



# **Employment Policy & Procedure Reference Guide**



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## ***Introduction***

This reference guide is intended to help you become acquainted with the City of Mount Dora as your employer. It explains some of the City's philosophies and beliefs and describes, in general terms, some of our employment guidelines. We hope that it will serve as a useful reference document throughout your employment with us. Also, please understand that the information contained herein is not intended to be a contract (express or implied), nor is it intended to otherwise create any legally enforceable obligations on the part of the employer or its employees. Employment is at-will and may be terminated at any time. The compilation of information in this reference guide supersedes and replaces all previously distributed policies, practices, and guidelines in any other handbook.

If any provision of the policies and procedures described in this document are in conflict with an existing provision of any labor agreement between the City and a registered bargaining unit (labor union), the existing labor contract language will prevail.

Because the City is a growing and changing organization, it reserves full discretion to add, modify, or delete provisions herein, or the policies and procedures on which they may be based, at any time, without advanced notice. For this reason, we urge you to check with a member of the Human Resources Department to obtain current information regarding the status of any particular policy, procedure, or practice.

This document is the property of the City of Mount Dora, and it is intended for your personal use and reference as an employee of the City.



## **City History**

The City of Mount Dora was established in 1880, and was first named Royellou after the children of one of the City's pioneers. On March 25, 1910, it was incorporated as a town and changed its name to correspond to the adjoining lake and the fact that the City sits on a plateau 184 feet above sea level and has the second highest elevation in the state. The town was then incorporated as a city on April 23, 1953. The City is located in Central Florida, approximately 25 miles northwest of Orlando. The City consists of over 12.8 square miles and has the flavor of a small town with hilly terrain, several lakes, a large canopy of oak trees and many historic buildings. Mount Dora is known by many as "The Festival City," hosting twelve major special events, which attract hundreds of thousands of visitors annually.

The City Charter provides for a Council/Manager form of government. Policy-making and legislative authority is vested in a City Council consisting of the Mayor, two Council Members elected at large, and four Council Members elected on a district basis. The elected officials are elected every two years on a staggered term and non-partisan basis. The City Council appoints the City Manager, who is responsible for appointing department heads and supervising daily operations. The staff consists of nine departments: Administration/Legal, Public Works, Police, Fire, Parks and Recreation, Library Services, Planning and Development, Finance, and Human Resources/Risk Management, each run by a professional from the appropriate field.



## ***How To Use this Reference Manual***

This document is organized for your convenience in reviewing personnel/employment related policies and procedures. Policies and procedures have been grouped into these sections according to subject matter. Each Section may be located by using the table of contents. There is also an index for all subjects at the back of the handbook.

When supplements or updates to the handbook are issued to you, please review the information and insert the new pages into the handbook and discard the outdated information.

While this handbook may not necessarily offer an answer for every situation that arises, it should guide you in making day to day personnel decisions. Most importantly, the policies set forth in this document are not only guidelines but represent official City policies and practices which must be adhered to. Exceptions may be made only if specifically provided for in the policy. If any provision of the policies and procedures described in the handbook are in conflict with an existing provision of any labor agreement between the City and a registered bargaining unit (labor union), the existing labor contract language will prevail.

If you have any concerns that the policy provisions contained here in are inappropriate in a specific situation, please consult a representative of the Human Resources Department for further direction on obtaining approval for such exceptions.



## ***Open Door Policy***

As your employer, it is our goal is to offer each and every individual the opportunity to earn his or her living under the most favorable conditions we can provide, and to foster and maintain an atmosphere of mutual cooperation and respect among the members of our City Team. This is what we strive for, but we also recognize that even under the most ideal circumstances, problems and differences of opinion are apt to arise. The primary purpose of this Policy is to foster an environment where complaints at every level are brought out into the open where they can be dealt with and resolved to the satisfaction of all concerned. For this reason we have adopted an “Open Door Policy” and we invite all employees to make use of it whenever the need arises.

A good rule of thumb to follow is simply to take questions and problems to your immediate supervisor whenever possible. He or she is most directly responsible for your success on the job, so communication should logically begin there. If this is not possible, or you do not feel comfortable discussing the problem with your supervisor, your supervisor’s immediate supervisor or members of the Human Resources Department are available to address your concerns. We want to do everything we can to help you solve any problems that you may encounter during your employment with the City.





# SECTION 1

## GENERAL PROVISIONS

### 1.01 Purpose

- A. The purpose of these Personnel Policies is to provide a general guide for the personnel administration of the City of Mount Dora.
- B. It is the intent of these policies to assure fair treatment of all City employees in all aspects of personnel administration. These policies shall be carried out without regard to an employee's political affiliation, race, color, creed, national origin, religion, marital status, handicap, age or sex and with proper regard for an employee's privacy and rights as a citizen.
- C. All employees serve at the pleasure of the City and no employee shall have any vested rights in employment. Nothing in these Personnel Policies and Procedures is intended or implied to create a contract for employment for any specific period of time, and no representative or City entity, except the City Council, has the authority to enter into any such contract for employment for any specific period of time. It is the intent of the City to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve performance and skills to enable the City to offer quality service to the public and provide opportunities for advancement of employees.

### 1.02 Administration

- A. The Human Resources Director shall be responsible for the administration and direction of the City's personnel program.
- B. Department heads will be responsible for the proper and effective administration of these personnel policies within their respective departments. Routine matters pertaining to enforcement may be delegated.

### 1.04 Amendments

- A. The Human Resources Director shall present to the City Council policies and procedures and changes as necessary for the administration of the personnel system.

- B. Amendments, changes or revisions of the personnel policies as approved by the City Council shall be posted on City bulletin boards and distributed to all City departments and employees.

#### 1.04 Department Policies

- A. Department operating policies and procedures serve as supplements to these policies. In the event of conflict in any section, the City personnel policies shall prevail.
- B. Department policies and procedures will be in writing and approved by the City Manager for conformance to the personnel policies.

#### 1.05 Labor Contracts

If any provisions of these personnel policies are in conflict with an existing provision of any labor agreement between the City and a registered bargaining unit (union), the labor contract will prevail.

#### 1.06 Management & Budget

Pursuant to the statutes and laws of the State of Florida which permit and require the expenditure of public funds for

public purposes, the City of Mount Dora believes it necessary and appropriate to provide assistance and guidance to

the officials, employees, and representatives of Mount Dora to aid in the determination of when public funds may be

spent for a public purpose.

To provide that assistance and guidance, these public purpose guidelines for the establishment of operating policies

and procedures and the appropriate expenditures of public funds. The City Council authorizes the City Manager to

establish administrative policies and procedures that are consistent with these guidelines and the adopted City policies which implement these guidelines.

Definition: A public purpose expenditure is one which relates to the purpose for which the City of Mount Dora exists and the duties and responsibilities of Mount Dora, its elected and appointed officials, employees and other representatives.

Please reference the Purchasing Policies Manual for more detail guidance for how to facilitate the procuring of goods or services for the City.

All Policies or parts of Policies in conflict with any of the provisions of this Policy are hereby repealed if dated prior to the approval date of this policy.

**PUBLIC PURPOSE GUIDELINES**

1. Training and development programs for Mount Dora employees serve a public purpose when those training and development programs are directly related to the performance of the employees' job-related duties and are directly related to the programs/services for which the City is responsible. Please reference the Travel and Development Policy of 2020.

2. Payment of employee work-related expenses, including travel, lodging and meal expenses, serves a public purpose when those expenses are necessarily incurred by Mount Dora employees in connection with their actual work assignments or official duties and those expenses are directly related to the performance of the governmental functions for which Mount Dora has responsibility.

3. Appropriate safety and health programs for Mount Dora employees serve a public purpose because they result in healthier and more productive employees and reduce certain costs to the City and the taxpayers of Mount Dora, including various costs associated with workers compensation and disability benefit claims, insurance premiums, and lost time from employee absences.

4. Public expenditures for appropriate Mount Dora employee and volunteer recognition programs serve a public purpose because formally recognizing employees and volunteers who make significant contributions and demonstrate their commitment during the performance of their duties result in higher morale and productivity among all Mount Dora employees and volunteers, and therefore help the City to fulfill its responsibilities efficiently and more cost effectively.

5. Public expenditures for food and refreshments associated with official Mount Dora functions serve a public purpose when the provision of food or refreshments is an integral part of an official Mount Dora function and the provision of food or refreshment is necessary to ensure meaningful participation by the participants. Ex. Annual Awards Banquet

6. Public expenditures for appropriate community and customer outreach and similar activities serve a public purpose when those expenditures are necessary for Mount Dora to ensure the efficient operation of its program

services, promote the availability and use of City resources, and promote coordinated, cooperative planning activities among and between the public and the private sectors. Ex. Public Outreach workshops

#### **SPECIFIC PROGRAMS AND EXPENDITURES**

Every City of Mount Dora expenditure must be valid based upon the public purpose for which it is purchased. The following items are deemed to meet the Council definition of public purpose expenditures.

#### **EMPLOYEE WELLNESS AND RECOGNITION PROGRAM**

The City Council recognizes the hard work and service performed by the employees of the City of Mount Dora through a formal wellness and recognition program. The City Council believes the benefits of attracting, retaining, and motivating employees through an employee wellness and recognition program supports healthy employees and employee job satisfaction, which in turn impacts productivity. The results are to have healthy employees and to provide excellent public and customer service to better serve the interests of the citizens of the community.

The employee wellness and recognition program is entirely dependent on receiving funding from year-to-year. The cost of the employee health and recognition program will be approved annually by the City Council and will include detailed expenses of the employee wellness and recognition event.

#### **RECOGNITION OF EMPLOYEES RETIRING FROM THE CITY**

The City recognizes the importance of acknowledging employees for their service to the City of Mount Dora. When an employee retires from, the City believes in the importance of recognizing them for their contributions they have made while at the City. As a result, the City may provide a cake or comparable food item and non-alcoholic beverages at a gathering to recognize their services to the City. Any additional food or activities will be employee paid.

In addition, employees retire in good standing may receive a recognition gift from the City with a value not more than \$200.

### **RECOGNITION OF COUNCIL, BOARD, AND AGENCY MEMBERS**

The City Council recognizes the importance of acknowledging Councilmembers, Board Members, and/or Agency Members for their service to the City of Mount Dora. Individuals who leave as a member of the City Council, Boards, or Planning Commission with a minimum of four (4) years of service may receive an acknowledgement of service at a value not to exceed \$75.

The City may also provide a cake or comparable food item and non-alcoholic beverage at a gathering to recognize a Council member, Board, or Agency member leaving service after (4) or more consecutive years of service.

### **RECOGNITION OF VOLUNTEERS/COMMUNITY SERVICE**

The City Council recognizes the importance of acknowledging Volunteers for their service to the City of Mount Dora. Individuals providing meritorious volunteer service to the City of Mount Dora with a minimum of four (4) consecutive years of service may receive an acknowledgement of service at a value not to exceed \$75.

### **MEETING REFRESHMENTS/MEALS**

The City Council recognizes that situations in which City business needs to be discussed can and do occur during meal hours (i.e. luncheon meetings or workshops, interview boards, elections, training, etc. that extend through the meal hours). In addition, there are public and employee meeting and events in which reasonable refreshments may add to the success of the meeting and/or event and create a more productive work force. The following items are deemed to meet the Council definition of public purpose expenditures in regards to food and meals.

1. Food and refreshments are allowed at non-routine City meetings and events that have a purpose of discussing City issues. These meetings would normally have a pre-planned agenda.
2. Food and refreshments are allowed at employee meetings and events that have a purpose of discussing City issues, part of an employee training, or part of an interview process. These meetings would also normally have a pre-planned agenda. This does not include routine staff meetings or standing committee meetings.

3. Food and refreshments are allowed when they are part of a breakfast/ lunch/dinner meeting for official city business when it is determined to be the most practical time to meet and are necessary to sustain the flow of the meeting. Usually these meals involve meeting with City Council Members, Committee/Commission members, or local business/fraternal organizations.
4. Food and beverages are allowed at an organizational-wide annual staff meeting used for developmental purposes or for an annual employee recognition initiative. (This does not include expenses related to birthdays, anniversaries, weddings, child births or any other event that does not have an organizational-wide purpose.)
5. Meals and refreshments are allowed where employees or volunteers are participating in a City-sponsored special event, participating in an outside event as an official representative of the City, or working additional hours and where the department head or administrator deems appropriate as recognition of efforts above those normally required. Because emergency personnel are often called to perform for extended periods of time and duties where refreshments are important to duty performance, emergency response personnel may be provided refreshments or food when it is deemed appropriate by the City Manager or department head to assure the delivery of quality emergency response service.
6. Reimbursement of meals related to travel is outlined in the City of Mount Dora Travel and Employee Development Policy.
7. The purchase of alcoholic beverages is strictly prohibited.

The cost of these refreshment/meals is included in the departments' training line-item budget and is approved annually by the City Council as part of the overall budget process. In addition, the Department Head and City Manager will have oversight on individual purchases to ensure compliance with the provisions of this policy.

### **POLICE OFFICERS LEAVING SERVICE**

Police officers retiring from the City of Mount Dora with a minimum of 10 years of service to the City of Mount Dora have the option of receiving their fire arm instead of receiving an above-mentioned recognition gift. Upon retirement, the retiring officer must immediately change the registration from the City of Mount Dora to their personal name. Final approval for each officer who qualifies will fall to the police chief's discretion, and if an officer does not leave in good standing, they will not be allowed to retain their gun. Each retiree receiving these benefits must execute an agreement relieving the City of Mount Dora from any liability. Retirement must be under fully honorable circumstances having served the requisite number of years to be eligible to receive pension benefits from the City's Retirement Systems (Cannot be under investigation whereby the results could be termination, retiring in lieu of termination, or to avoid an investigation).

### **MEMBERSHIP, DUES, AND DONATIONS**

The City Council has determined that the City will fund memberships and dues (individual or organization) in professional organizations and City social and community organizations when the purpose is to promote, advertise, improve or develop the City's resources and advantages and not for personal interest or gain. The cost of memberships/dues is included in the membership line-item in the Mount Dora Budget. These line-items are approved annually by the City Council as a part of the overall budget approval process. Donations received by the City must be for programs that serve our citizens and are deemed to meet the public purpose guidelines.

### **PROHIBITED EXPENDITURES**

The items listed below are strictly prohibited

1. Alcoholic beverages
2. Employee functions or celebrations that are solely social in nature (e.g. birthdays, holiday luncheon, ice cream social).
3. Fundraisers for non-City related events
4. Participation in optional activities unless included as part of an overall conference registration fee (e.g. optional golf rounds, sporting events, concerts).

5. Employee-sponsored fundraising events (e.g., charitable giving campaign).

**ALLOWED EXPENDITURES**

The items listed below are allowed when purchased by the Human Resources Department

1. For funeral flower arrangements upon death of an employee, elected official, or one of their immediate family members other than Human Resources
2. Gift cards for an employee, volunteer, board member etc. by a department other than Human Resources

**CONCLUSION**

The City Manager has determined that the above expenditures are valid expenditures and serve a public purpose. The City Manager will have oversight on individual purchases to ensure compliance with the provisions of this policy. Any purchase related to employees, not specifically outlined in this policy is to receive authorization from the City Manager or designee prior to any purpose.



## SECTION 2

### DEFINITION OF TERMS

**Active Pay Status** - Authorized paid leaves, holiday or time worked.

**Anniversary Date** - The date on which an employee begins employment and the same date in following years. This also is the date from which vacations and sick leave are computed (this date changes only if an employee is in a non-pay status for one pay period or more; the anniversary date is then deferred by an equivalent amount).

**Applicant** - Individual who has completed and submitted an application for employment for an approved/advertised open position with the City.

**Appeal** -An application for review of a disciplinary action submitted or instituted by an employee.

**Appointment** - Offer and acceptance by a person of a position either on a regular or temporary basis.

**Class Title** - Title in the classification plan which describes the general nature of work of the position.

**Classification** - Grouping positions in classes.

**Classification Date** - Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

**Compensation** - The standard rates of pay which have been established for the respective classes of work, as set forth in the compensation plan.

**Compensation Plan** - The official schedule of pay assigning rates of pay to each class title.

**Continuous Service** - Employment which is uninterrupted except for authorized leaves of absence, suspension or separation due to reduction in work force. Authorized paid leaves of absence are included as part of continuous service.

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

**Dismissal** - Separation from City employment.

**Exempt Status** - Employees in an executive, administrative or professional capacity are in an exempt status category under the Fair Labor Standards Act and are not eligible for overtime pay.

**Full-Time** - Position that requires an employee to work the full amount of hours scheduled for employees of the unit.

**Harassment** - Unwelcome or unwanted advances including sexual advances of whatever nature; requests for sexual favors; other verbal abuse or harassment; physical conduct of a sexual nature; creating a work environment that is intimidating, hostile, abusive or offensive.

**Immediate Family** - Immediate family shall be defined as: Employee's father, mother, spouse, father-in-law, mother-in-law, children, stepchildren, son-in-law, daughter-in-law, first cousin, aunt, uncle, sister, brother, brother-in-law, sister-in-law, grandparents, grandchildren, stepfather, stepmother, step or half brother and sister, legal guardian, or ward. (City Definition)

**Insubordination** - The unwillingness on the part of an employee to submit to the authority vested in supervisors, department heads, and the City Manager as outlined in the Personnel Policies.

**Layoff** - Reduction of the number of employees due to the lack of work, funds or other causes.

**Leave** - Approved type of absence from work as provided by these policies.

**May** - The word "May" shall be interpreted as permissive.

**Non-Exempt Employee** - Employees in this category are entitled to statutory overtime compensation in accordance with the Fair Labor Standards Act.

**Overtime** - Time worked in excess of the regularly scheduled work periods for all non-exempt employees in accordance with the Fair Labor Standards Act.

**Part-Time** - Position that requires the employee to work fewer hours than normally designated for others in the same classification.

**Pay Range** - Salary which is assigned to a classification title, expressed as a pay range number.

**Performance Evaluation** - A report relative to the job performance of employees made by the supervisor.

**Performance Pay Increase** - Increase established in the pay plan which may be granted to an employee based on job performance.

**Probationary Period** - Period of time provided to allow the department head an opportunity to evaluate an employee's performance and to decide whether or not the employee is to be retained.

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

**Relative** - 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, half sister. (State Statute definition).

**Resignation** - Act of voluntarily withdrawing from City employment.

**Serious Medical Condition (Family Leave)** - An illness, injury or impairment, physical or mental condition that involves in-patient care in a hospital, hospice or residential medical care facility or requires continuing medical treatment.

**Shall/Will** - These terms are interpreted as being mandatory.

**Suspension** - Mandatory relief from duty.

**Temporary Employee** - An employee appointed to an approved budgeted position for a special project or other work of a temporary or transitory nature, who will not receive any benefits, vacation, holiday pay or sick leave pay.

**Trainee** - Employee undergoing a training period to learn the job duties or to attain education or certification.

**Transfer** - Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

**Work Day** - Scheduled number of hours an employee is required to work per day.



# SECTION 3

## STANDARDS OF CONDUCT

### 3.01 General Policy

- A. The City of Mount Dora has established a system of personnel management based on merit principles to assist in providing superior service and maximum efficiency to the community.
- B. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- C. It is the policy of the City to expect compliance from employees with all personnel policies, state statutes and federal regulations in the performance of duties. An employee who violates any of the Personnel Policies shall be subject to disciplinary action.
- D. The City retains all management rights including but not limited to the following:
  - 1. To determine the organization of the City.
  - 2. To determine the purpose of each of its departments.
  - 3. To exercise control and discretion over the organization and efficiency of operations.
  - 4. To set standards for services to be offered to the public.
  - 5. To manage and direct the employees of the City and to determine the number of personnel to be employed.
  - 6. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees.
  - 7. To suspend, demote, discharge or take other disciplinary action against employees.
  - 8. To increase, reduce, change, modify or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, lack of funds or other reasons.

9. To establish, change or modify the number, types and grades of positions or employees assigned to an organization, unit, department, division or project.
  10. To establish, change or modify duties, tasks, responsibilities or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.
  11. To require any employee based on articulated reasonable suspicion to have physical examinations which may include psychological, drug and controlled substance testing, etc.
- E. Employees shall have the right to form, join and participate in, or to refrain from forming, joining or participating in any employee organization of their own choosing in accordance with State law.

### 3.02 Equal Employment Opportunity

- A. It is the policy of the City of Mount Dora to provide equal employment opportunity for all applicants and employees. The City does not discriminate on the basis of sex, race, color, sexual orientation/gender identity, religion, national origin, age, disability, veteran/military status, pregnancy, genetic information, or marital status. This policy applies to all terms, conditions, and privileges of employment, including hiring, training, promotion, compensation, and benefits. The City also makes reasonable accommodations for disabled employees and the religious needs of employees. Employees may discuss the need for a religious accommodation or an accommodation for a disability with the Human Resources Department. The City will work with you to determine how to best accommodate your needs while also balancing its needs. If the accommodation is for a disability, the City may require that you provide certification from your healthcare provider of your disability and your need for accommodation.
- B. For purposes of this policy, impermissible harassment includes verbal, physical, and visual harassment; solicitation of sexual favors; unwelcome sexual advances; and creating or maintaining an intimidating or hostile work environment. Any employee who violates this policy is subject to discipline up to and including discharge.
- C. Any incident of discrimination or harassment, including work-related harassment by City personnel or any other person, should be reported to the employee's supervisor or the Human Resources Director who

will investigate the matter. In the case of City employees, if harassment is established, the offender will be disciplined, up to and including discharge.

It is the responsibility of every manager and employee to conscientiously follow this policy.

### 3.03 Discrimination

- A. The City shares a common belief that each employee should be able to work in an environment free of discrimination and any form of harassment based upon sex, race, color, sexual orientation/gender identity, religion, national origin, age, disability, veteran/military status, pregnancy, genetic information, or marital status.
- B. If an employee feels they are being discriminated against for any of the above or other reasons, it should be brought to the attention of their immediate supervisor, who will immediately investigate the situation and bring it to the attention of the Department Head and/or Human Resources Director.

**GINA Disclaimer**—The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic information” as defined by GINA, includes an individual’s family medical history, the results of an individual’s or family member’s genetic tests, the fact that an individual or an individual’s family member sought or received genetic services, and genetic information of a fetus carried by an individual’s family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.

### 3.04 Harassment/Sexual Harassment

#### A. POLICY

The City is committed to providing a workplace free of sexual harassment as well as harassment based upon such factors as sex, race,

color, sexual orientation/gender identity, religion, national origin, age, disability, veteran/military status, pregnancy, genetic information, or marital status. The City strongly disapproves and will not tolerate harassment of employees by managers, supervisors, or co-workers. The City will also attempt to protect employees from harassment by non-employees in the workplace.

**B. DEFINITIONS**

Harassment includes verbal, physical, and visual conduct that creates an intimidating, offensive, or hostile working environment or that interferes with work performance. Some examples include racial slurs; ethnic jokes; posting of offensive statements, posters, or cartoons; or other similar conduct. Sexual harassment includes solicitation of sexual favors, unwelcome sexual advances, or other verbal, visual, or physical conduct of a sexual nature.

**C. PROVISIONS**

Every complaint of harassment that is reported to the Human Resources Director will be investigated thoroughly, promptly, and in a confidential manner. In addition, the City will not tolerate retaliation against any employee for making a complaint to the Human Resources Director or to any other member of management.

In the case of City employees, if harassment is established, the City will discipline the offender. Disciplinary action for a violation of this policy can range from verbal or written warnings up to and including immediate termination, depending upon the circumstances. With respect to acts of harassment by customers or vendors, corrective action will be taken after consultation with appropriate management personnel.

**D. RESPONSIBILITY**

**1. MANAGER**

- Foster a work climate that is free of harassment and discrimination.
- Support and communicate this policy within the work area.
- Report all alleged incidents of harassment or discrimination to the Human Resources Director.
- Cooperate in the investigation and resolution of harassment and discrimination cases.



- Take preventative measures in situations that have the potential of being construed as harassment or discrimination.

## **2. EMPLOYEE**

You should report any incident of harassment, including work-related harassment by any City employee or any other person, promptly to your supervisor or manager (or to any other member of management) and/or to the Human Resources Director, who is responsible for investigating the matter. Managers who receive complaints or who observe harassing conduct should inform the Human Resources Director immediately. The City emphasizes that you are not required to complain first to your supervisor if your supervisor is the individual who is harassing you.

### **3.05 Conflict of Interest**

- A. Employees who may be in a position to influence actions and decisions regarding the City's administration shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers and members of the public.
- B. An outside personal economic relationship which affords present or future financial benefits to an employee, their family, or individuals with whom they have business or financial ties may be a conflict of interest requiring evaluation by the City Manager.
- C. An employee having an outside personal economic relationship under the conditions specified above shall file a sworn statement to this effect with the City.
- D. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the City Manager.
- E. The City Manager shall determine whether a relationship could cause a potential conflict of interest.
- F. Employee acceptance of anything of value to the recipient, including loans, advances, gifts, gratuities, rewards, favors, entertainment or promise of future employment, etc., from a supplier, bidder or other party doing business with the City, is improper.

- G. It is improper for any employee to use their position with the City to obtain or attempt to obtain any special preferences, privileges or exemptions for themselves or for others.
- H. No employee shall disclose confidential information gained by reason of their official position, nor shall the employee use such information for personal gain or benefit.
- I. Employers are responsible for complying with all of the provisions stated in Section 112.313, Florida Statutes.

### 3.06 Political Activity

- A. Employees **MAY**:
  - 1. Register and vote as they choose.
  - 2. Assist in voter registration drives on off-duty time.
  - 3. Contribute money to organizations, associations, etc., or attend political fund-raising functions on off-duty time.
  - 4. Wear or display political badges on off-duty hours.
  - 5. Attend political rallies and meetings on off-duty time.
  - 6. Join a political club or party.
  - 7. Sign nominating petitions on off-duty time.
  - 8. Campaign for or against referenda questions, constitutional amendments, etc. on off-duty time.
  - 9. Become a candidate for an elective political office.
  - 10. The employee may use approved annual and/or personal leave or work after duty hours during a campaign for other than a City office.
  - 11. Any employee who wishes to accept or seek election to a City office shall resign from City employment upon formal declaration of candidacy.
  - 12. An employee wishing to qualify for any other elective office shall submit written notification to the City Manager who will determine, and so advise employee, whether a conflict of interest exists.

B. Employees **MAY NOT**:

1. Use official authority or influence for the purpose of interfering with an election or nomination for office, coercing or influencing another person's vote, or affecting the result thereof.
2. Directly or indirectly coerce, attempt to coerce, command or advise a State or local officer or employee to pay, lend or contribute anything of value to a party or candidate.
3. Interfere in any other way with the personal right of any officer or employee.
4. Campaign in uniform while wearing City insignia or while on duty.
5. Act in any manner which would lead the public to believe that their political activities constitute the position of the City or have been officially endorsed by the City.

### 3.07 Employment of Relatives

No City official, department head, or supervisor may appoint, employ, promote, advance or be influential in any way in the employment of any individual who is a relative, as defined on page 2-3 herein, of a City official, department head, or supervisor. Further, no relative of an employee may be hired by the City to fill a position which would cause the current employee to either have jurisdiction over or be subject to the jurisdiction of the relative.

### 3.08 Outside Employment

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment. No employee may engage in outside employment which would have an affect on or interfere with employment with the City.
- B. Any employee desiring to pursue outside employment shall request, in writing, approval from the department head.
- C. The department head may reject the request if it is deemed to affect or interfere with City employment. Any notice to engage in outside employment previously granted under these Policies may be canceled or terminated at any time by the City upon giving ten (10) working days written notice to the employee concerned.

- D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Worker's Compensation as a result of disability resulting from the outside employment.
- E. Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment or for any purposes other than the performance of City work.

### 3.09 Public Relations

- A. The City's employees shall at all times be courteous, friendly, and helpful to all persons seeking help or information.
- B. As information concerning subjects under discussion by the City Council is unreliable unless confirmed by the Mayor or designee, premature discussion of such subjects may cause misunderstanding and confusion.

Therefore, employees shall courteously decline to reveal or discuss subject matter yet to be confirmed, and should refer interested persons to the employee's department head, City Manager or the Mayor.

- C. No employee shall publish a news release or represent the position of the City to the news media unless authorized to do so by the Mayor or the Mayor's designee.

### 3.10 Solicitation and Distribution

- A. Employee contributions to charitable organizations are voluntary. Coercion of an employee to make contributions will not be permitted.
- B. Employees are prohibited from conducting or promoting private business for gain during duty hours or within any City building on City property.
- C. Employees are prohibited from soliciting any other City employee on behalf of any organization, including labor unions, labor organizations or employee organizations during the working hours of any employee who is involved in the solicitation. Employees are also prohibited from distributing literature in City work areas during the working hour of any employee who is involved in the distribution. (See Section 447.509, Florida Statutes.)

- D. Distribution of literature for City sanctioned programs is not restricted by this policy.

### 3.11 Employee Debts

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent. However, should complaints concerning an employee's failure to meet financial obligations result in interference with the employee's job performance or occasional loss of time and effort on the part of other City employees, the employee concerned shall be informed. Should the condition continue, the employee may be subject to disciplinary action.

### 3.12 Use of City Property

Employees shall not use City property – equipment, tools, machinery, vehicles, etc.—except in the performance of official duty. City property shall not be used by any employee for personal or off-duty purposes and shall not be removed or taken off City premises without written authorization; nor shall employees permit its use by an unauthorized person either on or off duty except as authorized by the City in writing. Exceptions are authorized only by written request to and approval from the City Manager.

### 3.13 Dress and Appearance

- A. Employees assigned duties dealing with the public should be properly groomed and wear neat attire that is appropriate for a professional business-like environment.
- B. Those employees furnished uniforms and shoes will be required to wear them correctly to conform with established health and safety rules.
- C. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Any employee who appears for work inappropriately dressed may be required to return home to correct the situation and the period of absence will be treated as unpaid leave.

### 3.14 Personal Business

Conducting personal business while on official duty will not be authorized. If it is necessary for the employee to make telephone calls or meet with persons not employed by the City, the discussions should be held during breaks or meal period. Exceptions will be allowed only in case of emergency.

### 3.15 Acceptance of Gifts

Employees shall not solicit or accept, either directly or indirectly, any gratuity, regardless of value, including a gift, loan, reward, promise of future employment, or services that:

- A. Would cause a reasonably prudent person to be influenced in the discharge of official duties; or,
- B. Is based upon any understanding that the judgment of the employee in carrying out their employment responsibilities would be influenced thereby.

### 3.16 Acceptable Use of Internet

Internet services are provided by the City of Mount Dora to support open communications, exchange of information and the opportunity for collaborative government-related work. Although access to information and information technology is essential to the mission of government agencies, use of the Internet services is a revocable privilege. Conformance with acceptable use, as expressed in this policy statement, is required as a condition of this privilege. Internet services are to be used for governmental work exclusively.

#### A. General Guidelines

City employees have an obligation to learn about network etiquette (netiquette), customs and courtesies. Accepted procedures and guidelines should be followed when using Internet mail communications, participating in Internet mail discussion groups, using remote computer services, transferring files from other computers, or disseminating information to others on the Internet. City employees also have an obligation to be aware of computer security and privacy concerns and to guard against computer viruses.

B. Acceptable Uses

1. Communication and exchange for professional development, to maintain currency of training or education, or to discuss issues related to the City business.
2. Access to current news regarding emergency conditions, legal rulings, or other conditions affecting governmental decisions.
3. Newsgroups, Usenets and Listservs (electronic Discussion groups) are excellent resources for sharing information with other professionals. Use with restraint.

C. Unacceptable Uses

1. To download any software programs. Downloaded information shall be limited to messages, mail and data files. No software program files shall be downloaded without prior approval of MIS due to the threat of acquiring a virus or version mismatches on supported software, and to comply with standards in place. Contact MIS with downloading and software update needs.
2. To violate copyright laws, including the downloading or exchanging of pirated software, copying software to or from any computer, or downloading copyrighted material for unauthorized duplication.
3. To deliberately view certain sites on the Internet that is not appropriate for City use. This information shall not be knowingly accessed or downloaded. This material includes adult forums, pornography and game sections.
4. To vandalize, damage or disable the property of another person or organization.

D. Unauthorized commercial use or financial gain. Agreement and Consequences

The proper use of the Internet, including the educational and productivity value to be gained from the Internet, is the joint responsibility of the City of Mount Dora and its employees. Any violation of the policies above is against the City's policy and may constitute a violation of law. The consequences for any violation may include access privileges being revoked, disciplinary action according to the City's personnel policies and procedures, or appropriate legal action.

An employee's use of the Internet may be monitored by the City. There can be no anticipation that this use is private or protected. Employees

using the Internet must agree that the City has the right to review, audit, intercept, monitor and disclose all communications sent or received through City-provided access to the Internet.

### 3.17 Acceptable Use of Email

#### A. General Guidelines

The availability and use of the personal computer within the work environment has provided many opportunities for enhancement of productivity and effectiveness. But, these new technologies also entail the opportunity for rapid transfer and broad distribution of sensitive information that can have damaging effects on the City and the City's employees utilizing these electronic systems. Therefore, it is the policy of the City of Mount Dora that all employees abide by the guidelines set forth herein when using electronic messaging devices such as Email.

City employees are responsible for the information that he or she puts into the system. While the City of Mount Dora has the right to review and delete messages in the system, it is not possible for the City to be aware of all messages in the system at all times. As such, the City of Mount Dora disclaims any responsibility for unauthorized messages appearing in the electronic mail system. Views expressed on the electronic mail systems are not to be taken as the views of the City of Mount Dora unless approved by the City Manager or designees.

Accepted procedures and guidelines should be followed when using Email communications, participating in Email discussion groups, transferring files within Email from other computers, or disseminating information to others on the Internet via Email. City employees also have an obligation to be aware of computer security and privacy concerns and to guard against computer viruses within Email.

#### B. Acceptable Uses

1. A fast means of communication to include the transmission of information data, and messages related to the business of the City of Mount Dora.



1. Communication and exchange for current news regarding emergency conditions, legal rulings, or other conditions affecting governmental decisions. Newsgroups, Usenets and Listservs (electronic Discussion groups) are excellent resources for sharing information with other professionals. *Use with restraint.*

C. Unacceptable Uses

1. To download any software programs. Downloaded information shall be limited to messages, mail and data files. No software program files shall be downloaded without prior approval of MIS due to the threat of acquiring a virus or version mismatches on supported software, and to comply with standards in place. Contact MIS with downloading and software update needs.
2. To violate copyright laws, including the downloading or exchanging of pirated software, copying software to or from any computer, or downloading copyrighted material for unauthorized duplication.
3. To deliberately view certain sites on the Internet that contain information that is not appropriate for City use. This information shall not be knowingly accessed or downloaded. This material includes adult forums, pornography and game sections.
4. To vandalize, damage or disable the property of another person or organization.
5. Unauthorized commercial use or financial gain.
6. To participate in or distribute chain letters or Emails unrelated to the business of the City of Mount Dora.

D. Agreement and Consequences

The proper use of the electronic mail system is the joint responsibility of the City of Mount Dora and its employees. Any violation of the policies above is against the City's policy and may constitute a violation of law. The consequences for any violation may include access privileges being revoked, disciplinary action according to the City's personnel policies and procedures, or appropriate legal action.

The Email system is to be used for business purposes only. An employee's use of the electronic mail system may be monitored by the City. There can be no anticipation that this use is private or protected. Employees using the electronic mail system must agree that the City has the right to review, audit, intercept, monitor and disclose all communications sent or received through the electronic mail system.

It is the employee's responsibility to ensure the security of their Email and data files is maintained. Employees should not share their passwords with unauthorized individuals or otherwise breach the security of the electronic mail system.

Keep in mind a forwarded message may not necessarily be an exact duplicate of the original. A forwarding party can alter the original message.

Employees shall observe copyright restrictions of any documents sent through or stored on electronic mail.

***For further clarification regarding the use of City Internet and Email services, please consult the latest version of the City's IT Policy Manual.***

### 3.18 Policy Against Fraudulent Or Dishonest Acts

1. It is the policy of the City of Mount Dora that all Public Officials and employees shall adhere to the City's Standards of Conduct, the Code of Ethics for Public Officers and Employees as stated in Chapter 112, Part III, Florida Statutes, and this policy against fraudulent and other dishonest acts. It is the policy of the City of Mount Dora that Public Officials and employees shall demonstrate and be dedicated to high ideals of honor and integrity so as to merit the respect, trust and confidence of the citizens of the City. Every Public Official and employee is responsible for the detection and prevention of fraud, is appropriations, and other irregularities.
2. It is the intent of the City of Mount Dora to promote consistent organizational behavior by providing guidelines and assigning responsibility for the development of controls and conducting of investigations. This policy applies to any irregularity, or suspected irregularity involving City Public Officials and employees as well as consultants, vendors, contractors, and any other individual or business with a relationship to the City of Mount Dora. Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to the City.
3. The term fraud can be defined as, but is not limited to, any dishonest or fraudulent act to include: intentional material misstatement of the financial statements, forgery or alteration of any document, misappropriation of funds, supplies, etc., improper handling or reporting of money or financial transactions, profiting by self or

others as a result of inside knowledge, destruction or intentional disappearance of records, furniture, fixtures or equipment, accepting or seeking anything of material value from vendors or persons providing services or materials to the County for personal benefit, and/or any similar or related irregularity.

4. Opportunities for fraud may occur because of the following reasons: poor internal controls, management override of internal controls, collusion between employees and third parties, poor or non-existing ethical standards, lack of control over supervisors by managers, and type of organization. In those instances where internal controls need strengthening, the City's external auditor may be consulted for assistance on how to enhance those controls.
5. Managers at all levels of management are expected to set the appropriate tone by displaying the proper attitude toward complying with laws, rules, regulations, and policies.
6. Managers are responsible for establishing and maintaining proper internal controls to provide for the security and accountability of the resources entrusted to them.
7. Managers should be cognizant of the risks and exposures inherent in their areas of responsibility, and be alert for the symptoms of fraudulent or other dishonest acts.
8. All employees are encouraged to be alert for possible fraud and are required to promptly report any suspected fraud.
9. Reporting - Any employee who has knowledge or a reasonable suspicion that a fraudulent or other dishonest act has occurred, should report it through the chain of command (supervisor, manager, Department Director, Human Resource Director, or City Manager). Supervisors and managers at all levels of management who become aware of suspected fraudulent and dishonest activity are to respond in a consistent and appropriate manner and shall report the suspected activity to the next level in the chain of command to the fullest extent practicable. Should the suspected activity involve the "next level" in the chain of command, the Human Resource Director or City Manager is to be notified.
10. Investigation - The Human Resource Director has the primary responsibility for investigative actions of all suspected inappropriate activity as defined in this policy. If the investigation substantiates that a fraudulent act has occurred, the City Manager shall be

promptly notified. If the substantiated fraudulent act has criminal implications, the City Manager will promptly consult the appropriate law enforcement agency as necessary. All employees shall cooperate during any investigation. Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

11. The City Manager will determine the appropriate action upon completion of the investigation, which may include disciplinary action.
12. The City makes every attempt to protect employees from retaliatory action due to reports of suspected fraud in accordance with section 112.3187, Florida Statutes (Whistle-blower Act). The Act protects an employee from retaliatory action by an organization against an employee who reports to an appropriate agency violation of law on the part of a public employer or independent contractor that creates a substantial and specific danger to the public's health, safety, or welfare. Additionally, the act protects employees reporting improper use of a government office, gross waste of funds, or any other abuse or neglect of duty on the part of an agency, public officer, or employee.

Approved by City Council: November 15, 2016



# SECTION 4

## EMPLOYMENT POLICY

### 4.01 Policy

- A. The City's continued growth and success depend on the employment of talented and skilled individuals. When a position becomes open, a combination of internal and external resources is used to identify and recruit qualified people. It is the responsibility of each hiring manager, whether selecting internal or external candidates, to provide an equal opportunity for employment and promotion to all persons regardless of race, color, religion, age, sex, disability, ancestry, marital, parental or veteran status, national origin, sexual orientation, ex-offender status, prior psychiatric treatment, military status or source of income.
- B. The Human Resources Department is the primary resource to answer questions about the City's current employment policies and procedures. In addition, they provide managers with employment, recruiting, and screening assistance for all positions. To ensure that the City's hiring policies are uniformly followed, all candidates for open positions must be hired through the Human Resources Department.
- C. The following outline provides guidelines for the recruiting process, including internal and external search, interviewing, extending job offers, employee selection testing, re-employment, special employment situations and employment categories.

### 4.02 Internal Search

In most cases, internal searches are conducted by considering qualified staff members within the hiring department head's own area and through internal job posting. Posted positions include full-time, part-time, exempt and non-exempt. While department heads may consider internal candidates for job openings, such candidates are not given preferential treatment in the recruiting process.

#### A. Guidelines

1. Consider and interview qualified staff members in your own department first. Should you require guidance through the interviewing process, contact the Human Resources Department for assistance.
2. If you do fill the open position from within your own department, obtain a Personnel Payroll Authorization form from the HR Department and initiate the respective status change.
3. If you do not fill the position from within your own department, contact an HR representative about the open position. Obtain a Personnel Requisition form from the HR Department and secure the required signatures for approval. Work with an HR Representative to write and submit job-posting information for all open positions. HR will then post the position in accordance with the City's posting policy. All vacancies will be posted on City bulletin boards.
4. Review the job description and position requirements for the open position. If the position is a new one, have it evaluated and classified by the Director of Human Resources.
5. Know your departments Affirmative Action goals and work with the HR Department to identify protected class candidates.
6. Familiarize yourself with the City's guidelines regarding the employment of minors, aliens, retirees and relatives.

#### B. Responsibility of HR Department

1. Review any outstanding Affirmative Action goals with the hiring department head.
2. Work with department heads to ensure that all qualified staff members in the hiring department are considered first for any open position.
3. Post position on City Intranet as well as all City Bulletin boards.

## 4.03 External Search

The City may use external sources for attracting job applicants, including:

- Employee referrals
- Job Fairs
- Search Firms
- Community Agencies
- Advertising
- College and School Recruiting
- Employment Agencies

The use of any external resource must be approved by and coordinated with the HR Department.

### A. Guidelines

1. Complete and forward a signed **Personnel Requisition form** to the HR Department.
2. Work with HR when deciding which external resource to use to fill your open position.
3. Refer all calls and unsolicited resumes from employment agencies, search firms or applicants to the HR Department.
4. The City accepts job applications and resumes only for jobs that are currently open and advertised.
5. The City may reject an application, which indicates the applicant does not possess one, or more of the requirements specified in the posting or job description.
6. The rejection of applications may be subject to but not limited to the following reasons:
  - Conviction of a felony or 1<sup>st</sup> degree misdemeanor directly related to the position sought.
  - False statements of any fact made within the application for employment.
  - Failing pre-employment physical and/or drug screen.

### B. Responsibility of HR Department

1. Work with department heads to select the appropriate alternative when an external search is necessary.
2. Ensure the most efficient use of external resources.
3. Verify application information and check references



### C. Interviews

Candidate interviews enable the hiring department head to seek information about the applicant's skills and past work experience in order to select the most qualified applicant for the job. Department heads play a key role in reducing costly hiring errors. All interview questions **must be job-related**. No questions about age, race, religion, national origin, sexual orientation, marital, parental or veteran status, disability, or ancestry may be asked. In addition, all interviewers including managers, supervisors and department heads are expected to be familiar with and support the City's employment practices as well as State and Federal laws regarding equal employment opportunity. Should you require guidance through the interview process, contact the Human Resources Department for assistance.

### D. Procedures

1. Prepare for the interview by carefully reviewing the job description for the open position and by planning your questions.
2. Ask all candidates for the position the same kinds of questions in similar order.
3. Ask only legal, job-related questions.
4. Employment with the City has no specified term or length. Avoid making promises about the job or opportunities for growth.
5. Compare interview results with an HR representative and other interviewers as soon as possible.
6. Contact the Director of HR promptly when a hiring decision has been reached and before a job offer has been made, so that compensation issues can be resolved and references can be checked.
7. In the event a City resident and non-resident are equally qualified for a particular vacant position, City residents shall receive first consideration in filling the respective vacancy.

### E. Responsibility—Department Head

Follow the City's interview procedures during the hiring process.

### F. Responsibility—HR Department

1. Advise and counsel managers on interviewing techniques when requested to do so.
2. Interview candidates as appropriate.
3. Assure that all external candidates fill out an employment application prior to interview.

4. Coordinate post-interview sessions with department heads so interview results are discussed in a timely manner.
5. Communicate Job Posting and external interview results to candidates promptly.
6. Verify application information and check references.

#### G. Employee Selection Tests

The City may administer employment tests for certain positions in order to ensure that candidates meet the specific criteria for the position. Employment tests used by the City must be job-related, approved in writing by the Director of Human Resources, and scored under standardized conditions. Hiring managers, supervisors and department heads may not utilize any employment tests other than those authorized by the Human Resources Department.

#### H. Responsibility—HR Department

1. Work with the hiring manager so that requests for employment tests conform to City policy.
2. Communicate test results promptly to both the candidate and the hiring manager.

#### I. Job Offers

1. Offers of employment should be reviewed and coordinated with the Human Resources Department and should only be made after a candidate's compensation level has been determined. Before final processing, the successful candidate will be given a conditional offer of employment and must pass a physical examination and drug screen. All offers of employment are contingent upon successful reference checks, drug screen and physical, as well as compliance with Immigration and Naturalization Service requirements.
2. Psychological examinations for some positions may also be required. Subsequent to passing the physical, drug screen and background check, the Director of Human Resources and/or the City Manager will issue a formal written offer letter.
3. The letter will state the terms of the offer and the start date. All candidate questions about the City's benefits should be referred to the Human Resources Department.

J. Guidelines

1. Work with the Human Resources Department to determine a candidate's compensation in advance of the formal job offer. Secure all appropriate approval signatures.
2. Refer questions about HR policies, including benefits information, to the HR Director or an HR representative.
3. Be advised that an individual may not commence employment with the City until a successful background check, physical, and drug screen has been completed.

K. Responsibility of HR Department

1. Work with the hiring manager to establish an appropriate compensation level.
2. Conduct a background check including 3 professional references.
3. Follow up all verbal job offers with a letter confirming the terms of the offer.
4. Send out no-interest letters to all applicants not selected.

Approved by City Council: March 19, 2002

# SECTION 5

## EMPLOYMENT PROCEDURES

### 5.01 Appointing Authority

The City Manager has the authority of appointment and removal of subordinate positions. Such authority may be delegated to a department head.

### 5.02 Position Control

All positions in the City are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the City Council subject to adequate justification of need and availability of funds.

### 5.03 Types of Appointments

- A. **Regular** - Employees who work full time.
- B. **Seasonal** - Employees appointed in the same manner and subject to the same procedure as regular employees except that they will be laid off at the close of the season for which they were appointed.
- C. **Part-Time** - Employees who work fewer hours than the normally designated for others in the same classification.
- D. **Temporary** - Positions (whether part-time, full-time or hourly) that are anticipated to be of comparatively short or definitely limited duration, for special projects, grants or programs.
- E. **Trainee** - Employees who do not meet the minimum qualifications of the position.
- F. The length of training is at the discretion of the City.
- G. **Contract** - Individuals utilized by the City via a "Contract for Services" shall be classified as independent contractors and not as employees of the City.

## 5.04 Application Procedures

- A. When departments submit requests to fill vacancies, the requests shall include the title of the position and other pertinent information as may be needed to locate qualified applicants. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit. The Human Resources department may be delegated the recruiting function as directed by the City Manager.
- B. Upon being notified of a vacancy, the Human Resources department shall prepare a Job Announcement and advertisement where appropriate, outlining the qualifications for the position. All vacancies will be circulated electronically and posted on City bulletin boards.
- C. Individuals shall be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. In cases where City residents and non-residents are equally qualified for a particular vacant position, City residents shall receive first consideration in filling vacancies.
- D. The department head concerned will determine the best qualified applicants who will be called in for an interview. Those involved in the interviewing process will include the department head and subordinates as appropriate. The City Manager or designee will give final approval of the candidate selected.
- E. When a vacancy has been filled, the remaining applications will remain active for six (6) months.
- F. Employment with the City shall be based on merit which includes consideration of qualifications such as ability, skill, experience, training and other merit factors. Examinations may be administered, when appropriate, to fairly measure the merit, fitness, aptitude, experience, and other relative characteristics of the applicant.
- G. As part of the pre-employment procedure, references provided by applicants or reference sources may be checked. All information solicited will be in accordance with State and Federal guidelines and laws.

## 5.05 Processing of Applications

The City accepts job applications only for positions which are currently open and advertised. The City will review and consider all applications for employment filed with the personnel office for the open position. The City

considers applicants for employment taking into consideration the requirements of the position to be filled, the applicant's qualifications and the interests of the City.

- B. The City may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the announcement.
- C. Applications may also be rejected for the following reasons:
  - 1. The applicant has been convicted of a felony, or of a first degree misdemeanor which directly relates to the position sought.
  - 2. The applicant has made false statements of any fact in the application.
  - 3. When other required qualifications or conditions are not met.

**NOTE:** Whether or not an applicant will be rejected under items 1 and 2 above will depend on the specific facts, including the nature of the offense, relevance to employment, the passage of time since the incident occurred, evidence of rehabilitation or other mitigating factors.

- D. Before final processing, the successful candidate will be given a conditional offer of employment and must:
  - 1. Pass a physical examination and a drug screen performed and evaluated by the City's designated physician. Psychological examinations for some positions may also be required.
  - 2. Be subject to a background investigation, if required by the position.
- E. After passing required examinations and drug screen, the final process requires the new hire to:
  - 1. Present a valid Social Security card.
  - 2. Present a valid Florida Driver's License, where required by the position, or other documents as may be required.
  - 3. Present proof of:
    - a. High School/GED Education, and/or higher education if required by the position.
    - b. Date of birth.
    - c. Citizenship or resident alien status.
    - d. Separation from the Armed Forces, if appropriate.
  - 4. Sign a Public Employee's Oath.

Any exception to this procedure must be approved by the City Manager.

## 5.06 Open Positions/Recruitment

Please refer to the policy on Employment as approved by Council on March 19, 2002, located at the end of Section 4.

## 5.07 Transfers

An employee may be transferred from a classification in one department to the same or equivalent classification in another department.

## 5.08 Promotions

An employee is promoted when selected for a higher level position with the City. City employees shall receive preference when applying for vacant positions.

## 5.09 Demotions

A demotion is the assignment of an employee from one class to another which has a lower maximum rate of pay. The City may demote an employee from one class to another which has a lower maximum rate of pay in the following instances:

- A. In lieu of lay-off when a position is to be abolished or an employee with prior rights returns to the position.
- B. In lieu of dismissal when an employee is not performing satisfactorily or when a Health examination conducted by the City's Occupational physician discloses that the employee is not physically qualified to perform the duties of the position.
- C. When an employee fails to perform satisfactorily during the probationary period following promotion.
- D. For disciplinary reasons.
- E. The City shall furnish the employee a written statement containing the reasons for the demotion.

## 5.10 Probationary Period

- A. The probationary or "working test" period is utilized to observe a new employee's work, to secure the most effective adjustment of a new employee to the position and to reject any employee whose performance does not meet the required work standards.
- B. The employment of a person shall not be deemed complete for a period of six (6) months, or one (1) year for Police Officers and Firefighters. An employee within the probationary period may be discharged by the City Manager or the head of the department for which the employee works, without cause. If the employee is not discharged before completion of the probationary period, the full-time employee shall be confirmed in the position and shall be a regular employee of the City. Regular employees, however, do not have a vested right in employment because of this.
- C. Where the completion of minimal educational requirements or other qualification are required upon the initial employment of an employee, the probationary period shall be extended until all of the educational requirements or other qualifications for the position have been met. If the employee is not fully performing at the end of the probationary period, the Department Head may request an extension of the probationary period for no longer than three months assuming that the employee is performing at a minimum of 75% efficiency in the job. A complete performance evaluation form must be completed and forwarded to the human resources department BEFORE the end of the normal probationary period with a request for extension.
- D. If an employee is promoted to a higher position, their promotion shall not be deemed regular until they have completed and served in such capacity for six months (twelve months for police officers and firefighters) following the date of the promotion. If an employee is found to be unqualified to perform the duties of the higher position, every effort will be made to return the employee to the position and status held immediately prior to the promotion. If the employee's former position is filled, the employee may be transferred to a vacant position with the same job classification, subject to the approval of the department head.
- E. If an employee is transferred laterally to another position and the employee has already obtained regular status in their prior job, the employee will be placed on probation for three months in the new position. If the employee is found to be unqualified to perform the duties of the new position, the employee will be returned to the prior position.



- G. During the probationary period, the employee's supervisor will notify the employee if performance is not satisfactory and test period requirements are not being met.
- H. If a newly hired probationary employee has been found to be unqualified to perform, or will not properly perform, the duties of the position, the employee shall be dismissed by the department head at the time of such determination. The department head must coordinate this action with the City Manager and furnish written notice that the employee does not have the right of administrative appeal.

### 5.11 Hours of Work

- A. The City Manager, in conjunction with Department Heads shall establish hours of work in accordance with the needs of the City and the public and/or other agreements reached through the collective bargaining process with a recognized union.
- B. Employees working on a shift basis will work the hours as determined by departmental policy.
- C. Lunch period will be scheduled at the discretion of the department head.
- D. A work break, not to exceed 15 minutes, may be allowed during the first half of the work shift and another during the second half. Work breaks must be utilized when scheduled and cannot be accumulated or used for late arrival or early departure from work.

### 5.12 Working Out of Classification

This applies to any employee who is required to work outside their classification for a total of ten (10) days or more in any thirty (30) day period. If the work outside their classification is in a higher range, the employee shall be paid the minimum of the higher range, or a five (5) percent increase, whichever is greater, for the time worked in the higher classification. To be eligible, the employee must perform all the required duties at a level deemed adequate by the immediate supervisor and the Department Head.

### 5.13 Attendance

- A. Employees are expected to report for duty at the scheduled time and each department head shall be responsible for the punctual attendance of all employees in the department. If an employee is unable to work for any reason, they must notify the department head, or designee, prior to the scheduled reporting time. Repeated or unjustified absenteeism or lateness is cause for disciplinary action.
- B. Unreported absence of three consecutive work days may be considered as an abandonment of the position and resignation of employment.

### 5.14 Performance Evaluations

The City utilizes a program for rating the work performance of employees. Rules and procedures for the performance evaluation system are contained in the appropriate Performance Evaluation format.

### 5.15 Employee Training

The City may establish and develop educational and training programs for employees. The purpose of such programs is to increase operational efficiency and to assist employees in preparing themselves for positions of increasing difficulty and responsibility.

### 5.16 Physical Examination/Testing Procedures

The City may require all employees to have an annual physical examination by a doctor of the City's choice. In addition, the City reserves the right to require any employee to take a drug and/or controlled substance test and/or psychological examination upon reasonable suspicion of possible substance abuse or in accordance with existing collective bargaining agreements and/or Florida Workers' Compensation Drug-Free Workplace Program.



# SECTION 6

## OVERTIME/COMP TIME/ON-CALL & CALL BACK

### 6.01 Policy

In order to meet the business needs of the City and its residents, the City may require employees to work overtime. When assigning overtime work, managers should try to accommodate personal schedules and preferences if and when possible. Overtime can be authorized or directed only when it is the most practical and economical way of meeting workloads or deadlines.

The City's Overtime Policy is based on the Fair Labor Standards Act (FLSA). Under this law, City employees are entitled to overtime pay based upon the number of hours worked in a workweek, unless their position is classified as overtime exempt.

City employees, who are non-exempt and members of the Police and Fire-fighter Bargaining units, are subject to all overtime, on-call, stand-by and callback provisions as stated within their respective contractual agreements with the City.

### 6.02 Guidelines

Inform employee prior to hire when overtime is generally required in their area. If employees are aware of the City's Overtime Policy and procedures, fewer problems will arise.

Inform employees of their classification as exempt or non-exempt from overtime. If managers have any questions about an employee's classification, they should consult an HR representative.

Notify employees in advance that they are needed to work overtime. Give as much notice as possible and assign work fairly.

Managers should make sure that employees understand that their manager must authorize all overtime and further, that overtime is not voluntary and may be required by the manager.

## 6.03 Exempt/Non-Exempt Status

**Non-Exempt:** Employees whose duties entitle them to be fully **NON-EXEMPT** covered by the provisions of the FLSA.

**Exempt:** Staff members who can be classified as executive, administrative or professional because of experience, training, type of work, and who satisfy certain qualifications, are exempt from coverage under FLSA.

## 6.04 Overtime Rate

Full-time non-exempt employees working a regular five (5) day workweek totaling forty (40) hours will earn the following on a weekly basis:

- Regular (straight time) hourly pay for all time worked up to 40 hours.
- Time and one-half for all time worked in excess of 40 hours.

For purposes of computing overtime, the following shall apply:

- Sick leave, funeral/memorial leave, voting time, donating blood, therapy or treatment for job injury, court stand-by time, annual military leave, jury duty, vacation, wellness time-off, and any other absence from work while on pay status, will not count as time worked for overtime computation.
- Holiday and compensatory time (comp time) **will count** as time worked for purposes of computing overtime.

## 6.05 Variable Work Hours

Variable work hours are those which require a 5-day workweek totaling 40 hours per week and consist of daily shifts or schedules varying from the 8 hour standard on one or more workdays. For example, an employee who is assigned to a work schedule which consists of 9 hours the first day, 7 hours the second day, and 8 hours the third, fourth and fifth work days, is considered to be on a variable schedule. Employees assigned to be on a variable work schedule earn overtime for hours worked in excess of 40 hours per week.

## 6.06 Part-time Employees

Part-time non-exempt employees receive overtime pay (time and one-half) for all hours worked in excess of 40 hours per week.

## 6.07 Holiday Work

Full-time non-exempt employees requested to work on a holiday which falls on a regularly scheduled work day (i.e., a Monday Holiday) will receive holiday pay, plus their regular day's pay at straight time, plus time and one-half for all hours worked in excess of 40 hours in that week. Part-time and/or temporary employees shall not be paid for observed holidays.

## 6.08 Non-Scheduled Work Days

- A. Full-time non-exempt employees required to work a non-scheduled workday will receive time and one-half for all hours worked in excess of 40 hours.
- B. Part-time non-exempt employees who work on a non-scheduled workday are paid at straight-time rate until the number of hours worked in any given week exceeds 40 hours.

## 6.09 Compensatory Time

- A. Compensatory time may be granted to non-exempt employees in lieu of paid overtime, and shall accrue at the same rate of pay (time and one-half).
- B. Any employee with accrued compensatory time may use the compensatory time within a reasonable time of their request to do so, provided the request will not unduly disrupt the operation of their respective department or the City.
- C. Payments for compensatory time will be made at the straight hourly rate earned by the employee at the time the employee is paid. Compensatory time shall be counted as hours worked for the purpose of computing overtime.
- D. Upon termination of employment, an employee will be paid for all accrued compensatory time at the employee's final rate of pay.
- E. An employee may accrue a maximum of 80 hours of compensatory time.
- F. Exempt employees shall not receive compensatory time; however, the City Manager, or designee, may authorize a leave of absence with pay for an exempt employee who has worked in excess of normally scheduled hours.

## 6.10 On-Call Time/Pay

- A. On-call time is defined as the period of time in which a non TIME/PAY exempt employee is required by their respective Department Head, or designee, to be readily accessible by telephone and/or pager, and not performing actual work, but in readiness to perform actual work when the need arises. An employee on-call must be able to respond to the City's needs within 30 minutes of being notified.
- B. Such on-call time, when the employee is not actually working, is not considered time worked and for that reason will not be factored into the computation for overtime. It will, however, be compensated at the rate of 2/10 of one hour (at straight time) for each hour of 7 day on-call duty to a maximum of 40 hours. Weekend on-call will be compensated at the same rate of 2/10 of one hour (at straight time) to a maximum of 15 hours.
- C. The act of carrying a pager or telephone does not by itself constitute on-call duty.

## 6.11 Call Back Pay

Employees who are non exempt under the Fair Labor Standards PAY Act and who are not on-call and therefore not receiving any type of on-call compensation, who are called back to work because of emergency recall or other urgent situations, shall receive a minimum of 2 hours pay at straight time or at the overtime rate if applicable, whichever is greater, in accordance with the overtime provision.

## 6.12 Emergency Event Response

In the event of a City-wide emergency or major disaster, it may become necessary for "essential" City employees to respond to the immediate needs of affected areas within the City and its communities.

Essential personnel will generally be defined as any employee who is required to report to their designated work location, to ensure the operation of essential functions during an emergency event or major disaster or, if/ when it becomes necessary for the City to suspend normal business operations. There are some individuals who may be required to perform essential services remotely and those individuals will be identified in advance and notified by their supervisors, but in most cases essential personnel are

expected to be on-site. Additionally, essential personnel can include both exempt and non-exempt (hourly & salaried) employees. The City Manager and department Directors will determine which functions are essential, and how to staff those functions during an emergency or suspension of normal operations. Once the essential staffing plan for a department is determined, the department Director is responsible for communicating the information to all personnel in the respective department.

A. ESSENTIAL FUNCTIONS

The following is a list of identified functional areas that are considered essential. **Please note that this list is not intended to be all inclusive.** Additionally, on a case by case basis, staff members may be designated as essential by management based on the nature of the emergency and/or the availability of other personnel. If you have any question whether your position is deemed essential please contact your supervisor.

- Public Works
- Utility Services
- Police
- Fire
- Information Technology
- EOC Staffing

B. EMERGENCY EVENT RESPONSE PAY

When normal City operations are suspended due to an Emergency or major disaster event, City employees shall be paid as follows:

- All on –duty non-Essential personnel affected by a disruption of normal business hours (shutting down of City Offices) shall receive regular straight time for those hours.
- All on-duty Essential personnel shall receive regular straight time for disrupted hours as stated above. Additionally, on-duty Essential personnel will be paid at a rate of time and one half



for all hours worked during the Emergency Event.

- Any employee who was scheduled off; vacation, personal day, conference, sick day, bereavement, court duty etc., will not be eligible for Emergency Event Response Pay.

## 6.13 Responsibility

### A. Department Head

1. Follow the Overtime, On-call, and Call Back and Emergency Event Response Pay Policy guidelines to ensure that all paid time in your area is properly authorized and that notification procedures for requesting overtime are followed.
2. Verify, authorize and properly code all paid time on the time sheets for your employees.

### B. Human Resources

1. Answer questions related to overtime, compensatory and call back and Emergency Event pay from managers and employees.
2. Assist employees, managers and supervisors in resolving any overtime, compensatory time call back and Emergency Event Pay issues.

### C. Payroll

1. Assist employees, managers and supervisors in resolving any overtime, compensatory time or call back and Emergency Event pay issues.

As Approved by City Council: November 2. 2016.

# SECTION 7

## HOLIDAYS

### 7.01 Days Observed

- A. The following and any other days which the City Council may declare are City holidays. They shall be granted with pay to all eligible employees scheduled to work on such days.

New Year's Day	January 1
Martin Luther King Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	First Monday in September
Veteran's Day	November 11
Thanksgiving	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas Day	December 25

- B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. Employees in departments working on a shift basis will receive credit for the holiday on the actual date of the holiday.
- D. The City Manager will determine when any department or operation will be closed in observance of a holiday.

### 7.02 Eligibility for Holiday Pay

- A. All full-time regular employees will receive 8 hours off with pay for each

of the holidays earned (see 5.03 for work on holiday) or as indicated by an existing collective bargaining agreement.

- B. Part-time employees shall not be paid for observed holidays.
- C. An employee must be on "active pay status" (see definition) on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

### 7.03 Holiday on Work Day

- A. Employees who work on the observed holiday shall be granted equal time off on another day elected by the employee with agreement by the City. If agreement cannot be reached, the Department Head will schedule time off.
- B. An employee who is scheduled to work on the day observed as a holiday and calls in sick will be charged with holiday time for that day and not sick leave.

### 7.04 Holiday on Leave Day

- A. Holidays which occur during annual leave shall be charged to holiday leave and not to annual leave.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.

# SECTION 8

## ANNUAL LEAVE TIME—VACATION

### 8.01 Purpose

In order to give employees a break from their work schedules and a chance to benefit from a change of venue, full-time and part-time employees earn paid vacations each year. The amount of vacation earned will be dependent on length of service.

### 8.02 Vacation Year

The established vacation year runs from October 1<sup>st</sup> through September 30<sup>th</sup>.

### 8.03 Eligibility and Rate of Earning

- A. **Regular full-time non-exempt employees** shall accrue vacation on a bi-weekly basis in accordance with the following schedule, or as indicated in an existing collective bargaining agreement.

0-5	12 days (96 hours)
6-10	15 days (120 hours)
11-19	18 days (144 hours)
20+	20 days (160 hours)

- B. **Regular full-time exempt** employees will upon completion of the applicable probationary period and within the first year of employment, be credited with twelve (12) days of accrued annual leave. After twelve (12) months of employment and annually thereafter, regular full-time exempt employees shall accrue additional leave commensurate with years of service and experience in same or similar capacity as the position for which they were hired, based on the above schedule. Prior experience and “City experience” will not accrue cumulatively.

- A. **Regular part-time non-exempt** employees who work a minimum of twenty (20) hours per week shall earn annual leave at the rate of one-half (1/2) normal accrual or as stipulated in a labor agreement.
- B. If an employees' leave extends beyond six (6) pay periods (twelve (12) weeks), the employee shall not accrue sick leave or annual leave credits until they have returned to work on their regular work schedule.

#### 8.04 Procedures

- A. Annual leave may be charged in increments of no less than one (1) hour.
- B. Holidays which occur during the approved period selected by the employee for annual (vacation) leave shall be charged against holiday leave and not annual leave.
- C. Leave may be taken as it is earned on a monthly basis, except that new employees may not take vacation leave until after completion of their probationary period.
- D. Leave shall not accrue for a period in which the employee is in a no pay status.

#### 8.05 Requests for Leave

- A. Annual leave may be taken only after approval by the department head. Supervisors will arrange vacation schedules and re-allocated duties on such a basis as to cause minimum interference with normal functions and operations of the department.
- B. Annual leave may be used only as earned.
- C. A Department Head's request for annual leave will be presented to the City Manager for approval.

#### 8.06 Use

Annual leave may be granted for the following purposes:

- Vacation
- Absences for transacting personal business which cannot be conducted during off-duty hours.
- Religious holidays other than those designated as official holidays by the City.

- For uncovered portions of absences due to medical reasons once sick leave has been exhausted.
- Any scheduled absence from work not covered by other types of leave provisions established by these guidelines.

## 8.07 Accumulation of Annual Leave

Any earned leave accrued in excess of thirty (30) working days (240 hours) shall not be carried over to the next fiscal year. Upon reasonable notice, the City may require an employee to use any part of their excess accrued annual leave for vacation purposes. Employees shall not be paid for earned annual leave in lieu of taking such leave.

Effective October 1, 2009 and annually thereafter, any unused annual leave in excess of 240 hours will be forfeited without pay.

## 8.8 Payment Upon Separation

Employees who have satisfactorily completed the six (6) month probationary period (twelve (12) for Police Officers and Firefighters) shall be entitled to vacation pay in the amount of their unused earned vacation, unless the employee resigns without a proper two (2) week notice.

All earned Annual Leave of an employee who dies while in the service of the City shall be paid to the spouse or estate of said individual.

As Approved by City Council on August 7, 2007



# SECTION 9

## SICK LEAVE

### 9.01 Purpose

Sick leave is a benefit intended solely to compensate employees for time missed from work because of sickness; it is not a cash benefit to be paid out for other reasons.

### 9.02 Eligibility and Rate of Earning

- A. **Regular full-time employees hired on or after January 1, 2008** and going forward will receive ten (10) sick days per year. Sick time accruals will not increase based on years of service. Unused sick days may, however, be carried over year to year and accrue as such.
- B. **All other regular full-time employees employed prior to January 1, 2008**, shall accrue sick leave on the following schedule, or as indicated in an existing collective bargaining agreement:

0-10	10 days (80 hours)
11-15	13 days (104 hours)
16-20	15 days (120hours)
20+	18 days (144 hours)

- C. **Regular part-time employees** who work twenty (20) hours or more per week will earn sick leave at one-half (1/2) rate of normal accrual or as indicated in a labor agreement.

### 9.03 Procedures

- A. Sick leave will not be granted in advance of accrual.
- B. Accrued sick leave may be taken during the employee's probationary period. However, in the event the employee resigns or is otherwise terminated before the end of the probationary period, any sick leave taken will be reimbursed to the City by deduction from the employee's final pay.



- C. If an employee's leave extends beyond six (6) pay periods (twelve (12) weeks), the employee shall not accrue sick leave or annual leave credits after this twelve (12) weeks period until returning to work on their regular work schedule.

#### 9.04 Charging Leave

- A. Sick leave will be charged in one (1) hour minimum increments.
- B. Should a holiday occur during sick leave, the holiday shall be charged to holiday leave.

#### 9.05 Request for Leave

- A. To receive compensation while absent on medical leave, the employee shall notify their department head, or designee, in accordance with department regulations. An employee in a unit operating on a 24 hour basis must notify the department within the time limit established by the department. This provision may be waived by the department head if the employee submits evidence that it was impossible to give such notification.
- B. The department head may request a physician's certificate to verify the illness of any employee on sick leave.

#### 9.06 Use

- A. Sick leave may be granted for the following purposes:
  - 1. Personal injury (non job related), pregnancy or illness of the employee.
  - 2. Medical, dental, optical or chiropractic examination or treatment when it is not possible to arrange the appointment for off-duty hours.
  - 3. Exposure to contagious disease which would endanger others as determined by a physician.
  - 4. Illness of a member of the employee's immediate family which requires the personal care and attention of the employee.

## 9.07 Accrued Sick Leave

There is no limit on the amount of sick leave an employee may accrue.

## 9.08 Payment of Unused Sick Leave

- A. Upon retirement, termination because of disability, or death, fifty percent (50%) of accumulated sick leave will be used for computation of pay or credited toward early release.
- B. Employees who have satisfactorily completed the six (6) month probationary period, and voluntarily terminate with proper two (2) week notice for reason other than stated in A. above, will be paid twenty-five percent (25%) of their accumulated sick leave.
- C. If, as of 10/1/90, any employee covered by A. or B. had (720) hours sick leave accrued at that time shall be paid out on cap of (960) hours. All other employees' computation will be based on ninety (90) working days (720 hours) maximum.

As approved by City Council on August 7, 2007

## 9.09 Employee Sick Leave Donation

The purpose of the employee sick leave donation policy is to assist employees who are in need of additional sick leave time due to family emergency or personal crisis. The City has established a plan whereby employees are able to donate some of their accrued sick leave to another employee who has used all of their accrued sick and annual leave.

All regular full-time and part-time employees are eligible to participate.

- A. Definitions:
  - Eligible: Accrued sick leave time that is earned and available for use, following an employee's employment probationary period.
  - Donation: Accrued sick leave time of an employee given to the accrued sick leave balance of another employee.
  - Donor: The employee who is donating his or her sick leave time to another employee.
  - Recipient: The employee who is receiving a donation of sick leave time to add to their accrued sick leave balance.

- B. An employee can donate any amount of sick leave; however, such leave may only be donated to the accrued sick leave balance of the Recipient and not for the purpose of donating to the vacation balance of another employee.
- C. In order to be eligible for a sick time donation, the recipient must have utilized all of their own balances of leave time to include sick time, vacation time, comp time, PTO and any other administrative leave.
- D. A Recipient may not bank any more than eighty (80) hours of sick time, including their naturally accruing sick leave, except under exceptional circumstances as approved by the Human Resource Director.
- E. Under no circumstances will a donating employee receive remuneration in exchange for donated sick time.
- F. An employee who has submitted his or her resignation will not by any means be eligible to donate or receive leave time.
- G. Procedures:
  - 1. An employee in need of sick leave is required to complete the *Leave Donation Request Form* to attain prior approval from the Human Resources Department before any leave may be received.
    - a. The form must be submitted to a member of the Recipient's Management Team who will forward same to the Human Resources Department for the proper documenting of the employee's personnel file.
    - b. If an employee is unable to complete the form, a member of the employee's Management Team may complete the form on his or her behalf.
    - c. Once received and authorized, the Human Resources Department will make the change and forward a copy of the completed form to the Finance Department

2. An employee who wishes to donate time to a Recipient is required to complete the *Sick Leave Donation Form*. The employee donating leave time must have an accrued sick leave balance over eighty (80) hours in order to donate to another employee, and may not fall beneath eighty (80) hours in order to make the donation.
  - a. This form must be submitted to the Human Resources Department for the proper documenting of the employee's personnel file.
  - b. Once received and authorized, the Human Resources Department will make the change and forward a copy of the completed form to the Finance Department .
  
3. Upon the end of employment, donated time will be subject to the same pay out restrictions as accrued sick time.



# SECTION 10

## FAMILY MEDICAL LEAVE

### 10.01 Policy

In accordance with the **Family and Medical Leave Act of 1993**, the City of Mount Dora offers both family and medical leave to its employees.

### 10.02 Purpose

The purpose of this policy is to provide employees with a general description of their rights under the Family and Medical Leave Act. If you have any questions, concerns, or disputes with this policy, you must contact a representative of the City's Human Resources Department.

### 10.03 Eligibility

- A. Employees eligible for unpaid family and medical leave are those who:
  - 1. have a cumulative (not necessarily continuous) 12 months of prior service with the City within a period of 7 years,
  - 2. have worked at least 1,250 hours during the 12 months immediately preceding the date on which the family or medical leave would commence, and
  - 3. work at a location where at least 50 employees are employed (or where at least 50 employees are employed within a 75 mile radius).
- B. Separate periods of employment will be counted if the break in service exceeds 7 years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to re-hire the employee after the service break.
- C. For eligibility purposes, an employee will be considered to have been employed for an entire week if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

## 10.04 Types of Family & Medical Available

- A. **Leave to Care for or Bond with Child** - This is leave needed by the employee to care for or bond with the employee's child within 12 months of the birth or placement for adoption or foster care of the child.
- B. **Leave to Care for a Spouse, Child or Parent Who Has a Serious Health Condition** - This is leave needed by the employee to care for a spouse, child or parent who has a serious health condition (as defined below or by law, if the law changes after the effective date of this policy). A child, for the purposes of this policy, includes an individual who is either (1) under the age of 18 or (2) older but incapable of self-care because of a mental or physical disability. The child must also be related to the employee as a biological, adopted, foster, step-child, legal ward or a child of a person standing "in loco parentis." Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or who had such responsibility for the employee when the employee was a child.
- C. **Leave for the Serious Health Condition of the Employee** - This is leave needed by the employee because of a serious health condition that makes the employee unable to perform the functions of the employee's position. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:
  - 1. inpatient care in a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider;
  - 2. continuing treatment by a health care provider for any period requiring an absence from work for more than 3 consecutive, full calendar days with the first visit to the health care provider within 7 days of the onset of the incapacity and a second visit within 30 days of the incapacity.
  - 3. a chronic serious health condition that continues over an extended period of time, which may cause episodic rather than a period of continuing period of incapacity (i.e., asthma, diabetes, epilepsy) and for chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year;
  - 4. a period of incapacity for a long-term or permanent condition for which treatment may not be effective (i.e., Alzheimer's Disease, severe strokes or the terminal stages of a disease);

5. any absence for multiple treatments by a health care provider for restorative surgery or any condition that would likely result in a period of incapacity of more than three calendar days if untreated (i.e., cancer (chemotherapy), severe arthritis (physical therapy), and kidney disease (dialysis));
  6. or any period of incapacity due to pregnancy or for prenatal care.
- D. Family and medical leave does not include routine physical, eye or dental examinations. In addition, the taking of over-the-counter medication such as aspirin, antihistamines or salves or bed rest, drinking fluids, exercise, and other similar activity which may be initiated without a visit to a health care provider is not by itself sufficient to constitute a regimen of continuing treatment to allow the employee to take leave under this policy. Therefore, unless complications arise, the following are not considered serious health conditions: the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, and routine dental or orthodontia problems.
- E. An employee's on-the-job injury may also qualify as a serious health condition. In this instance, the City will designate the leave of absence due to an on-the-job injury as a medical leave. The leave of absence will begin to run from the beginning of the absence caused by the on-the-job injury and will run simultaneously with any workers' compensation benefits that also may be provided the employee. If previously elected as a voluntary benefit, employees may also qualify for Short-Term Disability benefits while on medical leave under this policy. Although an employee may receive Short-Term Disability benefits; the leave is still considered and counted as a medical leave under this policy.
- F. ***Qualifying Exigency Leave for Families of Members of Reservists, the National Guard, and Retired Members of the Regular Armed Forces*** - This is leave needed by the employee because of a qualifying military exigency related to active duty, or a call to active duty status, of the employee's spouse, child or parent. This leave is limited to family members of reservists; National Guard members called into federal service, and retired members of the regular armed forces. This leave does not apply to families of regular armed forces service members. Military exigencies that qualify for this leave include: (1) short-notice deployment; (2) military events and related activities; (3) non-routine childcare and school activities; (4) non-routine financial and legal arrangements; (5) related counseling; (6) rest and recuperation; (7) post-deployment activities; and (8) additional qualifying activities.



## 10.05 Duration of Leave

- A. **In General** - Except in cases of leave to care for a service member, eligible employees are entitled to a total of 12 weeks of family or medical leave in any twelve (12) month period. The twelve (12) month period shall be measured as [a fixed twelve (12) month period for all employees; twelve (12) months measured forward from the first date leave is used; or a rolling twelve (12) month period measured backward from date leave is used.
- B. **Leave to Care for Service member** - Eligible employees are entitled to a total of 26 weeks of leave in a single 12-month period. This 12-month period begins on the first day an eligible employee takes leave to care for a covered service member and ends 12 months after that date. This leave entitlement is applied on a per-covered-service member and per-injury basis except that no more than a total of 26 weeks of leave may be taken in a single 12-month period. Leave under this policy that has already been taken for other family or medical leave circumstances will be deducted from the total 26 weeks available.
- C. **Leave for Married Employees** - In cases where both husband and wife work for the City, and they want to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not a parent in-law) with a serious health condition, the husband and wife may only take a combined total of 12 weeks of leave. Similarly, if both husband and wife work for the City, they will be eligible for a combined total of 26 weeks of leave to care for a covered injured or ill service member.
- D. **Leave Limitations for Birth or Placement for Adoption or Foster Care** - An employee's entitlement to leave for the birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth, placement, or adoption. Any such leave must be concluded within this 12-month period.
- E. **Intermittent Leave or Reduced Work Schedule Leave** - An employee may take family or medical leave in 12 consecutive weeks, may use the leave intermittently (take a day or less periodically when needed over the year), or, under certain circumstances, may use the leave to reduce the workweek or workday resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks or 26 workweeks to care for an injured or ill service member over a 12-month period of time.

- F. Intermittent leave can be taken in separate blocks of time but no less than one hour. If the employee takes less than one hour of leave and returns to work before the hour expires, the employee will be paid for the time he or she worked.
- G. The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition to care for a child or birth, or placement for adoption or foster care.
- H. For the birth, adoption or foster care of a child, the City and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule. Leave for a birth, adoption or foster care of a child must be taken within one year of the birth or placement of the child.

#### 10.06 Use of Paid and Unpaid Leave

- A. An employee who is taking leave under this policy because of the employee's own serious health condition or the serious health condition of a family member must use any available paid vacation, personal or sick leave while on family or medical leave. Sick leave may run concurrently with family or medical leave if the reason for the leave is covered by the established sick leave policy. Once the employee's available paid time off benefits are exhausted, the remainder of the leave will be unpaid.
- B. Disability leave for the birth of the child and for an employee's serious health condition will be designated as family or medical leave and will run concurrently with leave under this policy. For example, if an employer provides 6 weeks of pregnancy disability leave, the 6 weeks will be designated as family or medical leave and counted toward the employee's 12-week entitlement. The employee may then be required to substitute accrued (or earned) paid leave as appropriate before being eligible for unpaid leave for what remains of the 12-week entitlement.
- C. An employee who is using military leave under this policy for a qualifying exigency must use any available paid vacation and personal leave while on family or medical leave. An employee using leave to care for a service member under this policy must also use any available paid vacation, personal leave or sick leave (as long as the reason for the absence

is covered by the City's sick leave policy while on family or medical leave. Once the employee's available paid time off benefits are exhausted, the remainder of the leave will be unpaid.

## 10.07 Request for and Approval of Leave

**Notice and Scheduling of Leave** - Employees must provide the City with at least 30 days notice of the need for family or medical leave whenever the need for the leave is foreseeable (such as when the leave is for an expected birth or placement for adoption or for planned medical treatment). When planning medical treatment, employees should consult with the Human Resources Department (352) 735-7106 and attempt to schedule the treatment so as to minimize the impact of the employee's absence on the operations of the City and their fellow employees. In cases where the need for leave cannot be anticipated thirty (30) days in advance, the employee must give notice of the need for leave as soon as practicable. Failure to give proper notice of the need for family or medical leave may result in delay of the commencement of leave.

## 10.08 Required Documentation and Notices

- A. **Certification for the Employee's Serious Health Condition** – The Company will require certification for the employee's serious health condition. The employee must respond to such a request within 15 calendar days of the request or as soon as reasonably possible under the circumstances to do so despite the employee's diligent, good faith efforts. Failure to provide certification may result in a denial of leave, denial of continuation of leave until the certification is provided, automatic redesignation of the leave as other than family or medical leave under this policy, or treatment of the absence as unexcused. Medical certification will be provided using the DOL **Certification of Health Care Provider for Employee's Serious Health Condition** (<http://www.dol.gov/esa/whd/forms/WH-380-E.pdf>).
- B. The City may directly contact the employee's health care provider for authentication or clarification purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the

City will obtain the employee's permission for clarification of individually identifiable health information.

- C. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City may require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under this policy pending the second and/or third opinion.
- D. **Certification for the Family Member's Serious Health Condition** - The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 calendar days of the request or as soon as reasonably possible under the circumstances to do so despite the employee's diligent, good faith efforts. Failure to provide certification may result in a denial of leave, denial of continuation of leave until the certification is provided, automatic re-designation of the leave as other than family or medical leave under this policy, or treatment of the absence as unexcused. Medical certification will be provided using the DOL Certification of Health Care Provider for Family Member's Serious Health Condition (<http://www.dol.gov/esa/whd/forms/WH-380-F.pdf>).
- E. The City may directly contact the health care provider for verification or authentication purposes using a health care professional, an HR professional, leave administrator or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. In compliance with HIPAA Medical Privacy Rules, the City will obtain permission for clarification of individually identifiable health information.
- F. The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny family or medical leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion.

- G. **Certification of Qualifying Exigency Leave for Families of Members of Reservists, the National Guard, and Retired Members of the Regular Armed Forces** - The City will require certification of the qualifying exigency leave for families of members of reservists, the National Guard, and retired members of the regular armed forces. The employee must respond to such a request within 15 calendar days of the request or as soon as reasonably possible under the circumstances to do so despite the employee's diligent, good faith efforts. Failure to provide certification may result in a denial of leave, denial of continuation of leave until the certification is provided, automatic redesignation of the leave as other than family or medical leave under this policy, or treatment of the absence as unexcused. This certification will be provided using the DOL Certification of Qualifying Exigency for Military Family Leave (<http://www.dol.gov/esa/whd/forms/WH-384.pdf>).
- H. **Certification for Care of Serious Injury or Illness of Covered Service member Leave** - The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 calendar days of the request or as soon as reasonably possible under the circumstances to do so despite the
- I. employee's diligent, good faith efforts. Failure to provide certification may result in a denial of leave, denial of continuation of leave until the certification is provided, automatic redesignation of the leave as other than family or medical leave under this policy, or treatment of the absence as unexcused. This certification will be provided using the DOL Certification for Serious Injury or Illness of Covered Service member (<http://www.dol.gov/esa/whd/forms/WH-385.pdf>). The City will also accept invitational travel orders (ITOs) or invitational travel authorizations (ITAs) issued by the Department of Defense.
- J. **Recertification** - The City may request medical recertification for the serious health condition of the employee or the employee's family member service member no more frequently than every 30 days and only when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every 6 months in connection with a family or medical leave absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.

- K. With regard to leave based on the serious health condition of the employee or the employee's family member or service member, the City may request medical recertification of the condition every thirty (30) days, upon expiration of the minimum duration of the condition set forth in a previous certification, or when the employee requests an extension of leave, circumstances described in the original medical certification have changed significantly (such as the duration or nature of the illness or complications), or the City receives information that casts doubt on the continuing validity of the medical certification. The City may provide the employee's health care provider with a record of the employee's absence pattern and ask the health care provider if the serious health condition and the need for leave is consistent with such a pattern.
- L. **Procedure for Requesting Family or Medical Leave** - All employees requesting leave under this policy must provide verbal or written notice of the need for the leave to the HR Director. Within 5 business days after the employee has provided this notice, the HR Director will complete and provide the employee with the DOL Notice of Eligibility and Rights (<http://www.dol.gov/esa/whd/fmla/finalrule/WH381.pdf>).
- M. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day the employee becomes aware for the need for leave. When the need for FMLA leave is not foreseeable, the employee must comply with the company's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.
- N. Designation of FMLA Leave - Within 5 business days after the employee has submitted the appropriate certification form, the HR Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice (<http://www.dol.gov/esa/whd/forms/WH-382.pdf>). If the leave is qualifying, the City, if possible, will advise the employee of the amount of leave that will be designated as family or medical leave.
- O. The City will also advise the employee whether it will require a fitness-for-duty certification upon the employee's return to work if the leave is because of the employee's serious health condition.

- P. **Preliminary Designation of Leave** - Sometimes the City will know the reason for the leave, but will not be able to confirm that the leave qualifies as family or medical leave, or the City will have requested a *Certification of Health Care Provider* form or other certification that has not yet been received, or the City and employee are in the process of obtaining a second or third medical opinion. In these instances, the City may preliminarily designate the leave as qualifying family or medical leave. Upon receipt of the requisite information from the employee, or of a *Certification of Health Care Provider* form confirming the leave qualifies, the preliminary designation will become final. If the employee
- Q. fails to provide information necessary to confirm that an absence is eligible, fails to provide the completed *Certification of Health Care Provider* form or other certification in a timely manner, or if the documentation does not confirm the absences are eligible, the designation of the absence(s) as preliminarily eligible is automatically withdrawn, and the absences are considered unexcused and treated accordingly.
- R. **Intent to Return to Work from FMLA Leave** - On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## 10.09 Benefit Participation While on Leave

- A. An employee on approved family or medical leave may continue group health insurance coverage during the leave by paying the employee's normal share of the cost of such coverage during the leave on or before the date when payroll deductions for such costs would normally be made. *Failure to pay the employee's share of the premium when due may result in elimination of coverage after thirty (30) days.*
- B. An employee who fails to return from family and medical leave may be required to reimburse the City for the City's cost of maintaining group health insurance coverage for the employee and/or the employee's dependents while on leave, unless the employee's failure to return to work is due to reasons beyond the employee's control, such as the continuation, recurrence or onset of a serious health condition of the employee or the employee's spouse, parent or child or, in the case of service member family leave, the next-of-kin family member of the employee.
- C. Benefits such as sick pay and vacation do not continue to accrue to employees who are out on leave.

## 10.10 Reinstatement Following Leave

- A. **Request for Reinstatement** - An employee desiring to return from family or medical leave, prior to the date the leave was due to expire, must give written notice to his or her supervisor of the desire to return to work preferably at least fourteen (14) days, but no later than two (2) working days, prior to the desired return date.
- B. An employee returning from family or medical leave for his or her own serious health condition must notify his/her supervisor of availability immediately upon being released to return to work by the employee's health care provider. Failure to do so within two (2) working days of release to work will subject an employee to disciplinary action. The employee must also provide the City with a certification from the health care provider confirming the employee's fitness to return to his or her normal duties (or any limitations if the employee's activities are limited) if requested by the Company or if the duration of the leave for the employee's own serious health condition exceeded two (2) or more working days. Failure to provide a requested fitness-for-duty certification may result in denial of reinstatement until this certification is provided.
- C. **Reinstatement** - An employee returning from family or medical leave will normally be reinstated to the position held by the employee at the time the leave commenced or to an equivalent position. However, an employee returning from family or medical leave will have no greater right to employment or reinstatement to a specific position than an employee who had been continuously employed. Employees who are considered to be "key" employees may not, under certain circumstances, be reinstated. Key employees will be given written notice that he or she qualified as a key employee at the time the employee requests leave.

## 10.11 Benefits at Reinstatement

Employees returning from family or medical leave will have their benefits reinstated to the same levels as they enjoyed at the time the leave commenced, except for any paid leave benefits used during the leave. Changes in benefits which took place during the leave at the employee's election due to annual enrollment or family status change or that would have occurred had the employee not taken the leave will also apply. An employee's pay rate will also be adjusted to reflect any unconditional or across-the-board pay changes during the period of the leave.



## 10.12 Taking More Than the Allowed Leave

- A. The City is not able to keep jobs open indefinitely. Employees who fail to return after exhausting their leave under this policy, and who have no other leave options available to them will be subject to discharge. An extension may be granted if the City determines that a leave extension is required to comply with other federal or state laws.
- B. If an employee fails to return to work at the end of an approved leave of absence, including any extension of the leave, the employee will be considered to have voluntarily terminated employment.

Any questions concerning the provisions of this leave policy or the forms associated with a leave under this policy should be directed to the Human Resources Department staff .

**Approved by City Council:** November, 1997

**Revised:** January, 2009

# SECTION 11

## MISCELLANEOUS LEAVE TIME

### 11.01 Funeral/Memorial Leave

- A. Regular full-time employees may be granted leave upon approval of the department supervisor in the event of death in the immediate family to attend or make arrangements for the funeral or memorial. (See definition of immediate family, Section 2). These employees will be granted three (3) consecutive calendar days per year for this leave.
- B. The employee may be required to provide the supervisor with proof of death in the immediate family before compensation is approved.
- C. If additional time off is necessary to attend the funeral/memorial of a member of the immediate family, annual leave can be used.
- D. If the employee wishes to attend the funeral or memorial of someone outside the immediate family, annual leave or leave without pay may be granted.

### 11.02 Court Leave

- A. Regular full-time employees attending court as a witness on behalf of a governmental agency or for jury duty during their normal working hours shall receive pay at their regular rate for the hours they attend court. This time shall be charged as leave with pay.
- B. All regular full time employees subpoenaed to attend court on behalf of the City are eligible for leave with pay. Those employees who become plaintiffs or defendants in personal litigation are not eligible for leave with pay. In such cases, annual leave or leave without pay may be granted.
- C. Employees who attend court for only a portion of a regularly scheduled work day are expected to report to their supervisor for work when excused or released by the court.
- D. Employees required to attend court as stated in A. above, who are on scheduled vacation may be allowed to take additional leave with pay for that court time.

- E. All court attendance must be verified before an employee is compensated. Monies received from court appearances will be turned over to the City, except for travel pay. Police Officers attending court will be governed by the labor agreement.

### 11.03 Conference Leave

An employee may be granted leave up to five (5) working days with pay to attend professional and technical seminars, conferences, or other meetings which contribute to the effectiveness of the employee's service. All such leave will be subject to the availability of funds and approval of the City Manager.

### 11.04 Military Leave

- A. Employees who are members of the United States Armed Forces, including the National Guard, shall be granted paid leaves of absence of up to seventeen (17) days duration in any one calendar year. Thereafter employees shall be entitled to leave without pay.
- B. All full-time regular employees shall be eligible to return to work after serving in an actual period of war provided the employee:
  - 1. Receives an honorable discharge or is placed on reserve status.
  - 2. Has not voluntarily elected to remain in the active military service.
  - 3. Returns to work within ninety (90) days of discharge.
  - 4. Is physically and mentally able to perform the duties of the position.

If the same position is not available upon return, the employee shall be offered a comparable position.

- C. Upon leaving to serve, all accrued and unpaid leave shall be paid.
- D. Returning employees shall receive the same pay including any adjustments as they would have had, had they not been in active military service.

### 11.05 Examinations

A regular full-time employee may be granted leave with pay for the purpose of taking examinations that will upgrade the qualifications of the employee. The examination should be related to the employees present job and approval must be received from the City Manager.

**11.06 Leave Without Pay** (Not covered by The Family & Medical Leave Act of 1993. See Section 8.08.)

- A. The decision to grant a leave without pay (leave of absence) will be at the discretion of the City Manager.
- B. The following provisions apply to leave without pay:
  - 1. An employee granted a leave of absence must keep the department informed of current activity and current address every three (3) months.
  - 2. An employee who obtains either part-time or full-time employment elsewhere while on an authorized leave of absence is required to notify the department in writing within three (3) days of accepting such employment.
  - 3. Failure to comply with all of the policy requirements will result in the employee being dropped from leave of absence status, in which case the employee must return to duty or be discharged.
  - 4. Any employee granted a leave of absence shall contact the department supervisor at least two (2) weeks prior to the expiration of the leave in order to facilitate the reinstatement process.
  - 5. Failure to return to work at the expiration of the leave shall be considered as a resignation.
  - 6. Sick leave, annual leave or holiday leave will not be earned by an employee for the time that the employee is on leave without pay.
- C. An authorized leave without pay shall not constitute a break in service, but the time will not be credited toward retirement.
- D. Employees wishing to continue their insurance coverage must pay both individual and family coverage while on leave without pay.

**11.07 Disability Leave (Accident Leave)**

Employees of the City who are injured on the job who fall within the Worker's Compensation classification shall be paid in accordance with Section 10.03.

## 11.08 Voting Leave

During a primary or general election, an employee who is registered to vote whose hours of work do not allow sufficient time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open 2 hours before or 2 hours after the regularly scheduled work period, it will be considered sufficient time for voting.

## 11.09 Personal Days

### A. Purpose

Full-time employees receive two (2) paid Personal Days per fiscal year for emergency reasons, religious observance, family illness and/or any other personal business.

### B. Procedures

1. Employees who have met their probationary period of six (6) months or as indicated in an existing collective bargaining agreement are eligible for two (2) paid Personal Days each year beginning October 1<sup>st</sup> following the end of probation.
2. The scheduling of Personal Days is subject to the operating needs of the department. Employees are asked to give as much advance notice as possible when requesting a Personal Day.
3. Employees will record their Personal Days on their time sheets in accordance with established payroll procedure.
4. Personal Days will not accrue and as such will not carry over into another fiscal year. Personal Days are available to be used only in the year they are earned.
5. Employees in an "unpaid status" due to illness or extended leave will not be eligible for Personal Days until they have returned to a "paid status."
6. Employees who terminate their employment with the City for any reason are not paid for unused Personal Days.

C. Responsibility of Manager

Monitor the Personal Days of your staff and approve in advance requests for Personal Days.

D. Responsibility of Employee

Provide your manager/supervisor with as much advance notice as possible when requesting a Personal Day.

As approved by City Council on August 7, 2007



# SECTION 12

## SEPARATIONS

### 12.01 Types of Separations

Separations and/or termination from positions in the City services are designated as one of the following types:

- Resignation
- Retirement
- Disability
- Death
- Reduction in force (lay-off)
- Dismissal or discharge
- End of temporary assignment
- Abandonment of position
- Loss of job requirements

### 12.02 Resignation

- A. An employee who voluntarily leaves the City service.
- B. An employee who has satisfactorily completed their probationary period and wishes to resign in good standing shall file with the City a written resignation, stating the date and reason for leaving. The notice must be given two (2) weeks prior to the date of resignation. Failure to comply with this provision may be cause of denying the employee re-employment, and the employee will forfeit their unused earned vacation leave.

### 12.03 Abandonment of Position

- A. Unauthorized absence from work for a period of three (3) consecutive days may be considered a resignation and abandonment of position.
- B. Unauthorized absences of two (2) shifts from work for Fire person working on a 56 hour basis may be considered a resignation and abandonment of position.



## 12.04 Retirement

Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the General Employees' Pension and Retirement System, the Police Officers' Pension and Retirement System, or the Firefighters' Pension and Retirement System, whichever Plan is applicable.

## 12.05 Health

- A. When an applicant is appointed to a position before the final report of a health examination is received, and the final report shows that the employee is not physically qualified to perform the duties of the position despite reasonable accommodations not creating an undue hardship on the City, the applicant will be separated.
- B. The City may request that an employee be examined by the City's designated physician. If disability of any kind is discovered which impairs the effectiveness of an employee in performing the work or makes continuance on the job a danger to the employee or others, the following action shall be taken:
  - 1. If the disability is correctable, the employee will be allowed a specific time to take steps to have the disability corrected. If the employee fails to take steps to have the disability corrected within the specified time, the employee shall be subject to dismissal.
  - 2. If, in the opinion of the examining physician, the disability cannot be corrected, the City Manager will attempt to place the employee in another position which can be performed satisfactorily. If that step cannot be accomplished successfully, the employee shall be separated either through retirement or dismissal.

## 12.06 Death

For record keeping purposes separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or the estate of the employee as determined by law.

## 12.07 Reduction in Force (Layoff)

Please refer to the revised Policy as approved by City Council on September 4, 2008, located in Section 13.

## 12.08 Dismissal or Discharge

- A. A discharge is the involuntary separation of an employee from the City. Employees discharged for disciplinary reasons will not be eligible for rehire and shall lose all seniority and reinstatement privileges.
- B. Reasons for dismissal or discharge may include, but shall not be limited to, the following:
  - 1. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the City in the position in which the employee was serving.
  - 2. Theft, destruction, or gross neglect in the use of City property.
  - 3. Incompetency, inefficiency, or negligence in the performance of duty that does not respond to training.
  - 4. Gross or repeated insubordination.
  - 5. Conviction of a criminal offense.
  - 6. Being under the influence of intoxicating liquor, drugs, or barbiturates (not prescribed by a doctor) while on duty.
  - 7. Violation of general rules of personal conduct.
  - 8. Unauthorized and/or excessive absenteeism, absence, abuse of leave privileges or habitual excessive tardiness.
  - 9. Acceptance of any valuable consideration which was given with the expectation of influencing the employee in the performance of duties.
  - 10. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.
  - 11. Commission of any offense described in these Personnel Policies and Procedures or departmental rules and regulations relating to disciplinary measures for which discharge is the penalty.
  - 12. Violation of Florida Statute 447.018 prohibiting public employee organizations from participating in a strike against a public employer.

- C. Charges which form the basis for a dismissal of an employee shall be specific, and shall be documented by the supervisor and/or department head, to include dates and places of incidents, and submitted to the City Manager.
- D. The procedure for dismissal shall be as follows:
  - 1. The City Manager may dismiss an employee during the probationary period following original appointment with or without cause.
  - 2. Regular full-time employees who are to be dismissed shall be notified in writing by the City Manager of the specific causes for dismissal prior to dismissal.
- E. The City Manager or designee may suspend an employee for disciplinary reasons or pending court proceedings concerning actions that may result in dismissal.
  - 1. An employee may be suspended without pay for acts involving unsatisfactory performance or conduct prejudicial to the public interest.
  - 2. An employee may be suspended without pay indefinitely if the employee has been arrested for a felony or for a misdemeanor involving moral turpitude. The suspension shall be terminated by restoration to the position held or by dismissal upon the decision of the court. If the employee is restored to the City's service, full pay for the entire period of suspension will be paid, and eligibility for merit pay increase and accrual of leave credits shall not have been interrupted by the suspension.
  - 3. The employee shall receive written notice, stating the nature and reason for the action, the duration, and rights of appeal, if any. (See Section 15.05 - Appeals of Suspension)

## 12.09 Exit Interview

It is the desire of the City to determine why regular full time employees voluntarily leave the City's employ. An exit interview program may be established and administered to determine the causes of and possible solutions for turnover within the work force.

# SECTION 13

## REDUCTION IN FORCE

### 13.01 Policy

Reductions-in-force (RIF's), changes in job requirements or job eliminations may take place as a result of a redefinition of business objectives due to budgetary constraints and/or economic conditions.

It is the policy of the City of Mount Dora to conduct reductions in a manner that treats employees fairly and equitably and provides eligible employees with separation pay and placement support.

### 13.02 Procedures

- A. Management is responsible for determining the positions to be terminated as a result of a RIF. These decisions will be made in accordance with established guidelines.
- B. The Director of Human Resources will work with the Director of Finance, City Manager and respective Department Heads to establish appropriate criteria for selecting positions that will be eliminated as the result of a RIF. The over-riding criteria will always be business necessity. Other criteria may include but not be limited to length of service in a particular position, length of service with the City, job performance rating, job knowledge and experience or transferable skills.
- C. In no instance will a regular full-time employee be RIF'ed while another employee in the same position is employed on a part-time, temporary or seasonal basis. Reserve Police Officers are excluded from this provision and may be employed during a RIF of regular Police Officers.
- D. All potential RIF's will be reviewed in advance by the City Manager, Director of Finance and Director of Human Resources.

### 13.03 Labor Contracts

If any provisions of this policy are in conflict with an existing provision of

any labor agreement between the City and a registered bargaining unit (union), the labor contract will prevail.

### 13.04 Documentation

The RIF Selection Documentation form will be used to document the evaluation and selection of individuals to be terminated. Required approvals must be recorded on the selection form. The Human Resources Director is responsible for insuring that the Selection Documentation form is complete. Selection Documentation forms can be obtained from the Human Resources Director.

### 13.05 Approvals

The following approvals are required for RIF decisions:

- Respective Department Heads
- Director of Finance
- Director of Human Resources
- City Manager

### 13.06 RIF Notification

- A. Whenever possible, employees who are scheduled for inclusion in a RIF action will be notified at least two weeks prior to the RIF effective date. In some limited cases, employees may not be required to work beyond the date of RIF notification, and will instead receive two weeks pay in lieu of such notice. In no case will pay in lieu of notice exceed the maximum length of two weeks (ten business days).
- B. A member of the Human Resources Department will inform the Finance Department (Payroll) when a notified employee is being paid in lieu of notice, so that the individual's pay check or deposit information may be mailed directly to the home address.

### 13.07 Notification and Termination Dates

The date an employee is informed about the RIF action is considered the employee's Notification Date. The employee's official Termination Date

occurs at the end of the notification period, regardless of whether the employee is required to work through the notice period or not. The employee's Termination Date will also be the RIF effective date, except when the employee voluntarily terminates prior to the RIF effective date.

### 13.08 Separation Pay

Separation pay and benefits (including payment of accrued time) will be provided to eligible employees affected by a RIF as described in the Separation Pay Plan.

### 13.09 Internal Placement Support

The City's Human Resources Department will provide employees affected by a RIF with an opportunity to apply for internal positions as they become available. It is not the intent of this policy to offer RIF'ed employees any preferential treatment over other internal or external candidates. As with any job search, the primary responsibility of finding a job remains with the individual. In no instance, will any employee be guaranteed reassignment.

#### A. Internal Transfer

Employees selected for termination as a result of a RIF may be given consideration for available openings within their respective division or department(s), as practical.

#### B. Job Posting

Employees affected by a RIF will be eligible to use the City's job posting system for as long as they are receiving Separation Pay. They will receive consideration for job openings in accordance with their qualifications and performance requirements, i.e., in good standing. The six month (one year in the case of Police & Fire) time-in-job requirement will be waived in the event of a RIF.

#### C. Refusal of a Comparable Job Offer

Employees who decline a comparable job offer or who refuse to pursue comparable internal opportunities when such opportunities are available will not be eligible for separation pay. Exceptions will be considered on a case-by-case basis and will require approval by the Human Resources Director.

A comparable job is one which requires a reasonably similar background and skill sets as the current job and entails the following:

- a base pay within 10% of the employees current pay;
- similarly scheduled work hours; and
- a work location within reasonable proximity to the current job.

### 13.10 External Placement Support

The City may consider external placement support in situations involving large numbers of employees. External placement support may include providing group training on resume writing, interviewing skills or sourcing other employers.

### 13.11 Recall

Recall will be offered to RIF'ed employees provided they are physically and otherwise qualified to perform the duties of the job.

### 13.12 Exceptions

Employees terminated for reasons other than reduction-in-force, job elimination, changes in job requirements or technological advancements are not eligible for provisions of this policy. Specifically, they are not eligible for;

- the Separation Pay Plan
- Internal Placement Support
- External Placement Support

### 13.13 HR Responsibility

- A. Administer the RIF within established guidelines.
- B. Conduct exit interviews with employees, informing them of available benefits and services and the need to maintain contact during the period they receive Separation Pay.

This Policy supersedes all other Reduction in Force policies in place before it.

Approved by City Council: September 4, 2008

# SECTION 14

## SAFETY

### 14.01 Accident Prevention

Department heads, supervisors and employees should recognize their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible safety and operational economies. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents and reduce productivity.

### 14.02 Accident Reporting

- A. Employees will be advised by their supervisor of their responsibility to immediately report to their supervisor all injuries that occur on the job. If medical care is required, the supervisor must notify the personnel office prior to sending employee for treatment. Delay in reporting can cause complication of the injury or illness, may preclude coverage under the city's workers' compensation coverage, and will certainly delay settlement of any claim. Accidents, injuries or illnesses which are not reported as they occur may well be considered to be not job related when they are reported, thus making difficult or impossible the resolution of a claim under the workers' compensation coverage.
- B. A Supervisor's Accident Investigation Report Form must be submitted by the injured employee's supervisor within twenty-four (24) hours after the date of the accident or the report of the injury to the personnel office or the City Manager's designee. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries, as well as to injuries resulting from vehicular accidents involving City vehicles/equipment. A vehicular accident report will be submitted by the police department to the personnel office. If any employee is injured, a Supervisor's Accident Investigation Report Form will also be required.



- C. In the case of City vehicular accidents, the appropriate law enforcement agency shall be notified immediately as well as the Human Resources Department.

### 14.03 Workers' Compensation

Disability Determination - Determination of the existence and service connection of a disability shall be made in accordance with Florida Workers' Compensation Law which provides that the employer is responsible for furnishing employees with such remedial treatment, care and attendance under the direction and supervision of a qualified physician, surgeon or other recognized practitioner. The City and/or their insurance carrier reserves the right under the provisions of this law to specify the physician, surgeon or recognized practitioner to handle any and all service connected disability cases. Disability determination shall be based on:

1. All facts in the service history of the case.
2. The findings of the medical examiner assigned by the Workers' Compensation carrier.
3. Such evidence as the employee, at their own expense, may submit of the service connection of their disability.
4. Other relevant evidence submitted to the medical examiner.
5. There shall be no presumption that any disability is service connected.

At any time, and from time to time, the City may request that a disabled employee be re-examined. The results of the re-examination shall be made available to the City.

### 14.04 Compensation During Disability

- A. An employee who sustains a work-related injury or illness, compensable under the Florida Workers' Compensation Law, will receive the benefits provided by the Law. Compensation for lost time is provided at this time as follows:

<u>Term of Disability</u>	<u>Workers' Compensation</u>
1 - 7 days	None
8 - 14 days	Beginning with 8th day
21 or more days	Beginning with 1st day
	14-2

The injured worker may be carried in full pay status for a period of up to seven (7) calendar days, including week-ends. This time will be deducted from accrued sick and/or annual leave time.

- B. In accordance with Florida Workers' Compensation regulations, if an injured employee is off work longer than seven (7) days, the worker will be paid 66-2/3% of their average weekly wage. This workers' compensation pay for lost time is not taxable. An employee may elect to use accrued sick and/or vacation leave for any portion of the lost time not covered under workers' compensation. This must be coordinated through the Human Resources and Payroll departments. In no case shall the employee's salary and workers' compensation benefits exceed the amount of regular salary payments.
- C. Any employee who exhausts accrued sick and annual leave and is not receiving a payroll check is responsible for all deductions for dependent medical, dental care, and dependent life insurance. These dependent insurance premiums are due and payable to the City no later than the 25th of the month preceding the monthly premium due date.
- D. If an employee's work-related injury extends beyond six (6) pay periods (twelve (12) weeks), the injured worker shall not accrue sick leave or annual leave credits should he/she go into a "No-pay" status. Upon returning to work (Active Status) sick time and vacation accruals will resume.
- E. The City reserves the right to require periodic medical examinations and reports from employees who are away from work due to compensative injuries under the Law.
- F. Employees who are injured on the job shall have those hours remaining in the pay period counted as "hours worked" for payroll purposes, but such hours will be paid only as provided above.

#### 14.05 Safety Equipment

- A. The City provides proper and necessary safety equipment and devices for employees engaged in hazardous work. Such equipment and devices must be used. Failure by employees to obey safety regulations or to utilize provided equipment may result in disciplinary action and loss of Workers' Compensation benefits.

- B. If an employee is transferred or otherwise leaves the department which furnished the uniforms and/or safety equipment, the employee shall return all uniforms and safety equipment to that department.
- C. If an employee is required to wear safety shoes, the City shall reimburse the employee up to eighty dollars (\$80.00) for the initial pair of, or replacement of, required safety shoes, not to exceed one (1) pair every fiscal year. Old shoes must be returned to the City. Should an employee elect to repair their existing safety shoes in lieu of purchasing new ones, the City will provide 1/2 of the cost up to twenty-five dollars (\$25.00) for said repairs. Employees required to wear safety shoes may, at the supervisor's discretion, be suspended without pay if reporting to work not wearing safety shoes, or not wearing them during work hours, unless otherwise excused by the City. Repeated failure to wear safety shoes is grounds for further discipline up to and including discharge.
- D. If an employee is required to wear safety glasses and wears corrective external eyeglasses on a daily basis, the City shall reimburse the employee ½ of the cost, up to a maximum of seventy-five dollars (\$75.00) for the initial pair of, or replacement of, clear prescription inserts designed for exterior safety glasses, not to exceed one (1) pair of inserts every 24 months. In order to qualify for reimbursement, such clear prescription inserts shall comply with standards developed by the American National Standards Institute (ANSI) and be compatible with the exterior safety glasses that are stocked and issued by the City.”
- E. Unless approved by the City Manager or designee, employees shall not wear any apparel, including uniforms, safety shoes, safety glasses etc., while off duty other than while traveling to or from work, or use any City equipment or material while off duty. Violation shall be grounds for immediate dismissal.

## 14.06 Safety Committee

A Safety Committee, made up of at least one employee representative from City Hall, Planning & Development, Fire, Library, Police, Public Services will meet on a regularly scheduled basis, to discuss accident prevention, training and safety concerns. The City Safety Coordinator will be responsible for coordination of the meetings.

## 14.07 Employee Safety Awards

The City Manager may institute an Employee Safety Award Program. Safety awards may be made either to groups or to individuals and will normally be made in recognition of praiseworthy and outstanding safety performance.



# SECTION 15

## DISCIPLINARY ACTION

### 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.
- B. Each instance differs in many respects from other situations and the City retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases which may arise in the future. The City Manager retains the right to suspend any disciplinary action which may be taken, as a result of good behavior for a specified term.
- C. The following guidelines are not to be construed as limitations upon the retained rights of the City. The policies provide recommended penalties to apply for specific offenses. This means that a more severe or less severe penalty may be issued than that which appears in these guidelines if it is justified.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Disciplinary action shall therefore only be severe enough to constitute an attempt to bring about correction. Discharge shall be resorted to when other efforts to bring about correction have failed, or when the severity of the offense warrants such measures.
- E. Depending upon the circumstances, acceptable disciplinary actions may include:
  - 1. Verbal Warning/Counseling
  - 2. Written Warning/Counseling
  - 3. Suspension
  - 4. Demotion
  - 5. Discharge
- F. Offenses requiring disciplinary action are divided into three (3) types to reflect degrees of severity. In each group and for each guideline, consideration will be given to the severity of the offense, the cost involved,

the time interval between violations, the length and quality of the employee's service, and the abilities of the employee. In each case where the penalty is modified from the recommended guideline, the reason for such modification will be noted in writing, subject to the approval of the City Manager.

- G. In all cases, the department supervisor and/or department head shall notify the employee in writing of the action taken, and a copy of such notice will be included in the employee's personnel file.
- H. In addition to the general types of offenses listed below, infractions of departmental rules and regulations will subject the employee to disciplinary action.

## 15.02 Types of Offenses

The three (3) groups of offenses and guides for recommended penalties are as follows:

### A. GROUP I OFFENSES

- FIRST OFFENSE - VERBAL WARNING
- SECOND OFFENSE - WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION
- THIRD OFFENSE - UP TO DISCHARGE
  1. Operating, using, possessing tools, equipment or machines which the employee has not been assigned or performing other than assigned work.
  2. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
  3. Changing clothes during working hours without specific permission.
  4. Taking more than the specified time for meals or break period.
  5. Demonstrating productivity or work quality which is not up to required standards of performance.
  6. Disregarding job duties by loafing or neglecting work during working hours.

7. Reporting to work or working while unfit for duty, either medically, mentally or physically.
8. Posting or removing any material on official bulletin boards or City property without authorization.
9. Distributing written or printed material of any description on City premises unless authorized.
10. Showing discourtesy to persons with whom the employee comes in contact with while in the performance of duties.
11. Failing to report an accident or personal injury in which the employee was involved while on the job.
12. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, cat-calls, demonstrations on the job or similar types of conduct.
13. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
14. Failing to pay just debts, or failing to make reasonable provision for the future payment of such debts, thereby causing loss of time and productivity to the City or to City staff.
15. Failing to keep the department and the personnel office notified of proper address and telephone number (if any), and failing to notify the Human Resources department of any marital status change, name change, beneficiary designation change, or any tax withholding changes.
16. Receiving or making an excessive amount of personal phone calls while on working time.

B. GROUP II OFFENSES

- FIRST OFFENSE - WRITTEN REPRIMAND AND/OR UP TO 5 DAYS SUSPENSION
- SECOND OFFENSE - UP TO DISCHARGE
  1. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive language.



2. Failing to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.
3. Leaving assigned post 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.
4. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
5. Engaging in gambling, lottery or any other game of chance at City work stations at any time.
6. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operations.
7. Being absent without permission or leave.
8. Provoking or instigating a fight or fighting on City property.
9. Violating rules or practices which affect the safety of City personnel, equipment, tools or property.
10. Failing to report a request for information or receipt of a subpoena from an attorney for a matter relating to City business.
11. Vending, soliciting or collecting contributions for any purpose whatsoever at any time on City premises, unless authorized.
12. Violating any or all of the steps outlined in the grievance procedure.
13. Knowingly harboring a serious communicable disease which may endanger other employees.
14. Violating personnel policies.
15. Habitually failing to punch one's own timecard, where applicable. "Habitually" is considered occurring three (3) times in any ninety (90) day period.
16. Habitually reporting late to work. "Habitually" is considered occurring three (3) times within a ninety (90) day period.
17. Chronically being absent from work. "Chronically" is considered three (3) times within a ninety (90) day period without good reason or proper certification.

B. GROUP III OFFENSES

- FIRST OFFENSE - UP TO DISCHARGE
  1. Wanton or willful neglect in performing assigned duties.
  2. Making false claims or false statements in any internal investigation, inquiry or proceeding.
  3. Deliberately misusing, destroying or damaging any City property or property of a City employee without proper authorization.
  4. Receiving from any person, or participating in any fee, gift or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
  5. Knowingly punching the timecard of another employee, having one's own timecard punched by another employee, or unauthorized altering of a timecard or time sheet, where applicable.
  6. Falsifying, including willful omission, or altering personal or City records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.
  7. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or workers' compensation.
  8. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor.
  9. Unauthorized use, possession or display of firearms, explosives or weapons on City property, unless specifically authorized.
  10. Theft or removal from City locations without proper authorization of any City property or property of any employee.
  11. Sleeping during duty hours, unless authorized.
  12. Being absent from duty for a period of 3 consecutive working days without proper authorization.
  13. Failing to return from an authorized leave of absence.
  14. Permitting another person to use an employee's identification card, using another person's card, or altering an identification card.

15. Incompetence or inefficiency in the performance of assigned duties.
16. Using alcohol and/or controlled substance or being under the influence of same on the City's premises and/or on working time. Possession or sale of alcohol or controlled substance on the City's premises and/or working time.
17. Being found guilty, pleading guilty, or nolo contendere (even where adjudication is withheld) to a felony, or misdemeanor involving moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of nolo contendere, where the criminal act or conduct is contrary to justice, honesty, modesty, community morality, or good morals, generally. A crime of moral turpitude thus includes, but is not limited to, any crime, the commission of which, reflects adversely on a person's reputation, integrity or reliability to which otherwise brings, tends to bring, or may reasonably be expected to bring, discredit or disrepute upon that person or that person's employer.
18. Failure to notify the City that charges have been filed against the employee by a prosecuting official.
19. Using or attempting to use political influence or bribery to secure an advantage of any manner.
20. 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, slow-down, or refusal to return to work at the scheduled time for the scheduled shift.
21. Harassing another employee.
22. Abusing the use of sick leave.
23. Beginning or maintaining an outside personal or business economic relationship which affords present or future financial benefits to the employee and may be considered a conflict of interest, securing advantage of goods, services or influence due to the position of the employee with the City.

### 15.03 Warnings and Reprimand

- A. Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures.
- B. In situations where a verbal warning has not resulted in the expected improvement, a written reprimand may be issued defining the nature of the infraction under the rules. The written reprimand will be sent to the employee and a copy shall be placed in the employee's personnel file. The employee's immediate supervisor usually initiates a written reprimand.

### 15.04 Suspension

A suspended employee shall be notified by the supervisor and/or department head at the time of suspension of the specific reason for the action, of the correction expected and of rights of appeal. Such notification shall be in writing, dated and hand-delivered to the employee or delivered by certified mail to the employee at the employee's last known address. A copy of the suspension shall be included in the employee's personnel file.

### 15.05 Appeals of Suspension

- A. The City Manager shall hear appeals in cases involving suspension of regular employees who have satisfactorily completed their probationary period.
- B. The appeal shall be made within ten (10) working days after delivery or mailing to the employee of the written notice, by filing a written request for a hearing with the City Manager.
- C. The City Manager shall set a time and a place for the hearing to be held at the earliest possible date. The City Manager shall notify the employee and the department head of the time and place scheduled for the hearing.

- D. Hearings before the City Manager shall be conducted informally in accordance with procedures established by the City Manager and shall not be bound by formal rules of evidence.
- E. The decision of the City Manager shall be final subject to appeal rights of an existing collective bargaining agreement.
- F. Department Heads shall have the right to appeal their suspension to a public hearing before the City Council.

### 15.06 Dismissal

Employees dismissed for cause will receive notification in accordance with these Personnel Policies and Procedures.

# SECTION 16

## EMPLOYEE GRIEVANCE PROCEDURE

### 16.01 Purpose

This grievance procedure is established to provide full opportunity to regular full-time employees (not covered by specific grievance provisions in a collective bargaining agreement) to bring to the attention of management complaints, grievances or situations that the employee feels need either adjustment or information. It is the intent and desire of the City to adjust complaints or grievances informally and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after discussion and review. The submission of a grievance by an employee shall in no way adversely affect the employee or their employment with the City.

### 16.02 Definition of a Grievance

- A. A grievance is a complaint, view or opinion pertaining to employment conditions, to relationships between employees and supervisors or to relationships with other employees.
- B. Only full-time regular employees are eligible to file grievances under this procedure.

### 16.03 Procedure

- A. Step One: An aggrieved employee shall present the complaint to their immediate supervisor within seven (7) working days from the time of occurrence of the problem. The supervisor shall then attempt to resolve the problem and reply to the employee within ten (10) working days of receipt of the grievance.
- B. Step Two: If the employee feels the answer received is not satisfactory, the facts and circumstances of the problem shall be in writing and

the written statement shall be submitted to the department head within seven (7) working days. Assistance will be provided, if requested, for those employees who have difficulty writing. The department head will investigate the grievance and notify the employee of the decision within ten (10) working days after receiving the grievance.

- C. Step Three: If the grievance is not resolved by the department head, the employee may submit the grievance in writing to the City Manager within seven (7) working days after receipt of the department head's decision or the date decision was due.

The City Manager will consider the grievance, weighing all pertinent information. The City Manager may appoint a committee to render advice on the particular grievance, if in the opinion of the City Manager, the committee could be of assistance.

An employee may request a meeting to be held to discuss the matter with the City Manager or they may mutually agree that no meeting be held. If either party elects a meeting, it shall take place within fifteen (15) working days after receipt of the request for the meeting. The City Manager will determine the meeting place, i.e. City Hall or some other location.

The City Manager will notify the employee and department head of the decision reached within fifteen (15) working days of receipt of grievance if no meeting is held, or within ten (10) working days after the conclusion of the meeting if a meeting is held.

The decision of the City Manager shall be final and the employee shall have no further right of administrative appeal.

- D. Step Four: If the grievance is of such a nature that the employee cannot approach the immediate supervisor or the Department Head, then a direct appointment may be made with the City Manager.

This particular step, known as an "Open Door Policy", shall not be abused. Effective management almost always functions best when the chain-of-command is followed, although it is recognized that certain mitigating circumstances may sometimes dictate otherwise.

## 16.04 General Provisions

- A. The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips, emergencies, or other reasons. If an extension is required, the employee will be notified.
- B. Under this grievance procedure the employee and management have the opportunity to call witnesses at the Step Two and Step Three levels.
- C. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.
- D. It is the intent of these Rules that the majority of grievances will be settled in the first or second step.
- E. All grievances at their conclusion shall be forwarded to the City Manager for coordination, analysis, approval and retention.
- F. In some cases, steps in the grievance procedure may be waived at the discretion of the department head to allow more severe matters to progress more rapidly.
- G. Employees may grieve without fear of retribution.
- H. If, in the opinion of the City Manager, conditions warrant, the grieving employee may be given anonymity.
- I. The City Manager maintains the right to reject any grievance settlement and to impose any settlement the City Manager believes is fair and just.





# SECTION 17

## OTHER EMPLOYEE BENEFITS AND RULES

### 17.01 Insurance Benefits

Hospitalization and medical insurance are available for all regular full-time employees. The City and employee share the cost of coverage for individual and family medical coverage. Life insurance/AD&D in the amount of \$25,000 is also paid by the City for all City employees, while Dependent and Additional Life is also available at full cost to the employee. Dental and Vision coverage is also available at full cost to the employees and dependents. Details are available upon request from the Human Resources department.

### 17.02 Defined Contribution Plan—General Employee

Following a mandatory six (6) month probationary period, General Employees will participate in the City's Defined Contribution plan. The City will contribute 6% of the employee's gross income and will match up to an additional 4 % based on the employee's contribution of 4 %. These plans are managed by the ICMA Retirement Corporation. Further information on these plans will be provided at orientation.

### 17.03 Defined Benefit Plan—Police & Fire

The City provides a Defined Benefit pension plan for all qualified Police & Fire employees. Both Police & Fire Plans require a mandatory employee contribution. Specific details of the each plan are maintained by the respective Pension Boards.

### 17.04 Tuition Reimbursement

#### A. Policy

Recognizing the critical link between individual performance and organizational productivity, the City of Mount Dora actively supports the professional development of its staff through career planning, on-the-job training and formal education.

By offering a Tuition Reimbursement Program, the City provides financial support to qualified employees who wish to attend courses or participate in degree programs. Such courses should enhance the employee's current job responsibilities or support career development goals that meet the strategic needs of the City.

Whenever possible, employees should inform their managers of their intent to apply for tuition reimbursement by July 31st of the preceding year so that these costs can be included in the budgeting process.

**B. Eligibility**

All full-time City employees, (provided they have completed 1 year of service) are eligible for tuition reimbursement for courses or a degree program. Service requirements must have been completed prior to beginning the course and employees must have a current performance evaluation of satisfactory or better. Contract (Independent Contractors) employees and employees with "less than satisfactory" ratings are not eligible for tuition reimbursement benefits.

The purpose of the one-year waiting period is to ensure that employees have a solid performance record in their present job and to assist managers and supervisors in making sound decisions concerning an educational investment in an employee's career with the City.

Employees must earn a grade of "C+" or better (for approved course work) to be eligible for tuition reimbursement. A grade of "C+" will be reimbursed at 50%. A grade of "B+, B or B-" will be reimbursed at 80% and a grade of "A+, A, or A-" will be reimbursed at 90%. In the event of a Pass/Fail system, a "Pass" will be reimbursed at 50%. Lab fees (or books) for approved courses will be reimbursed at 50%.

**C. Maximum Course Load**

Employees should maintain a balance between job responsibilities and educational commitments. For this reason, the City may limit the number of courses an employee may take to two per semester. Employees should schedule courses to avoid conflict with their regularly scheduled working hours.

**D. Reimbursement Amount**

The maximum tuition reimbursement amount (including books and lab fees) for each participating employee is \$1,000.00 per fiscal year. Exceptions to this maximum will be at the discretion of the respective

manager and department head.

Tuition reimbursement for employees receiving veteran's educational benefits or other financial aid will be based on the difference between the tuition cost and the benefit or aid received.

Employees who utilize the Tuition Reimbursement Program will be expected to provide the City with a minimum of 6 months of continued employment following the successful completion of an accredited course of study. Enrollees in a 4-year degree program are expected to provide the City with a minimum of 18 months of service following the successful completion of that program.

Should an employee leave the City prior to completing their minimum service requirement in return for tuition reimbursement, the balance owed will be pro-rated and withheld from their final paycheck.

E. Procedures

Before registering for a course, the employee must complete a Tuition Reimbursement Application from the Human Resources Department and obtain the appropriate management approval and signatures.

Employees seeking reimbursement for courses taken, as a part of a degree program must submit a written statement, demonstrating how educational goals relate to specific career objectives within their respective department and/or the City. The respective manager and Director of the department should approve the written statement.

The approved copy of the Tuition Reimbursement Application and written statement (if applicable) should be forwarded to the Human Resources Department at the time of enrollment.

Employees must pay the school directly for the approved course(s). When courses are completed, employees should submit their final course grade(s) and receipt of tuition payment to their manager or the Director of their department.

The manager/director will then begin the process of reimbursement by reviewing the grade documentation and approving the reimbursement amount according to the grade received. All signed documentation should be submitted to the Human Resources Department for additional approval signatures and processing through Payroll. The approved tuition amount will be direct deposited into the employee's account. If the employee does not have direct deposit through payroll, he/she will receive a check for the approved tuition amount. A copy of the final

grade(s) and receipt of tuition payment should be forwarded to Human Resources for employee's personnel file and appropriate record keeping.

F. Responsibility

1. Manager

Assist your employees in focusing their educational plans in a realistic, job-related direction. Counsel employees in the selection of schools, individual courses and programs of study so that they match their present responsibilities and future career objectives.

Review and approve tuition reimbursement requests, giving consideration both to your employee's career goals and the strategic goals of the City.

Ensure that administrative requirements of the Tuition Reimbursement Program are fulfilled in a timely manner. Familiarize employees with the provisions of this policy.

2. Employee

Use good judgment in choosing courses that are directly related to your present job or planned career within the City.

Follow the tuition reimbursement procedures for application, approval, processing and repayment.

It is expected that employees who graduate from an accredited program and/or course of study will provide the City with a minimum of 6 -18 months of continued employment, (depending on course of study) following the successful completion (graduation) of that course or program.

G. Certification Fee, Professional Memberships

The City will pay for certification fees in a specialty area and/or professional and society memberships when certification or membership is required by state, management, or is deemed to be essential to effective job performance. Applications for Tuition Reimbursement may be obtained through the City's Human Resources department.

Approved by City Council: March 19, 2002

## 17.05 Vehicles

- A. Some employees, because of the nature of their work, may be issued and are responsible for a vehicle which may be driven to and from work and lunch, and to conduct official City business. Such vehicle shall not be used for personal pleasure or private business. The purpose of this policy is to enable the employee in question to respond to emergency conditions promptly.
- B. Abuse of this policy may result in a withdrawal of the vehicle and appropriate disciplinary action. The City Manager has sole discretion to suspend this policy at any time without notice.

## 17.06 Payroll Deductions

Federal Withholding and Social Security are deducted from pay checks in accordance with law. Any other deductions, including group insurances, retirement supplement, etc. are made as required and/or authorized by the employee. The City offers Direct Deposit of employee's paychecks. Details are available from the Human Resources department.

## 17.07 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 may be eligible to receive unemployment compensation benefits. The City maintains the right to controvert any claim for unemployment compensation benefits at its discretion.

## 17.08 Tobacco Free Workplace

### A. Policy

In consideration of the health, safety, and comfort of all of our employees, smoking and/or use of tobacco products by City employees shall not be permitted anywhere in, around, or on the property of any City facility in which employees work or have access to, including any City rights of way and/or City vehicle(s) they may drive.

This policy has been introduced to ensure that the City fulfills its obligation to protect workers and visitors from the health risks caused by first and second hand smoke and to comply with the Florida Clean Indoor Air Act, Amended in 2003, which requires all enclosed, and local government workplaces and other public premises to be smoke free. It has also been introduced to promote employee wellness and reduce future medical claims costs related to the use of tobacco products. In addition, City employees are reminded that the use of tobacco products in front of the public while on duty is strictly prohibited.

The activity of "smoking or use of tobacco products" shall include but not be limited to the smoking or carrying of any kind of lighted pipe, cigar, cigarette, or the use of any other tobacco product, including chewing tobacco, snuff, "E" cigarettes, etc.

#### B. Employee Responsibility

The effectiveness of this policy shall depend largely on the understanding and willingness of all employees to abide by its provisions and to request others to do so.

Any City employee hired after 10-1-2014 is prohibited from using tobacco products whether on-duty or off-duty while employed by the City.

Employees hired prior to 10-1-2014 are prohibited from using tobacco products on City property and at any time while on duty. Because employees are paid during break periods, break periods unlike meal time shall be considered "on duty."

The rules regarding tobacco free workplace apply to everyone entering the City premises. This includes all employees, temporary workers, consultants, interns, volunteers, citizens, and visitors.

Every City employee will be required to sign a Tobacco/Nicotine Free affidavit. If you state you are a non-user of tobacco products and you are reported to be using them in violation of this policy, you will be required to have a urine cotinine test at the Employee Health and Wellness Center. Failure to comply with the order to take the test may be considered insubordination and disciplinary action may result up to and including termination.

If you have indicated you are a user of tobacco products and it is reported that you are using them while on duty or on city property in violation of the policy, you can be subject to investigation and disciplinary action up to and including termination.

C. Department Head Responsibility

Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's progressive discipline procedures.

D. Employee Responsibility

It shall be the responsibility of each employee to abide by the rules and regulations contained in this policy, and it shall be the responsibility of the affected Department Head to see that the policy is applied in an equitable manner and adhered to by all employees.

E. Employer Responsibility

As a responsible employer the City is committed to maintaining a healthy, safe and comfortable working environment for its employees. In this instance, the City will offer smoking and use of tobacco product cessation programs at a discount in conjunction with the City's Employee Health and Wellness Center.

Revised: April, 2014

Approved by City Council: May 6, 2014

## 17.09 Drug-Free Workplace Program

It is the purpose of this policy to establish and proclaim the City of Mount Dora's intent to maintain a 'DRUG FREE' workplace. In so doing, the City has adopted the Drug-Free Workplace Program in accordance with the requirements set forth in Florida Statutes Section 440.101 and 440.102, as well as in accordance with Rule 38F-9, established by the Florida Department of Labor and Employment Security, Division of Workers' Compensation. It is a condition of employment with the City of Mount Dora for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his body. In addition to possible disciplinary procedures and termination as a result of any violation of this Drug-Free Workplace Program, an employee injured in the course and scope of employment who refuses to submit to a test for drugs or alcohol, or is tested and has a positive confirmation of drug or alcohol use, may forfeit his/her eligibility for medical and indemnity benefits under the Workers' Compensation Act.



The City acknowledges the problem of substance abuse, including abuse of alcohol by our society. Furthermore, the City sees substance abuse as a serious threat to both employees its customers, and the general public. The City is addressing this problem by establishing a substance abuse policy to ensure all employees have a drug-free workplace.

Drug and alcohol addiction is a complex, yet treatable condition. For this reason, this program is targeted at alleviating the problem at the community level by involving and educating employees. Policies are designed not only to eradicate drug abuse in the workplace, but also to encourage drug users to seek and successfully complete rehabilitative treatment.

While the City understands that employees and applicants under a physician's care may be required to use prescription or over-the-counter drugs, abuse of prescribed or over-the-counter medications will be dealt with in the same manner as any other substance abuse. Because substance abuse and chemical dependencies are treatable conditions, employees seeking help for a drug or alcohol problem, whether voluntarily or through disciplinary action, will be treated the same as those employees with other conditions as far as eligibility for health benefits and sick and/or personal leave. Nothing in this policy, however, shall limit the City's right to enforce appropriate disciplinary measures for violation of policy, including, if necessary, termination; nor does this policy bind the City to payment for any care provided beyond the City's existing employee benefits.

With these basic objectives in mind, the City of Mount Dora has established the following policy:

A. Drug Use

Employees are absolutely prohibited from using, possessing, distributing, manufacturing, selling, attempting to sell or being under the influence of drugs while on or off the job. As used in this policy, improper drug use is the use of any drug which is not legally obtainable; which is legally obtainable, but

has not been legally obtained; or which is being used in a manner or for a purpose other than prescribed (for example, use of depressants and stimulants not prescribed for current personal treatment by an accredited physician). Some examples of drugs include:

- Marijuana
- Amphetamines
- Cannabinoids
- Cocaine

- Phencyclidine (PCP)
- Hallucinogens (LSD)
- Methaqualone
- Opiates
- Barbiturates
- Benzodiazepines
- Synthetic Narcotics or Designer Drugs

Employees who violate this policy will be subject to disciplinary action, up to and including possible termination.

B. Alcohol Use

Employees are absolutely prohibited from using, possessing, distributing, manufacturing, selling, attempting to sell, or being under the influence of alcohol while on duty, while on City property, or on any work site. "Alcohol" means ethyl alcohol (ethanol) and includes use of any beverage, mixture or preparation containing ethyl alcohol, including but not limited to, distilled spirits, wine, malt beverages and intoxicating liquors. With regard to alcohol, an employee may also be determined to be "under the influence of alcohol" for purposes of this policy if the employee has a blood level of .05 g/d 1% or higher. Employees who violate this policy will be subject to discipline, including possible termination.

C. Use of Prescription and Non prescription Medication

1. Employees must notify their supervisor when using any medication that may limit their ability to perform their job. Such notification may be confidentially given. Verification of any and all medication may be required.
2. Where prescription medication is involved, verification may include the employee submitting a prescription copy of a physician's statement showing medication required and dates of use. Failure to report the use of medication or failure to verify the use of medication may result in discipline, including possible termination.

D. Arrest and Conviction for Drugs

1. It is a condition of employment with the City of Mount Dora that any employee convicted of any criminal drug violation occurring in the workplace or off-the-job must report such conviction to his supervisor within five (5) calendar days of such conviction. Further, a nolo

contendere or guilty plea for drug activity is also to be reported in the same manner.

2. In deciding what action to take, the supervisor, department head and City Manager will take into consideration the nature of the charges, the employee's present job assignment, the employee's record with the City and other factors relative to the impact of the employee's conviction, or nolo contendere or guilty plea upon the conduct of City business.

E. Duty to Report Employee Drug and Substance Abuse

Employees must immediately report violations of these policies by other employees. Any employee who, in good faith based on reasonable suspicion, reports an alleged violation of this policy, or any supervisor who investigates or takes action in good faith based on reasonable suspicion, shall not be harassed, retaliated against, or discriminated against in any way for making reports or participating in any investigation or action based thereon. To the greatest extent possible, the reporting of employee drug and substance abuse will be kept confidential.

F. Confidentiality

1. All information, interviews, reports, statement memoranda, and drug test results, written or otherwise, received by the City through a drug testing program will be kept confidential. Also, laboratories, employee assistance programs, drug and alcohol rehabilitation programs, and their personnel who receive or have access to information concerning drug test results shall keep all information confidential. Unless compelled by a hearing officer, court or professional or occupational licensing board, information regarding drug testing may be released only by the voluntary written consent of the person tested.
2. Nothing in this provision shall be construed to prohibit the City, an agent of the City, or laboratory conducting a drug test information when consulting legal counsel in connection with actions brought under or related to Rule 38F-9 or when information is relevant to a defense in a civil administrative matter.

G. Drug Test

1. The following is a list of all drugs for which the City will test the job applicant or employee:

Alcohol	Opiates
Amphetamines	Barbiturates
Cannabinoids	Benzodiazpines
Cocaine	Synthetic narcotics
Phencyclidine	Methadone and
Methaqualone	Propoxyphene

2. The following is a list of some over-the-counter and prescription drugs which could alter or affect the outcome of a drug test:
  - a. Alcohol - all liquid medications containing ethyl alcohol (ethanol) (the label will indicate alcohol content)
  - b. Amphetamines - Obetrol, Biphetamine, Desoxyyn, Dexedrine and Didrex
  - c. Cannabinoids - Marinol (Dronabinol, THC)
  - d. Cocaine - Cocaine HCl topical solution (Roxanne)
  - e. Phencyclidine - not legal by prescription
  - f. Methaqualone - not legal by prescription
  - g. Opiates - Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Emprim with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine DH, Novahistine Expectorant, Dlaudid (Hydromorphon), M-S Contin and Roxanol (morphine sulfate), Perdocan, Vicodin
  - h. Barbiturates - Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilian, Triad
  - f. Benzoidiazepines - Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax
  - g. Methadone - Dolophine, Methadose
  - h. Propoxyphene - Darvocet, Darvon N, Dolene

H. Job Applicant Drug Testing

1. A job applicant who has applied for a position with the City of Mount Dora and has been offered employment conditional upon

successfully passing a drug test will undergo screening for the presence of drugs or alcohol. An applicant who refuses to take the test or whose test results are confirmed positive will be denied employment. Positive test results may be challenged by the applicant.

2. The job applicant has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication and the possible affect these drugs may have on the outcome of a drug test. If the job applicant is using prescription or non-prescription medications, which may affect the outcome of a drug test, the applicant must report the use of the medication to the individual administering the test before the test is taken.

#### I. Employee Drug Testing

The City will maintain drug testing practices to identify employees who are working under the influence of drugs or alcohol. It shall be a condition of continued employment for all employees to submit to the following drug tests:

1. Reasonable Suspicion, which may include, but is not necessarily limited to:
  - a. observable phenomena while at work, such as direct observation of drug use or the physical symptoms of being under the influence of drugs, such as drowsiness or sleepiness, slurred or incoherent speech, unusually aggressive behavior, severe mood swings, lack of coordination and the like;
  - b. abnormal conduct or erratic behavior or a significant otherwise unexplained deterioration in work performance;
  - c. a report of drug use, provided by a reliable and credible source;
  - d. evidence that an individual has tampered with a drug test during their employment with the City;
  - e. when there is information that an employee has caused, or contributed to, or has been involved in an accident while at work;
  - f. and when there is evidence an employee has used, possessed, sold, solicited, or transferred drugs while working or while on City property or while operating City vehicles, machinery or other equipment.

J. Confirmation of Drug Test Results

The City will not terminate, discipline, refuse to hire, discriminate against, or request or require rehabilitation of a job applicant or employee on the sole basis of a positive test result that has not been verified by a confirmation test. A confirmation test is a second analytical procedure run on a sample that was positive on the initial test. The confirmation test will be different in scientific principal from that of the initial test procedure.

K. Challenge of a Positive Drug Test Result

1. A job applicant or employee who receives a positive confirmed drug test result may contest the result to the City within five (5) working days after written notification of the positive test results. If the City finds the explanation unsatisfactory, the City shall within ten (10) working days of receipt of the challenge provide a written response to the job applicant or employee as why the explanation is unsatisfactory, along with the report of the positive results.
2. It is the responsibility of the job applicant or employee to notify the laboratory of a pending challenge of the positive test results and of the need to retain the test sample until the matter is settled.

L. Consequences of Confirmed Positive Test Results

1. If an employee tests positive, the department shall immediately place the employee on sick leave. If there is insufficient accrued sick leave or accrued vacation leave, the employee will be placed on leave of absence without pay.
2. An employee who has tested positive and who has been referred to the Employee Assistance Program or other appropriate treatment program and who refuses this referral shall be terminated for cause.
3. An employee who accepts treatment must understand the requirement to complete such program. Failure to do so will result in termination for cause.
4. An employee who completes treatment will be required to furnish proof of such completion to their Department Head and the City's Human Resources department. This proof will be reviewed by the City's designated competent medical authority as part of a fitness for duty medical examination prior to the employee being reinstated to work status.

5. Special risk employees may be terminated or disciplined for the first positive confirmed drug test result when illicit drugs, pursuant to Florida Statutes Section 893, are confirmed. No special risk employee shall be permitted to continue to work in a "safety-sensitive" position, but may be placed either in a "non-safety-sensitive" position or on sick leave while participating in a rehabilitative program.
6. The City will decide on a case-by-case basis whether to refer an employee to a treatment program in lieu of termination from employment. Nothing herein shall preclude the City from terminating the employment of an employee who is the subject of a confirmed positive test. Likewise, nothing herein guarantees any employee the right to be referred to a treatment program.

M. Voluntary Request for Treatment

1. An employee who seeks voluntary treatment for alcohol or drug related problems and has not been previously tested as positive may do so without consequence of disciplinary action assuming they have not been involved in any other aspect covered under I. above. Every degree of confidentiality shall be afforded in a case such as this.
2. An employee in this category shall be placed on sick leave. If there is insufficient accrued sick and/or vacation leave, the employee will be placed on leave of absence without pay. The duration of the leave shall be at the sole discretion of the City.
3. The employee must understand the treatment program must be completed and proof of such completion must be furnished to the Department Head and Human Resources department. This proof will be reviewed by the City's designated competent medical authority as part of a fitness for duty medical examination prior to the employee being reinstated to work status.

# SECTION 18

## POSITION CLASSIFICATION PLAN

### 18.01 Purpose

The position classification plan is a systematic arrangement and inventory of City positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, based upon the similarity of work and duties performed.

### 18.02 Uses

The classification plan is used to:

- A. Determine qualifications and prepare job announcements.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology on records and documents.

### 18.03 Content

The classification plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget and related official records.
- C. Written class descriptions for each job classification containing the nature of work, relative responsibilities and illustrative duties found in the class. Also included are the knowledge, abilities and skills required for performance of the work and the minimum qualifications needed.



## 18.04 Administration and Maintenance

The City Manager, or designee, is charged with the maintenance of the classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.

## 18.05 Allocation of Positions

Whenever a new position is established or duties of an existing position changes, the department head shall prepare a position description describing the duties of the position and send it to the Personnel department. The City Manager or designee shall have the position assigned to an existing class or establish a new class for the position.

## 18.06 Position Reviews

- A. The City Manager may assign responsibility for conducting position reviews. Such reviews may be initiated by written request from:
  - 1. The department head in whose department the position is located.
  - 2. The incumbent of the position, provided that the employee processes the request through the department head for review and comments.
- B. Position information will be gained through completion of a position classification questionnaire by the incumbent or by the supervisor of the position if the position is vacant.
- C. The department head will review and make recommendations for all proposed position changes and class descriptions.
- D. The employee in the position to be reviewed will be notified that the review is to be conducted.

## 18.07 Reclassification

- A. When the incumbent of a position is officially assigned more difficult and significant responsibilities and duties so that it appears that the position warrants reallocation to a higher pay grade, the City Manager shall authorize a study of the duties and responsibilities of the position.

- B. If it is determined that the position should be reallocated to a higher level class, the City may require the incumbent to undergo a prescribed test of fitness, depending on the conditions of the reclassification.
- C. Should any position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent shall receive a corresponding change in title.
- D. Should any position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered transfer to a vacancy in the original classification in the same or other department, if a vacancy exists.

### 18.08 Reclassification Procedure

Each request for a personnel action which could result in a position being reclassified, restructured or redefined will follow the below procedure.

- A. Individual employee will complete a Position Classification Questionnaire and forward to the immediate supervisor.
- B. Immediate supervisor will complete personnel request form and forward it to the Department Head for comment.
- C. Following completion, this form will be sent to the Personnel Department for evaluation and appropriate action. This action will be completed within twenty (20) working days.
- D. Recommendations and results of the evaluation by the City Manager, or designee, will be forwarded to the Department Head who will communicate the findings to the individual(s) concerned.



# SECTION 19

## PAY SCHEDULE

### 19.01 Purpose

The rate of pay schedule is directly related to the classification plan and provides the basis of compensation for employees of the City. The pay schedule is constructed to reflect the following:

- A. Relative difficulty and responsibility existing between the classes of work, reflecting equal pay for equal work.
- B. Prevailing rates of pay for similar types of work in the labor market from which employees are recruited.
- C. Financial policies of the City.

### 19.02 Use

The Pay Plan is used to reward employees for job performance, to develop incentives and to improve their quality of work.

### 19.03 Content

The rate of pay schedule includes pay ranges and the compensation attached to the ranges. Each class title in the classification plan is assigned a pay range.

### 19.04 Adoption and Amendment

After study, analysis and consultation, the Human Resources Director, with such assistance as required, shall prepare the pay schedule for the various classes of work. Amendments to the pay schedule shall be considered when changes of responsibilities of work or classes, availability of labor, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action.

## 19.05 Appointment and Starting Rates

- A. The minimum pay established for a position is considered the normal starting rate for new employees.
- B. Appointments that are above the minimum salary may be authorized by the Human Resources Director if the applicant's training, experience or other qualifications are substantially above the minimum requirements for the approved position.

## 19.06 Performance Pay Increases

- A. Pay increases are not intended to be automatic, but are to be earned and based upon job performance.
- B. Employees will become eligible for consideration for a pay increase at one year intervals on the anniversary date of their last pay increase until the maximum is reached. In unusual circumstances, the City Council may approve an increase at less than one-year intervals to reward extraordinary performance.
- C. Approved pay increases will be effective at the beginning of the next pay period after the employee has been approved for an increase.

## 19.07 Promotion

- A. When an employee is promoted to a position with a higher maximum, the employee's new rate shall be at the minimum for the new pay range or at least 1.05 times the employee's rate of pay immediately prior to the promotion.
- B. Promotions shall establish a new classification anniversary date. Employees shall be eligible for consideration for an increase, based on job performance, six (6) months for general employees and one (1) year for police officers and firefighters, following the effective date of the promotion.

## 19.08 Demotion

- A. An employee may be demoted to a position of lower grade for any of the following reasons:
  - 1. When an employee would otherwise be laid off because the position is being abolished, because the position is being reclassified to a lower pay grade, due to lack of work or funds, or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
  - 2. When an employee does not possess the necessary qualifications to render satisfactory service in the position currently held.
  - 3. When the performance demonstrates unsatisfactory performance during the probationary period following a promotion.
  - 4. When the employee voluntarily requests a demotion.
- B. The effect of demotion on pay shall be as follows:
  - 1. Demotion will not result in a pay increase.
  - 2. Pay will not exceed the maximum rate of the pay grade designated for the lower position.
  - 3. Pay will not be reduced if the employee's current pay falls within the new pay range.
  - 4. An employee who is demoted to a classification held immediately prior to being promoted will have the date in classification adjusted to reflect the time served in that classification. All other demotions will establish a new classification date.

## 19.09 Transfers

- A. All transfers shall be made only with the approval of the City Manager.
- B. Transfers shall be made as follows:
  - 1. An employee may be transferred to another department with the same job classification and such transfer will not change the employee's pay grade, rate, anniversary date or classification date.

2. General Employees will serve a six (6) months (one (1) year for police officers and firefighters) probationary period in the new department.
  3. If, after a fair trial, the transferred employee is found to be unqualified in the new position, the employee may return to the position left, with the approval of the department head, if a vacancy exists. If the former position is filled, every effort will be made to place the employee in a comparable position. If a vacancy does not exist, and if it is impossible to create a new position, the employee will be released.
- C. When an employee becomes physically incapacitated for the performance of duties, the City Manager may authorize a transfer to a position the same or a lower class which the employee has the ability to fill.

#### 19.10 Trainee

- A. In the event an applicant for any position does not meet the minimum qualifications, but is otherwise qualified for the position, the Human Resources Director may authorize appointment as a "Trainee". In such cases, the employee will be hired at a rate of up to 10% below the minimum salary, until the minimum qualifications have been satisfied.
- B. This category is used to train people on-the-job who have the potential to do the work, but lack some of the skills or experience needed.
- C. The usual time a person remains in a trainee category depends upon the skills or experience needed in individual cases.

# SECTION 20

## RECORDS AND REPORTS

### 20.01 Responsibility

The Human Resources Director, or designee, is responsible for establishing and maintaining personnel records for all employees.

### 20.02 Records

- A. All personnel records and all other records and materials relating to the administration of the Personnel Management System shall be considered the property of the City. The decision of the City Manager relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed, is in accordance with prevailing laws.
- B. Employees should be aware of the importance of keeping their personnel records current. This means notifying the Human Resources department of any change of address/ telephone number, change of beneficiary, number of dependents, marriage or any change not previously reported. This is the responsibility of the employee and failure to comply may result in the loss of employee benefits.
- C. The City should be informed of any special training courses completed by an employee. Copies of diplomas or certificates should be forwarded to become a permanent addition to the employee's personnel file.

### 20.03 Records Retention and Disposition

The City will determine the time limit that any personnel, financial, departmental records shall be kept on file and the final disposition of such records shall be in accordance with applicable State statutes.





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