor Day                                                              |
| November - Fourth Thursday | Thanksgiving Day                                                       |
| November - Fourth Friday   | Day after Thanksgiving                                                 |
| December                   | Day Before or After Christmas Day,<br>as Determined by City Commission |
| December 25                | Christmas Day                                                          |
- C. The City Manager will determine which departments or operations will be closed in observance of a holiday.

#### **8.02 Eligibility for Holiday Pay**

- A. All holidays must be taken as time off except for departments where employees work 24 hours.
- B. An employee must be on an approved paid leave for or work the normal schedule of hours, on the regularly scheduled working day immediately prior to and immediately following a holiday, in order to qualify for the holiday time or pay. Absences not approved in advance may not be approved depending on whether the employee's excuse and verification of the reason for the absence are acceptable to management, which, may at its option, require a doctor's excuse as well as any other evidence it deems necessary.
- C. Holiday Pay

Full-time non-exempt employees, except those covered by a Collective Bargaining Agreement, who work a regular schedule of 8, 9, 10 or 12 hour days shall receive eight (8), nine (9), ten (10) or twelve (12) hours at their straight time hourly rate.

2. Regular part-time employees who are assigned a regular schedule of more than twenty (20) but less than forty (40) hours a week, shall receive four (4) hours at their regular hourly rate provided they meet the requirements of Section 8.02(B) above and provided they are on a paid status.

- D. When a non-exempt employee who is not on a 24/48 hour schedule within the Fire Department works on a scheduled holiday, the employee shall receive holiday pay, if he/she meets the eligibility requirements, plus his/her regular pay for the hours worked. (Straight or overtime depending on whether the time worked is over forty (40) hours).
- E. When an employee is scheduled to work on a holiday but fails to do so, the employee will not receive holiday pay even if the employee is otherwise eligible for holiday pay.
- F. Employees must complete their initial one-year probationary period in order to qualify for the additional two (2) days of paid time off equal to the number of regularly scheduled hours worked as referred to in section 9.06 A..

### **8.03 Police Department**

- A. If a holiday falls on the day off for the employee, the employee shall be paid at the straight time rate for the holiday.

## SECTION 9

### PAID TIME OFF

#### **9.01 Eligibility**

- A. Only full-time employees will be allowed to accrue paid time off. Paid time off shall not be used prior to the time it is earned by the employee.
- B. All full-time employees may use accrued hours from the date of hire. Paid time off not taken by a full-time employee who does not successfully complete the first six (6) months of the initial probationary period, including resigning, shall not be paid any accrued hours upon termination of employment.

#### **9.02 Use of Leave**

Paid time off may be requested for the following scheduled purposes:

- A. Vacation leave.
- B. Medical, dental and optical treatment which is necessary during working hours.
- C. Absences for transaction of personal business which cannot be conducted during off duty hours.
- D. Holidays other than those designated by the City Commission as official holidays.
- E. Employees who become sick while on paid time off may be required to present a doctor's certificate if additional time off is needed beyond the originally approved time off.
- F. Caring for immediate family members who are ill as defined in Section 10.06.
- G. Maternity/Paternity Leave.
- H. To supplement FMLA leave, STD, LTD or worker's compensation, but only to the extent necessary to make up the difference in all compensation received from any source and the employee's straight time weekly earnings.

#### **9.03 Request for Leave**

In order to ensure effective operational scheduling, paid time off should be requested as far in advance as possible but in no event less than one (1) work day before the leave is to commence unless the failure to make a timely request is determined by the City to be for a reason beyond the control of the employee. Paid time off is authorized only upon approval of the Department Director or their designee. Employees who do not receive advanced approval or who become absent without advanced approval will be considered "Absent Without Authorized Leave" (AWOL) and will be subject to disciplinary action.

#### **9.04 Request for Paid Time Off - Vacation**

- A. For that portion of scheduled leave that is vacation, a minimum of two weeks advance notice is required. Emergency requests for vacation leave may be granted unless scheduling or work commitments preclude permitting the leave. The Department Director shall determine if the length of vacation requested can be approved, depending upon the operational needs of the Department during the period of time requested.
- B. In the case of two or more employees requesting leave for the same time period, the vacation will be awarded as follows:
  - 1. When employees in the same department holding the same rank or same classification seek the same vacation period, the award shall be governed by the job classification and, if necessary, by length of service within the Department.
  - 2. If an employee transfers to another department with the same rank or classification, the length of service will be the date of the transfer.
- C. Department Directors should prepare a yearly schedule for vacation leave to enable all employees within the department an opportunity to plan scheduled time away from the City.

#### **9.05 Approval**

- A. Paid time off must be approved in advance by the employee's supervisor or Department Director. Timely requests for paid time off will be honored except when the supervisor or Department Director determines it would adversely affect efficient operation in the department.
- B. In the case of all unforeseen absences and/or absences without prior written approval, the employee must advise his/her supervisor or Department Director as soon as possible that he/she is going to be absent but not later than the employee's scheduled reporting time unless prohibited from doing so for reasons determined by management to be beyond the control of the employee. This procedure shall be followed every day the employee is unable to work, unless this requirement is excused by his/her immediate supervisor or Department Director. Approval of the absence as paid time off under this Section 9 will require verification of the reason for the absence satisfactory to the Department Director or Human Resources and may include a doctor's excuse.
- C. Any employee that calls off work without prior written approval more than three times within a twelve (12) month period may be subject to disciplinary action. The twelve (12) month period shall be a rolling period of time.
- D. Absences not approved under Section 9.04, or paragraphs A, B, or C of this Section will subject employees to disciplinary action under Section 15. Any

absence where the employee is considered away without approval, for three or more consecutive work days, will result in termination of employment.

- E. Exempt employees are expected to normally work forty (40) hours per week or more. If the exempt employee does average greater than 40 hours per week, then occasionally if the employee requests less than 4 hours off on any one day, the Director may approve flex time rather than charge PTO. This policy is not to be interpreted by the employee but only if the Department Director believes the employee is eligible for this flex time consideration.

**9.06 Accrual of Leave**

- A. Effective October 1, 2011, full-time employees earn Paid Time Off (P.T.O.) as follows:

One through five years of service	-	6.78 hours bi-weekly (176.28 hours per year)
Six through ten years of service	-	8.31 hours bi-weekly (216.06 hours per year)
Eleven years +	-	9.85 hours bi-weekly (256.10 hours per year)

All full-time employees (except bargaining unit employees) who have completed their initial one (1) year probationary period shall receive two (2) days of paid time off equal to the number of regularly scheduled hours worked (i.e. 16 hours for employees working a regular schedule of 8 hour days, 18 hours for employees working a regular schedule of 9 hour days, 20 hours for employees working a regular schedule of 10 hour days and 24 hours for employees working a regular schedule of 12 hour days). These hours shall be added to their accruals after October 1<sup>st</sup> each year and only after the employee has worked for the City for one year without a break in service. This one (1) year period does not include time worked as a temporary or part-time employee.

- B. A full-time employee, except those covered by a Collective Bargaining Agreement, can accrue up to 580 hours of paid time off.
- C. All full-time employees paid time off hours shall continue to accrue beyond the 540 hours each year, however, accrual above 580 hours on September 30 shall be reimbursed to the employee in the first pay period in December of each calendar year up to a maximum of 80 hours. Therefore, any hours accrued over 660 on September 30 will be deducted from the employee. At will employees covered by Section 1.02D may be reimbursed up to 100 hours upon their written request to the Human Resources Department.

**9.07 Charging Leave**

Paid Time Off hours shall be scheduled and charged to the employee for the actual time the employee is away from work.

**9.08 Payment - Unused Leave**

- A. Upon separation from City employment, full-time employees who have completed six (6) months of continuous employment shall be entitled to compensation for any earned but unused paid time off hours up to a maximum of 540 hours, provided they have given at least two (2) weeks notice of separation. Employees who do not provide a two-week notice will have eighty (80) hours deducted from their final payout reimbursement.
- B. All accrued paid time off hours of employees who die while in the service of the City shall be paid to the spouse, designated beneficiary or estate of the employee.
- C. Emergency cash out of accrued paid time off may be granted with the recommendation of the Department Director and written approval by the City Manager, providing the employee has not made a similar request within the past twenty four (24) months. Requests for cash-out of accrued PTO, if approved, will be paid at the rate of seventy-five percent (75%) of the employee's present rate of pay. Requests for cash-out may not exceed 120 hours of accrued time and employees may not deplete their paid time off bank below eighty (80) hours.

**9.09 Paid Time Off Due to Sickness/Injury**

- A. Paid Time Off due to sickness/injury which is not covered by the Family Medical Leave Act or the City STD or LTD Policy may be approved under same conditions as provided in and subject to requirements of Section 9.03 and 9.05.
- B. In addition to the request and approval requirements of 9.03 and 9.05, if, and whenever, sick leave requests may appear to be abused, the employee claiming/requesting such sick leave requests may be required to furnish competent proof of the necessity for such absence. The City reserves the right in all cases of illness, or reported illness, to require the employee to furnish a doctor's certificate or other evidence satisfactory to the City. Abuse of paid time off privileges shall constitute grounds for disciplinary action up to and including termination (see Section 9.05(C)).
- C. The City requires a doctor's release to return to work following surgery or use of three consecutive sick days for all employees except two consecutive shifts for Fire Department personnel on a Section 7(k) schedule.
- D. Using paid time off for sick related reasons is a privilege and as stated above is not to be abused and any request for time off for sick related reasons shall be deducted from the paid off time accrual.

**9.10 Administrative Leave**

At will employees covered by Section 1.02D shall be credited with forty (40) hours of administrative leave on October 1<sup>st</sup> of each year. Employees must have served at least two months in the position before receiving these hours. Administrative leave shall be

used in accordance with Section 9.04 and 9.05. Any administrative leave not used in the Fiscal Year shall not accrue and will be lost in accordance with Section 9. Any administrative leave not used will not be paid out upon separation.

Paid administrative leave assigned to employees as a result of a disciplinary investigation must be approved by the City Manager prior to such action.

## **9.11 Leave Time Donation Program**

Participation in this LEAVE TIME DONATION PROGRAM shall be strictly voluntary.

All full time employees who have completed one year of continuous full-time employment with the City and have accrued at least 40 hours of Paid Time Off will be eligible to participate in the Leave Time Donation Program. Leave time donation to the program will occur during the month of January.

### Policy

Any full time employee who desires to be eligible for donated leave time, in accordance with the PROCEDURES below, he/she must donate one full day of hours in conjunction with their normal work schedule (i.e. 8-9-10-12-24). These hours must be donated by filling out and signing the donation leave form within a 30 day timeframe designated as the enrollment period.

### Procedure

- A. Any employee who has donated the required number of hours within the enrollment period (each year) **may be** eligible for donated leave time. An employee would be generally considered eligible if any of the following parameters are met by the participating employee.
1. The request for donated leave time must be for a serious health condition or injury suffered by the employee, or  
  
for a serious health condition of an immediate dependent that requires the employee to care for the dependent (must also be a qualifying FMLA event), or  
  
for a serious personal catastrophic issue, such as a fire, hurricane, flood, etc., effecting the employees domicile, or similar unforeseen catastrophic event.
  2. The employee has used all of their accrued Paid Time Off before requesting leave, and if the above parameter(s) have been satisfied.
  3. Employees considered to be eligible will receive donated time up to a maximum of 160 hours, per any one occurrence.

4. Employees will be considered eligible for separate, multiple occurrences within a calendar year up to a maximum of 160 hours within that calendar year.
  5. The City Manager may extend the maximum number of hours beyond 160 hours if the circumstances warrant such consideration.
- B. Employees who participate in this program may **not** qualify for donated leave, should the following be determined:
1. A participating employee has a history of exhausting their paid time off as they have accrued the same, or
  2. Any participating employee who has less than 40 hours accrued at the time of the request, or
  3. An employee who donated time, however, failed to donate the required number of hours during the most recent enrollment period.
  4. An employee otherwise eligible who fails to provide sufficient documentation to verify the need and/or qualifying event.
  5. A participating employee requesting donated leave time who fails to meet the required type of qualification(s) listed above in Section A (1-5).
  6. A participating employee will not be eligible for donated time if the qualifying event is as a result of a Workers Comp illness or injury.
- C. All donated leave will be removed from the participating employee's leave account and be placed in the donated leave pool account.

Employees will be required to re-enroll on an annual basis, as described above, to continue their eligibility in the Program. A participating employee, who received donated leave time and has less than the required number of hours accrued to donate during the enrollment period, will be allowed to contribute as soon as he/she accrues the necessary number of hours required to be donated. During that time the employee will not be allowed to use any accrued P.T.O.

Any leave time contributed to the Donated Leave Pool by a participating employee shall be forfeited upon the employee's cancellation of membership in the pool, failure to re-enroll, retirement, or termination from City employment.

Contributed hours will remain with and belong to the City.

When an employee is drawing funds from the Donated Leave Pool, they will not accrue Paid Time Off.

The City Manager or designee will be responsible to review all requests for donated leave time from participating employees as presented by the Human Resources Director. The City Manager will approve or deny requests in accordance with the above. Neither any approval nor denials of any request(s) shall be subject to any grievance procedure. The decision of the City Manager shall be final and not subject to any review or administrative process.

If a request to use donated leave under this program is denied, the number of hours the participating employee donated during the last enrollment period will be returned to their PTO accrual bank.

## **9.12 PTO Accruals – Pension**

Whenever an employee decides to enter the Deferred Retirement Option Plan (DROP), either in the Police & Fire or General Employee Fund Plan(s), the employee shall receive no monetary credit as part of their average final compensation for all paid time off hours into the DROP subject to State Statute.

The DROP participant may either decide to maintain all of their accrued paid time off hours and not cash in the accrued hours, or they can decide to cash in all paid time off hours accrued up to the date they enter into the DROP. Said cash shall be included in salary and paid out in one check or rolled into a 457 account or split up at the request of the employee.

A DROP participant that decides not to cash in their accrued paid time off hours shall be entitled to the same paid time off accruals and other entitlements in accordance with the paid time off policy section (9.06) of the Personnel Rules and Regulations (PRR's) for the remainder of their employment. Should this DROP participant have any accrued paid time off hours earned up to the date of separation, those hours shall be paid out upon separation.

A DROP participant that decided to cash in the paid time off hours accrued up to the effective date of entering the DROP shall be entitled to accrue paid time off hours in accordance with the Personnel Rules and Regulations for the remainder of their employment, subject to the following;

The DROP participant will not be entitled to cash in any accrued hours earned between the date of entering the DROP and the date they separate employment. This DROP participant shall be entitled to earn a maximum of and carry over from one year to another a total of 300 hours while in the DROP which will be paid out upon separation of employment.

The above PTO cash provisions shall also apply to employees in the General Employees' Plan that reach their maximum time of 27 years of eligible service. For those employees that decide to continue making member contributions to the GE Pension Fund, their PTO accruals shall remain in accordance with the PRR's. Those employees that decide to discontinue making member contributions to the GE Pension Fund shall be entitled to the above choices regarding cash out of PTO hours in the same manner as DROP Participants.

## SECTION 10

### LEAVE OF ABSENCE

#### **10.01 Bereavement Leave**

- A. Full-time employees other than those on a Section 7(k) schedule in the Fire Department shall be granted time off with pay for bereavement leave as described in (B) below. Full-time Fire Department employees on a Section 7(k) schedule shall be granted time off with pay not to exceed one (1) shift or twenty-four (24) hours. Employees will not be granted more than forty (40) hours of bereavement time off within a calendar year. Employees covered by a collective bargaining agreement shall be governed accordingly. Employees may extend this time-off by requesting use of paid time off, if approved by the Department Director.
  
- B. Immediate Family – Up to three (3) consecutive work days bereavement leave:  
  
Includes father, mother, son, daughter, brother, sister, grandparent, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandchild, significant other or legal guardian. The City reserves the right to require documentation to determine the relative(s) status to the employee.
  
- C. Bereavement Leave shall not be charged to any other leave.

#### **10.02 Court Leave and Jury Duty**

- A. Any employee attending court as a witness on behalf of the City of Ocoee or a public jurisdiction recognized by the City of Ocoee or subpoenaed for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as leave with pay after submittal of the proper documentation.
  
- B. Employees who are plaintiffs or defendants will not receive pay, unless they are a defendant based on their actions in their capacity as a City employee. Employees who are subpoenaed as witnesses in private matters not involving the City, will not receive regular pay but must schedule PTO in advance for the absence.
  
- C. Employees who are absent under this subsection for only a portion of a regular scheduled workday shall report to their supervisor when excused or released by the court to determine whether they are requested to return to work.
  
- D. Any payment that an employee receives while on court leave with pay will be given to the City. Per diem mileage received shall be retained by the employee.

### **10.03 Conference Leave/Travel Policy**

The following policy applies to all employees except the City Manager who, like the Mayor, City Commissioners, City Attorney and members of Boards and Commissions are covered by City Ordinance 93-20.

- A. The City Manager may grant leave with pay, together with the necessary travel expenses in order that employees may attend conferences, workshops and similar events designed to improve their efficiency, if considered to be in the best interest of the City. Leave and expenses will be recommended by the Department Director subject to approval by the City Manager.
  
- B. The need for City travel for which reimbursement may be claimed by employees of the City of Ocoee is acknowledged. All such persons are eligible to travel for the conduct of City business or to attend meetings and conferences for the benefit of the City, at City expense, pursuant to proper authorization prescribed in these Regulations. An employee is considered “on-duty” while attending a conference, training program or workshop during standard working hours. An employee should be aware that their conduct is governed by and subject to review under all applicable City of Ocoee conduct-related policies.
  - 1. All local travel requests and expense vouchers shall be approved by the Department Director. All overnight travel request and expense vouchers shall be approved by the Department Director and the City Manager.
  
  - 2. Employees requesting time away from their regular duties to attend a seminar, class or work related training function, when no overnight lodging is necessary, will not be entitled to reimbursement for meals if it is located within 25 miles of the City limits. However, when an employee is required or directed by the employer to attend an all day seminar for mandatory re-training, certification or licensure, which is more than 25 miles outside the City limits and lunch is not provided as part of the session, then the employee would be entitled to be reimbursed for lunch in accordance with the travel policy.

For all travel (local or overnight), there will be no reimbursement for meals that are included as part of the registration fee or provided with lodging.

- 3. All travel must be by a usually traveled route. If a person travels by an indirect route for his/her own convenience, any extra costs shall be borne by the traveler. Reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. Travel by private car when a City vehicle is not available will be reimbursed at a rate per mile established by the City. When travel is by public transportation, necessary taxi, limousine, or car rental fares and parking fees are reimbursable, when substantiated by receipts.

Employees who are assigned a City vehicle on a permanent basis shall be reimbursed for gas only and not mileage, however, a gas receipt must be submitted to receive reimbursement.

4. Reimbursement for lodging will be on the basis of actual cost of a single occupancy, or occupancy shared with another City employee. Double occupancy rate will be reimbursed if no single room is available.
5. Registration fees, including meals and other programmed affairs, are reimbursable upon presentation of receipts up to the pre-approved limit on the travel authorization. Meals will not be included if the employee has been assigned a per diem. See Section 10.03(B) (7) relating to per diem.
6. While the City acknowledges that attendance and participation in professional associated meetings constitutes a public purpose in relation to the training and education of its employees, the City will reimburse the cost of meals and attendance to such meetings only if it is established that the meeting is for a professional and not social purpose and the fee for the meal is at a standard per attendee. All travelers may be allowed for subsistence the cost of meals determined by a rating method approved by the City Manager
7. Per Diem is an alternative to reimbursement for lodging and meals. A traveler may receive up to \$50.00 per day which will include lodging and meals (tips included). Per Diem is allowed only for trips overnight or longer away from the immediate area. Mileage, tolls and other appropriate expenses approved by the City Manager shall be reimbursable and must be accompanied by receipts. No receipts are required for meals or lodging.
8. The City will not reimburse for travel, meals or expenses for spouse and family. Reimbursement is limited to the traveler.
9. When the City Manager approves reimbursing a job applicant for his/her expenses to come to an interview (air fare, vehicle mileage, tolls, taxi fare, hotel and meals) the meal allowance applied will be consistent with, and no greater than, the existing City travel policy.
10. Employees who are Trustees serving on either City Retirement Boards shall be granted leave with pay for all required training and/or conferences consistent with Board Operating Rules and City Travel Policies.

## 10.04 Rental Car Policy

The purpose of this policy is to address guidelines for the rental of vehicles for City travel and to establish a contract with one vendor to provide rental car services at a discounted price. Rental car expenses for valid travel must be approved by the Department Director only when a pool vehicle is not available.

### A Policy

**Vendor:** The vendor shall be determined by the City as the rental company. The rates provided for in the contract are established for the Central Florida Area. Regional Rates may vary. The rental company shall provide insurance coverage in accordance with the contract and that rate shall be added to the rental cost. Applicable taxes will apply outside the State of Florida.

**Eligible User:** All City Employees, provided the employee is eligible to drive a City vehicle, per Section 13.21 of the Personnel Rules and Regulations. Only a City employee, who is at least 21 years of age, is authorized to drive a rental vehicle.

**Rental of Multiple Vehicles:** At the discretion of the Department Director, multiple vehicles may be considered necessary if a group of employees is traveling to the same destination.

**Personal Use of Rental Car Contract:** City Employees (at least 21 years of age) are eligible to use the City's contract with the rental company for personal business. The same discounted rates will apply. However, NO personal rental fees, insurance fees, or taxes should be charged to the City. The employee is responsible for his or her own insurance coverage of the rental vehicle. The City shall not be responsible for any repairs, damages, or billing errors associated with the use of the rental car contract for personal business.

### B. Procedure

**Payments:** At the discretion of the Department Director, payments are made when the vehicle is picked up, charging the employee's City Visa Purchasing Card or by City Purchase Order. Please note that the person reserving the vehicle must be present to pay for the vehicle with his or her own purchasing card or purchase order, and also must present his or her City I.D.

**Personal Payments:** For personal use, the employee must pay with her own personal credit card. **The City Visa Purchasing Card shall not be used for personal rentals.** If an employee extends his or her City travel for personal reasons, the employee shall be responsible to pay for the additional rental days with his or her own personal credit card. The employee must make arrangements with the rental company, in advance, if this option is exercised.

**Accounting:** The expenses for rental cars, reserved for City travel, shall also be included on the employee's travel form, with form of payment expressed and approved by the Department Director.

## **10.05 Military Leave**

- A. Regular employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval services or members of the Florida State National Guard, shall be entitled to leave of absence from their respective duties without loss of pay, time, or efficiency rating, for such time as they shall be ordered to military service or field training in an active duty or active duty for training status, for a period not to exceed seventeen (17) days in any one annual period.
- B. The employee shall be required to submit an order or statement from the appropriate military commander as evidence of any such duty. Such order or statement must accompany the formal request for military leave at least two (2) weeks in advance, or as soon in advance as possible.
- C. Regular employees who are members of the Armed Forces Reserve or Florida National Guard shall be excused from work without pay to attend inactive duty training drills as required. Evidence of membership in the applicable organization shall be provided to the department by the employee. Requests for absences from work can be made by the employee either orally or in writing. The submission of the applicable Reserve or National Guard training schedule will satisfy this requirement. Except upon declaration of civil emergency conditions, if there is a conflict between departmental scheduling and required military training, the department will make every effort to excuse the employee from work.
- D. Regular employees in the National Guard or a reserve component of the Armed Forces of the United States will be granted a leave of absence from their respective positions to perform active military service, the first 30 calendar days of any such leave of absence to be with full pay. For pay purposes, employees will be treated as though they were reporting to work during this initial thirty (30) day period.
- E. Regular employees in the National Guard or reserve component of the Armed Forces assigned to active military duty for a period exceeding 30 days will receive the difference between the employee's total military remuneration and normal City wages for a period not to exceed five (5) months. The employee's insurances will be continued for a maximum of five (5) months at no cost to the employee except for the normal payroll deductions for insurances and dependent coverage. Employees will not accrue paid time off hours during an absence for active military service.
- F. It is the employee's responsibility to provide their supervisor with documentation from the military, which states their base pay and allowances.
- G. In the event an employee is drafted into military service, the employee will be eligible for reemployment with the City upon completion of their military obligation and successful completion of a return to duty physical in accordance with applicable law.

## **10.06 Family Medical Leave**

### **A. Eligibility and Reasons**

Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the preceding twelve (12) months may take up to twelve (12) weeks of unpaid leave (see Section 10.06 I) in a twelve (12) month period for the following reasons:

1. The birth of a child of an employee or domestic partner and to care for the newborn child;
2. The placement of a child with an employee or domestic partner for adoption or foster care;
3. In order to care for the employee's spouse, domestic partner, parent or child (or a child who the employee assumes the role of caring regardless of the legal or biological relationship) who has a serious health condition;
4. A serious health condition which renders the employee unable to perform the essential functions of the employee's position.
5. A qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age or a child who the employee assumes the role of caring regardless of the legal or biological relationship) or parent is a retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty in support of a contingency operation. Leave under this subsection is not available for an employee whose family member is on active duty as a member of the Regular Armed Forces.

- B. Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the preceding twelve (12) months may take up to twenty-six (26) weeks of unpaid leave (see Section 10.06 I) in a single twelve (12) month period in order to care for the employee's spouse, child (of any age or a child who the employee assumes the role of caring regardless of the legal or biological relationship), parent or next of kin who is a military service member 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 incurred in the line of duty while on active duty in the Armed Forces.

## C. Definitions

### Serious Health Condition

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1) in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this policy defined to mean the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with in-patient care; or (2) continuing treatment by a health care provider, as defined by the FMLA and the pertinent regulations.

### Serious Injury or Illness

A "serious injury or illness" means an injury or illness incurred by a military servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

### 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 regardless of the legal or biological relationship) 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.

### 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".

### Next of Kin

The "next of kin" of a military servicemember means the nearest blood relative other than the servicemember's spouse, parent or child, in the following order of priority (unless the servicemember has specifically designated in writing another blood relative as his/her nearest blood relative for purposes of military caregiver): (1) A blood relative who has been granted legal custody of the servicemember, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

### Qualifying Exigency

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

#### D. Intermittent Leave or Leave on a Reduced Schedule Basis

1. In the case of leave for a serious health condition or a servicemember’s serious injury or illness, the leave may be taken intermittently or on a reduced schedule basis 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 schedule 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.
2. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it (requested and approved by the Department Director).
3. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
4. If intermittent or reduced schedule leave is required or provided, the City Manager may, in his/her sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

#### E. Measuring the Twelve (12) Month Period and Counting FMLA Leave

1. For leave taken for any of the reasons listed in Section 10.06 A, the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using a “rolling” twelve (12) month period measured backward from the date an employee uses any FMLA leave. At any time when 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 (12) months. If during that prior twelve (12) month period the employee has already used twelve (12) weeks of FMLA leave, the leave is exhausted. If the employee has not used twelve (12) weeks of FMLA leave during the prior

twelve (12) month period, he or she is entitled to the balance of the twelve (12) weeks that has not been used.

2. For leave taken for the reason listed in Section 10.06 B, the single twelve (12) month period for calculating leave needed to care for a military servicemember begins when the employee first starts taking leave for that reason and ends twelve (12) months after that date. Leave under Section 10.06 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.
3. 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.
4. If both spouses work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
5. If both spouses work for the City, the combined leave shall not exceed twenty-six (26) weeks of the leave during the single twelve (12) month period described in Section 10.06 B above if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, to care for the employee's parent with a serious health condition, or to care for a servicemember with a serious injury or illness.
6. 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 the disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

F. Employee Notice and Certification Requirements

1. For the leave that is foreseeable, the employee must provide the City with at least thirty (30) days' 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.
2. The City will require that leave based upon a serious health condition, or a servicemember's serious injury or illness, be supported by a medical certification from a health care provider. 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). 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.

3. 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.
4. 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.
5. 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 denial of leave for the period of time until the completed certification is submitted.
6. 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.
7. 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 the essential functions of his or her position before the employee will be allowed to return to work.

G. Health Insurance Premiums

1. During leaves of absence under this policy, the City 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.
2. 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.
3. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA.

4. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the City's portion of health insurance premiums during the leave as permitted by law, 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.

#### H. Accrual

During any period of paid leave under this policy, accrual of employment benefits, such as PTO, seniority, etc, shall continue. Accordingly, during unpaid leave, accrual of benefits and seniority shall be on the same basis as for any other unpaid leave of absence. Employment benefits to which an employee may be entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid 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.

Employees will not be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

#### I. Substitution of Accrued Paid Leave

1. Employees will be required to substitute accrued paid time off for an equivalent portion of leave under this policy. 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.
2. To the extent the City does not provide paid sick/medical leave for a condition covered by the FMLA, neither this policy nor the FMLA entitles the employee to paid leave.
3. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under the disability plan), accrued paid leave may be used to supplement the employee's hourly rate to bring him or her up to their full salary, to the extent that both the City and the employee agree. Leave covered by workers' compensation or the disability plan will run concurrently with FMLA leave when the reason for the leave is covered by the FMLA.

#### J. Return from FMLA

With the exception of certain key employees, employees who return to work from FMLA leave of absence 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.

K. Failure to Cooperate

Employees who fail to provide the information to, or otherwise cooperate with, the City in administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

**10.07 Extended Employee Leave**

- A. A full-time employee who is unable to work due to bona fide medical reasons, including pregnancy or childbirth, may be granted, upon request, an extended leave of absence without pay after the twelve (12) weeks of FLMA entitlement has been exhausted and the reason for the absence is covered by the FMLA. The employee will be required to submit a certification form similar to the FMLA form to be considered for this benefit. These requests will be considered on a case-by-case basis in a fair and consistent manner and must be approved at the sole discretion of the City Manager. In no case shall the employee receive more than twelve (12) additional weeks.
- B. Except in cases of emergency, the employee will become eligible for such a leave of absence when the employee's doctor certifies that the employee is unable to perform duties due to his/her medical condition. The City retains the right to require the employee to submit to another medical examination at the City's expense to verify the employee's inability to work and to determine whether an emergency existed justifying a leave without prior approval. The medical certification must include information indicating the employee shall be able to return to work (full duty) without restrictions by a certain date (within 12 weeks) otherwise, the employee will not be considered eligible for this extended leave.
- C. The employee will utilize any accrued and unused paid time off while out on extended leave. While on the leave of absence, however, an employee will not accrue any additional paid time off or any other benefit. Employees are not required to exhaust their paid time off bank before STD or LTD payments begin under Section 10.08.

**10.08 Short and Long Term Disability**

The City may offer both a short-term (STD) and a long-term disability (LTD) policy for most full-time employees; however, continuance or modification of STD and/or LTD is at the option of the City Commission. The City may offer other alternative benefits than the STD and/or LTD.

## **10.09 Personal Leave Without Pay**

- A. Leave of absence without pay for a permanent employee may be granted for a period not to exceed six (6) working weeks upon approval by the City Manager.
- B. If the employee does not return to work, the employee's termination date for all purposes will be the last day of actual work with the City.
- C. Paid time off shall not be earned by an employee for the time the employee is on leave of absence without pay.
- D. All benefit plans provided the employee must be continued while on personal leave of absence by payment of the employee's portion and the City's portion by the employee.
- E. Personal leave without pay provides leave for other than medical necessity.

## **10.10 Emergency Leave Requests**

Employees are required to request and have approved time away from work in advance by the Department Director. On occasions when an emergency arises and the employee is unable to receive advanced approval from the department to miss a scheduled day of work, the employee will be required to satisfy the Department Director's inquiry as to the reason for the absence. Employees, who fail to provide satisfactory reason for the absence, will be subject to discipline. Employees who abuse this provision and claim excessive emergencies shall be noticed and subject to disciplinary procedures. Employees, who have exhausted all of the paid time off accruals, will be expected to report to work on a regular basis without any reason(s) for absence. See Section 9.05(D).

## **10.11 Domestic/Sexual Violence Leave**

### **A. Eligibility and Reasons**

In accordance with Florida Statute Section 741.313, employees who have been employed for more than three (3) months are entitled to three (3) days of Domestic/Sexual Violence Leave within a twelve (12) month period, if the employee or a member of the employee's family or household is the victim of sexual or domestic violence.

An employee's use of Domestic/Sexual Violence Leave is limited to the following activities:

1. to seek an injunction against domestic violence;
2. to obtain medical care or mental health counseling for the victim of domestic or sexual violence;
3. to obtain services from a victim-services organization;

4. to make the employee's home secure from or to escape from the perpetrator of the domestic or sexual violence; or
5. to seek legal assistance or attend court proceedings related to the domestic or sexual violence.

B. Employee Obligations and Verification

Except in cases of imminent danger, the employee must provide the Human Resources Department with advanced notice of the need for Domestic/Sexual Violence Leave in compliance with the City's policy. The City may also require that the employee provide documentation of the act of domestic or sexual violence for which the leave is needed.

C. Relationship To Paid Leave

The City is not required to pay employees during Domestic/Sexual Violence Leave but will require the employee use any accrued Paid Time Off (PTO) until such leave is exhausted during Domestic/Sexual Violence Leave.

Due to the sensitive nature of domestic and sexual violence issues, the City will keep confidential all information relating to an employee's Domestic/Sexual Violence Leave. The City and/or Department may not interfere with, restrain, or deny an employee's attempt to exercise any rights provided by the Domestic/Sexual Violence Leave law and are further prohibited from discharging, demoting, suspending, retaliating against, or in any manner discriminating against an employee for exercising any rights provided by this law.

Employees who have a restraining order against an individual or who may have some domestic or sexual violence problems with themselves or a family member should consider informing the Human Resources Department, especially so that the City assures the employee receives any benefit or entitlement according to the Florida Statute and this policy.

## **SECTION 11**

### **POSITION CLASSIFICATION PLAN**

#### **11.01 Purpose**

The Position Classification Plan is a systematic arrangement and inventory of City positions. The Plan groups the various positions into job classifications or titles based on the range of duties, responsibilities, training, knowledge, skills, experience, education and other job related factors. The City Manager will have the sole authority to revise, amend and change this Plan, so long as the changes do not increase the overall approved budgeted amount for salaries.

#### **11.02 Use**

The Position Classification Plan will be used to:

- A. Prepare job announcements and content in conjunction with the job description.
- B. Standardize salaries to be paid for the various job classifications.
- C. Establish lines of promotion and career ladders.
- D. Provide uniform job terminology.

#### **11.03 Content**

The Position Classification Plan consists of:

- A. A grouping of job classifications or titles in pay grades based on approximately equal skill, job knowledge, difficulty and responsibility, and other qualifications.
- B. A job classification or title which is used on all personnel, accounting, budget, and official records.
- C. Job descriptions for each job classification or title describing major job functions and responsibilities, the minimum qualifications, training, knowledge, skills, experience, educational requirements, illustrative duties, and other job related considerations for each job. Job descriptions do not, however, attempt to list all the duties that may be assigned to a particular job classification or employee.

#### **11.04 Administration**

- A. The Director of Human Resources is charged with maintenance and periodic updating of the Position Classification Plan, under the direction of the City Manager, so that it will reflect the duties and responsibilities of each job

classification or title and to assist in ensuring their proper placement within the pay grades of the Pay Plan.

- B. When a new position is established, the Director of Human Resources, coordinating with the responsible Department Director, shall prepare a recommended job description and recommend its placement in a pay grade in the Pay Plan for approval of the City Manager.
- C. Revised job descriptions may result from:
  - 1. A periodic job audit conducted by the Director of Human Resources.
  - 2. A written request from a Department Director to perform a job audit on a position within his/her department.
  - 3. A written request from an employee to audit the job classification or title, which he/she holds.
  - 4. A directive to conduct a job audit from the City Manager.
- D. A written request for a job audit from a Department Director or an employee shall include a completed Job Description Questionnaire, which shall describe in detail the reason for the request and specifically describe the duties and responsibilities sought to be added to, deleted from or modified in the then current job description.
- E. The Director of Human Resources and his/her staff shall carefully consider the recommendations of the Department Director in which the job is located or is to be located, complete the job audit and recommend:
  - 1. Whether the job description shall be changed, and if so, how.
  - 2. Whether a job classification should be reclassified to a different pay grade based on substantially increased, decreased or modified requirements as to job duties, responsibilities, skills, experience, educational requirements or other job related factors.
  - 3. When a reclassification is recommended, a job description for the job to be reclassified, and the pay grade into which the reclassified job should be placed.
  - 4. An effective date for any change in a job description and/or a reclassification.
- F. The recommendations of the Director of Human Resources shall be submitted to the City Manager for review and approval, rejection or modification.

## **11.05 Position Control**

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Manager in accordance with established budgetary constraints.

## **SECTION 12**

### **PAY PLAN & STARTING RATES**

#### **12.01 Purpose**

The Pay Plan, which is directly related to the Position Classification Plan, is the basis of compensation for employees and is designed to attempt to reflect:

- A. Relative difficulty and responsibility between jobs.
- B. Competitive rates of pay for similar types of work in public employment in the labor market where the City recruits for employees.
- C. Economic conditions of the job market area.
- D. Economic conditions of and funds available to the City.
- E. Financial policies of the City.
- F. Other business and operational considerations.

#### **12.02 Content**

- A. The Pay Plan includes a Salary Schedule for each job classification or title in the Position Classification Plan.
- B. The Pay Plan Salary Schedule includes pay ranges for each pay grade.

#### **12.03 Administration**

- A. The City Manager shall be responsible for the administration of the Pay Plan.
- B. Amendments to the Pay Plan, including the salary schedule and the position classifications, may be approved by the City Manager for valid business reasons, including but not limited to a reclassification, change in a job description, to attract qualified applicants, to provide competitive rates of pay, or for other pertinent economic, business or operational considerations.

#### **12.04 Starting Rates**

- A. The minimum salary established for a job classification or title is generally the starting rate for a new employee.
- B. Starting rates that are 10% or more above the minimum salary must be authorized by the City Manager if the applicant's training, experience, or other qualifications are substantially above the minimum required for the position, or for other legitimate economic or operational reasons. Starting rates up to 10% beyond the

minimum may be recommended by the Department Director and approved by the Human Resources Director.

#### **12.05 Performance/Evaluation System**

The City Manager will be responsible to administer the performance evaluation system. Any amendments to the system must be approved by the City Manager. The Human Resources Department will be responsible to make recommendations for any changes to the present performance evaluation system.

#### **12.06 Pay Upon Promotion**

Upon promotion, employees receive the entry level for the pay grade into which he/she is promoted or an amount that places the employee within the pay range comparable to other employees with similar length of service and qualifications subject to approval by the City Manager. All increases are subject to budgetary constraints.

#### **12.07 Pay Upon Demotion**

Upon demotion, the employee's pay shall be set within the range of the pay grade of the job into which he/she is demoted, and comparable to others with similar length of service. This new rate shall be determined by the Human Resources Director and approved by the City Manager.

#### **12.08 Temporary Assignment Pay**

When an employee is temporarily assigned to a position in a higher pay grade, the employee shall receive a minimum increase of five percent (5%) or entry level into the pay range of the temporary assignment, whichever is greater. The temporary assignment must be for a minimum period of five (5) consecutive working days in order to qualify for the higher pay, and once the threshold is met the employee shall be paid from the first hour of work in the position. In the case of all other temporary assignments, the employee shall continue to receive his/her regular rate of pay.

Non-exempt employees temporarily assigned to exempt positions shall no longer receive overtime and other hourly benefits (i.e. on call, call out, etc.) for the duration of the temporary assignment, as long as they are receiving assignment pay.

#### **12.09 Pay Upon Permanent Transfer**

- A. When an employee is permanently transferred into another job classification within the same pay grade, the employee's rate of pay shall not be changed.
- B. When an employee is permanently transferred to a job classification in a different pay grade, a transfer into a job in a higher pay grade shall be treated as if it were a promotion under Section 12.06.
- C. When an employee for physical reasons, supported by documentation from a licensed physician, is permanently transferred to a job classification in a lower pay

grade, which is not as a result of a disciplinary demotion, the employee shall receive the same pay rate but shall not exceed the maximum in the lower pay grade.

- D. When an employee is permanently transferred to a job classification in a lower pay grade, it shall be treated as if it were a demotion under Section 12.07, whether voluntary or involuntary, except as provided in Section 12.09 (C) above.

#### **12.10 Overtime**

Overtime compensation shall be paid in accordance with Section 7.03.

#### **12.11 Standby Pay**

- A. Standby assignment is a method of providing coverage for certain City services during off-duty hours, which includes nights, weekends, holidays, and other off-duty time. The name and number of employees on standby in each Department must be approved in advance by the City Manager. The Department Director and/or the City Manager may excuse from or disapprove of the use of a particular employee for standby for operational reasons. It is essential as well as mandatory for employees that are assigned to critical operations, as determined by the Department, are available and able to work standby per the requirements defined in this Section.
- B. Employees assigned to standby shall carry a radio/cell phone for the entire time period he/she is on standby. Exempt employees may be on Standby Assignment as directed by the Department Director but shall not receive any additional compensation.
- C. An employee on Standby may be contacted by available telephonic or electronic communications system, however, the employee still must have his/her device at all times the employee is on standby. The standby employee shall be provided with an alerting device such as a phone, radio or other device when scheduled as standby. The standby employee shall carry (or have in immediate proximity) the assigned alerting device and is responsible for assuring the device is functioning properly. In the event the device is not functioning properly, the standby employee shall immediately notify his/her supervisor(s). The standby employee shall be available to respond to the assigned work site within 30 minutes from notification or 30 minutes to site if standby employee is provided with a service vehicle for call-outs. The standby employee is not limited to his/her residence.
- D. The Department Director will seek volunteers for standby whenever possible, consistent with equitable distribution of standby assignments, from among those employees the Director determines to have the skill and ability needed for the work involved. In the event there is an insufficient number of qualified volunteers, all employees the Department Director determines are qualified to perform the work will be required to be on standby under the Departmental Policy on standby unless excused by the Director on a temporary basis because of a serious personal problem.

- E. In the event any employee who is on standby and fails to respond to a call to work or cannot respond, that employee shall forfeit standby pay, and may be subject to disciplinary action.
- F. While an employee is on standby assignment it does not mean the employee has to stay at home; however, it does mean that the employee must be within a reasonable response distance to the City, and the employee must respond by phone immediately. The Department Director shall be responsible for determining appropriate response time.
- G. The standby employee shall not consume any mood altering or impairing substances that will affect the employee's ability to perform call-out work or operate a motor vehicle. In the event any employee who is on standby is found to be in violation, that employee shall forfeit standby pay, and shall be subject to disciplinary action, up to and including termination.
- H. The method of standby compensation shall be as follows:
  - 1. employees shall be paid \$10.00 per day for each day of standby assignment during normal work days, \$15.00 per day during normal days off, and \$20.00 per day during observed holidays.
  - 2. employees scheduled for standby that report off sick for work during the course of their normal work schedule shall be removed from standby for each day they report off sick and shall not receive standby pay.
  - 3. employees on vacation shall not be allowed to be on standby assignment or pager assignment.
  - 4. standby pay is not considered as hours worked for the purpose of overtime pay eligibility.
  - 5. in the event the employee on standby is called out, the employee will be paid in accordance with Section 7.05 in addition to the standby pay.
- I. Employees on standby may, with prior approval of the Department Director, arrange a substitute for the entire period of the standby assignment. In the event of approval by the Department Director, the approved substitute shall receive the standby pay.

## SECTION 13

### MISCELLANEOUS POLICIES AND BENEFITS

#### **13.01 Smoking Policy**

##### A. Policy

The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, and to comply with the Florida Clean Air Act.

##### B. Procedure

1. No person may smoke or use any tobacco products (chew, snuff, etc.) in any City of Ocoee building or facility or vehicle (including pool vehicles). This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one occupant.
2. Tobacco products are permitted outdoors except for the following conditions:
  - A. Whenever a safety hazard exists;
  - B. In any area where smoking is specifically prohibited by Federal, State, County or City Ordinance;
  - C. In any area posted "No Smoking."
3. The City Manager shall be responsible for ensuring City-wide implementation of this policy. Department Directors and supervisors shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.
4. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
5. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material and remove other tobacco products or to leave the building/facility area if they refuse to do so.

## 13.02 Anti-Harassment Policy

### A. Purpose

The City of Ocoee will not tolerate any form of harassment, or any such conduct that has the purpose or effect of interfering with an individual's work performance, or creating an intimidating, hostile or offensive work environment. It is the intent of the City of Ocoee to provide a work environment free from verbal, physical and visual forms of sexual harassment and an environment free of harassment, discrimination, intimidation, or coercion in any form. All employees are expected to be sensitive to the individual rights of their co-workers.

The City of Ocoee has developed and implemented a set of procedures to ensure that its employees with disabilities and Covered Veterans are not harassed due to those conditions. A copy of the sexual harassment policy, which includes a section prohibiting harassment of individuals with disabilities or other veterans is available for distribution to new as well as to existing employees.

Forms of harassment under this policy would include, but are not limited to:

1. Racial slurs, ethnic jokes, sexual remarks;
2. Posting of offensive statements, posters or cartoons, offensive material downloaded from the internet;
3. Solicitation of sexual favors, unwelcome physical contact, sexually explicit e-mail communications.

### B. Statement of Policy

1. Any employee who believes they have personally experienced or directly observed an act of harassment should report the incident to their supervisor/manager immediately. All Supervisors, Managers and/or Department Directors are required to report any claim or suspicion of any harassment type behavior to the Human Resources Director.
2. An employee may skip a level[s] in the management chain in order to seek an impartial, uninvolved party with which to lodge their complaint. Employees may make complaints directly to the Human Resources Director.
3. Supervisor/Managers or Directors who receive a complaint, or who personally observe harassing conduct, should inform the Human Resources Department right away.
4. The City of Ocoee will not in any way retaliate against an individual who makes a report of harassment; nor will it permit any other employee to do so. Retaliation is a serious violation of this policy and should be reported

immediately to those persons involved in investigating the initial complaint.

5. The Director of Human Resources and his/her designated staff will conduct an investigation and will be required to report the findings to the City Manager for further action.
6. The privacy of the employee filing the report and the employee under investigation shall be respected at all times, consistent with the obligation to conduct a fair and thorough investigation and in accordance with the public records law.
7. In the event Human Resources does not establish probable cause or determines the event did not occur, the parties involved will be notified and the findings of the investigation communicated on a need-to-know basis.
8. Any substantiated intentional act of harassment or proven retaliation in response to a complaint of harassment, is considered to be a level 2 violation of the City's Discipline Policy and will be dealt with accordingly by corrective counseling and/or probation, suspension or termination, depending upon the severity of the violation, and at the sole discretion of the City Manager.
9. Any employee proven to have falsely accused another employee of an act of harassment as defined under this policy will be subject to corrective counseling and/or probation, suspension or termination, depending upon the severity of the violation, and at the sole discretion of the City Manager.
10. In the case of a proven harassment claim involving an employee of the City, the City will discipline the offender. Disciplinary action can include corrective counseling and/or probation, suspension or termination, depending upon the severity of the violation. Although The City of Ocoee encourages and expects prompt reporting of harassment claims so that rapid responses and appropriate actions may be taken, no limited time frame will be instituted for reporting such claims. The late reporting of a claim will not in and of itself preclude the City from taking remedial action.

### **13.03 Workplace Violence**

#### **A. Policy**

The City of Ocoee is committed to maintaining a safe environment for all staff and citizens and will not tolerate any form of workplace violence committed by or against persons on our premises. Any observed or reported form of workplace violence will be taken seriously and thoroughly investigated. Any confirmed offenders will be dealt with severely according to disciplinary guidelines and established law enforcement procedures.

1. Workplace violence includes, but is not limited to, the following: Harassment; stalking; physical violence; the use of weapons of any kind; the direct or implied threat of physical violence toward any member of the staff, citizens, visitors or any other persons on the premises of The City of Ocoee.
2. This list of behaviors, while not inclusive, provides examples of conduct that is prohibited by this policy:
  - A. Causing physical injury to another person;
  - B. Making threatening remarks;
  - C. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
  - D. Intentionally damaging employer property or property of another employee;
  - E. Committing acts motivated by, or related to sexual harassment or domestic violence;
  - F. Acts of violence toward co-workers outside the workplace;
3. Any potentially dangerous situation must be reported immediately to a supervisor/manager, the Ocoee Police Department and the Director of Human Resources. Reports or incidents warranting confidentiality will be handled appropriately and confidentiality will be maintained to the farthest extent possible. All Supervisors, Managers and/or Department Directors are required to report any claim or suspicion of any workplace violence type behavior to the Human Resources Director.

#### **13.04 Firearms At Work (Right to Keep and Bear Arms in Motor Vehicles)**

Employees shall be responsible for complying with all State and Federal laws. Failure to do so shall result in disciplinary action up to and including termination.

#### **13.05 Employee Training and Development**

It is the responsibility of the City Manager in conjunction with Department Directors and the Director of Human Resources, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in City Service. Department Directors in cooperation with the Director of Human Resources will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who

satisfactorily complete approved courses and programs. The Director of Human Resources will provide assistance to Department Directors in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory and management training are available to all Departments.

### **13.06 Performance Evaluation**

The City Manager will establish and administer a program for rating the work performance of employees. The Performance Evaluation system is designed to evaluate the employee's performance and attitude as accurately and as fairly as is reasonably possible. The City Manager shall approve any redesign, amendments to forms, the manual or any other part of the performance evaluation system, at the recommendation of the Human Resources Director.

### **13.07 Group Insurance Benefits**

- A. The City provides group medical, dental, vision and life insurance protection for its employees who are classified as full-time. All benefits provided, coverages, and employee premium contributions are determined during each annual budget. Benefits provided are explained at the time of employment. A booklet describing eligibility, benefits, dependent coverage, employee premium contributions, coverages and all other questions are available for all employees in the Human Resources Office.
- B. These forms of insurance are available for the dependents of eligible employees but they must pay all or a portion of the premium for dependent coverage through payroll deductions, which shall be determined during each annual budget. Details of the employee premium costs for dependent coverage are available in the Human Resources Office.
- C. The City provides or makes available short and long-term disability insurance for employees as provided in Section 10.08.
- D. Employees must notify the Human Resources Office within thirty (30) days if they changed their marital or dependent status so that the steps necessary to change insurance coverage may be completed.
- E. Notification of any change of status is the employee's responsibility.
- F. Permanent part-time employees who work a 12 month a year schedule and work twenty-five or more hours per week (normally) are eligible to purchase health insurance at their own expense. No portion of this benefit will be paid for by the city. Temporary and seasonal employees will not be eligible for this benefit. The City retains the right to charge a rate deemed appropriate by the City and may stop this benefit at anytime.
- G. All City Retirees shall be entitled to purchase at cost the same individual and/or family group insurance benefits provided to regular city employees in accordance with State and Federal laws. This is a one-time only election at time of retirement

and must be executed upon separation.

### **13.08 Deductions**

Federal Withholding, Social Security and Pension contributions are deducted from paychecks in accordance with law and City ordinance. Voluntary deductions authorized by the City Manager, are made only upon written or electronic authorization of the employee and approval by the Human Resource and Finance Departments.

### **13.09 Pension Plan**

The City provides Pension Plans for all eligible and qualifying employees. Details of the plan are maintained in the Human Resources Office and with each Pension Board Representative and available to all covered employees. All questions concerning pensions are to be directed to the respective Pension Boards. Police and Fire Department Personnel are covered by the "Police and Fire Pension" plan and all other employees by the "General Employees Pension" plan.

### **13.10 Auto Allowance**

Positions covered by Section 1.02D shall receive an auto allowance from the City in an amount to be determined by the City Manager but not to exceed \$300 per month or will be eligible for a take home vehicle.

### **13.11 Take Home Vehicle Policy**

#### **A. Purpose**

To provide guidelines for the implementation and management of take home vehicle plan.

#### **B. Procedure**

1. The vehicle may be operated only by authorized employees. The City Manager or designee(s) may permit vehicles outside the city limits of Ocoee upon approval, in writing. This includes any schools to be attended by department members.
2. The personal use of take home vehicles is prohibited unless the employee lives within the Joint Planning Area of Ocoee and then only driven within 5 miles of the Joint Planning Area when off duty.
3. When operating a take home vehicle off-duty, the employee shall have equipment mandated by the appropriate standard operating procedure, available within the vehicle to perform emergency operations.
4. Take home vehicles shall not be used in personal employment or unofficial business pursuits (i.e. delivering pizza, etc.).

5. All off duty staff shall exercise good judgment in operating and utilizing a City of Ocoee take home vehicle, and shall not drive or use the vehicle in a manner which may cause unfavorable comments or reflect negatively or reflect discredit on or to the City of Ocoee (example: Parking in a fire lane or other restricted areas that the general public are not allowed to park).
6. Staff shall be held responsible for the proper appearance and conduct of all passengers.
7. While on duty, passengers shall be restricted to official business or subject to the requirements of the ride-along program. All other passengers, including family members, are prohibited from riding in the take home vehicle regardless of whether the employee is on duty or off duty.
8. Off-duty staff are prohibited from operating any take home vehicle if they have been taking restrictive prescription medicine, are under the influence of any intoxicant, or have a detectable blood alcohol level. Employees who have consumed alcohol are prohibited from operating any city owned vehicle. The standard for on-duty staff is zero tolerance.
9. Staff must be dressed in an appropriate manner when operating the vehicle. Attire should be sensible in nature and not cause embarrassment to the departments (e.g., cut off shorts, short shorts, halter tops, tank tops, etc.). Shirts and shoes must be worn at all times.
10. The assigned take home vehicle shall not be used as to further any personal interest relative to any off duty employment or enterprise for part-time employers.
11. Take home vehicles shall not be parked on the public street when at the assigned employee's residence. Employees shall park their assigned vehicle in the driveway of the residence. The only exception is unless this type of parking is unavailable such as at apartment complexes.
12. Employees are responsible for Red Light Camera violations according to adopted Policy (See Section 13.21).

C. Vehicle Care and Maintenance

1. Employees assigned take home vehicles shall be responsible for the appearance and maintenance of the vehicle.
2. Authorized drivers of take home vehicles shall be covered by the insurance policy of the City of Ocoee anytime they are operating their vehicle in accordance with applicable departmental and city policies and procedures.
3. All take home vehicles shall be maintained in a clean and professional appearance by the assigned employee.

4. The Departments will provide all fuel for its vehicles as well as the cost of maintenance and repairs. Staff will be responsible for fueling prior to going off duty, except in case of emergency.
5. If repairs on any vehicle require the vehicle to be dead lined and kept at any shop, the department will not issue another vehicle for take home use. The effected employee will utilize a pool vehicle.
6. Daily routine maintenance performed by the employee shall be limited to:
  - A. Check engine oil level and (if necessary) add engine oil to the crankcase.
  - B. Check radiator water level and (if necessary) add water and/or anti-freeze to radiator.
  - C. Check power steering fluid level and (if necessary) add fluid to the power steering unit.
  - D. Check brake fluid level and (if necessary) add brake fluid to the master cylinder.
  - E. Check tire wear and proper tire pressure.

### **13.12 Unemployment Compensation**

The City is registered with the State of Florida Bureau of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law will be eligible to receive unemployment compensation benefits. An explanation is available of employee's rights and responsibilities through the Human Resources Office. Any correspondence received by the employees regarding unemployment compensation must be forwarded to the Human Resources Office immediately upon receipt.

### **13.13 Workers' Compensation**

The City has Workers' Compensation Insurance for all employees injured on the job.

- A. Payment of Workers' Compensation to all employees, who are disabled because of an injury arising out of and in the course of performing their duties with the City, will be governed by the Florida State Workers' Compensation Law.
- B. If injured on the job an employee will only receive the compensation as determined and set by the Florida State Workers' Compensation Law.
- C. Full-time employees may use accrued paid time off to supplement worker's compensation to the extent that the employee's total compensation from all

sources, including but not limited to worker's compensation, LTD or STD, does not exceed their straight time weekly earnings.

- D. (1) Employees out on Workers' Compensation will not earn Paid Time Off through duration of absence unless approved by the City Manager.
  - (2) Paid Time Off may not be used while out on Workers' Compensation except as allowed, if at all, under Section 13.13 C.
  - (3) Group Life & Hospitalization coverage or any other payroll deduction authorized by the employee must be paid by the employee while out on Workers' Compensation except to the extent the absence is covered by the FMLA.
- E. In the event an employee has failed to advise the attending physicians of other injuries reported under Workers' Compensation, whether injuries were sustained while employed by the City of Ocoee or sustained prior to employment with the City of Ocoee or any pre-existing conditions, the employee shall be subject to immediate termination.
- F. Employees who sustain an on the job injury or illness may be required by the City to work in any position for which the City deems them qualified with or without reasonable accommodation at the rate of pay determined by the City in accordance with Section 12. Refusal of an employee to work when assigned to do so under this Section shall subject the employee to termination.

#### **13.14 Death**

All compensation, accrued leave and benefits due to the employee as of the effective date of death shall be paid to the surviving beneficiary, or to the estate of the employee as determined by law or by executed forms in the employee's personnel folder.

#### **13.15 Education Incentive Program**

The Education Committee shall be made up of four members: the City Manager or designee, the Director of Human Resources, a City Commissioner, and a city employee who shall be elected from the general work force. The City Commissioner shall be appointed annually by a vote of the Commission. The Employee member shall be elected for a three-year term; the election shall be conducted by the City Clerk's Office. The City Education Committee may authorize reimbursements for tuition for courses subject to budgetary constraints each year and as follows:

- A. Requirements to obtain these benefits are:
  - 1. The employee must request approval by completing the Standard Form Memorandum to the Education Committee, which may be obtained from the Human Resources Department with a school schedule attached. The memorandum must state the name of the class and its cost. In order to

process the request in a timely manner, employees should make every effort to request approval as soon as school schedules are released.

2. Employment with the City for at least one year is required before employee can apply for tuition reimbursement and employee must be in a full time position at the time of requesting reimbursement.
3. The educational training can be at the high school, Associates, Bachelor and/or Masters Degree levels.
4. No more than three courses per fiscal year may be reimbursed unless authorization is obtained from the Education Committee in advance.
5. Employees must seek approval for the class through the Education Committee prior to enrollment. Failure to seek the necessary approval shall result in denial of tuition reimbursement.
6. Employees are encouraged to attend any accredited Florida College or University; however, tuition reimbursement shall be paid up to the public College or University (UCF/USF, etc.) tuition rate. Employees shall not be reimbursed for mileage or personal expenses. Other expenses such as books and fees for on-line courses and other related expenses shall not be reimbursed.
7. The employee shall submit to the Human Resources Office the final grade, certification, or degree, within two (2) weeks after the class is completed. Reimbursement shall be within two (2) weeks of receipt of grades. For courses for which an employee receives a grade, reimbursement to the City will be as follows:
  - A. Advanced payment for tuition may be considered in certain verified hardship situations and will need to be approved by the Education Committee.

Employees receiving a grade of C or better or a “pass” in a pass/fail course shall receive reimbursement.
  - B. Employees receiving a grade below a C or who fail a pass/fail course shall not receive any reimbursement.
  - C. Employees who drop a class shall not receive any reimbursement.
8. Any employee who receives advanced payment and either fails to attend the class, finish the course, and/or receives a grade below a C, must repay the entire reimbursement within four (4) pay periods.
9. The employee who receives any benefit whatsoever under this program shall be required to work for the City for at least two (2) years from date

money is received, or shall reimburse the City 100% upon termination. The City reserves the right to withhold the money owed from any final paycheck upon voluntary separation, subject only to applicable law.

- B. The City will attempt to make minor modifications of work schedules for classes (with the use of PTO or altered hours), at the Directors discretion and if it does not interrupt the normal work flow.

- C. Correspondence Degree

Correspondence means those self improvement general knowledge types of courses from non-accredited programs. Generally these types of courses should be requested through the department training and travel policy.

- (1) Employees under this program shall not receive tuition advancement.
- (2) Employees must obtain approval from the Education Committee for the class prior to enrollment if the employee is seeking reimbursement upon completion of the class by the Education Committee.
- (3) The school must be certified as a legitimate degree institution by the Southern Association of Colleges and Schools. The Human Resources Department will have this information available for employees to review within the Human Resource Department.
- (4) All conditions must be followed under Section A(7).

### **13.16 Dress and Appearance**

No attempt is made to set specific standards for dress and appearance. The important factor is the overall impression created. That which is appropriate for employees in one department may not be appropriate for another. Work clothes and uniforms provided for many departments generally set the standard for their functions. Personal appearance standards may be established by departmental rules or standard operating procedures. However, all employees will wear clean and undamaged clothes and be clean and neat in appearance. Employees shall not wear clothes, shoes or accessories in a condition determined to interfere with efficient operation of the City or which may create a safety concern as determined by the Department Director.

### **13.17 Uniforms**

- A. The employees in specified classifications shall be issued standard uniforms and safety items. Personal Protective Equipment, i.e. safety shoes, boots, clothing (such as raincoats, gloves, vests) and other related articles of clothing shall be considered as part of a uniform and therefore not subject to gift tax.
- B. Procedure for issuance of uniforms and safety items provided for the employee by the City shall be governed by departmental operating procedures in accordance with the Uniform Receipt and Request forms signed by the employee.

### **13.18 Lockers, Desks & File Cabinets or Other City Equipment**

- A. Employees may request a locker if available.
- B. Employees must provide locks for lockers.
- C. Lockers, desks & file cabinets or any other equipment used by the employee is the property of the City and a Department Director or Supervisor shall have the right to access this equipment in the presence of the employee at any time for any legitimate reason.
- D. In the event the employee is unavailable and it is deemed necessary to access the locker, desk, file cabinet or other equipment the Department Director must request authority to access same from the City Manager, stating the reason for access. The City Manager shall make the determination if the request is for a legitimate reason and shall be the final authority.
- E. In the event the employee is unavailable at any time for any reason the City Manager shall have the authority to have locks removed from lockers, desks or file cabinets or any other equipment used by the employee for the purpose of access.

### **13.19 Return of City Property**

At the time of separation and prior to receiving final monies due, all records, books, assets, uniforms, keys, tools, and other items of City property in the employee's custody, shall be transferred to the Department and certification to this effect shall be by the Department Director. Any monies due the City because of any shortages shall be collected through appropriate action.

### **13.20 Furlough of Employees (Reduction of Work Hours)**

In the event of budgetary constraints within any specified fiscal year, the City Manager shall have the authority to furlough employees. The City Manager shall determine which positions shall be subject to the furlough period.

### **13.21 Arrests, Criminal Convictions, Moving Traffic Violations and Red Light Camera Violations**

Any employee convicted of any criminal activity shall report the conviction to his/her Department Director within three days of the conviction. Any employee failing to report the same shall be considered insubordinate.

Any employee who is required to drive a vehicle for the City or may drive a vehicle in the performance of their duties must advise their Department Director immediately of any arrest for DUI, DWI and/or any other moving traffic violations.

Any employee who is arrested and/or convicted (especially an employee who is required to maintain a valid Florida Drivers License) may subject themselves to discipline including termination of employment.

City employee shall obey State traffic laws and local traffic ordinances while driving City-owned vehicles. Should the City receive a notice of red light camera violation for a City-owned vehicle, the appropriate department director shall be notified and a determination shall be made as to who was driving the vehicle. Once a determination has been made as to who was driving, the driver will have 20 days to either elect a court date or make arrangements to reimburse the City for the cost of the violation so that the City may pay the violation on time. If the employee elects a court date, an "Affidavit of Non-responsibility" assigning liability to the driver shall be completed by Human Resources and forwarded to the proper authority.

Regardless of the final disposition of the notice of violation, the driver will be subject to disciplinary action as follows:

First Offense - Employee agrees to pay the fine or in lieu of paying the fine receives a formal written warning placed in their personnel file.

Second Offense - Employee pays the fine and if they did not receive a written warning for their first offense, then a written warning will be issued and placed in their personnel file. If they opted for the written warning the first time, then the employee would receive a one day suspension.

Third Offense - Employee pays the fine and receives a period of suspension and a final notice of termination for any subsequent events.

Fourth Offense – The employee would be subject to termination.

## **13.22 Information Systems Usage Policy**

### Purpose

The purpose of this Information Systems Policy is to establish and communicate the rules and processes regarding all of the City of Ocoee's technology including data and communication systems. As these systems become critical resources to staff who are serving the community, it is vital that a mutually agreed upon system be in place to guarantee their reliability.

The City relies on its data and communications systems to effectively provide services to the citizens. Therefore, handling all issues regarding data and communications in a systematic and manageable way provides the City a means for ensuring the reliability of these systems. Ultimately, this results in a small amount of system unavailability.

This policy is a guide to the proper methods of dealing with the City's data and communication systems and shall be considered the adopted policy of the City. This document replaces all existing Information Systems Policies & Procedures and all City Manager directives used to amend such documents. Following this policy provides the City an effective way to manage its data and communications systems. Therefore, all

users of the City's systems must familiarize themselves with these processes.

A. Usage

The City, through Information Systems, may provide City employees with computing systems, personal digital assistants, pagers, telephones, cell phones, other electronic devices, and corresponding software. Personal and other non-City related usage of the City's assets is permitted at the discretion of the employee's supervisor, Director, City Manager, or applicable laws. Usage of these City assets may not include any commercial nor political purposes. Additionally, the City prohibits all non-City use of assets when it produces an undue burden on the device or other systems and networks within or connected to the City, interferes with work performance of the employee or other City Staff, or reduces the equipment's life expectancy. Usage causing such an undue burden as determined by Information Systems is cause to take possession of the device or disconnect it from the network.

B. Warning

Every City employee and elected official shall receive a unique City issued e-mail address upon written request to Information Systems. This City issued e-mail address must be used for all City business conducted through e-mail. Use of personal e-mail accounts for City business is strictly prohibited. All e-mail related to City business is City property and is subject to all records retention, sunshine, and other applicable laws. It is the e-mail account owner's responsibility to ensure all e-mails are kept in accordance with these laws.

PERSONAL USE OF THE CITY COMPUTER AND EMAIL SYSTEM IS NOT PROTECTED FROM A PUBLIC RECORDS REQUEST.

THE ADDITION OF NON-BUSINESS RELATED VERBAGE INCLUDING BUT NOT LIMITED TO QUOTATIONS, SAYINGS AND OTHER ADDITIONAL LANGUAGE THAT IS NOT RELEVANT TO THE BUSINESS OF THE CITY OF OCOEE IS PROHIBITED.

C. Privacy

The City provides no rights or guarantees to privacy when using City equipment, except where required by law. This includes personal and City related information (i.e. e-mails and files) created, viewed, or stored on City computer systems.

The City Manager may authorize the Human Resources Director to, except where prohibited by applicable law, access all systems and information viewed, created or stored by personnel or equipment assigned to their authority. Such access includes, but is not limited to creating and storing backups of data and e-mails, providing copies for public records requests, review for compliance with this policy, and accessing data necessary to complete a departmental function.

D. Communications Devices

Service Charges

Personal communication that results in a fee to the City is prohibited, unless specifically allowed in the City's Travel Policy or for an emergency. This includes, but is not limited to, international, long distance, local toll, premium services (500, 700, 900, 976, etc.), collect, calling features, 411, operator assistance, and overage charges. Additionally, service plans may not be changed to include more minutes, if a large amount of the calls made were personal. Upon having a fee charged to the City, the employee shall immediately submit a Telecommunications Reimbursement Form and reimburse the City for all such fees as outlined on the form.

E. Cell Phones, Computers and Electronic Tablets

Use of cell phones, computers, or electronic tablets by City staff shall comply with all federal, state, and local laws. Additionally, without the use of a hands-free adapter or speakerphone, no City Vehicle may be driven nor shall any City business be conducted by the driver while using a cell phone, computer or electronic tablet when driving a City vehicle.

F. Violations and Penalties

Penalties for violation of policies listed in this document will vary depending upon the severity of the infraction. Any employee that violates these policies shall be subject to disciplinary action as stated in Section 15 of the Personnel Rules and Regulations, including, but not limited to, warning, suspension, or termination. Employees may also face prosecution for violation of all applicable federal, state, and local laws. Violators may also be denied support services from Information Systems as well as authorization to use the City asset.

**Note:** The above policy may be amended by recommendation of the Information Systems Director and approval of the City Manager. Furthermore, Department Directors must avail themselves and their employees of the details regarding the I.S. "Procedures" involving the rules and processes of the data and communication systems for the City of Ocoee. These Procedures are located on the intranet portal.

**13.23 Drug & Alcohol Free Workplace**

A. Purpose:

This policy establishes the City of Ocoee's guidelines for a drug and alcohol free workplace, drug testing and the procedures under which drug testing shall be conducted.

B. Policy:

The City of Ocoee is committed to providing a safe, efficient and productive work environment for all employees and encourages personal health. It is the policy of the City of Ocoee, Florida to ensure that its workplaces and premises are free of illegal drugs and alcohol by prohibiting the use, possession, purchase, distribution, sale or presence in the body system of illegal drugs or alcohol, or the abuse of legal drugs by its employees.

This policy is applicable while employees are engaged in any work-related activity, regardless of location, which includes performance of City business during regularly scheduled or off-schedule work hours, meal breaks and/or attendance at outside social functions having a connection with work or the representation of the government.

The unlawful possession, use, manufacture or distribution of illegal drugs; the abuse of any legal drug; the reporting to work under the influence of an illegal drug or alcohol; reporting to work or working while impaired by the use of a legal drug; the presence of an illegal drug or alcohol in the body system; and possession of drug paraphernalia are all prohibited in the workplace and on the premises.

Employees who are found to be in violation of the provisions of this policy shall be subject to disciplinary action, up to and including termination.

1. Definitions for purpose of this policy:

- A. Applicant – An external job candidate who may be offered initial employment and is subject to a pre-employment drug test; or an internal job candidate who may be offered a new position where a drug test may be required.
- B. Commercial Driver's License [CDL] – City employees, contracted drivers or applicants for vacant positions who operate a commercial vehicle for the City are required to possess and maintain a CDL license.
- C. Commercial Motor Vehicle [CMV] – A motor vehicle or combination of motor vehicles used to transport passengers or property if the motor vehicle:
  - 1. Has a gross vehicle weight of 26,001 or more pounds;
  - 2. Has a gross combined weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
  - 3. Is designed to transport sixteen (16) or more passengers, including the driver; or

4. Transports hazardous materials requiring the vehicle to be placarded.
- D. Drug – Alcohol, including distilled spirits, wine, malt beverages and intoxicating liquors, amphetamines, cannaboids, cocaine, phencyclidine [PCP], hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs or a metabolite of any of the above substances.
- E. Illegal Drug or other controlled substance – Any drug or substance that is not legally obtainable; or is legally obtainable but has not been lawfully obtained; or has been legally obtained, but is being sold or distributed unlawfully.
- F. Legal Drug – Any drug, including prescription and non-prescription over-the-counter drugs, that has been legally obtained and that is not unlawfully sold or distributed. **Nothing in this policy is intended to prohibit personnel from taking prescribed medication. However, employees are prohibited from reporting to work or remaining on the job after taking any drug that impairs their ability to perform their job in a safe and efficient manner. Employees who are required to use legal drugs are responsible for contacting their physician to determine if use of the drug while working is a violation of the provisions of this policy.**
- G. Abuse of any Legal Drug – The use of any legal drug for any purpose other than the purpose for which it was prescribed or manufactured; or in a quantity, frequency or manner that is contrary to the instructions or recommendations of the prescribing physician or manufacturer.
- H. Possession – An employee is considered in possession of a substance that is found on their person or otherwise under their control.
- I. Reasonable Suspicion – A suspicion that is based on a belief derived from objective, clear and demonstrative evidence, observable behavior [which can include manner, disposition, muscular movement, appearance, speech or breath odor] or other facts provided to management by an employee, law enforcement official, security personnel or other persons believed to be reliable; or that is based on other surrounding circumstances.
- J. Drug Test – Any chemical, biological or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolite.

1. First Test: The initial drug test, which is a sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens.
  2. Confirmation Test: Second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen.
  3. Random Test: A Random drug test is a sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens for Safety-Sensitive Positions.
  4. Reasonable Suspicion Test: The drug test of an employee for the presence of drugs based on a belief derived from objective, clear and demonstrative evidence, observable behavior or other facts that an employee is using, or has used drugs in violation of this policy, or other applicable government policies.
- K. Human Resources Compliance Officer - The City employee or approved contracted facility responsible for conducting drug testing and receiving laboratory results generated by the City's drug-testing program.
- L. Refusal to Submit - to an alcohol or controlled-substance drug test is implied when:
1. Any applicant/employee expressly declines drug screening, or engages in conduct that clearly obstructs the screening process.
  2. Any applicant/employee fails to appear for drug screening after proper notification.
  3. Any applicant/employee fails to provide adequate urine/saliva for testing without a valid medical reason.
- M. Safety-Sensitive Position - A safety-sensitive position can be defined as, but is not limited to:
1. A position in which the employee is required to possess and maintain a valid commercial driver's license [CDL] or to operate a commercial motor vehicle [CMV], an emergency vehicle or dangerous equipment or machinery.
  2. A position in which the employee possesses law enforcement powers or is required or permitted to carry a firearm while on duty, or is state certified as a Firefighter, Paramedic or Emergency Medical Technician.

3. A position in which the employee, on a regular basis, provides direct healthcare services to other persons.
4. A position in which the employee has regular, unsupervised access and direct contact with minor children or the elderly.
5. A position in which the employee has unsupervised access to controlled substances.
6. A position in which the employee is responsible for handling or using hazardous or explosive materials.

C. Procedure:

The City of Ocoee observes the following processes and procedures in order to operate under its Drug & Alcohol Free Workplace Policy, and provides for drug testing under the following conditions:

1. Pre-Employment - Any external job applicant offered initial employment for a safety-sensitive position shall receive a pre-employment drug screening prior to their start date.
2. New Position – Any internal job applicant offered a new position where a drug screen is required prior to their new position start date. Any employee stepping into an established Safety-Sensitive Position will be required to pass a drug screen prior to assuming their new role.
3. Reasonable Suspicion – Any employee under reasonable suspicion as defined in this policy may be required to undergo drug testing. To ensure that the circumstances meet the criteria of “reasonable suspicion”, such testing may only take place upon the recommendation of the supervisor/manager, and with the ultimate approval of the applicable Department Director and Director of Human Resources.

Prior to testing, the supervisor/manager and/or Department Director shall document in writing the circumstances that formed the basis of the reasonable suspicion. The original paperwork will be maintained in a confidential file in the Human Resources Department. Grounds for reasonable suspicion may be formed from facts and circumstances such as, but not limited to:

- A. Observable incidents at work, such as direct observation of drug or alcohol use, or the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- B. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;

- C. A report of drug or alcohol use in violation of this policy, provided by a reliable and credible source which has been independently corroborated;
  - D. Evidence that an individual has tampered with a drug test during their employment with the City;
  - E. Information that an employee has caused or contributed to an accident while at work; and
  - F. Evidence that an employee has used, possessed, sold, solicited or transferred drugs or alcohol while working at the City's workplace or any other City premises or property, or while operating any City-owned or leased vehicles, machinery or equipment.
4. Post Accident Testing - As soon as practical following an accident involving a City vehicle, the supervisor/manager and/or Department Director shall notify Human Resources to test, for both alcohol and controlled substances, the driver of the City vehicle in cases where there is injury or loss of human life; one or more of the vehicles involved has to be towed from the scene of the accident; or the City vehicle driver is cited with a moving-vehicle violation arising from the accident; or when there is at least \$1,000 damage or more (estimated by the supervisor/manager and/or Department Director) to the vehicle(s) involved in the accident; or there is reasonable suspicion independent of the requirements stated above and the employee will not be permitted to drive a City vehicle until test results are received and the employee has been cleared to drive.
- A. The required post-accident alcohol test shall be administered within two (2) hours following the accident and the controlled substances test shall be administered within thirty-two (32) hours. Otherwise, a report must be prepared for Human Resources by the supervisor/manager and/or Department Director citing the reasons why the tests(s) were not promptly administered.
  - B. In lieu of administering a post-accident test, the Director of Human Resources may substitute a breath or blood test to detect alcohol use and a urine test to detect the use of controlled substances, administered by on-site law enforcement officials under their separate authority.
  - C. Any City vehicle driver subject to post-accident testing, who leaves the scene of an accident before a test is administered; or fails to report-in and remain available for testing, shall be deemed as to have refused to submit to testing. Such refusal will be treated as if the City vehicle driver had a "verified positive" controlled substances test result or an alcohol test result of 0.04 or greater.

Such refusals shall be grounds for disciplinary action, up to and including termination.

5. Noticing Requirement for Testing Procedures - All controlled-substance and alcohol testing will be conducted by the Human Resources Department as follows:

- A. The hiring supervisor/manager shall notify the Human Resources Department of their request to offer initial employment to an applicant. The Human Resources Department will then contact the applicant to schedule a pre-employment drug screen prior to the agreed upon start date.
- B. Random testing shall be scheduled by the Human Resources Department for each reservation/site. Supervisor/managers and/or Department Directors will be notified via e-mail and/or by telephone of scheduled tests to be performed. The supervisor/manager and/or Department Director shall ensure the presence of the requested employee at the scheduled screening.
- C. The Human Resources Department shall be notified immediately of the need for Post-accident Screening as defined under this policy.

In case of employee injury, screening shall be completed by the appropriate medical facility.

6. Positive Test Results

- A. External Job Applicants – The City of Ocoee will not knowingly hire applicants with a positive drug screen result, nor can the applicant be considered for any position with the City for a period of one (1) year following the receipt of a positive result. Upon the receipt of a positive drug screen result, the Human Resources Department will notify the applicable hiring supervisor/manager and the applicant. Should the applicant challenge the drug screen results, the Human Resources Department will conduct a suitable investigation, including laboratory confirmation and/or repeat testing.
- B. Internal Job Applicants – Internal Job Applicants are considered employees and would be held to the process outlined below.
- C. Employees – Employees who test positive for drug or alcohol use may be disciplined and/or terminated at the sole discretion of management as follows:
  - 1. The first time violation of the guidelines outlined in this policy will typically result in the immediate discharge of the employee whenever the prohibited conduct:

- A. Causes Injury to the employee or any other person, or endangers the safety of the employee or any other person;
  - B. Results in significant damage to City property or equipment, or poses the risk of significant damage;
  - C. Involves the sale or manufacture of illegal drugs or controlled substances;
  - D. Involves the possession or distribution of illegal drugs or controlled substances or alcohol;
  - E. Involves the failure of an employee to report a criminal conviction as required by a provision of this policy.
2. In lieu of termination, and at the sole discretion of management, an employee with a first time positive drug test result for circumstances other than those listed above may be referred to an alcohol and drug-rehabilitation program. If the employee refuses to participate in treatment, fails to attend or complete a treatment program, fails or refuses to sign a written consent form allowing Human Resources to obtain information regarding the progress and successful completion of an alcohol or drug-rehabilitation program, or if the results of subsequent confirmed drug tests are positive, the employee will be discharged.
  3. In lieu of termination, and at the sole discretion of management, a Safety-Sensitive Position employee with a first time positive drug test result for circumstances other than those listed above may be referred to an alcohol and drug-rehabilitation program. However, said employee shall be temporarily removed from the Safety-Sensitive Position and placed in a Non-Safety-Sensitive role, if available, until successful completion of a treatment program and clearance from the Human Resources Department. If a Non-Safety-Sensitive role is unavailable, the employee may use accumulated sufficient leave time to request personal leave for the completion of the treatment program. Once the employee is cleared by the Human Resources Department, they shall be returned to the same or equivalent position and salary that was held prior to entering the program.
  4. An employee who is not discharged for a first time violation under this policy will be considered on final notice. A second violation of this policy at any time will result in immediate discharge.

5. Participating in any alcohol or drug rehabilitation program as a result of a confirmed positive drug test shall be at the employee's own expense or pursuant to coverage under a health plan or employee assistance program, if applicable.
7. Follow-up Testing
  - A. Employees who undergo treatment for alcohol or drug use will be subject to follow-up testing as outlined in their rehabilitation program. Positive follow-up drug screen results will be reviewed on a case-by-case basis, and the Director of Human Resources shall determine any action.
  - B. A Safety-Sensitive employee retained by the City following a confirmed positive test result shall be subject to a minimum of six (6) unannounced follow-up alcohol and controlled-substances tests in the first twelve (12) months following the employee's successful return to duty. As deemed appropriate by the Director of Human Resources, additional tests may be performed for an additional period up to sixty months (60) from the employee's return to work.
8. Effect of Criminal Conviction – An employee who is convicted under a criminal drug statute for a violation occurring in the workplace, or on City premises or during any City-sponsored activity or event will be deemed to have violated this policy.
9. Effect of Discharge on Eligibility for Rehire – Employees who are discharged for a violation under this policy will not be eligible to be considered for rehire by City for a period of one (1) year from the date of discharge. The City is under no obligation to rehire former employees under any circumstances, and rehire consideration, if any given under these circumstances, would be at the sole discretion of the City Manager.
10. Drug Free Awareness Program
  - A. Employee Awareness – The City has established a Drug-Free Awareness Program that is designed to inform employees about the dangers of drug and alcohol abuse in the workplace and to help ensure that employees are familiar with this policy and the disciplinary actions that can result from a violation of this policy.
  - B. Management Awareness – Supervisor/managers and Directors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this policy. When management has reasonable suspicion to believe an employee is or employees are working in violation of this policy, prompt action should be taken. An employee reporting for work visibly impaired

is unable to properly perform required duties and should not be allowed to work. If possible, the supervisor/manager should first seek another supervisor's/manager's opinion of the employee's behavior. Then the supervisor/manager should consult privately with the employee to rule out any problems that may be caused by prescription drugs.

- C. Human Resources Awareness - If, in the opinion of the supervisor/manager, the employee is considered impaired, the employee will be asked to report to the Human Resources Department. The employee may be required to submit to drug and/or alcohol testing at a laboratory chosen by the City if there is a cause for reasonable suspicion of substance abuse. Employees who refuse substance testing under these circumstances will be terminated. The Director of Human Resources will make a determination on whether the employee should be sent home or to a medical facility by taxi or other safe transportation alternative, depending on the determination of the observed impairment, accompanied by the supervisor/manager or another employee, if necessary. An impaired employee will not be allowed to drive.

- 11. Criminal Convictions – Employees are required under this policy to notify the City of any conviction under a criminal drug statute for a violation occurring in the workplace, or on City premises or during any City-sponsored activity or event, not later than 5 calendar days after any such conviction. When required by applicable federal law, The City will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring as outlined above.

- 12. Confidentiality of Records

- A. All information, interviews, reports, statements, memoranda and drug test results, applicant or employee disclosures, written or otherwise, obtained through drug testing and received by the Hiring Supervisor /Manager or the Human Resources Department, are confidential communications and may not be used or received in evidence or disclosed in any public or private proceeding, except in compliance with any applicable City, state or federal law that may be upheld by the City at its sole discretion. **This provision shall not be construed to prohibit the HR Department and/or its agents or representatives, or a drug-testing laboratory from having access to any job applicant or employee drug-test information.**
- B. Supervisor/managers should restrict communications concerning possible violations of these guidelines to persons who have an important work-related reason to know. In addition, they should not

disclose the fact of an employee's participation in any drug or alcohol counseling or rehabilitation program.

- C. The Human Resources Department shall be the sole official custodian of any and all records relating to any job applicant's or employee's drug test.

13. Applicant and Employee Rights

- A. Prior to drug testing and upon request, a job applicant or employee will be given a copy of the City's Drug & Alcohol Free Workplace Policy in its entirety.
- B. A job applicant or employee shall be given the opportunity to confidentially disclose to the Human Resources Department drug-testing agent, the use of any lawful prescription or nonprescription medications that may affect a drug test.
- C. Within five (5) working days after receiving notice of a positive confirmed drug screen result, the job applicant or employee shall be given the opportunity to submit information to the Human Resources Department explaining or contesting the test results.
- D. Any employee may not be dismissed, disciplined or discriminated against solely upon voluntarily seeking treatment for an alcohol or drug-related problem, provided the employee has not previously been tested as confirmed positive for alcohol or drug use. However, Safety-Sensitive Position employees who voluntarily seek treatment for such problems may be temporarily removed from their duties as described in this policy, until successful completion of said program.

14. Qualified Disabled Employees

- A. The guidelines provided under this policy are not intended to diminish the City's commitment to employing qualified disabled individuals, or providing reasonable accommodation to such individuals.
- B. A provision within this policy does require employees, under certain limited circumstances, to obtain the City's consent to continue working while using legal drugs.
- C. If an employee's use of a legal drug is related to a disabling condition, and the employee voluntarily self-identifies themselves as a disabled individual to the City in connection with an effort to determine whether or not it is advisable to continue working under the influence of the legal drug, and if it is determined that the employee should discontinue working in their regular position while using the legal drug, a reasonable effort will be made to

determine whether another position is open in the same location that the disabled employee is qualified to fill.

15. Counseling / Employee Assistance – Employees who suspect they may have alcohol or drug problems, even in the early stages, are encouraged to voluntarily seek diagnosis and to follow through with treatment as prescribed by qualified professionals. Employees who wish to voluntarily enter and participate in an approved alcohol or drug rehabilitation program are encouraged to contact the Human Resources Department, who will determine, in consultation with management, whether the City can accommodate the employee by providing unpaid leave for the time necessary to complete participation in a program. Participation will be at the employee's own expense. Employees should be aware that participation in a rehabilitation program might not shield them from disciplinary action for a violation of this policy, particularly in the case where the violation occurs before the employee voluntarily seeks assistance.

### **13.24 Children on the Premises**

- A. The City of Ocoee recognizes that due to childcare limitations and emergencies, there are limited circumstances when children of employees may be allowed on the premises during working hours. Children, as with any other visitor, can present safety risks to the City.
- B. If bringing a child to work with the employee is unavoidable, the employee must contact their supervisor/manager as soon as possible to discuss the situation. Permission should be obtained prior to having the child accompany the employee to work. Factors the supervisor/managers will consider are the age of the child, how long the child needs to be present, the work environment in the employee's area, and any possible disruption to the employee and their co-workers' job duties. Should it be necessary for the child to be cared for at the work site for more than "just hours", the employee will be asked to take paid time off to secure permanent care arrangements.
- C. A child brought to the workplace in unavoidable situations will be the responsibility of the employee parent and must be accompanied and be under the direct supervision of the employee parent at all times. To minimize risk, employees must do the following when their children are on the premises:
  1. Obtain prior approval from Department Management.
  2. Ensure that their children enter and exit through the main entrance to the building.
  3. Ensure that their children are registered with the Security Desk.
  4. Ensure that their children do not enter restricted, high-traffic areas without prior approval of the Department Manager, in case of an emergency.
  5. Ensure that they accompany their children at all times and do not leave

them unattended or out of sight, i.e. in the break room or bathroom areas.

6. Ensure that their children do not make excessive noise, run around or wander in office area (it is suggested that parents have their children bring something to read or provide some other quiet activity while they are waiting).
7. Ensure that their children do not use the City office equipment.
8. Ensure the office area is straightened-up when the children leave.

### **13.25 City of Ocoee Policy Manual**

This “Policy Manual” that included rules and procedures has been eliminated. Many of these policies have been incorporated into this revision of the PRR’s and other policies have been incorporated into the SOP’s of related departments.

### **13.26 Voluntary Employee’s Beneficiary Association (VEBA)**

The City Manager shall have the right to establish a Voluntary Employee’s Beneficiary Association (VEBA) plan for the benefit of the City’s employees with the authority to amend such sections of the Personnel Rules and Regulations as may be affected including, but not limited to, paid time off, accruals, payout of paid time off upon separation, buyback of paid time off each year and percentage of salary increases which could be contributed to the employee’s VEBA account. This also would provide for amendments which would provide compliance with and alternatives as reflected in the Internal Revenue Service Tax Code.

### **13.27 Flower Policy for Deaths and Hospitalization**

#### **A. Policy**

The purchase of flowers and/or any other form of expressing sympathy, congratulations, recognition, etc. shall be the responsibility of the City Clerk. The City Clerk shall make all arrangements and be responsible for the processing of the approved expenditure.

#### **B. Procedure**

Upon the death of an immediate family member of an employee (mother, father, sister, brother, child or spouse) or the passing or the serious illness of an employee, a request to forward flowers must be forwarded to the City Clerk by the appropriate Department Director. The City Clerk shall place the order for flowers.

Under unusual or unique circumstances, if a Department Director requests the Clerk to provide some form of sympathy to a person or family member not mentioned above, including former employees, the Clerk shall obtain approval from the City Manager or his/her designee before processing the request.

Any other request for flowers, gifts or other signs of sympathy, congratulations, appreciation, etc. must be requested through the City Clerk with City Manager

approval. **Neither a Department Director nor any other employee shall expend City funds for the above purposes.**

**Note:** Any request to make announcements regarding death/funerals or health concerns, should be requested through the City Clerk. Announcements of any person's health are governed by HIPAA privacy laws. The City Clerk shall make any such announcements, if deemed appropriate. The above policy does not include requests from the Commission to expend funds from the Commission contingency.

### **13.28 Whistle-blower's Act**

It is against the law to retaliate against state/city (government) employees who "blow the whistle" on any illegal acts. Any person applying for work or working for a state (government) agency, as defined in Section 216.011 of the Florida Statutes, who has been retaliated against for disclosing protected information may file a complaint with the Florida Commission on Human Relations under the Whistle-blower's Act. The complaint must be filed no later than 60 days after the prohibited personnel action (e.g., termination of employment). The intent of this Act is to prevent retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employee or independent contractor that create a substantial and specific danger to the public's health, safety or welfare. This Act further provides the protection to any person who discloses information alleging improper use of governmental office, gross waste of funds or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

## **SECTION 14**

### **SEPARATION**

#### **14.01 Types of Separation**

Separations from positions in City service are designated as one of the following types:

- A. Resignations
- B. Retirement
- C. Disability
- D. Death
- E. Reduction in Force (layoff)
- F. Termination

#### **14.02 Resignation**

- A. Employees wishing to resign from City service in good standing shall notify their immediate Supervisor at least ten (10) working days before leaving. Failure to do so may result in refusal by the City to consider any future request for re-employment.
- B. Absences from work for a period of three (3) consecutive working days without notifying the immediate Supervisor will be considered as a voluntary resignation and must be reported immediately to the Human Resources Director.

#### **14.03 Retirement**

Retirement is a separation from the City. Each covered employee will be provided a copy of the retirement plan applicable for their position. Additional copies may be obtained from the Human Resources Director, who will act as the Plan Liaison for the Board.

#### **14.04 Disability**

An employee with a legally recognized disability will be terminated from employment under one or more of the following conditions:

- A. The disability is covered by Workers' Compensation and
  - 1. The employee has been determined to have reached maximum medical improvement, and has exhausted all available personal, FMLA, and extended leave under Section 10.07, and there is no vacancy in the employee's position or other position in the City the essential functions of which the employee is otherwise qualified to perform with or without

reasonable accommodation and without undue hardship to the operations of the City, or

2. The employee refuses to accept employment in a position it has been determined the employee is otherwise qualified to perform the essential functions of with or without reasonable accommodation and without undue hardship to the operations of the City, or
  3. The employee has been legally determined to be totally and permanently disabled, or
  4. The employee resigns his/her employment, or
  5. The employee engages in conduct for which the employee would have been terminated if the employee had no disability.
- B. If the disability is unrelated to an illness or injury covered by Workers' Compensation, Subsection A. above shall apply except a determination under Subsection A.1 shall not require a determination as to having reached maximum medical improvement.
- C. Determinations under this section shall be in compliance with Americans with Disability Act and the Florida Civil Rights Act.

#### **14.05 Death**

Separation shall be effective as of the date of death.

#### **14.06 Reduction in Force (Layoff)**

- A. The City Manager may lay off employees when it is deemed necessary by reason of shortage of funds or work, the abolition of positions, changes in duties or organization, or any other legitimate operational reason.
- B. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate job classifications or the work may be otherwise performed in a manner deemed in the best interests of operational efficiency.
- C. When it becomes necessary to reduce the number of employees within a given class, employees shall be laid off as follows:
  1. Temporary and part-time
  2. Probationary employees
  3. Permanent employees
- D. In determining which employees to lay off, the City shall (1) consider length of service in the classification, (2) past job performance, and (3) ability to perform the job. In the event two or more employees in the same classification are

considered to be relatively equal as to factors 2 and 3, the employee with the least amount of continuous service in the job class shall be laid off.

- E.
1. Full-time employees laid off may be given consideration for openings in their classification or in other classifications which, in the opinion of the City Manager, or his/her designee, the employee is qualified to perform for up to six (6) months after the date of separation.
  2. When openings arise within a job classification in which full-time employees are on lay off from that classification, the City shall consider them along with other qualified applicants.
  3. The City shall fill the vacancy with the person determined by management to be best qualified to perform the work; however, as between employees of relatively equal ability to perform the work and performance records, the person with longest service as a City employee in the class shall be given preference. The City's obligation to so consider laid off full-time employees shall terminate after the employee has been on lay off continuously for six (6) months.
  4. An employee called back to his/her same position within six (6) months shall (1) have his/her years of service restored for all benefit purposes but will not be given credit for the time on lay off, (2) not be required to serve a new probationary period, and (3) shall be paid the same rate as when laid off.
  5. Paragraph E(4) above shall apply to an employee called back to another position within six (6) months, except he/she will be treated as if he/she was transferred with respect to wages and probation.

## SECTION 15

### DISCIPLINARY ACTION/TERMINATION

#### **15.01 Intent**

- A. It is the intent of the City that effective supervision and employee relations will avoid most matters which necessitate disciplinary action or termination for violation of rules and other conduct which is unacceptable.
  
- B. The City recognizes the fact that each situation differs in many respects from somewhat similar ones. Thus, the City retains the right to treat each incident on an individual basis without creating a precedent for other cases, which may arise in the future and to determine the appropriate discipline or termination on a case-by-case basis.

The City recognizes the following types of formal disciplinary action:

- 1. Verbal warning
- 2. Written warning
- 3. Suspension without pay
- 4. Demotion
- 5. Termination

Exempt employees are subject to suspension without pay for a day or any part of a week, if deemed appropriate.

- C. Unlike suspension, demotion and termination of full-time employees, which may only be for just cause as provided in paragraph D below, all employees may be disciplined by verbal warning, documented verbal warning, (both considered informal and not necessary to place in H.R. file), written warning, or combinations thereof for violation of offenses listed in Section 15.03 or for any action or failure to act which in the opinion of the City Manager or his/her designee adversely affects the ability of the employee and/or co-workers to efficiently perform their job responsibilities and/or adversely affects the efficient operation of the City government or any department, division, or area of the City.
  
- D. Full-time employees may be suspended, demoted or terminated for any reason set forth in Section 15.03 as a Group I or Group II offense, or for any other just cause. Section 15.03, Group I Offenses, provides recommended but not mandatory penalties to apply to specific offenses; however, the penalty utilized shall be discretionary with management 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.
  
- E. In addition to the offenses listed in Section 15.03 below, infraction of departmental rules and regulations and failure to perform to operational standards may subject the employee to disciplinary action up to and including termination.

## **15.02 Notice of Disciplinary Action**

- A. Employees who are disciplined by verbal warning (written or not) will have the reasons for said warning explained by their supervisor.
- B. In all cases of written warning, suspension without pay, demotion, or any combination of same, the employee shall be notified in writing of the action taken and a copy of such notice shall be retained by the Human Resources Office for placement in the employee's personnel file.
- C. The Department Director and/or designee shall coordinate all disciplinary actions, excluding verbal warnings, with the Human Resources Director, who shall assist in determining just cause.

## **15.03 Types of Offenses**

The two (2) groups of offenses and the guide for recommended penalties are set forth below; not listed but considered as disciplinary offenses subject up to termination are behaviors exhibited by employees at work or during time away from work that lead to embarrassment to the City and as such demean or diminish the image and/or integrity of the City; however, the principles concerning application as set forth in Section 15.01 shall apply:

### **GROUP I OFFENSES**

First Offense	-	Written warning
Second Offense	-	Up to ten (10) working days suspension without pay or Demotion
Third Offense	-	Termination

- (1) Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned; operation of assigned equipment in an unsafe manner .
- (2) Performing other than assigned work.
- (3) Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
- (4) Taking more than specified time for meals or rest periods.
- (5) Unacceptable productivity or competence.
- (6) Sleeping on the job unless authorized.
- (7) Reporting to work or working while unfit for duty, either medically, mentally, or physically, unless the condition is a legally recognized disability in which case the absence must be excused.
- (8) Posting or removal of any material on bulletin boards or City property relating to Section 4.04(D) unless authorized by the City Manager.

- (9) Violation of Sections 4.04(B), (C) or (E) relating to solicitation and distribution.
- (10) Excessive tardiness.
- (11) Excessive absenteeism, regardless of the reason.
- (12) Violating a safety rule or safety procedure, including failure to use assigned safety equipment.
- (13) Failure to report an accident or personal injury in which the employee was involved while on the job or in a City vehicle.
- (14) Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or disorderly conduct.
- (15) Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
- (16) Failure to report the loss of a City identification card to the Department Director.
- (17) Failure to keep the department and Human Resources Office notified of proper address and telephone number.
- (18) Failure to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies without a legitimate reason.
- (19) Leaving work at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a 24-hour basis.
- (20) Gambling, lottery, or engaging in any other game of chance at City work stations at any time.
- (21) Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.
- (22) Knowingly harboring a serious communicable disease which may endanger other employees without advising the City.
- (23) Use of tobacco products while on duty on or in City property except where authorized to do so.
- (24) Malicious gossip about the personal lives of co-workers or Commissioners on City property or while on City time.
- (25) Failure to complete employee Job Performance Reviews in a timely fashion.
- (26) Improper use of E-Mail or the City Computer system.
- (27) Failure to meet prescribed standards of work.

## GROUP II OFFENSES

### First Offense - Up to termination

- (1) Violation of published City or Departmental policies, rules, standard operating procedures or regulations.
- (2) Violation of Florida Statute prohibiting public employees from participating in a strike against a public employer.
- (3) Verbal or written communications critical of the City, organization, Department Directors or Supervisors with the intent to discredit or demean the image or integrity of the City.
- (4) Serious incompetency, inefficiency, or negligence in the performance of duty.
- (5) Conviction of a non-felony criminal offense or any felony, including DWI or DUI.
- (6) Unauthorized absences or abuse of leave privileges.
- (7) Use of official position for personal advantage.
- (8) Commission of any offense described in these rules and regulations or departmental rules and regulations relating to disciplinary measures for which termination is the penalty.
- (9) Deliberately or negligently misusing, destroying, or damaging any City property or property of an employee.
- (10) Falsification of personnel or City record, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
- (11) Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, or workers' compensation.
- (12) Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
- (13) Unauthorized use or possession or display of fire arms, explosives or weapons on or in City property (including personal vehicles) as well as at any time and place while on duty.
- (14) Removal of City property or any employee's property from City locations without proper authorization; theft of City property or any employee's property.
- (15) Failure to return from an authorized leave of absence.
- (16) 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.

- (17) Absent without permission or leave (A.W.O.L.).
- (18) Acceptance of a gift, service, or anything of value in the performance of duty or under circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment by a City employee, department, or agency.
- (19) Possession, use, sale, attempt to sell or illegally procure 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.
- (20) Possession, use, sale, attempt to sell or procure prescribed medications or other prescribed substances not belonging to the employee.
- (21) The consumption of alcoholic beverages before and/or during regular working hours (or during any breaks, including meal breaks) or while on call or called out.
- (22) Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
- (23) On or off the job conduct which adversely affects the ability of the employee to perform his/her duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
- (24) The use of the City logo, pictures of City facilities, photos of employees (in uniform), badges, insignia's, or any other City related property on personal web sites, emails, publications, (i.e. my space etc.) are strictly prohibited, with or without the written approval of the City Manager.
- (25) Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
- (26) Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
- (27) Threatening, intimidating, coercing, or interfering with City employees or supervision at any time, including abusive language.
- (28) Provoking or instigating a fight or fighting while on duty.
- (29) Personal use of the City of Ocoee tax exempt number for any reason.
- (30) Violation of the City Drug & Alcohol Free Work Place Policy.
- (31) Violations of the City of Ocoee Red Light Camera Ordinance or other Traffic Offences.

#### **15.04 Criminal Charges (Suspension)**

- A. An employee charged with (1) any felony or (2) a misdemeanor, which the Department Director feels may impact the efficient operation of the City may be suspended without pay pending further investigation.
- B. At his/her option, the Department Director may wait until the final resolution of the criminal charges to decide what disciplinary action, if any, to take, or may decide not to wait but take whatever disciplinary action he/she deems appropriate, if any, based on his/her own investigation.
- C. The results of the criminal proceeding, including but not limited to a dismissal, a plea bargain, a plea of nolo-contendere, or an acquittal, shall not in any way be binding on the City or the City Manager in determining whether disciplinary action or the form of disciplinary action selected is appropriate.

## SECTION 16

### GRIEVANCE PROCEDURE WRITTEN WARNINGS & NON-DISCIPLINARY MATTERS

#### **16.01 Purpose**

The grievance procedure is established to provide opportunity to non-probationary full-time employees to bring to the attention of management, situations that directly affect the employee's working conditions. It is the intent and desire of the City to adjust complaints or grievances informally, and both supervisors and employees are expected to make reasonable efforts to resolve problems as they arise. However, it is recognized that there will be grievances, which will be resolved only after an appeal and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City.

- A. A full-time employee may file a grievance over the interpretation, application, or violation of City Personnel Rules and Regulations or any Departmental Rules or Regulations applicable to him/her, to resolve a problem concerning his/her employment except that grievances over suspension, termination or demotion of full-time employees shall be subject to review as provided for and in accordance with Section 17.
- B. Only full-time employees are eligible to file appeals or grievances under this procedure. Probationary employees are not considered full-time employees until completion of the probation period. Department Directors and higher levels of management who are full-time employees shall not have the right to file grievances under this section but shall in case of suspension, demotion and termination be entitled to post action hearings under Section 17, unless the employee is covered under Section 1.02D, whereby no entitlement is afforded.

#### **16.02 Grievance Procedure**

In order to assure every full-time employee a method by which the employee can get a particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

##### Step 1 - Supervisor

The aggrieved employee shall, within three (3) working days of the incident, explain and discuss the complaint or grievance orally with the supervisor involved. Higher level supervision may be called into the discussion in an effort to achieve a prompt satisfactory adjustment.

The Supervisor will make a decision and notify the employee in writing within three (3) working days after the discussion with the employee.

The Supervisor must provide the Director of Human Resources a copy of the action taken, all relating documents and the written decision in Step 1.

## Step 2 - Department Director

If the aggrieved employee feels that the matter has not been settled or adjusted to his/her satisfaction by the Supervisor, he/she may submit the matter in writing to the Department Director within three (3) working days from receipt of the answer in Step 1.

The Department Director, or his/her designee, shall meet with the employee within three (3) working days after receipt of the grievance. The Department Director, or his/her designee, shall give a written answer to the employee within three (3) working days after the scheduled meeting.

The Department Director must provide the Director of Human Resources copies of all relating documents and the written decision in Step 2.

## Step 3 - City Manager

A. After the decision at Step 2, the employee has three (3) days to file an appeal with the City Manager and failure to file shall waive the right to do so at a later date. Within ten working days the City Manager, or designee, shall set a date for the appeal hearing.

B. Final Decision

The decision of the City Manager, or his/her designee, shall be final, and the employee shall have no further right of administrative review.

## **16.03 General Provisions**

A. The time limits of this grievance procedure may be extended up to five (5) additional working days by the employee due to an approved absence for illness, emergency, vacations, or business trip, or by management for any of these reasons or any other business reasons. If an extension is required, the employee (or management) shall be notified in writing. The City Manager, or his/her designee, must approve any extension beyond five (5) working days in writing.

B. Under this grievance procedure the employee and/or management have the opportunity to call witnesses at the Step 3 level.

C. Any grievances shall be considered settled on the basis of management's response at the completion of any step, unless it is appealed within the time limits set forth.

D. A copy of all documents supplied by the grievant to support a grievance in one Step shall be copied to the Director of Human Resources on the same day the grievant appeals to the next Step; provided a document need not be provided if a copy has been supplied to the Director of Human Resources at an earlier Step.

## SECTION 17

### PROCEDURE FOR PROPERTY RIGHT ACTIONS

#### **17.01 Suspension, Demotion and Termination - Pre-Disciplinary**

When a Department Director is considering suspension, demotion or termination of a regular full-time employee:

- A. The employee shall be given written notice of a reason for why such a disciplinary action is being considered, a summary of the information in which the Department Director relies, any witnesses and an opportunity to present his position either verbally or in writing to the Director before the decision is made. Notice may be made personally or by mail. The Director is responsible for conducting or requesting the Human Resources Department assist in completing a full and thorough investigation before a final decision is rendered.
- B. The Director may suspend an employee, with pay, prior to the notice of charges and without pay, immediately following the opportunity to respond and before the final decision.
- C. If, after considering all the evidence provided, the Director decides to suspend, demote or terminate, the employee shall be notified in writing of the decision and the reasons therefore and advised of the right to due process as provided below.

#### **17.02 Right to Appeal**

- A. Within five (5) working days of receipt of the Department Director's decision the employee may appeal in writing to the Director of Human Resources appealing the Director's decision to the City Manager. Such a written appeal shall be accompanied by an explanation of why the employee disagrees with the decision of the Department Director and shall attach all documents on which the employee relies. The Human Resources Director shall provide the information to the City Manager and coordinate the scheduling of the hearing.
- B. Upon receipt of a timely appeal, the City Manager shall conduct a hearing at which the Department Director shall be required to establish just cause by a preponderance of the evidence. The City Manager shall determine the facts.

NOTE: Just cause requires the following:

- The employee was aware of the policy.
- The employee was warned either verbally or in writing of the consequences of his/her conduct or unacceptable behavior.
- Discipline relates to the City's applicable rule or regulation.

- The Department Director thoroughly reviewed or investigated and documented the issue before administering discipline.
  - The review or investigation was fair and objective.
  - The review or investigation produced substantial evidence or proof of wrongdoing.
  - The rule or regulation and discipline is applied in a fair and consistent manner and without discrimination in regard to any employee's race, color, religion, sex, national origin, age, marital status, political affiliation, disability, sexual orientation, or any other discriminatory classification or any protected activity (filing of a workers' compensation claim, discrimination complaint, or objecting to illegal conduct by the City).
  - The discipline is related to the seriousness of the violation or offense and the employee's past performance.
- C. The employee shall be entitled to be represented by counsel of his/her choice at his/her expense and shall have the right to present evidence, examine and cross examine witnesses, and state his/her position orally and in writing.
- D. The proceeding shall be recorded by tape or a court reporter. The City Manager shall make findings of fact and conclusions of law and uphold, modify or reverse the disciplinary action appealed from. The City Manager may impose a more severe or lesser form of discipline, or take other such action, as the City Manager deems appropriate. The City Manager shall not be constrained in any manner in making his/her findings of fact and conclusions of law.
- E. The decision of the City Manager shall be final and binding on all parties and shall be the final administrative decision of the City.

**Note:** Department Directors, Chiefs, Assistant City Managers, Assistant/Deputy Directors and Executive/Administrative employees working directly for the City Manager covered under Section 1.02D are not entitled to this Section.

## **SECTION 18**

### **RECORDS AND REPORTS**

#### **18.01 Responsibility**

The Human Resources Office is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

#### **18.02 Records**

- A. All personnel records of employees of the City government are maintained in the Human Resources Office and are considered the official employee records. All employee payroll records shall be maintained by the City Finance Department. All employee pension records shall be maintained by the Human Resources Department.
- B. Employees shall keep their personnel records current. This means immediately notifying the Human Resources Office of any changes; such as, change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage or any status change not previously reported, from that which was originally given at time of employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.
- C. No document critical of an employee shall be placed in the employee's Official Personnel file unless said employee has initialed the document. Refusal of an employee to initial a document shall be noted by a witness.

#### **18.03 Records Retention and Disposition**

Consistent with applicable law, the Human Resources Office shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records.

## **SECTION 19**

### **SAFETY**

#### **19.01 Accident Prevention**

All Department Directors, supervisors, and employees must recognize their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. The Human Resources Director (Acting as Risk Manager) shall be responsible to administer this Program.

#### **19.02 Accident Reporting**

- A. All employees shall be advised of their responsibility to immediately report to their supervisor all injuries that occur on the job. Delay in reporting injuries may cause complication of the injury and delay recovery.
- B. All supervisors shall immediately report injuries of their employees to the Human Resources Office. The Human Resources Office shall determine where the employee will be sent for treatment and shall determine which physician will be used.
- C. All accidents must be reported within twenty-four (24) hours after the date of the accident or injury or as soon as operationally feasible. If the accident occurs over a holiday or weekend, the accident report shall then be submitted to the Human Resources Office within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This also applies to industrial accidents and first aid injuries, as well as to anyone injured in a vehicular accident involving City vehicles. In the latter case, a vehicular accident report will be submitted and, if an employee is injured, a report of injury to the Human Resources Office will also be required. Depending upon the extent of the accident, the employee may be required to submit to a drug/alcohol exam, see Section 1323 C (4). Furthermore, accidents caused by an employee may also subject the employee to disciplinary process.
- D. In the case of all vehicular accidents, the appropriate law enforcement agency and the employee's supervisor must be notified immediately.
- E. Employees not following safety rules, including not reporting accidents or improper reporting of accidents and injuries within time limits specified above, shall be subject to disciplinary action up to and including termination.

#### **19.03 Safety Program**

The City has a Safety Program and a Safety Manual which contains a comprehensive plan to reduce accidents, injuries to employees and constituents, and generally reduce the risk of potential hazards to employees and the community.

The following safety procedures are to be considered a supplement to the Safety Program/Safety Manual. Department Directors, Managers, and Supervisors shall follow

the procedures listed below whenever an employee is injured or if an employee damages any City property or causes damage to another's property.

1. Contact Human Resources.
2. Assist Human Resources in implementing temporary controls/measures to prevent any further injuries to employees.
3. Assist Human Resources in identifying and interviewing each witness and any other person(s) who might provide information or further details as to the cause of the accident (take photos).
4. Investigate causal conditions and unsafe acts; make conclusions based on existing facts.
5. Require Employees to cooperate with the investigation process.
6. Employees shall be truthful and shall not discuss or comment on the liability of accident/incident to other non-involved parties.

This procedure does not only apply to vehicular issues but includes any incident where the above applies. Please refer to the Safety Manual for other details regarding policy and procedures.

**(ALWAYS call 911 for incidents that require emergency responders).**

All Department Directors, Managers, and Supervisors are to ensure all employees have read the Safety Manual. Furthermore, those supervising employees are required to follow the directives without fail.

A Safety Committee has been created as a result of the above effort and each department has at least one Safety Liaison assigned to assist in the administration of the Safety Program.