

CITY OF DAYTONA BEACH SHORES



EMPLOYEE MANUAL

2022

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Section 1. PURPOSE OF THIS MANUAL

It shall be the purpose of this manual and the policy of the City of Daytona Beach Shores to:

- A. Attract and retain employees of the highest caliber.
- B. Select those employees based on ability, experience, training, character and physical fitness without regard to race, color, creed, religion, sex, or national origin.
- C. Compensate each employee by payment of a fair and competitive wage for work performed.
- D. Make prompt and appropriate adjudication of any complaints that may arise.
- E. Encourage employee participation in the establishment of City personnel policies.
- F. Establish rules and regulations for the guidance and conduct of municipal employees, and for the guidance of management in disciplinary actions.
- G. Establish equitable pay and benefits for municipal employees, so that jobs of similar skills, difficulty, hazard, and responsibility may be compensated proportionately.
- H. Establish an orderly system of benefits regarding sick leave, vacation time, personal leave and holiday time or compensation.

For the purpose of interpreting this manual and anything contrary herein notwithstanding the City Manager shall not be considered an "employee."

Section 2. APPOINTMENT TO SERVICE WITH THE CITY

- A. All employees who work on a regular basis at least 30 hours per week are considered regular employees and so classified on their Personnel Records.
- B. Employees working on a regular basis, but less than 30 hours per week are classified as part-time employees. Those working on a seasonal or emergency basis will be considered temporary employees.
- C. Eligibility - 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.
- D. Notification - The City may post all job vacancies in-house for 48 hours before any outside advertising. The City shall prepare recruiting notices to publicize vacancies to attract candidates for vacant positions. Such various methods of communications shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible in accordance with the Equal Employment Opportunity Plan and EEOC guidelines and rules.
- E. Acceptance of Applicants - Applications for employment shall be accepted only when a position is being advertised as open. As a result of a single application, a candidate shall be considered for all classes of positions in which the candidate's principal qualifications might profitably be used. Each candidate for City employment shall make application in the manner prescribed. Such information may be required as is deemed necessary in order to judge the applicant's fitness.
- F. References - As part of the pre-employment procedure, former supervisors, employers, and references provided by candidates should be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact should be documented and made part of the applicant's file. These reference checks should be completed prior to an offer of employment and the information is to be handled as privileged information.

- G. Disqualification - The City Manager or designee may remove from further consideration, at any time the application of an applicant who:
1. Does not possess the minimum qualifications;
 2. Has established an unsatisfactory employment or personnel records have evidenced by reference check such a nature as to demonstrate unsuitability for employment;
 3. Has made false statements of any material fact or practiced deception in the application;
 4. If afflicted with any mental or physical disqualifying disease or defect that would prevent satisfactory performance of duties;
 5. Is believed to be addicted to the habitual use of drugs or intoxicants;
 6. Has an unusual or habitual criminal history;
 7. Fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer.

Section 3. EXAMINATIONS FOR POSITIONS WITHIN THE CITY

- A. Competitive Examination - All applicants for positions in the City may be subject to competitive examination. All such examinations shall be either assembled or unassembled as provided for in these rules.
- B. Types of Examinations - To establish a list of eligible candidates for any position, one or more of the following may be administered:
1. Written Exam - This part may be required and shall include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the class of position to which they seek employment, their ability in the use of English, the range of their general information, or their education attainments.
 2. Oral Interview - This part may be required and shall include a personal interview with competitors for classes of position where ability to deal with others, to meet the general public, or other personal qualifications are to be determined. An oral examination may also be used where a written exam is unnecessary or impractical.
 3. Performance Examination - This part may be required and shall include such examinations of performance of trade as would determine the ability of manual skills of competitors to perform the work involved.
 4. Physical Exam - This part may be required and shall consist of tests for bodily condition, muscular strength, agility and physical fitness of competitors. This may be given a weight in the examination or may be used in excluding from further examination applicants who do not measure up to the minimum required standards.
 5. Mental Exam - This part may be required and shall include any tests to determine mental alertness, general capacity of applicants to adjust their thinking to new problems or to ascertain special character traits in aptitudes.
 6. Training and Experience - This part may be required and shall be marked from the statements of the education and experience obtained in the application form or from such supplementary data as may be required. Results of reference checks shall be part of the evaluation of training and experience.

- C. Techniques and Procedures - Established measurement techniques and procedures should be used in rating the results of exams and determining the relative ranking of the candidates. In all examinations the minimum rating by which eligibility may be achieved shall be established. Such minimum rating shall apply to the ratings of any part of the examinations. Candidates may be required to obtain at least a minimum rating on each part of the exam in order to receive a passing grade or to be rated on the remaining part of the exam.
- D. Notification of Examination Results – Each person who takes an examination shall be notified of the results of such examination. Each person in an examination shall be entitled to inspect the rating and examination paper within five days of notification of the results. The examination paper shall be opened to the general public unless deemed confidential by law. Such inspections shall be permitted only during regular business hours.
- E. Unassembled Examination - Whenever the Department Director determines that possible applicants are not available in sufficient numbers to justify holding an assembled examination, than an unassembled examination may be held. Unassembled examination shall be continuous or at certain established times. An unassembled examination may be held without previous advertisement.

Section 4. FEES

Applicants or City employees shall not directly or indirectly give, receive or promise to give or to solicit anything of value except their normally expected services in consideration for appointment or promotion to a position within the City.

Section 5. EMPLOYEE STATUS CHANGES POLICY

The City Manager shall require each department director within the City who promulgates or enforces rules or regulations pertaining to employment or service with the City to reduce them to writing. All existing or proposed rules shall be posted in the department concerned and all employees shall be notified of the same.

Section 6. POSITION JOB DESCRIPTIONS

- A. All City positions shall have a written job description prepared by the City Manager and appropriate Department Director. All employees shall receive a copy of their job description and any changes promulgated later by the City Manager.
- B. The primary purpose of position descriptions is to set forth the principal duties, responsibilities, activities and functions of each employee. The written description provides a basis for assessing the skills, level of training and responsibility, hazard and other relevant factors of the job, so as to establish:
 - 1. Equitable classification and pay grade, reflected in the official pay plan.
 - 2. Appropriate criteria for hiring, promoting, and training required to fulfill the job.

All position descriptions must be generalized, as they are not intended to reflect every possible activity function. Employees may be assigned other similar tasks or functions on a periodic basis by their supervisors, without amending the position description. However, if such functions are on going, the position description should be amended, and reviewed for possible reclassification regarding the pay plan.

- C. The City Manager or designee shall be responsible for maintaining job descriptions, and for re-writing them as appropriate, or issuing new ones as required.

Section 7. ANNUAL PERFORMANCE RATINGS

- A. All employees, except probationary employees, will be evaluated prior to October 1st of every year, outlining the positive and negative aspects of their performance and work habits. Performance ratings may be conducted more often than annually if necessary.
- B. Employees must receive written copies of their ratings from their supervisors when such action is completed and the supervisor shall discuss the rating with the employee including means of correcting deficiencies. Poor work habits or performance, which could lead to discipline, should be documented and given to the employee.
- C. Employee performance ratings are to become a part of an employee's personnel file.

Section 8. CLASSIFICATION PLAN

- A. Purpose - The classification plan provides a complete inventory of all positions in the City and an accurate description and specifications for each class of employment. The plan standardizes titles, each of which is indicative of a definite range of duties and responsibilities, and has the same meanings throughout all the City positions.

- B. Classification Plan - The classification plan shall consist of:

- 1. A grouping of classes of positions which are approximately equal in difficulty and responsibility, which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;

- 2. Class title and description of the work of the class title;

Department Director: These are supervisory positions and make up the City's management staff. These positions carry all the authority and responsibilities that go with the position. Each of these positions has distinct expertise in their chosen field with a great deal of knowledge and experience required for this classification.

Administrative: These are technical, professional, or supervisory positions that make up the City's middle management staff with all the authority and responsibilities that go with the position. Each of these positions has distinct expertise in its chosen field with the knowledge and experience required for this classification.

Clerical: The positions in this classification are of a clerical nature. They require a certain amount of expertise but do not require advanced education.

Public Safety: These are technical positions that require specialized skills and either licensing or certification by the State.

Physical Environment: The positions in this classification are labor related and may or may not require specialized skills.

- 3. An allocation list showing the class title of each group of positions and the positions included under each class title.

- C. Class Titles - The class titles are reasonably descriptive of the kind of work assigned. By using the titles on payrolls, budget, personnel forms and other reports dealing with the positions, a common terminology is provided. Where there is more than one class in an occupational series, Roman Numeral I always indicates the entrance level of the series. Other job titles may be used in the course of departmental routine to indicate authority, status, special assignments, or administrative rank. If an employee is hired at the entrance level, successfully passes his/her probationary period and demonstrates the necessary skills and abilities for the next level, that employee will be promoted. Once an employee is at the Roman Numeral II rank and spends two years mastering that level, he or she may be promoted to the next level upon his next evaluation.
- D. Use of Class Specifications - Specifications are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases of illustrative examples are not to be isolated or treated as a full definition of any class. Specifications are deemed to be descriptive and explanatory of the kinds of work performed but not necessarily inclusive of all duties performed.
- E. Use of Classification Plan - The classification plan is to be used:
1. As a guide to recruiting and examining candidates for employment.
 2. In determining line of promotion and developing employee training program.
 3. In determining the salary to be paid for various types of work.
 4. In determining personal service items in departmental budgets.
 5. In providing uniform job terminology understandable by all City employees and by the general public.
- F. Administration of the Classification Plan - The City Manager is charged with the maintenance of the classification plan so that it will reflect the duties performed by the employees in the City service and the Class to which each position is allocated. It is the duty of the City Manager to examine the nature of the positions as they are created and allocate them to the existing class or to create new classes; to make changes in the classification plan as are made necessary by changes in the duties and responsibilities of existing positions; and periodically to review the entire classification plan and recommend appropriate changes.
- G. Allocation of Positions - Whenever a new position is established or duties of an old position changed, Department Directors shall submit to the City Manager a recommendation for a comprehensive job description describing the duties of such a position and the appropriate class allocation or the establishment of a new class. The City Manager shall then act on such recommendations.
- H. Request for Reclassification - Employees who consider their particular position inappropriately classified shall first submit a request to the Department Director who shall review such request as to its justification. If the Department Director finds the request justified, the request will be submitted to the City Manager for consideration. If the Department Director finds the request is not justified, the employee shall be advised of the decision.
- I. Status of Employees Upon Reclassification - Upon reclassification of a position from one class to another class of the same level, a lower level, or a higher level, the method of filling the position shall be determined in accordance with the rules regarding transfer, demotions, or promotions as may be appropriate. However, when an employee in any position through diligent and intelligent application to work, develops the position by the assumption of more difficult additional responsibilities and duties so that it warrants a higher classification, the Department Director may recommend to the City Manager that the employee be given status in such higher classification without examination.
- J. Job Descriptions - Job descriptions for all City positions are maintained by the City Manager. Each Department Director's manual will contain copies of all job descriptions for their Department. Employees will be given a copy of his/her job description during their employment orientation.

Section 9. WAGE AND SALARY PLAN

- A-1. The pay plan will consist of 7 employee grades for public safety personnel, and 20 employee grades for all other staff.
2. The plan establishes a 6% differential between grades, with the exception of Sergeant, Lieutenant, and Captain positions in Public Safety.
3. Promoted employees will be moved to the minimum of their new pay grade, unless such is less than their current wage. In such case, the current employee wage will be raised one appropriate grade differential (6% or 10% for Sergeant, Lieutenant, Captain).
4. All annual employee base hourly wage adjustments are based on the latest employee performance evaluation.
5. Performance evaluations for the purpose of wage adjustments will be conducted between May 1st and August 31st annually. The simultaneous conduct of all evaluations allows merit wage adjustments to be based on the relative effort and effectiveness of all employees.
6. Actual wage adjustments will become effective on the first day of the first pay period that begins on or after October 1st annually.
7. To be eligible for any wage increase, an employee must:
 - not be on probation effective October 1st annually;
 - have an overall evaluation rating of "MET STANDARDS" or better;
 - have signed their employee evaluation form agreeing with the evaluation and ratings; and,
 - have a current base wage that is less than the maximum for the position they occupy (no wage adjustment may exceed the grade maximum).
8. The City's base and maximum wage for each position grade will be adjusted annually, using the CPI-U, S/A, NSA (*Consumer Price Index for Urban Wage Earners for all items, South Urban Region Class A City Not Seasonally Adjusted*) as published by the US Bureau of Labor Statistics (hereinafter referred to as the **CPI-U**).
 - The base wage will be adjusted by one half the latest percentage change in the CPI-U available prior to July 1 each year, calculated using the average of all of the current year monthly index figures, divided by the final annual index figure from the prior year.
 - The maximum wage will be calculated by multiplying the base wage by the latest 20-year average CPI-U compounded over 20 years, or by the dollar amount of the minimum pay increase for the grade, whichever is greater.
 - The City's Finance Director is charged with confirming and providing this data to the City Manager annually.
9. The City will place the 20-year average CPI-U percentage rate as a wage adjustment pool in the annual budget.

The City Council may remove or adjust this wage adjustment pool at its discretion. To guarantee progression within any given pay range over time, an employee must achieve an "above average" or "exceeds" overall rating on their annual evaluation.

10. Upon approval of the annual budget by the City Council, individual employee wage adjustments will be awarded based on merit, as determined via their overall evaluation rating in relation to the ratings of all other employees.

11. Upon tabulation of the evaluations, the City Clerk and Finance Director will produce a proposed distribution, to be reviewed and approved by the City Manager as advised by charter named Department Directors.

B. Hours of Work and Computation of Shift Personnel Time Worked

Municipal employees will work such schedules and shifts as determined by Department Directors and approved by the City Manager. Generally, shifts and working schedules should produce forty (40) hours in each seven- (7) day work cycle, or an average of eighty (80) hours per pay period. Hours worked shall be computed in quarter of an hour increments.

Any Administrative employee, i.e., Department Heads, Division Heads working outside the normal hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, must first obtain authorization from the city Manager to work these hours. It is expected that all employees will leave the City property at 4:30 p.m., unless authorization has been given to remain past the normal working hours.

Public Safety Administrative employees are exempt from this policy unless otherwise determined by the City Manager.

This policy does not apply to regularly scheduled after hours activities such as City Council meetings, or other such meetings or activities which Administrative employees normally attend, or are assigned to attend, by the City Manager.

Pay periods shall be each two- (2) weeks, beginning on a Wednesday and ending 14 days later on a Tuesday (thus producing approximately 26 pay periods per year).

Public Safety personnel are scheduled for 12 hours shifts. Public Safety personnel on shift will be assigned two (2) 12-hour shifts in subsequent days, followed by two (2) days off duty with every other long weekend; the Director will alternate Public Safety personnel on shift from nighttime to daytime duty. Public Safety personnel on shift are recognized to work 84 hours each pay period of their 14-day work cycle.

Benefit hours taken by an employee during the pay period will be considered for the computation of overtime benefits in accordance with both I.R.S. and Federal Department of Labor or other regulations.

The City will process direct deposits and payroll checks on the Thursday of weeks when payroll is run. As a result of differing policies regarding direct deposits among various banks, payroll payments to employees may be deposited into their accounts either on the same day (Thursday) or the following day (Friday). Employees should NOT expect to have payroll funds available or credited to their account via direct deposit, or to receive a manual payroll check, prior to 2:00 pm on the Friday of any payroll week.

- C. Pay For Part-Time Work - Whenever an employee works for a period less than the regular established number of hours per week, the amount of pay shall be proportioned to the time actually employed. Payment of a separate salary for two or more departments for duties performed in each is permissible if the total salary received is not in excess of the maximum rate of pay for the class. Certain employees will be paid on an hourly rate basis. Such employees will be paid only for the time actually worked.

- D. Mandatory Compensation for overtime hours will be paid to all non-exempt (as defined by the U.S. Dept. of Labor) employees after they have exceeded their regularly scheduled number of work hours each pay period. Overtime hours shall be paid at a rate of one and one half times the regular pay plan rate for the employee.

Call-ins - Overtime shall be paid to all non-exempt employees when called in to duty on an emergency or when such duty requires attendance after an employee has been declared off-duty. If the employee has not been assigned the use of a city owned vehicle or when compensation has not been received

by other sources, mileage will be compensated at the rate established under normal city policy.

Sewer Technicians:

1. The on-call time for these employees will be a mandatory, rotating weekly schedule.
 2. The minimum on-call compensation will be two (2) hours.
 3. During the week the employee is on-call, he/she will receive four (4) hours of overtime pay.
 4. Mileage will be reimbursed; a city vehicle will not be provided.
- E. Anniversary Dates - The date of hire is the first date an employee reports to work. Upon successful employment with the City, the employee's hire date will constitute an employee's anniversary date:
- a. The anniversary date will remain the same for accrual of vacation, sick or personal leave for the duration of employment with the City.
- F. Pay Advances - It is the policy of the City of Daytona Beach Shores not to make advances on employee's pay. The exception would be for emergencies, and then only on written request presented to and approved by the City Manager.
- G. Compensable Hours - Compensable hours of work shall include any time during which the employee is on duty in their assigned work area or on call in which the period on call prevents the employee from using the time for personal activities. Meal periods and breaks are considered hours worked unless the employee is free of responsibilities during this period and is in fact considered off duty.
- H. Compensatory Time - Employees may be granted time off in lieu of overtime pay; each hour of overtime worked entitles the employee to one and one-half (1-1/2) hour of compensatory time off, but the employee shall not be required to utilize compensatory time in lieu of overtime pay. General employees are allowed to accumulate a maximum of sixty-four (64) hours of unused compensatory hours and Public Safety shift employees are allowed to accumulate a maximum of ninety-six (96) hours of unused compensatory hours. Requests for scheduling compensatory time off must be approved by the Department Director and it will be the responsibility of the Department Director to ensure that compensatory time is used within a reasonable time period. There may be times that the Department Director may lower the amount of compensatory time that an employee may accrue.

Section 10. GENERAL PROVISIONS

- A. Equal Employment Opportunity Plan- The City will not discriminate in employment, employee development, or employment advancement because of religious or political opinions of affiliations, race, color, national origin, sex, age, physical handicap, or other non-merit factors, except where such factor is a bonafide occupational qualification or is required by State and/or Federal law. The City will promulgate a written Equal Employment Opportunity Plan.
- B. Administration - The rules and regulations shall be administered by the Department Directors and City Manager and in conformity with the current manual.
- C. Amendments, Changes or Revisions of the Rules and Regulations - The City Manager may propose additions, deletions or changes as amendments to the established program.

Section 11. DEFINITIONS

Definitions of terms used in the personnel rules and regulations -

Allocation - The assignment of a position to its appropriate class in relation to duties performed.

Appeal - An application for review of an alleged grievance submitted or instituted by an employee to higher authority.

Applicant - An individual who has completed and submitted an application for employment with the City.

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

Assembled Examination - An examination for which applicants are required to appear at a specific place for the purpose of taking a test.

Break in Service - Any absence from work through voluntary or involuntary termination for any cause.

Certification - Endorsement as meeting required minimum standards for a vacant position.

Chain of Command - Successive levels of authority, such as City Council, City Manager, Department Director, Supervisor, Employee.

Class - A group of positions which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, specification and pay grade.

Classification - The active grouping positions in classes with regard to:

1. Duties and responsibilities
2. Requirements as to education, knowledge, abilities, skills and experience.
3. Tests of fitness, mental and physical, and
4. Ranges of pay.

Classification Plan - The official or approved system of grouping positions into appropriate classes consisting of:

1. An index to the class specifications.
2. The class specifications.

Class Specification - A written description of a class consisting of a class title, a general statement of the major function of work, illustrative examples of duties, and desirable qualifications of the class.

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

Compensation Plan - The official schedule of pay, assigning one or more rates of pay to each class title.

Compensatory Leave - Time off from work in lieu of monetary payment for having worked in excess of scheduled work hours each pay period.

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

Department - The primary organization unit which is under the immediate charge of the Department Director who reports directly to the City Manager.

Department Director - The person designated in charge of a Department; the City Manager shall be deemed to be the Department Director over any employee who has no other Department Director.

Disciplinary Probation - A stated period of time, either thirty (30), sixty (60) or ninety (90) days for regular employees who have completed their initial probationary period.

Dismissal - Termination from City employment.

Eligible - A person who has successfully met required qualifications for a particular class.

Employee - An individual who is legally employed by the City and is compensated through the City payroll for his/her services. Individuals or groups compensated on a fee basis are not included.

Evaluation Probation – A six (6) month period of time after receiving an unsatisfactory evaluation in which the employee has time to improve his/her job performance. If after the six month period the employee is unable to satisfactorily pass an evaluation, the employee will be terminated.

Examination - The process of testing, evaluation or investigating the fitness and qualifications of applicants and employees.

Immediate Family - Includes mother, father, mother-in-law, father-in-law, foster parent, brother, sister, spouse, child and grandparent or any blood relative who has been a resident of the employee's household for at least one year.

Layoff - The involuntary non-disciplinary separation of an employee from a position.

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

Lunch Periods - A required, scheduled, break for which employees are not required to punch in and out on the city time clock.

Management - City Manager, Department Directors, or other supervisory personnel exercising authority over an employee, in accordance with the chain of command.

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

Military Leave - Authorized absence of an employee for active military duty in accordance with these rules.

Misconduct Non-work Connected - Activity which affects his/her work or the interests of the employer.

Misconduct Work Connected - A deliberate act or omission by the worker which constitutes a material breach of his/her duties and obligations arising out of the contract of employment, or an act or course of conduct in violation of the worker's duties which amount to an intentional disregard of the employer's interest.

Overtime - Authorized time worked by an employee in excess of his total normal working hours per pay period.

Overtime Pay - Compensation pay to an employee for overtime work performed in accordance with these rules.

Part-time Employee - Any employee working less than normal working hours for that department, or less than eight (8) months per year, are not subject to any employee benefits.

Pay Rate - A specific dollar amount expressed as either an annual rate, a monthly rate, a semi-monthly rate, a bi-weekly rate or an hourly rate as shown in the pay plan of the City.

Pay Range - One of the more specific pay rates having the percentage relation to one another, assigned to a class of positions as the compensation for that class.

Performance Pay Increases - An increase in compensation established in the compensation plan which may be granted to an employee for satisfactory or outstanding performance.

Position - Any office of employment whether occupied or vacant, full-time or part-time, consisting of duties and responsibilities assigned to one individual by a competent authority.

Probationary Period - The working test or trial period of employment beginning with the date of the employee's first appointment to the classified service: this period shall be six months for all regular employees and twelve months for sworn public safety officers.

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

Reappointment - Appointment of an individual who has had previous service with the City.

Reclassification of Position - The reallocation of the present duties and responsibilities of a particular position to one of another classification, specification, title and/or pay range.

Regular Appointment - An appointment without time limitations, or special restrictions as to continued employment, to a position authorized to be filled.

Reinstatement - Return to active duty status either from leave or suspension.

Relative - means an individual who is related to an employee as Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, half-sister.

Removal - Separation of an employee on probation or for failure to meet legal requirements of employment.

Resignation - Voluntary separation from the City's employment.

Seasonal Adjustments - Employees who are appointed for a limited and specific period of time, usually the summer months.

Shall - The word "shall" is interpreted as mandatory.

Shift - Work hours particularly assigned to Public Safety. Public Safety shifts are twelve (12) hours and will be scheduled to give the employees seven (7) shifts or an equivalent of eighty-four (84) hours per pay period. It is the responsibility of the Public Safety Director or his/her designee to schedule and staff shifts. Changes to shift scheduling will be made by the Public Safety Director or his/her designee.

Suspension - An enforced leave of absence with or without pay for disciplinary purposes, or pending investigation of charges made against an employee.

Tardiness - An employee who reports to work, eight (8) minutes or more from the employee's scheduled shift period without proper approval.

Time Clock - A clock which records when the employee reported to work and when the employee was relieved of duty.

Transfer - Assignment of an employee from one position to another position. Transfer can take place within a department, between departments, between positions of the same pay grade, between positions of the same class or between positions of the same pay grade, between positions of the same class or between positions of different class.

Unassembled Examinations - The conducting of examinations at any time, as specified by the City Manager or his/her designee, and usually held because applicants are not available in sufficient numbers to justify holding assembled examinations.

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

Types of appointment to Municipal Employment:

Regular Employee - works full-time on a continuous basis (indefinite), is subject to all rules and regulations and receives all benefits and rights as provided by the manual rules and regulations.

Seasonal Employee - These employees are appointed in the same manner and are subject to the same procedure as regular employees except that they will be terminated at the close of the season for which they were appointed. These employees will not receive benefits or rights as provided to regular employees and are not covered under these rules.

Student Appointments - Student appointments have the purpose of affording a student an opportunity to gain actual work experience. Such appointments are for a definite period of time, not to exceed twelve months and require the approval of the City Manager. These employees will not receive benefits or rights as provided to regular employees.

Emergency Appointments - In order to prevent stoppage of public business or loss or serious inconvenience to the public, appointment of employees on a temporary basis may be authorized by the City Manager in accordance with this rule. These employees will not receive benefits or rights as provided to regular employees and are not covered under these rules.

Part-time Employees - Part-time employees are employees who work less than the normal work week but on a regular basis. These employees will not receive full benefits and rights as provided to regular employees.

Limited Term Appointments - Limited term appointments are made when a project requires the addition of employees for a specific time or to fill a position of an employee on a leave of absence. This category would also cover people hired under Federal Grants and employment programs. Employees on Federal Programs will receive all of the same benefits as regular employees and will be governed by these rules. All other limited term appointments will be handled on an individual basis.

Temporary (limited term) Appointments - Employees appointed when a project requires the addition of personnel for a specific time or to fill a position of an employee on a leave of absence. These employees are not subject to any employee benefits, nor unemployment compensation.

Section 12. PROMOTIONS

- A. Promotion Policy - The City Manager will determine vacancies in positions above the lowest rank in any category and the classified service shall be filled as far as practical by promotion of employees in the City service. Promotions in every case must involve a definite increase in duties and responsibilities and shall not be made merely for the purpose of affecting an increase in compensation.
- B. Application - It may be required that each eligible candidate who cares to compete for promotion must fill out an application for consideration by the Department Director on or before a specified date.
- C. Types of Promotional Examination - Promotional examinations may consist of the same type of test as are prescribed for under section examinations.
- D. Promotions Without Examinations - The City Manager may authorize the promotion without competition of an eligible employee upon presentation by the Department Director of a written statement showing that the duties performed by the employee nominated are natural preparation for the higher position, that such employee is entitled to promotion by reason of service and effective performance and that no other employee of the department meets the foregoing conditions.
- E. Promotion Compensation – See Section 12, WAGE AND SALARY PLAN, #3.

Section 13. APPOINTMENTS, TRANSFERS, DEMOTIONS, AND REINSTATEMENTS

- A. Types of Appointments - The following types of appointments may be made to the City service in conformity with the rules established: regular, seasonal, student, emergency, part-time, limited term and temporary. Each of these types is described in "definitions."
- B. Transfers - An employee on a regular or probationary status may, with the approval of the Department Directors concerned, and the City Manager, be transferred in accordance with the following:
 - 1. Department Transfer - Same Classification - An employee may be transferred to another department with the same job classification and such transfer shall not change the employee's pay grade, or pay rate. The City shall make a diligent effort to transfer the employee to a position in which he or she can perform satisfactory service to the City if such a vacancy exists. If, after a probationary period, the employee is found to be unqualified or incompetent in performing the new duties of the position, he shall be returned to the position from which he was transferred with approval of the City Manager if a vacancy exists. If a vacancy does not exist, the employee shall be released and reconsidered when an available position is to be filled.
 - 2. Change in Classification - Same Pay Grade - When an employee requests, and is granted a transfer to a different classification, if qualified, the employee pay rate would remain the same.
 - 3. Transfer of Physically Incapacitated - When an employee becomes physically incapacitated for the performance of his or her duties due to a non-work related illness or injury, the City Manager or his/her designee may, with the consent of such an employee transfer him/her to a position in the same or lower class which he or she has the ability to fulfill. The employee will be returned to his or her regular class position, upon receipt of medical clearance by the City Manager that said employee may return to normal duties or the employee may go on sick leave or vacation status under his/her previous benefits. This determination will be made solely by the City Manager.
- C. Pay Rates for Demotion or Transfer - When regular employees are demoted to positions for which they are qualified, their salary shall be set at the rate in the lower pay range which provides the smallest decrease in pay if the action is requested by the employee; or any appropriate rate in the lower range that is less than the existing salary if the action is for cause.

- D. Demotions - An employee may be demoted to a position of lower grade for which the employee is qualified for any of the following reasons:
1. When an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a higher grade; lack of work; lack of funds; or because of the return to work from an authorized leave of another employee to such a position in accordance with the rules of leave.
 2. When an employee does not possess the necessary qualifications or physical ability to render satisfactory service in the present position, or when removed during probation.
 3. When an employee voluntarily requests such demotion. All demotions must receive the approval of the City Manager and the Department Director of department concerned.
- E. Reinstatements - An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same or similar position by the same Department from which the employee resigned within one year of the date of the resignation without qualifying on a competitive examination. This is known as request reinstatement. Such action originates only from departmental request. Request for the approval of the action must be submitted to the City Manager by letter giving name, title, salary, date of separation, date of proposed reinstatement and cause of vacancy which the reinstatement will fill, together with a report of personnel changes that must be approved by the City Manager before the employee enters on duty. An employee may be reinstated at the same rate in the pay range previously received or may revert to a lower rate within the range at the discretion of the Department Director and with the approval of the City Manager. The employee cannot be reinstated at a higher rate. Reinstated employees are credited with prior accumulated sick leave, if not paid upon termination, but are considered new employees for the purpose of vacation and salary increases and accumulations. For purposes of seniority credit or promotional examinations, reinstated employees are credited for the service prior to resignation.

Section 14. PROBATION

- A. Objective - The probationary period is an integral part of the examination, reclassification or re-examination process. It shall be utilized to closely observe the employee's work.
- B. Initial Probation: This probation period shall be utilized to secure the most efficient adjustment of a newly hired employee to their position and to reject any employee whose performance does not meet the required work standards.
1. Duration: The initial probationary period shall be a period of twelve (12) months from the first day of work for employees for Public Safety Shift employees. All regular class employees will have a six-month probation. During this period, employees will have the opportunity to evaluate employment with the city and supervisors will have the chance to evaluate the employee's progress on the job. At the Department Head's discretion, the probation period can be terminated at an earlier date due to new employee demonstrating the required performance skills and/or having prior levels of experience. A minimum of ninety (90) days must be worked.
 2. Upon satisfactory completion of the initial probationary period, the employee shall be granted regular status with the city.
 3. No employee shall be granted regular employee status until the initial probationary period has been served.
 4. During this probationary period, the Department Director may remove an employee who is unable or unwilling to perform the duties of the position satisfactorily or whose habits or dependability does not merit continuance in the city service. There shall be no right of appeal under the terms of the manual from adverse action taken against an employee during the initial probationary period.
 5. A probationary employee who has been found to have been appointed through fraud shall be removed upon notification to this effect by the City Manager to the Department Director.
 6. A Department Director, with the City Manager's approval, may demote an employee to a lower class position during their initial probationary period. Any employee so demoted shall begin a new probationary period.
 7. If a probationary employee has committed an offense that is considered cause for disciplinary action, he or she may be dismissed without prior notice.
- C. Reclassification Probation - This probation period shall be utilized to secure the most efficient adjustment of the reclassified employee to their new position, and reject any employee whose performance does not meet the required work standards.
1. This probationary period shall be for a period of six (6) months. This duration shall be as long as twelve (12) months for Public Safety personnel as defined by the Florida Retirement Administration.
 2. During this probationary period, employees will have the opportunity to familiarize themselves with their current position and supervisors will have the chance to evaluate the employee's progress in the position.
 3. Upon completion of the probation period, the employee will be permanently appointed to the position for which they were reclassified or, in the event an employee does not meet the standards required, returned to the original classification, if a vacancy exists. Probation may be extended, if necessary.

- D. Disciplinary Probation - This probation period is an integral part of the ongoing employee evaluation process and shall be utilized to observe and provide correction regarding an employee's performance with respect to an employee's work or behavior.
1. The disciplinary probation period shall be a stated period of time, thirty (30), sixty (60) or ninety (90) days.
 2. The probationary period may be initiated in conjunction with any violation of the Employee Code of Conduct. During this probationary period the Department Director may remove an employee, in accordance with applicable law, who is unable or unwilling to perform the duties of the position satisfactorily or whose habits or dependability do not merit continuance in city service.
 3. The Department Director upon satisfactory completion of disciplinary probation shall provide written notice to the employee.
- E. Probationary Period Reports – At least fifteen working days prior to the expiration of an employee's probationary period, the Department Director shall notify the City Manager whether the service of the employee has been satisfactory and whether the employee will continue the position. A copy of such notice shall be given to the employee. No employee shall be paid for work performed after the expiration of the probationary period unless, prior to the performance of such work, the Department Director has notified the City Manager that the employee will be continued in the position.
- F. Evaluation Probation – If an employee is rated below standards for the overall rating, the employee will be put on a six (6) month evaluation probation period to improve to a meets standards rating with no increase. If the employee does not improve during that probationary period, his/her employment will be terminated. Once the probation period has ended and the employee has scored a minimum of meets standards, the increase will be given, and at the discretion of the Department Head, may be made retro-active or partially retro-active. If an employee is on evaluation probation and is sent to school (LEO, Fire or EMT) during that period, the probation will be extended for the length of the school. This is so the employee has a true six (6) months to better him/her self.

Section 15. SEPARATIONS

Types of Separation from City Employment - Separations and/or terminations from positions in City employment shall be designated as one of the following types:

- A. Resignation
 - 1. Resignation is a separation of an employee from City employment through the submittal of a notice that he/she wished to resign.
 - 2. Any employee wishing to leave the City employment in good standing shall notify his Department Director in writing at least fourteen (14) days before leaving. The written resignation must outline the reasons for leaving. Failure to do so may cause denying such employee re-employment by the City or other separation benefits. The notice period must be worked unless otherwise approved by the City Manager.
 - 3. Any unauthorized absence from work for a period of three (3) days without satisfactory explanation may be considered as the employee's voluntary resignation by the Department Director.
- B. Retirement - Whenever an employee meets the conditions set forth by the City's retirement systems, that employee may elect to retire and receive all benefits earned under that retirement plan.
- C. Disability - An employee may be separated for disability when he cannot perform the required duties because of a physical or mental impairment. In all cases it must be supported by medical evidence acceptable to the City Manager. The City may require an examination at its expense and performed by a physician of its choice.
- D. Death - Separation shall be effective as of the date of death. All compensation due to the employee as of the effective date of separation shall be paid to the beneficiaries, surviving spouse, or to the estate of the employee as determined by the law or executed forms in his/her personnel folder.
- E. Layoff - The City Manager may lay off an employee or employees when it is deemed necessary by reasons of shortage of funds or work, the abolishment of a position, or other material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of the employee. The duties performed by an employee laid off may be reassigned to other employees already working who hold positions in appropriate classes.
 - 1. Order of Layoff - When it becomes necessary to reduce the number of employees within a given class in any department through lack of funds, work, or other causes, employees shall be laid off by: probationary then full-time employees.
 - 2. Procedure - In determining layoff, the City will consider employee performance, length of service in the job classification within the department and federal requirements which may apply to the City.
- F. Dismissal or Discharge
 - 1. Any employee may be dismissed by the City Manager for cause. Regular employees shall be given the reason or reasons for their dismissal in writing prior to the effective date of the dismissal. If the employee is unavailable, the written notice shall be sent to his or her last known address by certified mail, return receipt requested.
 - 2. An employee may be dismissed by the City Manager for any offense described in Section 25.

G. Suspensions -

1. Department Directors may, for disciplinary purposes, suspend without pay, any employee of his/her department for a length of time he/she considers appropriate, not exceeding fifteen (15) working days in any twelve (12) month period. The Department Director has the option of making an equivalent deduction from the employee's accumulated annual leave in lieu of suspending him/her without pay, and the Department Director may apply this equivalent deduction to all or part of the employee's suspension time.
2. The City Manager may, for disciplinary purposes, suspend without pay any employee for an additional fifteen (15) working days in any twelve (12) month period, upon the recommendation of the Department Director (thus giving the City Manager a total of thirty (30) days suspension authority in a twelve (12) month period). Additional suspensions in a twelve- (12) month period may be given. This latter action must receive a written statement of the reasons for suspension at least 24 hours prior to the first day of suspension exceeding thirty (30) days in a calendar year, excluding weekends and holidays.
3. Employees charged with criminal offenses, conviction of which would be cause for dismissal, may be suspended pending disposition of the charges in accordance with the provisions of this manual. Employees so suspended and found innocent of the charges shall be reinstated to their position with full pay and benefits for the period of the suspension.

H. Final Pay - Final paychecks will be issued to the employee on the first regular payday following termination. The City Manager may withhold payment until the employee has returned or accounted for all keys, uniforms, tools, or city property in his possession.

I. Exit Interview - The purpose and intent of the exit interview is to provide management with information as to why and in what areas an employee may be dissatisfied with his job. This information may in turn improve the system and hopefully reduce the turnover rate. Each employee who resigns from the City should complete an exit interview form. The exit interview is performed by Human Resources. The completed exit interview form will be utilized as a management tool.

J. City Property - At the time of separation and prior to receiving final monies due, all records, books, uniforms, keys, tools and other items of City property in the employee's custody shall be transferred to the Department and certification to this effect shall be by the Department Director. Any monies due the City because of any shortage shall be deducted from the employee's final paycheck.

Section 16. GRIEVANCE PROCEDURE AND RIGHT OF APPEAL

Employees shall have the right to respond to or express dissatisfaction or disagreement with specific adverse employment actions taken by supervisory employees. Appeals concerning discrimination based on race, color, religion, sex, age, national origin, political affiliation, handicap, veteran status, disability or other protected status may be initiated by any employee. Appeals concerning suspension without pay or termination may be initiated by any full-time or part-time employee who has successfully completed the new hire introductory period. It is recommended that the appeal be reviewed, considered and resolved informally, when feasible, at the lowest possible level.

A. Regular City employees who feel they have a legitimate grievance due to some action or condition of employment may appeal for relief from that action or condition within five (5) business days of said action or condition. Employees who have problems, questions about their jobs, pay or working conditions should first seek relief through the chain-of-command grievance procedure as stated in Section B.

B. Whenever possible, employees should first discuss the grievance with their immediate supervisor. If the problem is not resolved to the employee's satisfaction, the employee has five (5) business days to seek relief from each successive supervisor in the chain-of-command above him, up to and including the City Manager. Please provide a copy of the complaint to the Human Resources Director to ensure timelines are met. At each level of inquiry, management must give the employee an answer or decision within fifteen (15) business days. Should the grievance reach the City Manager his ruling is binding and final. Employees should avoid discussing their grievance with fellow employees and the public prior to the formal written appeal or be in jeopardy of further disciplinary action.

C. Employees who are to be suspended, demoted or dismissed shall be given a written statement from their Department Director outlining the facts and reasons for the action(s); in cases involving Department Directors or employees reporting to the City Manager, the City Manager will provide the written statement. The employee will have five (5) business days from the date of such order to file a written statement with the City Manager. The City Manager shall schedule a meeting with the employee and others necessary to allow the presentation of evidence applicable to the decision. Within fifteen (15) business days after the post-discipline meeting, the City Manager shall render a decision. This decision by the City Manager shall be final and binding with all parties and constitutes final administrative action.

D. In cases of the Public Safety Department the procedures as set forth in the Police Officers Bill of Rights and/or Firefighters Bill of Rights shall be followed when they apply.

Section 17. LEAVE OF ABSENCE WITH PAY - General Policy

The following types of leaves are officially established; holidays, annual leave, annual sick leave, funeral leave, Worker's Compensation Leave, military leave, civil leave, maternity leave, training leave, and leave without pay. All leaves may be granted by the Department Director in conformance with rules established for each type of leave. All absences affecting pay are to be reported to the Finance Department on personnel benefit request forms provided.

A. Holidays with Pay

1. The following are holidays for all employees of the City:

The first day of January (New Year's Day)

The third Monday of January (Martin Luther King Day)

The last Monday of May (Memorial Day)

The fourth day of July (Independence Day)

The first Monday in September (Labor Day)

The Thursday in November proclaimed as Thanksgiving Day.

The Friday in November immediately following Thanksgiving Day.

The twenty-fifth day of December (Christmas Day)

One floating day at the employee's choice.

Any day designated as a holiday by the City Council

2. Holidays Falling on Weekends - When a holiday falls on a Saturday it shall be observed on the preceding Friday. When a holiday falls on a Sunday, the following Monday will be observed as a holiday. For Public Safety shift employees, the actual holiday will be observed, unless otherwise designated by the City Manager.
3. Holidays on a Scheduled Work Day - All regular City employees required to be on duty on a City Holiday will receive their normal rate of pay for the day worked, plus holiday pay at their regular rate.
4. A) Non Public Safety shift employees will be away from work and receive eight (8) hours pay.
B) Public Safety Employees who are off-duty will receive eight (8) hours additional pay, as holiday pay (not to be included as hours worked for overtime purposes); those shift employees reporting for duty will receive an additional four (4) hours pay providing a minimum of half a shift is worked (to be in addition to hours earned during the pay period) based on the actual holiday not an observed day.
C) Public Safety Reserves that work on an actual holiday will receive holiday hours matching the actual hours worked for that day.
5. Seasonal, and Emergency Temporary Employees - Seasonal, and emergency temporary employees shall not be paid for observed holidays which fall on days for which they would otherwise be scheduled to work.
6. Holidays During Annual Leave – With the exception of Public Safety Shift employees, if an observed holiday falls during the employee's Annual Leave the leave will be extended or reduced by one day, providing it has previously been approved by the Department Director.

7. Eligibility for Holiday Pay - In order to receive pay for an observed holiday, an employee must not have been absent without leave on the workday immediately preceding the holiday nor absent without leave on the workday immediately following the holiday.
8. Floating holidays are not cumulative and must be used during the fiscal year in which it is gained. Floating holidays must be scheduled and approved by the employee's Department Director.

B. Annual Leave

1. All City employees' annual leave will be computed hourly. Annual leave will be posted to the employee on a biweekly accrual basis. An employee using annual leave will be paid his hourly rate for each hour of leave used and these hours will be considered as hours worked for pay period purposes. These leave benefits are based on an employees annual work schedule of 2080 hours. Public Safety shift personnel will work a 2184-hour annual schedule and will receive an additional 5% above the normal benefit.

Each regular employee hired prior to 10/01/2000 whose job basis is at least a thirty-five-(35) hour workweek, shall earn annual leave on the following schedule:

- a. One year to five years: One and one-quarter day's leave per month of service or 120 hours annual leave.
 - b. Five years and one month to ten years: One and one-half days leave per month of service or 144 hours annual leave.
 - c. Ten years and one month to fifteen years: One and three-quarters days leave per month of service or 168 hours annual leave.
 - d. Fifteen years and one month to twenty years: Two days leave per month of service or 192 hours annual leave.
 - e. Twenty years and one month: Two and one-quarter days leave per month of service or 216 hours annual leave.
2. Employees hired after 10/1/2000 will follow the following vacation accrual schedule:

0 – 9 years service	= 4.62 hours biweekly or 120 hours annually
10 – 19 years service	= 6.15 hours biweekly or 160 hours annually
20 – plus years service	= 7.69 hours biweekly or 200 hours annually
 3. Annual leave benefits become an earned benefit each year on the employee's anniversary date.
 4. Annual leave is intended to allow an employee a period of rest and recreation.
 5. Annual leave will be granted on a departmental seniority basis, although whenever possible, employees will be granted annual leave during the time they desire to take it. Department Director's approval is required at least seven (7) days prior to the taking of annual leave. Due to extenuating circumstances, leave will be granted to employees with Director's approval that can not comply with 7 days.
 6. Annual leave may be taken in quarter hour increments.

7. Employees will earn annual leave during their initial probationary period but will not be eligible to take annual leave until they have completed six months of employment with the City.
8. Separation and Reinstatement - Regular employees resigning voluntarily and who give two weeks' notice of their intention to resign will receive up to a maximum of 240 vacation hours earned as of the day of resignation. Employees dismissed for incompetence or inefficiency not involving personal misconduct also will receive up to a maximum of 240 vacation hours. All earned vacation hours of employees who die in the service of the City shall be paid in case to the spouse or estate of a said individual. For vacation purposes, reinstated employees are considered new employees. All separation final payouts will be paid with the next regularly scheduled payroll. Employees hired prior to 10/1/2000 have a maximum vacation payout of 256 hours.
9. Change in Status - If an employee elects to change from regular to temporary, part-time, or seasonal status voluntarily he/she shall forfeit all claims to future accrual of vacation while in this status.
10. Death in Family During Annual leave - When funeral leave occurs within annual leave period, the leave period will be extended to cover this period.
11. Worker's Compensation - The employee will not be able to accrue annual leave while out of work on an injury.

C. Sick Leave -

1. All City employees' sick leave will be computed hourly. An employee using sick leave will be paid his hourly rate for each hour of sick leave used; and a limit of 12 hours will be charged for each Public Safety Department Shift missed for reasons of sick leave.

Non-shift Personnel will accrue 4 hours for 24 pay periods during the year.

Public Safety Shift Personnel will accrue 4.25 hours for 24 pay periods during the year.

2. Sick leave shall be cumulative to a maximum of 480 hours non-shift employees and 502 hours for public safety shift personnel.
3. Sick leave shall not be considered a discretionary right, but rather an earned privilege which will be allowed only for the following causes:

Personal sickness or disability over which the employee has no immediate control.

Illness of a member of the employee's household or immediate family as provided by the Family Medical Leave Act.

Legal quarantine because of exposure to disease.

Physician or hospital appointments (test, etc.)

Immediate family member shall include mother, father, mother-in-law, father-in-law, foster parent, brother, sister, spouse, child and grandparent or any blood relative who has been a resident of the employee's household for at least one year.

4. In order to be granted paid sick leave, an employee must meet the following conditions:

Notify the immediate supervisor of the fact and the reason for absence as soon as possible. Failure to do so within a reasonable time may be cause for denial of sick leave with pay for the period of absence.

The Department Director may require the employee to submit a medical certificate. An appropriate inquiry may be made at the direction of the Department Director or supervisor.

The employee must file a "benefit request form" for sick leave no later than the first day after returning to work.

5. If sick leave is claimed for purpose other than those herein specified, the employee will have such time deducted from his/her pay and will be subject to dismissal from the City.
6. Employees will accrue sick leave during their initial probationary period at the normal biweekly rate of regular employees. Employees will not be paid for sick leave during this initial 90 days but will be credited with accrued hours.
7. All full-time regular City employees may receive an annual cash bonus each November for all hours of sick leave over the maximum accumulative sick leave as follows:

5 – 9 years service	= 50%
10 – 19 years service	= 75%
20 plus years service	= 100%

An individual may exceed the sick leave cap if the city has elected to suspend the payout by the amount reflected in the suspension.

8. Employees leaving City employment upon full retirement, death or disability may receive credit in the form of pay for accrued sick leave. Sick leave pay out option upon full retirement is available only for employees who meet the qualifications for full retirement under their respective retirement plans.

Sick leave pay out for vested employees, as defined below, in City retirement must meet the following criteria for 100% pay:

Special Risk	age 55 or 25 years of service
General	age 62 or 30 years of service

For Employees hired after 7/1/2011

Special Risk	age 55 or 30 years of service
General	age 65 or 33 years of service

9. An employee under suspension forfeits all claims to sick leave for the duration of such suspension and must be returned to active duty before sick leave credit is restored. There will be no accrual of sick leave while on suspension unless reinstated without penalty by the City Manager.
10. Injury Leave - Workmen's Compensation Pay - An employee who is receiving both sick leave with pay and workman's compensation pay benefits, or benefits under injury leave as provided by these rules and regulations shall in no case receive more than 100% of his/her total salary. The employee will not be able to accrue sick leave while out of work on an injury.
11. Medical Examination - An employee shall submit to a medical examination by a physician of the City's choosing when requested by the Department Director. This ruling may be applied to employees requesting return to active duty after an extended illness.

12. Computing Sick Leave - Absence for a fraction or part of the day that is chargeable to sick leave in accordance with these provisions shall be charged proportionately in an amount no smaller than one quarter hour.
13. When sick leave occurs within a period of vacation leave the period of illness may be charged as sick leave and the charge against vacation leave reduced accordingly. Such substitution should be made within two days after return to active duty and must be supported by a medical certificate if requested by the City.
14. When an employee enters active military duty, either by induction or training purposes, or for national or state emergency, sick leave accumulated shall be retained to the employee's account pending return from military leave.
15. If an employee is out on the Family Medical Leave Act and has exhausted all accrued sick time, annual leave, comp time may be used. Once all paid leave is used, and the employee is still on leave, other employees may donate time to the employee on leave. The amount allowed to be donated will be based on the amount of time the employee had just before FMLA leave began. The employee will not be allowed to have more time than the maximum twelve (12) weeks provided by FMLA. For example, if an employee has 3 weeks of his/her own leave, 9 weeks of donated time will be allowed. The maximum amount of leave an employee can donate will be forty (40) hours per occurrence. The type of donated leave will be the employee's choice.

D. Personal Leave

In lieu of Annual and Sick leave, Employees hired on or after September 22, 2014 will utilize Personal Leave.

Eligibility –

- A. Only full-time employees will be allowed to accrue personal leave time. Personal leave shall not be used prior to the time it is earned by the employee.
- B. All full-time employees may begin to use accrued hours 90 days from date of hire.

Use of Leave –

Personal Leave may be requested for the following scheduled purposes:

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

Request for Leave –

In order to ensure effective operational scheduling, Personal Leave should be requested as far in advance as possible but in no event less than seven (7) days before the leave is to commence when leave is being used for vacation purposes, unless the failure to make a timely request is determined by the City to be for a reason beyond the control of the employee. Personal Leave is authorized only upon approval of the Department

Director or his/her designee. Employees who do not receive advanced approval will be considered Absent Without Leave (AWOL) and will be subject to disciplinary action.

In the case of all unforeseen absences, the employee must advise his/her supervisor or Department Director as soon as possible that he/she is going to be absent. Notification shall be given no later than the employee's scheduled reporting time unless determined by management to be beyond the control of the employee. If requests for Personal Leave time for illness appear to be abused, the employee claiming/requesting such leave may be required to furnish competent proof of the necessity for such absence. The City reserves the right in all cases of illness, or reported illness, to require the employee to furnish a doctor's certificate or other evidence satisfactory to the City. Abuse of Personal Leave privileges shall constitute grounds for disciplinary action up to and including termination.

Accrual of Leave –

Length of service	FOR 2080 HOUR PER YEAR SCHEDULE		FOR 2184 HOUR PER YEAR SCHEDULE	
	Annual Hours	Per Pay Accrual	Annual	Per Pay Accrual
0-5 yrs	176	6.77	184.8	7.11
6-10 yrs	200	7.70	210	8.08
11-15 yrs	224	8.62	235.2	9.05
16 and up	248	9.54	260.4	10.02

Personal Leave may be used in quarter hour increments. A Personnel Benefit Request form must be completed by the employee and approved by the Department Director.

Payment of Unused Leave –

Upon separation from City employment, full-time employees who are resigning voluntarily and who give two (2) week's notice of their intention to resign will receive a payout of their accrued unused Personal Leave up to a maximum of 240 hours. Employees dismissed for incompetence or inefficiency not involving personal misconduct also will receive a Personal Leave payout with the same maximum benefit. All separation payouts will be paid with the next regularly scheduled payroll.

E. Funeral Leave

1. In the event of death in the immediate family, all regular City employees will be granted up to three (3) working days, starting with the next scheduled workday, for in-state funerals, not to exceed two (2) shifts for "shift employees" and five (5) working days, starting with the next scheduled workday, for out-of-state funerals, not to exceed four (4) shifts for "shift employees," paid leave to attend the funeral.
2. Members of the immediate family shall be considered: mother, father, mother-in-law, father-in-law, foster parent, brother, sister, spouse, child and grandparent or any blood relative who has been a resident of the employee's household for at least one year.
3. Funeral leave shall not be charged to vacation, holiday, sick or personal leave.
4. If required, the employee shall provide the Department Director with proof of death in family as

defined before compensation is approved.

- F. Military Leave - Military duty means training and service performed by an inductee, enlistee, or reservist, or any entrant into a temporary component of the armed forces of the United States and time spent in reporting for and returning from such training in service or if a rejection occurs from the place of reporting or service. It also includes active duty for a reservist in the armed forces of the United States or a member of the Florida National Guard where the call is for training only.
1. Eligibility - Any regular employee who has completed his probationary period and who leaves the City's service for compulsory military duty shall be placed on military leave without pay, such leave to extend through a date of ninety (90) days after his release from service. Military induction physical leave is leave without pay, except the City Manager may approve leave with pay in certain instances. Employees are required to notify their Department Director prior to leaving for the physical. Failure to notify their supervisor may be cause for disciplinary action.
 2. Military Reserve Training or Emergency National Guard Service - A regular employee who has completed his probationary period and who is a member of any reserve component of the United States or the State will be allowed leave of absence with pay (difference between their regular City pay and lesser Military pay) for required training for duty for a period not exceeding seventeen (17) days during any one calendar year. In the event that the time of such training is optional, the time shall be designated at the discretion of the Department Director.
- G. Civil Leave - Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court less any reimbursement for jury duty from the public jurisdiction. This time shall be charged as leave with pay.
1. All full-time employees subpoenaed to attend court on behalf of the City are eligible for leave with pay. Those employees who become plaintiff defendants in non-city job related cases are not eligible for leave with pay.
 2. Employees working other than the normal working hours who are to appear in any court or give a deposition for City matters may receive time off from their regular shift equal to the period of the time served in court, if possible, during each pay period otherwise they will receive overtime benefits for this time.
 3. Employees who attend court for only a portion of a regular scheduled workday are expected to report to their supervisor when excused or released by the court.
 4. Employees required to attend court as stated above while on scheduled vacation may be allowed leave with pay for that court time, provided documentation can be given to the personnel representative and approval of the City Manager or his/her designee.
 5. In the event a holiday shall occur during the period of employee's jury duty, he/she shall receive pay for such holiday.
 6. City employees who serve jury duty will be paid their regular compensation during such duty.
- H. Training Leave - Employees may be granted leave with pay to attend training courses in the best interest of the City, to attend conferences or seminars and similar instances upon the approval of the City Manager.
- I. Workmen's Compensation - Employees will continue to be covered under Florida Statute 440.01. If the injury is deemed serious enough that the employee is unable to work, they are responsible for utilizing their leave to cover the first seven (7) days. If any employee is out longer than seven (7) days, worker's compensation wages will begin. The city will continue to pay the employee's salary and the employee will have to sign over any check received from the worker's comp. carrier. The City will only pay the salary for a period of four weeks. If the employee is still unable to return to full-duty, he/she may supplement worker's comp wages with their personal leave. If the injury is minor in nature and only requires follow-up appointments, it is at the

discretion of the Department Director whether leave will need to be utilized. During worker's compensation absences, employees will not be eligible to accrue leave. While out on worker's compensation, the employee is responsible for covering all insurance premiums.

J. FAMILY MEDICAL LEAVE ACT (FMLA)

Effective August 5, 1993, the FMLA provides for a total of 12 weeks of leave during each calendar year. This is for City employees who have worked for a minimum of one (1) year and for a minimum of 1250 hours during the year preceding the start of the leave (known as the "Family Leave Policy").

Family leave can be taken for the birth or adoption of a child, placement of a child in foster care, or to care for a spouse, child or parent with a serious health condition, or due to the disabling illness of the employee.

A serious health condition is defined as an "illness, injury, impairment of physical or mental condition" that involves inpatient care in a hospital, hospice or residential medical care facility or continuing treatment by a health care provider. Where the condition involves the employee, the term means a condition that makes the employee unable to perform the functions of his or her position for a period of more than three (3)

consecutive calendar days (i.e., inability to work, attend school or perform other regular daily activities).

However, included are certain episodic or chronic conditions which do not normally last more than three (3) days or require a visit to a health care provider for each absence.

Specifically, any period of incapacity due to the following will constitute a serious health condition:

_ **Pregnancy or prenatal care** (e.g., severe morning sickness). A health care provider visit is not necessary for each absence.

_ **Episodic or chronic conditions** (e.g., asthma, diabetes, epilepsy). A health care provider visit is not necessary for each absence.

_ **Permanent or long term conditions** for which treatment may not be effective (e.g., Alzheimer's, severe stroke, cancer). Health care provider supervision, not active treatment, is necessary.

_ **Absences to receive multiple treatments** for restorative surgery or for a condition which would likely result in a period of incapacity of more than three days if not treated (e.g., chemotherapy or radiation for cancer, dialysis for kidney disease, and physical therapy for severe arthritis).

This does not apply to conditions that ordinarily are not serious health conditions (e.g., the common cold or the flu) and treatments that do not qualify as a regimen of continuing treatment (e.g., taking over the counter medications).

Spouse, child or parent is defined as:

1. Husband or wife as recognized under State law for purposes of marriage.
2. Biological, adopted, foster child, legal ward or a child of a person standing "in loco parentis", who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical ability".
3. Biological parent of an individual who stands or stood "in loco parentis" to an employee when the employee was a child. This term does not include parents "in law".

PROCEDURE

1. An employee must have worked for the City for one (1) year and a minimum of 1250 hours during the year preceding the start of the leave.
2. When possible, employee should give 30 days written notice to Human Resources before anticipated leave start date.
3. An employee must first use all accrued personal, sick and annual leave within the 12-week period. After all leave has been utilized by the employee, the status changes to unpaid leave of absence for the remaining time left in the twelve-week period. Leave in connection with the birth or placement of a child for adoption or foster care must be taken within one (1) year of the birth or adoption to be considered under the coverage of the act. The leave must also be consecutive.
4. If both husband and wife work for the City, only one 12-week family leave without pay will be approved in a 12-month period.
5. An employee who goes on unpaid family leave continues to be responsible for paying insurance premiums.
6. If a family leave request is due to a serious health condition or serious illness, the City will request certification from a health care provider. These certifications must be provided to the City by the employee within 15 calendar days.

Certification to include:

- a. Date on which serious health condition began;
- b. Its probable duration; and
- c. The appropriate medical information from the health care provider regarding the condition;
- d. Where certification is for leave to care for a family member, in addition to the above items, it must also state that the employee's care is needed and for how long.
- e. Where leave is taken because of the employee's own serious health condition, the certification must state that the employee is unable to perform the functions of the employee's position.

The City may request a second opinion to be paid for by the City.

7. If the leave is due to a serious health condition or illness of the employee, he/she must provide a fitness for duty statement from their attending physician before returning to work. If the employee does not produce a fitness for duty certificate or new medical certification, the employee may be terminated at the conclusion of the FMLA leave.

8. An employee will not accrue any seniority or employment benefits during any period of unpaid leave.

Section 18. LEAVE OF ABSENCE WITHOUT PAY

A request for leave of absence without pay is made to the employee's Department Director and must be approved by both the Department Director and the City Manager or his/her designee. Employees are entitled to various types of leave, i.e.; Sick, vacation and compensatory. These hours are normally used as paid time off. There are instances when an employee needs time off that is unpaid. Sick leave is still restricted to the terms in your employee manual. Before an employee uses time off without pay, all available paid leave must be exhausted. The exception to this policy is a new employee who has to wait the required number of days before leave is allowed to be used.

- A. The decision to grant leave without pay (leave of absence) is a matter of administrative discretion. It will be incumbent upon each Department Director to weigh each request and to determine each case on its own merits.

- B. All Department Directors are required to adhere to the following practices:
 - 1. An employee granted a leave of absence must keep his department informed, every month, of his/her current activity (school, medical, military, etc.). In addition, he/she must keep his/her department advised of his/her current address at all times.
 - 2. An employee, while on authorized leave of absence who obtains either part-time or full-time employment elsewhere is required to notify his department in writing within three (3) days of accepting such employment.
 - 3. Failure to comply with items 1 and 2 above may result in the employee being dropped from leave of absence status in which case he/she must return to duty or be dismissed.
 - 4. Upon receipt of such written notice, the employee returning from Leave of Absence Without Pay will be placed in the first position open for which he/she is qualified. The position open may or may not be his/her previous position.
 - 5. An employee granted a Leave of Absence Without Pay shall be authorized leave for a maximum of three (3) months. Failure to return to work at the expiration of the approved leave will be considered as absence without leave and grounds for dismissal.
 - 6. No sick leave or annual vacation leave will be earned by the employee for the time that the employee is on leave without pay.

- C. Group Life and Hospitalization Insurance Coverage may be continued for a maximum period of three (3) months while on authorized leave of absence provided premium payments are kept current by the employee. In case of leave of absence for illness the maximum period shall be twelve (12) weeks during which period both group life and hospitalization may be continued by the employee.
 - 1. A maximum delinquency period of four weeks will be enforced for payment of premiums. If a monthly premium is delinquent and payment is not made by the employee for the next applicable pay period, the coverage will be canceled at the beginning of the delinquent period.
 - 2. When an employee will be out of town during an approved leave of absence, coverage will be reinstated upon return to active duty without observing the waiting period prescribed for new employees.

Section 19. INSURANCE

The provisions of insurance coverage and laws are too numerous to detail herein. Each employee shall discuss with the City Clerk the insurance currently provided in whole or in part by the City. The City will from time to time negotiate, approve, execute and renew group insurance contracts that provide adequate group coverage for City employees.

- A. Group Health and Major Medical - The City shall provide for one or more employee group health coverage plans. Costs for such coverage will be shared by the City and the employee. Employees shall be eligible for coverage on the City's policy thirty (30) days after employment. Each regular employee will receive information which will outline the current benefits. Effective August 31, 2008, upon retirement, employees in Senior Management positions who wish to continue to participate in the City's insurance plan may do so under the same terms and conditions as active employees. This includes all entitlements offered to employees during the annual open enrollment period.
- B. Workmen's Compensation and Insurance - All employees of the City are covered by the Workmen's Compensation Insurance as required by Florida Law. It is incumbent upon each employee to report any injury or sickness contracted while on the job, for the next duty day.
- C. Social Security Insurance - Deductions are made from all employee's pay and an equal amount required by law is added to it by the City for all employees covered by the Federal Old Age Survivors Insurance Program of the Federal Government which is known as Social Security.
- D. Life Insurance - The City pays the premium for a life insurance policy on all full-time, regular City employees in the amount of their annual salary with a cap of \$50,000. This policy expires with the termination of employment with the City. Employees may purchase additional life insurance at rates provided by insurance companies.
- E. Senior Management Health Insurance Eligibility Policy - In order to promote stability in the City's senior management positions to retirement age, as well as to reduce City costs caused when higher salaried senior managers work past retirement age solely to maintain health insurance benefits, the following policy is herein authorized for the following Senior Management positions of the city: City Manager, Director of Community Services, Finance Director, City Clerk, Director of Public Safety, and Recreation Director. Upon meeting the existing City eligibility requirements for retirement, persons in the above listed senior management positions may, upon their retirement, continue to participate in the City's employee health insurance program under the same terms and conditions as active employees, including all entitlements offered to employees during the annual open enrollment period.
- F. In order to be eligible for any post-employment benefit or insurance program, employees must retire from the City and meet the following qualifications:

Rule of 70: you are eligible if your age plus years of continuous, full-time service equal 70 or more and you have a minimum of 12 years of service.

Section 20. DEVELOPMENT AND TRAINING

A. In-Service Training -

It will be the responsibility of the Department Directors, under the direction of the City Manager, to foster and promote in-service training of employees for the purpose of improving the quality of personnel services rendered to the City and to assist employees to equip themselves for advancement in the service. To be eligible for training programs provided by the City the employees must be on regular status. All courses must be approved by the City Manager and Department Director prior to enrollment. Employees must remain employed with the City for two (2) years after completion of any required course or non-required approved course. If the City has sent an employee to the Law Enforcement Academy, Fire Fighting School, or EMT school, the employee agrees to remain employed for a period of three years. Failure to do so will result in the reimbursement to the City from their final pay check for the training costs incurred by the City for the employee. Any amount due over and above the final paycheck will be paid to the City within the first year after termination with interest at a rate of 6% per annum.

The following are required courses for each department and the only courses the City will pay in advance. It will be the responsibility of the Department Director to maintain an approved list of self-advancement courses on file with the City Manager.

Police: In accordance with Chapter 943 of the Florida Statutes.

Fire: Recertification for Paramedic and Emergency Medical Technical, as required by the Division of Health and Rehabilitative Services, State of Florida and the Volusia County Emergency Medical Services Medical Director; Recertification for State Certified Municipal Fire Inspector; Fire Officer I as required by the State of Florida, Office of the State Fire Marshal (Officers only)

Public Works: None required

Building: Recertification Building Official, Recertification Building Inspector

Sewer: Class C certification for Wastewater Collections System Operator

B. Education Reimbursement –

1. The City will reimburse the cost of those courses which are determined to be directly related to the duties of a position held by the employee or to the duties of a position to which the employee might reasonably be expected to progress in the normal course of advancement within City employment. Courses taken must be from a non-profit accredited institution. All courses shall be taken on the employee's time, unless approved by the Department Director. The City will limit reimbursement to two classes per semester.
2. The City will reimburse the cost of tuition, books, and fees. Tuition will be reimbursed at the actual cost of the course offered at Daytona State College or University of Central Florida, whichever is less, unless otherwise approved by the City Manager. Employees must request reimbursement at least one week prior to taking the course. If an employee does not enroll within six (6) months following approval, they will be required to resubmit their request for reimbursement.
3. The City will not pay the cost of tuition, which may have been advanced from other sources such as scholarships, or other grants-in-aid, or payments from other sources that do not have to be repaid by the employee. In the event of a partial scholarship or grants-in-aid, payment will be based upon the actual documented expense (that portion which has not been reimbursed to the employee). It shall be the responsibility of the City Clerk to determine the extent of any financial aid prior to the approval of any educational reimbursement request.
4. The employee shall be reimbursed upon completion of the course or training for which they have attained a "C" grade or better, a passing grade if not alphabetically rated, or a Certificate of Completion.

5. All books paid for by the City become property of the City and shall be returned to the Department Director, unless the employee pays the City for the original cost of the books.
6. Any employee leaving employment of the City after receiving the educational reimbursement will reimburse to the City all educational monies received during the prior two (2) years prorated. These monies may be withheld from the final benefit payout according to the signed contract. A position as a Reserve of the Public Safety Department does not constitute employment for the purposes of this Agreement.
7. If an employee resigns or is terminated for any reason prior to receiving an educational reimbursement, there shall be no obligation on the part of the City to pay any part of the expenses for courses that have been incurred by the employee.
8. It shall be the responsibility of the employee to obtain receipt(s) from the institution indicating the cost of the course(s), text(s), fees or special charges. The receipts shall be given to the City Clerk along with a copy of the grade report for the course(s). If the conditions for reimbursement have been met, the receipts along with a copy of the application for reimbursement will then be forwarded to Accounts Payable for payment.

C. Health and Welfare-

The City Manager and the City Clerk shall help promote satisfactory working conditions that are conducive to high morale, greater efficiency and low turn-over rate in the City employment. Such employee programs may include group insurance and group medical care for all employees, improvement in working conditions, adoption of non-physical incentive such as long service awards, a suggestion system, an employee newsletter, and the establishment of a retirement system.

- D. Those required to have a CDL driver's license are required to have a physical every two (2) years. Department Heads need to keep a record of the physicals and use the employee's anniversary date as the target date. It is the responsibility of the employee to obtain the physical. The City provides health insurance for all full-time employees, and the physicals may be obtained through health insurance/. The City is not responsible for the cost of the physical. It is the responsibility of the employee to keep their CDL license current.

Section 21. RECORDS AND REPORTS

The City Clerk shall establish and maintain comprehensive personnel records of all employees in the municipal service.

- A. Records to be considered by the City - All personnel records of the City Government covered under the personnel management system and all other records and materials relating to the administration of the City personnel program shall be considered public record and property of the City except as exempted by law. The decision of the City Manager or his/her designee 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 shall be final.
- B. Records Retention and Disposition - The City Manager, when not in conflict with applicable laws, shall determine the time limits that any personnel records shall be kept on file and the final disposition of such records.
- C. Forms - The City Manager shall prescribe necessary forms and reports for any personnel action or changes.
- D. Change of Status - The Department Directors will ensure that all supervisors will notify all employees of the importance of keeping their personnel record current. Change of status forms will be sent to the Human Resources Department listing any change of employee's status as follows:
 - 1. Change of address (even if temporary)
 - 2. Change of telephone number or nearest telephone number.
 - 3. Change of life insurance beneficiaries
 - 4. Number of dependents
 - 5. Change in marital status
 - 6. Any change, not previously reported, of status that was originally given at time of employment.
- E. Departmental Personnel Records

Personnel files will consist of the following: employment application, employment testing results (if applicable), oath of office, annual employee evaluations, acknowledgment of policy manual, change in personnel status, payroll maintenance form and any miscellaneous correspondence and forms pertaining to the employee. Separate folders for discipline, commendations, training, insurance and medical information are maintained due to their individual records retention schedules.
- F. Employees Right to Review Records - All employees will have the right to review their personnel records. However, these records will not be removed from the City's property and control and may only be reviewed when it does not interfere with the normal operation of the City. A copy of material contained in the employee's personnel records may be made at a reasonable cost and provided to the employee or his/her representative who has been so authorized in writing.

Section 22. SAFETY

- A. Accident Reporting - All employees shall be advised of their responsibility to report all injuries that occur on the job to their supervisor. A delay in reporting injury can cause complications of the injury and delay recovery. Accident reports should be submitted as soon as possible and must be submitted within twenty-four (24) hours after the date of the accident or report of the injury. If the accident occurs over a holiday or weekend, the accident report should be submitted as soon as possible and must 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. In case of serious injury or fatality the Public Safety Department, Department Director and City Manager shall be notified immediately.

- B. Steps to Take in Case of Accidents - Whenever an employee sustains a work related injury, even if the injury does not require immediate medical attention, the employee is to notify his/her immediate supervisor. The supervisor will then initiate the appropriate workman's compensation forms. A **Supervisor's Accident Investigation Report Form** must be completed on all work-related injuries. These forms are available in each department. The supervisor also needs to place a call to the City's workman's comp carrier notifying them of the injury to initiate a claim. If any injury requires immediate medical attention the employee may use any emergency medical facility, providing the employee's supervisor has been notified, if practical. Seriously injured employees should be transported by rescue unit to the hospital emergency room or the nearest available medical facility.

- C. Safety Equipment and Devices - The City may provide proper necessary safety equipment and devices for employees engaging in the work where such special equipment and devices are necessary. Such equipment and devices where provided must be used. Failure by concerned employees to utilize provided equipment or devices will be subject to disciplinary measures.

Section 23. GENERAL RULES AND EMPLOYEE CONDUCT

- A. Solicitations – Employee’s contributions to the United Way or similarly recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Nepotism - The appointment of relatives in regards to City employment shall be restricted to the provision of Florida Statutes, Chapter 112.3135, Restriction on employment of relatives:
1. In this section, unless the context otherwise requires:
 - a. "Agency" means:
 1. A state agency, except an institution under the jurisdiction of the Division of Universities of the Department of Education;
 2. An office, agency, or other establishment in the legislative branch;
 3. An office, agency, or other establishment in the judicial branch;
 4. A county;
 5. A city; and,
 6. Any other political subdivision of the state, excluding a district school board or community college.
 - b. "Public Official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, promotion, or advancement, in connection with employment in an agency; and
 - c. "Relative" with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.
 - d. A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, servicing in or exercising jurisdiction or control over the agency, who is a relative of the individual.
 - e. Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.
 - f. Except as provided herein, an individual appointed, employed, promoted, or advanced in violation of this section is not entitled to pay; and money may not be paid to an individual so appointed, employed, promoted, or advanced.
 - g. An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in section 252.34(2) of the Florida Statutes, of individuals whose employment would be otherwise prohibited by this section.
- C. Bulletin Board - The various bulletin boards of the City are to be reserved for the posting of official notices and official activities of the City. Personal messages or business advertisements are prohibited, except by permission by the Department Director.

- D. Lunch Period – All non-exempt employees are required to punch in and out for their scheduled lunch period or to otherwise account for their time. Non-exempt employees are not to take their lunch at their desk unless otherwise approved by their Department director. The employee is not to work i.e. answering the telephone, etc. during his/her unpaid lunch period. The scheduling of employees lunch periods will be determined by the Department Director.
- E. Changes in Regular Payroll Dates - Changes in regular payroll dates may be required because of a holiday. In such cases the City Manager will inform the various departments as to any change in the payroll dates.
- F. Outside Employment - All employees may engage in outside employment providing it is in no way interfering with the City employment requirements. All employees so engaged shall notify their supervisor in writing of the essential details prior to accepting outside employment. No facilities, vehicles, or property of the City shall be utilized by an employee while engaged in outside employment. This does not apply to the Public Safety Department when approved by the Director to off-duty officers who engage in activities relating to fire and police work and carried on within the City limits of the City of Daytona Beach Shores.
- G. Complaints Received - Any complaints or grievances on the part of any member of the public brought to the attention of any employee of the City shall immediately be relayed to the Department Director. Every City employee shall be specifically charged with the responsibility as an inherent part of the duties and responsibility of each position.
- H. Distribution of Printed Literature - The distribution of printed literature in work places where it might impede employees' performance or present a danger to workers' safety is strictly prohibited. Also the solicitation of municipal employees of any purpose during their working time or during non-working time in areas where others are working and may be disrupted is also prohibited. Any violation shall be reported to the City Manager's office.
- I. Confidential or Public Records - Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information and access to City records. However, employees shall not divulge information or permit access to records that are confidential, not a public record or are interoffice memos or correspondence except that part of the personnel records which are public record may be disclosed but with great care to be sure that information being released is based on true facts and not supposition or guess work on the part of the employee. An employee may decline courteously to reveal information and shall direct such inquiry to the supervisor or Department Director or offer to secure the information requested from them keeping in mind that it is not the intent of the City to withhold valid information, but to assure that all information released is true, accurate and appropriate.
- J. Credit Standing - An employee's financial transactions are the employee's personal affairs. The City will not act as a collection agent for any employee or for collection agencies. However, should complaint concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or loss of time and effort on the part of the City, the employee concerned shall be so informed. Should the condition continue the employee may be subject to disciplinary action.
- K. Use of Tools, Equipment, and Property - Employees who are assigned tools or equipment for use by their department are responsible for them and their proper use and maintenance. No personal use of any City property, material, supplies, tools, or equipment is permitted without the prior approval of the Department Head, in writing, countersigned by the City Manager. Cellular phones used by the employees of Daytona Beach Shores are primarily for use while conducting City business. If it is necessary to use the phone for a personal call while engaged in a working capacity for the City this is permitted. Violation will result in disciplinary measures.

COMPUTER NETWORK, INTERNET AND E-MAIL POLICY

The use of computing and networking resources at the City of Daytona Beach Shores is a privilege, and, like any other privilege, carries with it the responsibility for making use of these resources in an efficient, ethical, and legal manner. The City depends upon the spirit of mutual respect and cooperative attitudes to ensure that everyone has equal privileges, privacy, and protection from interference or harassment. The systems shall be

used in a manner consistent with the administrative objectives of the City. All activities inconsistent with these objectives are considered to be inappropriate and may jeopardize continued use of computing facilities and networks. The City reserves the right to examine users' stored information when investigating cases of computer abuse; in addition, it may withdraw computing privileges when violations have occurred. As a condition of use of Computing and Network Services facilities, the user agrees:

- To respect the stated purpose of accounts on the systems. Individuals shall use accounts only for the purposes specified and shall not use any other individual's account. Under no circumstances shall IS resources (computers, software, networks, printers, scanners, etc.) be used for personal financial gain.
- To respect the privacy of other users. Users shall not intentionally seek information on, obtain copies of, or modify files, tapes, passwords or any type of data belonging to other users unless specifically authorized to do so. Electronic mail shall not be used to harass other users. Attempts to alter the "From:" line or other attribution of origin in electronic mail will be considered violations of City rules.
- To respect the integrity of the systems. Individuals shall not use IS resources to develop or execute programs that could harass other users, infiltrate the systems, or damage or alter the software components of the systems.
- To respect the resource controls of the systems. Users should avoid excessive use of resources, controlled or otherwise. For example, personal computers, dial-in lines, graphics devices, printers, mainframe processor time, and data networks are resources that must be shared in an equitable manner.
- To respect the privileges of network connectivity. Users should avoid harassing other users, violating others' privacy, tampering with security provisions, or attempting entry to non-public hosts. They should be mindful that they are often guests on other institutions' hosts.
- Ethically responsible use of computing systems includes the efficient and productive use of the resources. For example, users must not tie up resources through game playing or other trivial applications; sending frivolous or excessive mail, including chain mail; or printing excessive copies of documents, files, images, or data. Keeping unnecessarily large files on shared systems also causes the unnecessary depletion of resources.

Use of the City of Daytona Beach Shores Network or the Internet or other online services violating local, state, or federal law or regulations, or City of Daytona Beach Shores Policy and Procedure is prohibited. This use includes, but is not limited to, copyrights and trademark infringement, fraud, forgery, harassment, libel or slander. In accessing material, which might be deemed obscene, users of the City's Network, the Internet or other on-line services should be guided by the test of appropriate and necessary job function.

Users of the City of Daytona Beach Shores Network and the Internet or other on-line services are responsible for protecting the security of the Network by keeping passwords confidential, not using another user's account, and reporting any security problems to the Network Administrator. Use of the Network, Internet or other on-line services for commercial, political, or other personal use not related to the support of the mission and goals of the City of Daytona Beach Shores is prohibited.

Network users are prohibited from creating or propagating viruses; disrupting services; damaging files; or intentionally destroying or damaging equipment, software or data that belongs to others. Network users must adhere strictly to all software license agreements and no software may be installed, copied or used on the City of Daytona Beach Shores Network except as permitted by the copyright owner of the software. All Network, Internet or other on-line service user are expected to abide by generally accepted rules of Network etiquette. The E-mail communications, documents or materials resident on the Network is considered public records and will be treated and used as public records. The stored records will follow local, state or federal law or regulations, or the City's Policy and Procedure for retention and destruction of records.

Tampering, willful destruction or theft of any computer equipment or supplies will be reported to the

supervisor and/or department head. Tampering includes any deliberate effort to degrade or halt the system, to tie up the system or to compromise the system/network performance. Willful destruction includes any deliberate disabling or damaging of personal computers, system terminals or other facilities/equipment, including the network, and any deliberate destruction or impairment of software.

Failure to abide by the City of Daytona Beach Shores Computer Network Policy will result in a loss of Network privileges and/or disciplinary (including suspension and/or termination) or legal action. Questions about or allegations of misuse of these resources should be reported to the Network Administrator.

- L. Accidents - Any accidents to or by a City employee, vehicle, equipment, grounds, building, person or property of the City or the public known by City employee shall be reported to the Department Director and the City Clerk as soon as it is possible for the employee to do so, regardless of how large or small the incident may appear to be. When personal injury exists, every effort shall be made to assist the injured person.
- M. Authorization for Purchases - Employees shall secure proper authorization for purchases for the City, expenditure of City funds, and for use of City vehicle.
- N. Time Clock, Hours of Work and Overtime - The employee hours of work shall be determined by the Dept. Directors and approved by the City Manager. All employees of the City, with the exception of the Dept. Directors, and individuals specifically exempted by their respective Dept. Directors with the approval of the City Manager, are required to use the time clock or a time sheet to record when the employee reported to work and when the employee was relieved of duty. Employees shall not be permitted to punch in more than seven (7) minutes prior to their scheduled work period and shall punch out within seven (7) minutes after the end of their scheduled work period, unless authorized to do so.
- O. Attendance - An employee shall be in regular attendance at work in accordance with these rules and general departmental regulations. All departments shall keep daily attendance records of its employees.
- P. Tardiness - An employee shall be considered tardy for work when he clocks in one (1) minute after his/her scheduled shift period without proper approval. An employee who fails to report to work or fails to call in if able to do so, and reports as late or unable to work shall be considered as being on leave without pay. Failure to call in prior to the beginning of an employee's scheduled shift or chronic tardiness as defined in Section 14, may subject the employee to disciplinary action. Flex time may be used to make up time lost due to tardiness for justifiable reasons with the approval of the Department Director or Supervisor. However, this time must be made up within the forty (40) hour workweek for regular employees or during the eighty-four (84) hour pay period for Public Safety shift employees.
- Q. Code of Ethics - To avoid misunderstanding and conflicts of interest, the City's employees must adhere to the following in addition to all provisions of Florida Statute.
 - 1. No City employee shall accept any gifts, favors or service that may reasonably tend improperly to influence him/her in the discharge of his/her official duties.
 - 2. No City employee shall use or attempt to use his/her position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
 - 3. No City employee shall accept employment or engage in any business or professional activity which might reasonably expect would require or induce him to expose confidential information required by him or reason of his/her position.
 - 4. No City employee shall disclose confidential information gained by reasons of his/her official position nor shall he/she otherwise use such information for his/her personal gain or benefit.
 - 5. If an employee of the City is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm partnership, or other business entity which is subject to the regulations of or which has substantial business commitments with the City, or other political subdivisions of the State, he/she shall file a sworn statement to the effect with the Circuit Court of the County in which he is principally employed.

6. In his/her official capacity, no City employee shall plan, discuss, engage in negotiations to transact or transact any business with any person or entity of which he/she or any relative (as defined in Section 26 B.1.c. of this manual) is an officer, director, agent, employee or member or in which he/she or any relative owns a controlling interest.
 7. No City employee shall have personal investments in any enterprise which will create a substantial conflict between his/her private interest and the public interest. Any violations of the provisions of this policy shall be subject to review and appropriate disciplinary action. When an employee of the City has any doubt as to the application of the policy as it relates to himself/herself, he/she should discuss the possible violations with their Department Director.
- R. Political Activity -
1. No City employee shall hold office as a council member of the City of Daytona Beach Shores, Florida.
 2. No City employee shall seek an elected public office without requesting and receiving approval for a leave of absence. The City Manager shall designate the length of leave and provision of reinstatement if appropriate. An employee will be deemed to have become a candidate for public office when the employee completes formal qualification as a candidate; however, the City Manager may at his or her discretion, require an employee to resign when he or she files an appointment of treasurer and designation of depository, or opens a campaign account if the City Manager determines there is a conflict of interest.
 3. Employees not complying with Sections 1 and 2 above shall be dismissed.
 4. No City employee, except elected City Officials, shall solicit votes, support funds, while on duty for any candidate for election to the Daytona Beach Shores Council.
 5. No employee of the City shall in any manner change, threaten to change, or promise to change, the official status or pay of any other City employee for the rendering of or failure to render any political person, group, party or purpose a political service.
 6. No Public Official or candidate for Public Office shall corruptly use or promise in any manner, any official authority or influence to secure any City position or compensation for himself/herself or others as a reward for political influence or service, nor shall any person by threat or coercion attempt to induce any City employee to resign or refuse deserved compensation or promotion.
- S. Public Relations - Employees shall remember that they represent the City as a whole when serving the public. They shall conduct themselves so as to project a desirable image of the City.
- T. Borrowing City Equipment - The use of any City equipment for personal use shall be prohibited unless otherwise approved by the Department Director, and this only under special or unusual circumstances.
- U. Rest Periods - Rest periods should be arranged so as not to interfere with city business. Non-exempt employees are not required to punch in and out for their scheduled rest period unless they leave city property. This does not apply to Public Safety shift personnel.
- V. Credit Union - Membership in the Space Coast Credit Union is available to full-time City employees.
- W. Conflict of Interest - No officer or employee of the City or relative (as defined in Section 23 of this manual) thereof shall have any financial interest in the profits of any contract, service or other work performed by the City; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the City or any person or company; or personally or as an agent provide any surety bail or bond required by law or subject to approval by the City Council. No officer or employee or relative thereof shall accept any free or preferred service, benefits, or concessions from any person or company. Any official or employee who violates the provisions of this rule shall be considered guilty of misconduct in his/her service.

X. Use of City Vehicles -

1. It is necessary for many City employees to have City vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times.
2. City employees are permitted to use City-owned vehicles for performance of their official duties only.
3. Any person driving a City vehicle must have on his/her person a correct, current and valid Florida driver's license to operate that vehicle. Employee must notify the Department Director prior to the next regular shift if his/her driver's license has been suspended or revoked for any reason. When such employee notifies their Department Director prior to their next working shift, they will be suspended from duty without pay up to a period of ten (10) calendar days to allow them time to obtain a valid operator's permit. Employees driving City vehicles shall not allow any person not on the City's authorized driver's list to operate their assigned vehicle.
4. All mechanical defects or malfunctions should be reported as soon as possible to the City garage.
5. If a City vehicle is involved in an accident, the employee must notify the Public Safety Department and his/her Department Director immediately.
6. Any person assigned a city vehicle which is not exempt under IRS regulations using the vehicle for commuting to and from City Hall is subject to taxation on that benefit according to IRS requirements.

Section 24. EMPLOYEE UNIFORMS

- A. The City will provide uniforms and uniform cleaning for City employees in the Public Safety and Community Services Departments, in sufficient number and proper condition to serve at least one normal workweek. General employees who are not provided a full uniform will be offered shirts bearing the City seal. Employees can choose the color and style from a pre-approved list. Additional shirts can be purchased from the approved list at the employee's expense. If city shirts are chosen to wear, they must be worn Monday through Thursday. If an employee elects to not wear the City shirt, they must inform their immediate supervisor and/or Department Director and the employee may dress in professional attire.
- B. Employees issued uniforms will be required to wear them during working hours and be responsible for their general care and condition.
- C. Shorts are specifically allowed where they are part of the work uniform, as designated by the appropriate department head and approved by the City Manager.
- D. Friday will be considered casual day, employees may wear jeans or shorts and a shirt that is appropriate for the work place.
- E. Employee uniforms must be returned to the City prior to receipt of final paycheck. Failure to return uniforms will result in cost of uniforms being deducted from the final paycheck.
- F. Uniform cleaning will be provided in the following manner:
 - 1. Public Safety uniforms will be professionally cleaned at the City's expense-- the vendor to be designated by the City, from the approved vendor's list.
 - 2. Community Services Department uniforms will be cleaned by the uniform company that provides them.
- G. Employees who are eligible for a shoe allowance will be eligible for reimbursement for one purchase of departmentally described footwear, up to \$80.00, including tax, per fiscal year. Effective October 1, 2010, reimbursement will be \$100.00 per fiscal year. Effective October 1, 2018, reimbursement will be up to \$125.00 per fiscal year. Effective 1/1/2017, shoe reimbursement will be given once the employee has completed 90 days of employment.

Section 25. DISCIPLINARY MEASURES FOR VIOLATIONS OF EMPLOYEE CONDUCT CODE

The rules and regulations for the Code of Conduct are not intended to restrict or impose on the privilege of anyone, but are designed to ensure the rights and safety of all City employees and to provide rules and regulations to assure equitable and business-like departments to efficiently serve our community. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

- A. In recognition of the fact that each instance differs in many respects from somewhat similar situations, the City retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. The City retains the right to suspend any disciplinary action which it may take, during good behavior for a specified term, at its exclusive discretion. Examples given in any rule do not limit the generality of the rule.
- B. Public Safety corrective measures and disciplinary actions are based on the policies and procedures of the Public Safety Department. Corrective measures for any employee may include a – verbal warning, or a personnel instruction/cautioning. Discipline will include any of the following steps: written reprimand, suspension with or without pay, demotion, or termination of employment. There may be circumstances when one or more steps are bypassed. In employing progressive discipline, most problems will be handled using the following steps: corrective measures for a first offense which may call for a verbal warning; a next offense may be followed by a personnel instruction/cautioning. Subsequent offenses may lead to discipline, including a written reprimand, and/or a suspension and/or a demotion, and an additional offense may then lead to termination of employment.
1. Notice of Disciplinary Action - In all cases, the Department Director shall notify the employee of the action taken and a copy of such notice will be sent to Human Resources for placement in the employee's personnel folder.
 2. Use of Past Record - In imposing any disciplinary measures on a current charge, the supervisor will not take into consideration any prior infractions of the City of Departmental rules and regulations which occurred more than two years previously, unless such prior infractions relate in some manner to the current charge.
- C. While it is impossible to list every type of behavior that may be deemed a serious offense, the following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.
- Theft or inappropriate removal or possession of property
 - Falsification of timekeeping records
 - Working under the influence of alcohol or illegal drugs
 - Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
 - Fighting or threatening violence in the workplace
 - Boisterous or disruptive activity in the workplace
 - Negligence or improper conduct leading to damage of employer-owned or customer owned property
 - Insubordination or other disrespectful conduct
 - Sexual or other unlawful or unwelcome harassment
 - Possession of dangerous or unauthorized materials, such as explosives or firearms in the workplace
 - Excessive absenteeism or any absence without notice
 - Unauthorized absence from work station during the workday
 - Violation of personnel policies
 - Unsatisfactory performance or conduct

Section 26. NON-COMPLIANCE/VIOLATION OF MANUAL

Any person who willfully or knowingly violates or fails to comply with this manual or any rule or regulation promulgated there under, may be dismissed from the City's service.