

**PERSONNEL RULES  
AND  
REGULATIONS  
FOR THE**



**CITY OF**  
**PORT ST. LUCIE**

**PERSONNEL RULES**  
**AND REGULATIONS**

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8. **Ordinance 05 - 15**.....**February 24, 2005**  
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2; 6.02; 6.03; 10; 11.01; and 11.02.

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## THE CITY ORGANIZATION

The City of Port St. Lucie operates under the Council-Manager form of government.

The City Council is the legislative or policy-making body of the City of Port St. Lucie. It consists of five council members, elected at-large by the citizens of the City. The Council's major functions are to pass ordinances; adopt resolutions, adopt a budget; employ a City Manager; and establish personnel and compensation policies for City employees. The Council also makes appointments to various advisory boards and committees.

Except for the purpose of inquiries relating to present or proposed legislation, the City Council members shall deal with all Department Heads and other employees of the City solely through the City Manager. No Council member shall imply or give directives to any of the subordinates of the City Manager, publicly or privately.

Department Heads and other employees of the City shall inform the City Manager of any directives to them, either publicly or privately, by City Council members, at the time the directive is made.

Failure to inform the City Manager shall be reason for disciplinary action.

Furthermore, City employees, either directly or through third parties, are prohibited from discussing matters pertaining to their employment status with City Council members. All employees of the City of Port St. Lucie shall follow all policies and procedures as contained in these rules and regulations. Failure on the part of any employee to follow the policies and procedures as contained in these rules and regulations shall be reason for disciplinary action, up to and including dismissal.

## SECTION 1

### GENERAL PROVISIONS

#### 1.01 PURPOSE

The purpose of these Rules and Regulations is to establish procedures which will govern administrative actions concerning various personnel activities and transactions. They are intended to indicate the customary and the most reasonable methods whereby the aims of the personnel management program can be carried out. All rules and regulations shall be construed to comply with applicable State and Federal Laws.

#### 1.02 POSITIONS COVERED

- A. These rules and regulations cover all employees in the municipal government who have attained classified status, or who are serving initial probationary periods as new employees prior to attaining classified status. The application of these personnel rules and regulations to particular covered employees and/or positions are discussed in the sections of this document.
- B. Positions authorized under the provisions of special State or Federal programs shall not be normally considered as being covered. Methods of appointment, rights and benefits will be determined by the City Manager, unless otherwise specified by the governmental agreement.

#### 1.03 ADMINISTRATION

- A. The Personnel Director shall be responsible for the administration and technical direction of the City Personnel Management System.
- B. Department Heads will be responsible for the proper and effective administration of these rules and regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

SECTION 1 GENERAL PROVISIONS (Continued)

1.04 AMENDMENTS

- A. The Personnel Director shall present to the City Manager such rules, regulations and changes thereto as are necessary for the effective administration of the Personnel Management System.
- B. Amendments, changes or revisions of the Personnel Rules and Regulations are subject to approval of the City Manager and City Council.
- C. All amendments, changes and revisions of the Personnel Rules and Regulations will be posted on City bulletin boards and distributed to all City departments.

## SECTION 2

### DEFINITIONS OF TERMS

#### ACTIVE PAY STATUS

Time worked fully compensated by the City.

#### ALLOCATION

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

#### ANNIVERSARY DATE

The date an employee begins employment and the same date in following years. This also is the date from which vacation and sick leaves are computed.

#### APPEAL

An application submitted or instituted by an employee for review of a disciplinary action, or other action that affects his/her employment with the City. (See Sections 18 and 19.)

#### APPOINTMENT

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

#### CERTIFICATION

Endorsement as meeting required minimum standards for a vacant position.

#### CLASSIFICATION DATE

The date an employee entered, transferred, or was promoted to the current position classification. This is the date from which length of service in classification is computed for determination of probationary periods, and eligibility for merit increases.

## SECTION 2 DEFINITIONS OF TERMS (Continued)

### CLASSIFICATION PLAN

The official or approved system of grouping positions into appropriate classes.

### CLASS SPECIFICATION

A written description of a class consisting of a class title, a general statement of the level of work and of the distinguishing features of work, examples of duties, and the qualifications for the class (also called Class Description).

### CLASS TITLE

The title in the classification plan, which describes the nature of work performed by an employee.

### CLASSIFIED STATUS

Completion of the required probationary period in a particular classification. The City Manager, Chief of Police, City Attorney and Assistant City Attorney positions do not attain classified status regardless of probationary period requirements.

### COMPENSATION

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

### COMPENSATION PLAN

The official schedule of pay assigning rates of pay to each class title.

### COMPENSATORY LEAVE

Time off from work in lieu of monetary payment for having worked in excess of the regularly-scheduled work week.

SECTION 2 DEFINITIONS OF TERMS (Continued)

CONTINUOUS SERVICE

Employment which is uninterrupted except for authorized leaves of absence, suspension, reduction in force, not in excess of ninety (90) days, shall be included as part of continuous service.

CONTRACT EMPLOYEE

An employee of the City whose terms and conditions of employment are not governed by the City's Personnel Rules and Regulations, but are governed by a written agreement. The positions of City Manager, Chief of Police, and City Attorney are examples of, but do not fully comprise, the list of Contract Employees.

DAYS

The term "days" shall mean working days when the City is normally open for business and shall not include Saturdays, Sundays, or City-recognized holidays.

DEMOTION

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

DISMISSAL AND DISCHARGE

Separation from the City employment for cause. This does not apply to the City Manager, City Attorney, Assistant City Attorney, Chief of Police, Probationary Employees, Temporary Employees, Contract Employees, or any other employees who have not attained classified status.

ELIGIBLE

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

ELIGIBLE LIST

Employment, promotional or other list of qualified applicants.

## SECTION 2 DEFINITIONS OF TERMS (Continued)

### EXAMINATION

The process of testing, evaluating or investigating the fitness and qualification of applicants and employees for positions.

### EXEMPT STATUS (F.L.S.A.)

Employees who are on an unlimited schedule and time status and are not eligible for overtime pay under the provisions of the FAIR LABOR STANDARDS ACT. See enclosed list of exempt employees, Section 14.01.

### FULL TIME EMPLOYEE

An employee required to work over thirty (30) hours per week on a regular and continuous basis.

### IMMEDIATE FAMILY

Includes spouse, children, parent, grandmother, grandfather, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepchildren, aunt, uncle, or legal guardian.

### JOB ANALYSIS

A study of the duties and responsibilities of the position.

### LAYOFF (REDUCTION IN FORCE)

A reduction of the number of employees due to lack of work or funds, or the reorganization of various departments/divisions, or other legitimate reasons.

### LEAVE

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

SECTION 2           DEFINITIONS OF TERMS (Continued)

MAY

The word "MAY" shall be interpreted as permissive.

MERIT PAY INCREASE

An increase in compensation which may be granted to an employee based on job performance.

ORAL EXAMINATION

An examination where a candidate spends time in the presence of a panel. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate.

OVERTIME

Time worked in excess of 40 hours per week for those persons in the non-exempt classification. This definition does not apply to sworn Police Officers.

PART-TIME

Appointment to a position that requires the employee to work fewer hours than normally designated for others. Such employees must meet the requirements set by the Personnel Director. In most cases, employees who work fewer than thirty (30) hours per work week shall be considered part-time.

PAY RANGE

The salary range which is assigned to a particular classification title sometimes expressed as a pay-range number.

PAY RATE

A specific dollar amount, expressed as either an annual rate, a bi-weekly rate, or an hourly rate.

SECTION 2            DEFINITIONS OF TERMS (Continued)

PERFORMANCE EVALUATION

A report made by supervisors relative to the job performance and capacity of employees.

POSITION

A group of current duties and responsibilities documented and budgeted into an authorized position requiring the full-time or part-time employment of one (1) person.

PROBATIONARY EMPLOYEE

An employee, either full-time or part-time, who has not achieved regular or classified status in the position he or she holds.

PROBATIONARY PERIOD

A period of time provided to allow the Department Head an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.

PROMOTION

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

PROMOTIONAL EXAMINATION

An examination or a group of examinations for a position in a certain class, admission to which is limited to employees who hold regular positions in other classes.

PROMOTIONAL LIST

A list of persons who have been found qualified by a promotional examination for appointment to a position in a particular class.

SECTION 2           DEFINITIONS OF TERMS (Continued)

REGULAR APPOINTMENT

An appointment, without special restrictions in regard to continuous employment, to a regular position authorized as a result of a certification prescribed by these rules.

RESIGNATION

Act of voluntarily withdrawing from City employment.

RETIREMENT

Whenever an employee meets the conditions set forth for retirement and elects to retire from active city employment. (See Section 15.03.)

SHALL

The word "SHALL" will be interpreted as mandatory.

SICK TIME

Illness of employee or member of immediate family permanently residing in the same domicile.

STANDBY ASSIGNMENT

An assignment made by a Department Head which requires an employee to be available for work on off-duty time which may include nights, weekends, or holidays.

SUPERVISOR

An employee in a position with at least one (1) subordinate.

SUSPENSION

Employees may be suspended from work with or without pay for discipline and/or investigation of facts under the Standards of Conduct rules by their Department Head or other supervisor authorized to enforce disciplinary action.

SECTION 2            DEFINITIONS OF TERMS (Continued)

TEMPORARY APPOINTMENT

An employee appointed for a special project or other work of a temporary or transitory nature. Appointment will not exceed a six-month period unless specified by the project program or grant. All candidates will meet requirements set by the Department Head.

TRAINEE

Employee undergoing a training period to learn the job duties or to attain education or certification level.

TRANSFER

That action in which the employee moves from one budgeted position to another with no change in the pay range.

WORK DAY

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

WORK WEEK OR WORK PERIOD

Time period used to measure eligibility for overtime.

## SECTION 3

### STANDARDS OF CONDUCT

#### 3.01 POLICY OF THE CITY

- A. One of the primary objectives of the City of Port St. Lucie is to establish and administer a system of Personnel Management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.

To an unusual extent, and in a special way, employees in the City Organization are "Good Will Ambassadors". Such status involves a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City and its programs and policies.

- B. The City Administration advocates the acceptance of the concept that public service at all levels of government can attain maximum efficiency and effectiveness through a Personnel Management system based on merit principles.
- C. City employees are assured that there shall be no discrimination exercised on account of race, national origin, color, religion, creed, sex, age, marital status, or political affiliation with respect to the recruiting and examination of applicants, the hiring of eligibles, or any personnel transactions. All actions shall be based solely on merit and fitness of the individual. In addition, every effort will be made to accommodate the physically disabled to the extent feasible.
- D. All City employees are encouraged to develop skills and seek formal training that will enhance their personal development.

SECTION 3      STANDARDS OF CONDUCT (Continued)

- E. Employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with rules which may be established for this purpose.
  
- F. It is the policy of the City to expect from its employees compliance with all personnel rules and regulations, State statutes, and Federal regulations in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct or Rules and Regulations may be subject to disciplinary action. It is the employee's duty to read and understand all contents of the Personnel Rules.
  
- G. The City retains certain rights, in accordance with applicable laws, regulations, union contracts, and provisions of the Personnel Rules. These rights are not all-inclusive, but are examples of matters or rights which belong to and are inherent to management.
  - 1. To determine the organization of City government.
  - 2. To determine the purpose of each of its constituent agencies.
  - 3. To exercise control and discretion over the organization and efficiency of the operation of the City.
  - 4. To set standards for services to be offered to the public.
  - 5. To manage and direct the employees of the City, and to determine the number of employees to be employed by the City.
  - 6. To hire, examine, classify, reclassify, promote, train, transfer, assign, schedule, and retain employees in positions with the City.

SECTION 3 STANDARDS OF CONDUCT (Continued)

7. To suspend, demote, discharge, or take other disciplinary action against employees.
8. To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duties because of the lack of work, funds, or other legitimate reasons.
9. To determine location, methods, means, and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.
10. To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, division, or project.
11. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.

3.02 EQUAL EMPLOYMENT OPPORTUNITY POLICY

- A. The City will not discriminate in employment, employee development, or employment advancement because of religious or political opinions or affiliations, race, color, national origin, sex, age, physical handicap, marital status, or other non-merit factors, except where such factor is a bona fide occupational qualification or is required by State and/or Federal law. All employees shall register complaints regarding violations of this section with the Human Resources/Risk Management Department.

### SECTION 3 STANDARDS OF CONDUCT (Continued)

- B. The City is committed to a policy of fairness and equity for all employees and will attempt to provide each employee the opportunity to achieve maximum potential as an employee.
  
- C. Disabled persons will be given full consideration for employment in all departments and divisions. Physical standards will be fair, reasonable, and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate disabled persons from consideration.

#### 3.03 CODE OF ETHICS

To avoid misunderstandings and conflicts of interest which could arise, the City has adopted a Code of Ethics policy to be adhered to by all employees. The policy is in accordance with Florida Statutes.

#### 3.04 POLITICAL ACTIVITY

- A. No employee, official or other person shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political purpose from any employee during his or her hours of duty or service of work with the City.
  
- B. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions of all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

SECTION 3 STANDARDS OF CONDUCT (Continued)

- C. Any employee who wishes to seek election or appointment to political office in the City shall request an unpaid leave-of-absence from City employment prior to formal declaration or other evidence of candidacy.
- D. If a City employee is elected or appointed to any City public office, he/she shall resign forthwith from City employment.

3.05 EMPLOYMENT OF RELATIVES

- A. In accordance with Florida Statute, 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 City or agency in which he/she is serving or over which he/she exercises jurisdiction or control, any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced by a public official serving in or exercising jurisdiction or control over the agency, who is a relative of the individual.
  - 1. Public official means an officer or employee of the City in whom is vested the authority by law, rules, and regulations, or to whom the authority has been delegated to appoint, employ, recommend, promote, or advance individuals for appointment, employment, promotion, or advancement in connection with the employment or appointment with the City.
  - 2. 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, half-sister, brother-in-law, or sister-in-law.

SECTION 3 STANDARDS OF CONDUCT (Continued)

- B. Except as provided below, no individual who is a relative of a public official as defined in this section may report to, be supervised by, or work in the same department as a public official to whom he/she is related. Any individual who, on the date this policy is adopted by the City Council, is reporting to, being supervised by, or working in the same department as a public official to whom he/she is related, may continue such employment. Should the employment relationship between the individual and the public official cease, through transfer, promotion or demotion out of the department, or termination of either relative, the employment relationship may not be resumed at a later date.
  
- C. Any challenge to this policy shall be resolved by obtaining an opinion from the Florida Ethics Commission.

3.06 OUTSIDE EMPLOYMENT

- A. Employees are discouraged but not restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which would interfere with the interest of the City service.
  
- B. Any employee accepting outside employment shall make arrangements with the outside employer to be relieved from outside duties if and when called for emergency service by the City. Every employee engaged in outside employment shall agree to and shall respond immediately to any emergency call to duty by the City whenever the Department Head or the City Manager shall determine his/her services to be necessary.
  
- C. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Workers' Compensation on account of disability resulting from the outside employment.

### SECTION 3 STANDARDS OF CONDUCT (Continued)

- D. Equipment, telephone, facilities, vehicles or property of the City shall not be used by employees for outside employment, nor shall any work for an employer other than the City be performed during City time.

#### 3.07 PECUNIARY INTEREST

Without official disclosure and Council approval, no employee of the City shall have any financial interest in the profits of any contract, service, or other work performed by the City; nor shall personally profit directly or indirectly from any contract, purchase or sale or service between the City and any person or company. No officer or employee shall accept any free or preferred services, benefits, or concessions from any such person or company.

#### 3.08 RELEASE OF INFORMATION

- A. The employee shall at all times be courteous, friendly, and helpful to those members of the public who seek information.
- B. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion resulting in waste of time and money.
- C. Unless release of information is a normal part of their duties, employees will decline courteously to reveal information and shall direct such inquiry to the Department Head or City Manager. It is not the intent of the City to be secretive, or to withhold valid information, but to assure that all information released is true and accurate. Violations of this paragraph may subject an employee to disciplinary action.

SECTION 3 STANDARDS OF CONDUCT (Continued)

- D. From time to time, City employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should such an employee receive such a request or subpoena regarding City business, the matter will be discussed first with the Department Head who, in turn, will notify the appropriate City official.

3.09 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Because solicitation not only causes employees to neglect their own work, but also interferes with the work of others, City employees are not permitted to solicit for any purpose during their working time.

No employee shall solicit another employee for membership or subscriptions for any public or private enterprises or for gifts of any nature during either employee's working time. Working time means all times when employees are supposed to be working. Working time does not include: lunch time, break time, time before and after work and any other times when employees are not supposed to be working.

The circulation or passing of any petition or notices or other printed material among employees during working time or in work areas is prohibited.

Non-work areas include any area where the work of the City is not performed such as employee lunch rooms, employee lounge areas and locker rooms, and parking lots.

## SECTION 3 STANDARDS OF CONDUCT (Continued)

### 3.10 EMPLOYEE DEBTS

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee nor for collection agencies. However, should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or occasional loss of time and effort on the part of the Human Resources/Risk Management Department, Finance Department, or other City employees, the employee may be subject to disciplinary action.

### 3.11 USE OF CITY PROPERTY

City employees shall not use City property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, either on or off duty.

### 3.12 DRESS AND APPEARANCE

- A. City employees are expected to maintain high personal and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance.
- B. Work clothes and uniforms provided for many departments generally set the standard for their functions. Determinations of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in appropriate situations.
- C. Employees are encouraged to maintain their personal appearance in a manner which will reflect a good image to the public in accordance with rules which may be established for this purpose.

SECTION 3 STANDARDS OF CONDUCT (Continued)

3.13 RESIDENCY

All City employees are encouraged to reside within the City limits.

3.14 GENERAL PROHIBITIONS

- A. No person shall make any false statement, certificate, mark, or rating with regard to any test, certification or appointment made under any provisions of these Rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these Rules.
- B. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City Service.
- C. No employee of the Personnel Division, an examiner, or other person shall deceive or obstruct any person in his/her right to examination, eligibility, certification or appointment under these Rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment in the City Service.
- D. No official or employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear same, nor permit same to be out of his/her possession without good cause, or approval of the Department Head or authorized superior. Such badge, card, or insignia shall be used only in the performance of the official duties of the position to which they are related.

SECTION 3 STANDARDS OF CONDUCT (Continued)

3.15 INSTRUCTION AND COUNSELING

- A. First Instruction and Counseling - Whenever employee performance, attitude, work habits, or personal conduct at any time fall below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures. Supervisors shall maintain a record in writing of all counseling provided to their employees. The counseling statement will be sent to the employee, and a copy will be sent to the Human Resources/Risk Management Department to be placed in the employee's personnel folder. The employee's immediate supervisor usually initiates a counseling statement.
  
- B. Second Instruction and Counseling (When Applicable) - In situations where prior instruction and counseling has not resulted in the expected improvement, a counseling statement shall be issued defining the nature of the infraction under the Rules. The Counseling statement will be sent to the employee and a copy will be sent to the Human Resources/Risk Management Department to be placed in the employee's personnel folder. The employee's immediate supervisor usually initiates a counseling statement.

## SECTION 4

### APPLICATIONS AND EXAMINATIONS

#### 4.01 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. Upon employment, individuals are encouraged to reside within the City.

#### 4.02 REQUEST FOR PERSONNEL

When departments submit requests to the Personnel Director for persons to fill vacancies, requests shall include the title of the position to be filled and other pertinent information as may be needed to enable the Personnel Director to satisfactorily find the personnel being sought by the Department. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.

#### 4.03 NOTIFICATION

- A. The Personnel Director, in conjunction with Department Heads, shall prepare recruiting notices to publicize vacancies and to provide candidates for vacant positions. Such various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible. Any contracts for fees, contingent or otherwise, entered into between applicants and commercial employment agencies are purely private matters between these parties.
- B. All job openings will be posted a minimum of five (5) working days in the Human Resources/Risk Management Department, or at a place selected by the Personnel Director within City Hall. Copies of all job opening announcements will also be distributed to all departments. This procedure will be followed so that persons already employed by the City will have the first opportunity to apply for job openings.

SECTION 4 APPLICATIONS AND EXAMINATIONS (Continued)

4.04 ACCEPTANCE OF APPLICATIONS

- A. All applications must be made on a standard form designed and prepared by the Human Resources/Risk Management Department. Applications may be revised by applying in person to the Human Resources/Risk Management Department, provided said revision is made before the final date for receiving applications for the position or examination applied for by the applicant.
- B. Applications for positions shall be active and considered by the Human Resources/Risk Management Department for a term of six (6) months from the date the application is filed, unless the application becomes void by virtue of some other rule.
- C. After the expiration of a six (6) month period, the application, if not renewed, shall be void and shall not be considered by the Human Resources/Risk Management Department and the same, together with all records and correspondence pertaining thereto, shall be handled according to the dictates of law.

4.05 BASIS OF EMPLOYMENT

Only the Human Resources/Risk Management Department may make an offer of employment. The City shall give preference in hiring veterans and their spouses, pursuant to Florida Statute. All offers shall be contingent upon successful completion of a background investigation. Employment with the City shall be based on merit, ability, and physical and moral fitness as evidenced by:

- A. Training and experience reflected by the application form and other documentation of certification, registration, etc.
- B. Written examination or performance test, if required.

SECTION 4 APPLICATIONS AND EXAMINATIONS (Continued)

- C. Physical examination and drug screening.
- D. Personal background investigation.

4.06 REFERENCES

As part of the pre-employment procedure, former employers and references shall be checked. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.

4.07 REJECTION OF APPLICATIONS

- A. The Human Resources/Risk Management Department or Department Head may reject an application which indicates that the applicant does not possess one or more of the requirements as specified in the public announcement or the job description; or for any other reason which is not in violation of existing law.
- B. Applications may also be rejected if the applicant has prior conviction for a crime, if the crime was felony or first degree misdemeanor and directly relates to the position of employment sought; has submitted an incomplete application; has made false statements of any material fact in the application; has ever been an active member of any organization which advocates the overthrow of the Government of the United States of America by force or violence; or whose past employment record with the City is "unsatisfactory" as determined by the Department Head or the Personnel Director.

## SECTION 5

### FILLING VACANCIES

#### 5.01 TYPES OF ORIGINAL APPOINTMENTS

- A. REGULAR: All positions authorized by the City Council.
1. FULL-TIME STATUS: When an employee normally works in excess of thirty (30) hours per week on a continuous basis.
  2. PART-TIME STATUS: When an employee normally works less than thirty (30) hours per week on a continuous basis.
- B. TEMPORARY: Positions (whether part-time or full-time) that are to be of a duration of less than six (6) months. Any extension of this time period must be approved by the Personnel Director.
- C. TRAINEE: An employee who does not meet the minimum position qualifications. The length of training shall be at the discretion of the Department Head.
- D. CONTRACTUAL: Contractual employees are not considered as classified employees; however, they are required to comply with all City policies. Except as provided by other written employment agreement, contractual employees are covered under the City's Personnel Rules and Regulations. This term shall also apply to grant-funded employees.

#### 5.02 TRANSFERS

Any Employee may be transferred when:

- A. 1. He or she applies for transfer to fill an open position in another department/division that has been posted by the Human Resources/Risk Management Department. Such a transfer requires the approval of the Personnel Director and the new Department Head. Such transfers shall be coordinated with the original department.

SECTION 5 FILLING VACANCIES (Continued)

2. He or she is needed for the good of the City to fill an assignment in another department. This form of transfer will require the approval of the Personnel Director. This action shall be coordinated with the Human Resources/Risk Management Department, the appropriate Department Heads, and the employee.
- B. A transfer within the same class and/or pay grade shall not change the employee's anniversary date.
1. An employee may be transferred to another department with the same job classification and such transfer will not change the employee's pay grade, anniversary date or classification date.
  2. Employees transferred to a position with a higher job classification and pay grade will receive at least the minimum salary for the new position.
  3. Employees transferred to a lower job classification and pay grade will have at least a five (5%) per-cent reduction in salary.
  4. Transfers may be voluntary or involuntary.

5.03 PROMOTIONS

- A. Vacancies in positions above the lowest rank in any category in the Classified Service shall be filled as far as practical by the promotion of employees already in the City service when it is determined to be in the best interest of the City.
- B. Promotional examinations may be held for specific classes or occupations when it is in the best interest of the City. The term "promotional examinations" signifies a fitness test to determine the relative standing of applicants for positions in the specific class.
- C. Promotional examinations may be open only to employees in the City Service who are serving in specified classes for such a period as may be prescribed. A promotional

SECTION 5 FILLING VACANCIES (Continued)

examination may include employees in specific classes in all departments or only in the department in which the vacancy occurs, as determined by the Department Head and the Personnel Director.

An employee may be promoted to a job classification with a higher maximum rate of pay after successfully meeting the requirements for that position. Upon promotion, the employee shall have his/her pay grade, pay, classification date and probationary period adjusted as follows.

PAY GRADE AND PAY RATE:

1. When an employee is promoted to a position with a higher maximum salary, the employee's new salary shall be at least the minimum for the new position. In the event of any promotion, the employee shall be entitled to receive a minimum raise in pay of five (5%) percent.
2. An increase of more than five (5%) percent may be recommended by the Department/Division Head, depending upon the circumstances of the promotion. Approval must be received from the City Manager.

Promotions shall establish a new classification date. Employees shall be eligible for consideration for a merit increase one (1) year following the effective date of the promotion and shall serve a probationary period in accordance with the applicable rules. The effective date of promotion will coincide with the employee's departmental payroll period beginning date, unless otherwise approved by the Personnel Director and Finance Director.

5.04 DEMOTIONS

An appointing authority may demote an employee in the following instances:

SECTION 5 FILLING VACANCIES (Continued)

- A. In lieu of layoff when a position is to be abolished, or an employee with prior rights returns to the position.
- B. In lieu of dismissal when an employee is not performing satisfactorily; or when a health examination conducted by the examining physician discloses that the employee is not physically or mentally qualified to perform the duties of the position.
- C. When an employee would otherwise be laid off because the position is being abolished; the position is being reclassified to a lower pay grade; the position is being reclassified to a higher pay grade and the employee is not qualified; lack of work; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules on leave.
- D. When an employee does not possess the necessary qualifications to render satisfactory service in the position held.
- E. If an employee voluntarily requests a demotion.
- F. As a disciplinary action.

5.05 EFFECT OF DEMOTION ON PAY

The pay of an employee demoted to a classification having a lower pay grade than the present classification shall be based upon the following guides:

- A. Demotion will not result in a pay increase.
- B. Pay will not exceed the maximum rate of the pay grade designated for the lower position.
- C. Employees demoted to a lower classification which was held immediately prior to being promoted shall be placed in the grade and pay that they would have attained by remaining in the lower classification.

SECTION 5 FILLING VACANCIES (Continued)

- D. Employees demoted to a lower classification or to the classification held prior to promotion shall have their salary adjusted not to exceed the maximum in the salary range for the position. This is not to be inferred that the employee will receive the maximum in the classification to which he/she was demoted.

5.06 EFFECT OF DEMOTION ON CLASSIFICATION DATE

An employee who is demoted to a classification held immediately prior to being promoted will have the date in the lower classification adjusted to reflect the time served in that classification. All other demotions will establish a new classification date.

## SECTION 6

### PROBATIONARY PERIODS - EMPLOYMENT, PROMOTION, TRANSFER

#### 6.01 PURPOSE

The probationary period is an integral part of the employment process. It is utilized to observe closely the employee's work, to secure the most effective adjustment of an employee to the position, and to reject any employees whose performance does not meet the required work standards.

#### 6.02 DURATION

- A. A probationary period shall be served by all newly-hired, transferred or promoted employees. The length of time for probation shall not be less than one hundred eighty (180) days.
- B. Length of the probation may vary in departments or occupations where regular status is dependent upon completion of a training period, certification or other requirements.
- C. If the employee successfully completes the probationary period, he/she will be placed on regular status.

#### 6.03 EVALUATION OF PERFORMANCE

- A. During the probationary period, Department Heads or supervisors shall perform written evaluations with respect to the employee's qualifications for the position and job performance.
- B. Department Heads or supervisors shall perform written evaluations during the employee's probationary period. Newly-hired employees shall be evaluated at approximately thirty-, sixty-, ninety- and one hundred eighty-day intervals.

SECTION 6 PROBATIONARY PERIODS (Continued)

- C. Transferred employees shall be evaluated in writing by the new Department Head or supervisor before the completion of approximately 90 days of service with the new department.
- D. Promoted employees shall be evaluated in writing by the promoting authority prior to the completion of approximately ninety (90) days of service in the new position. This paragraph is subject to 6.02B.
- E. An unsatisfactory evaluation may result in the termination of employment, return to the position held prior to promotion if available, or transfer back to the original department if a vacancy exists.
- F. Newly-hired employees can be terminated with or without cause during their probationary period without the City's disciplinary and dismissal policies being followed. Furthermore, the dismissal of a newly-hired employee is not subject to the City's appeals procedures.
- G. All written probationary and performance evaluations shall be submitted to the Human Resources/Risk Management Department upon their completion. These evaluations become a part of the employee's permanent employment record with the City.

6.04 CLASSIFIED STATUS

Completion of the required probationary period in a particular classification.

## SECTION 7

### ATTENDANCE

#### 7.01 HOURS OF WORK

The City Manager shall establish the hours of work, which insofar as practicable shall be uniform within occupational groups, shall be determined in accordance with the needs of the City Service, and shall take into account the needs of the public who may be required to do business with various City departments.

#### 7.02 ATTENDANCE

- A. All employees are expected to report for duty at the scheduled time.
- B. If an employee is unable to work for any reason, he/she must notify his/her supervisor as soon as possible prior to the scheduled reporting time. If an employee is unable to contact his/her supervisor prior to the scheduled reporting time, he/she will contact the supervisor immediately thereafter.
- C. Absenteeism or lateness is sufficient cause for disciplinary action.
- D. Attendance records shall be maintained for all employees by their supervisor.
- E. Department Heads or supervisors may refuse explanations of absenteeism or tardiness from persons other than the employee.

SECTION 8

ANNUAL LEAVE (VACATION)

8.01 ACCRUAL

All regular, non-exempt City employees are eligible for annual leave, as follows:

Full-Time Employees

Years Employed	Working Days Vacation
1 - 3	10
4 - 9	15
10 - 19	20
20 +	25

Part-Time Employees

1 - 3	5
4 - 9	7.5
10 - 19	10
20 +	12.5

8.02 CHARGING LEAVE

- A. Annual leave time shall be scheduled and charged to the employee for the actual time the employee is away from work.
- B. Annual leave will be charged in one (1) hour minimum increments.
- C. Holidays which occur during the period selected by the employee for annual leave shall not be charged against such annual leave.

SECTION 8 - ANNUAL LEAVE (Continued)

- D. For purposes of determining overtime payments, authorized vacation hours shall be construed as time worked.
- E. After completion of six (6) months continuous service, the employee shall be eligible to use such leave.
- F. Annual leave may be granted for the following scheduled purposes:
  - 1. Vacation leave.
  - 2. Absences for transaction of personal business which cannot be conducted during off-duty hours.
  - 3. Religious holidays other than those designated by the City Council as official holidays.
  - 4. For uncovered portion of medical or disability leave once such leave has been exhausted through illness or disability.
  - 5. Any approved absences from work not covered by other types of leave provisions established by these rules.
- G. City employees may receive two (2) compensated personal days per year without deduction from any accrued leave benefit for transaction of personal business which cannot be conducted during off-duty hours.

8.03 REQUEST FOR LEAVE

- A. The request for annual leave shall be submitted to the employee's Department Head within a reasonable period of time before such leave begins. A written request for advance pay must be submitted to the Payroll Department two weeks prior to the pay period.
- B. Annual leave may be taken after approval by the appropriate Department Head, but every employee shall be encouraged to take at least ten (10) consecutive days leave during the year.

SECTION 8 ANNUAL LEAVE (VACATION) (Continued)

- C. Leave may be used only as accrued, and annual leave with pay shall not be allowed in advance of being accrued.

8.04 ACCRUAL AND USAGE

- A. It is the intent of these rules to have employees take their vacation yearly for the period in which it was earned. However, employees carrying unused annual leave shall be afforded the opportunity to use this accrual within his/her next anniversary year.
- B. No employee shall be permitted to take more than twenty (20) days of annual leave in any six (6) month period without permission of the Department Head and City Manager.
- C. An employee shall not be paid for accrued leave in lieu of taking such leave except upon separation.
- D. Annual leave may be accrued to a maximum of not more than thirty (30) days.

8.05 PAYMENT FOR UNUSED ANNUAL LEAVE

- A. All employees shall be required to take a minimum of two (2) weeks of vacation leave annually. If a department head cannot accommodate an employee's request for annual leave, the department head may recommend that the employee be compensated for up to 80 hours of vacation leave, prior to the employee's next anniversary date of employment.
- B. Employees leaving City employment shall be eligible to receive any annual leave credit accrued as of the date of separation.
- C. Payment for accrued vacation does not apply to employees having less than six (6) months of employment.
- D. All accrued annual leave of employees who die while in the service of the City shall be paid in cash to the spouse or estate of the employee.

## SECTION 9

### SICK TIME

#### 9.01 ELIGIBILITY

- A. Full-time and part-time City employees are eligible for paid sick time.
- B. Frequent claiming of benefits under this rule will constitute grounds for the assumption by the Department Head that the physical condition of the employee is below the standard necessary for the proper performance of duties. Likewise, evidence of malingering or the abuse of this benefit will constitute grounds for prompt dismissal or disciplinary action by the Department Head.

#### 9.02 CHARGING LEAVE

- A. Sick time shall be charged to the employee for the actual time the employee is away from work.
- B. Sick time will be charged in not less than a one (1) hour minimum period for time less than one (1) day.

#### 9.03 REQUEST FOR LEAVE

- A. To receive compensation while absent on sick time, an employee shall notify his/her immediate supervisor or Department Head prior to or as soon as possible after time set for beginning the daily duties. An employee in a unit operating on a twenty-four hour basis must notify the department within the time limit established by the department.
- B. In the event that an employee is suspected of abusing sick time privileges, the Department Head shall request a physician designated by the City to verify the illness.

SECTION 9 SICK TIME (Continued)

9.04 USE OF SICK TIME

- A. For non-work related minor injuries and illnesses of a short duration (less than ten (10) days). Employees anticipating being absent to periods greater than ten (10) days due to illness or injury shall request a leave-of-absence, pursuant to Section 11.
- B. Medical, dental, optical, or chiropractic examination or treatment.
- C. Exposure to a contagious disease which would endanger others.

9.05 ACCRUAL

Sick time accrual begins from the date of employment. Full-time employees accrue one day per month (twelve days per annum) and part-time employees accrue one-half day per month (six days per annum). There is no maximum amount of paid sick time that may be accrued.

9.06 SICK TIME PAYMENT

Upon involuntary termination from the City Service, all medical leave, current and accumulated, will be forfeited by employee.

If a regular employee does not use any sick time in a twelve (12) month period, the employee may choose to convert eight (8) hours of sick time to vacation time, immediately following his/her anniversary date of employment.

All regular employees may be compensated for accrued, unused sick time according to the following schedule:

Years Employed	Payment Percentage
5 - 9	50%
10 - 14	60%
15 - 19	75%
20 +	100%

SECTION 9 SICK TIME (Continued)

Payments shall be made only when a regular employee separates from City employment in good standing, and shall be limited to a maximum of 1,040 hours for full-time employees, and 520 hours for part-time employees.

9.07 LONG-TERM ILLNESS/DISABILITY BENEFITS

Additional sick time benefits are provided under the City's Health Insurance Policy for all regular full-time employees. This benefit pays a worker sixty (60%) percent of his/her average weekly earnings during periods of sickness and disability. An employee may use the benefits provided under this plan to supplement his/her accrued sick leave. In no case shall an employee receive more than one hundred (100%) percent of his/her gross salary during periods of illness or disability.

9.08 USE OF SICK TIME FOR CARE OF FAMILY MEMBERS

Employees may receive up to ten (10) days of paid sick time annually to care for family members, pursuant to Section 11.01(A).

9.09 FITNESS FOR DUTY

The City reserves the right to require proof of illness or disability and to have employees submit to physical or psychological examinations. Employees who cannot perform their job duties for physical or mental reasons shall have their job duties modified, be transferred to another position, or be placed on a leave-of-absence, at the discretion of the City.

SECTION 10

HOLIDAYS

10.01 DAYS OBSERVED

A. The following holidays and any other such days as the City Council may declare shall be observed by the City. They shall be granted with pay to all regular City workers scheduled to work on such days:

- |                           |                         |
|---------------------------|-------------------------|
| 1. New Year's Day         | January 1               |
| 2. Martin Luther King Day | Third Monday in Jan.    |
| 3. President's Day        | Third Monday in Feb.    |
| 4. Memorial Day           | Last Monday in May      |
| 5. Independence Day       | July 4                  |
| 6. Labor Day              | First Monday in Sept.   |
| 7. Veterans' Day          | November 11             |
| 8. Thanksgiving Day       | Fourth Thurs. in Nov.   |
| 9. Day after Thanksgiving | Fri. after Thanksgiving |
| 10. Christmas Eve         | December 24             |
| 11. Christmas Day         | December 25             |

B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

10.02 ELIGIBILITY FOR HOLIDAY PAY

A. All City employees are eligible to receive up to eight (8) hours of holiday pay, at straight time rates. Part-time employees shall receive holiday pay based upon the scheduled number of hours for their position. Employees normally working shifts in excess of eight (8) hours may use accrued vacation or personal leave to supplement holiday pay.

B. Temporary employees shall not be paid for holidays.

SECTION 10 HOLIDAYS (Continued)

10.03 EMPLOYEES REQUIRED TO WORK ON HOLIDAYS

If an employee works on a City-recognized holiday, he/she shall be paid time and one-half (1.5X) their hourly rate for all hours worked, and receive their normal holiday compensation.

10.04 HOLIDAY ON A WORKER'S DAY OFF

When a City-recognized holiday and a worker's day off coincide, the worker shall be granted another day off, have his/her vacation leave credited eight (8) hours, or receive eight (8) hours compensation, at the discretion of the Department Head.

10.05 HOLIDAY ON LEAVE DAY

- A. When a holiday falls within a period of paid leave, the holiday shall not be counted as a work day in computing the amount of leave debited.
- B. When a holiday falls within a period of an unpaid leave of absence, the employee shall not be paid for the holiday.

SECTION 11

LEAVES OF ABSENCE

11.01 POLICY

The City shall provide leave under the following conditions:

A. FAMILY MEDICAL LEAVE

Family Medical Leave is available when:

1. a son or daughter is born to the employee;
2. a son or daughter is placed with the employee for adoption or foster care;
3. the employee is needed to care for a seriously ill spouse, son, daughter, or parent; or
4. the employee has a serious health condition.

Family Medical Leave is limited to 180 calendar days in any twelve-month period. Employees must use all accrued leave benefits prior to being eligible for any unpaid Family Medical Leave.

B. MILITARY LEAVE

All rules concerning military leave will conform with Florida Statutes on this subject. A copy of the Statutes are on file in the Human Resources/Risk Management Dept.

C. COURT LEAVE

Leave with pay shall be provided to City employees when subpoenaed to Court as a juror or a witness. In order to receive compensation, a copy of the subpoena must be presented by the employee to his/her supervisor. Any remuneration paid by the Court, except for mileage (unless mileage was attributed to a City vehicle), shall be turned over to the City.

SECTION 11 - LEAVES OF ABSENCE (Continued)

D. PERSONAL LEAVE

Personal Leave may be granted for reasons not covered under Family Medical Leave. Department heads may reject or limit requests for Personal Leave. No Personal Leave shall be granted beyond 180 days in any twelve-month period, without the approval of the Personnel Director and City Manager.

E. BEREAVEMENT LEAVE

Employees shall be granted up to five (5) days Bereavement Leave in any twelve-month period, for deaths in their immediate family, without charge to any other accrued leave time. (For definition of Immediate Family, refer to Section 2.) Bereavement leave for non-family members may be granted at the discretion of the employee's department head.

F. ADMINISTRATIVE LEAVE

The City Manager or Department Head may place an employee on administrative leave for any reason not contained in this section for other than disciplinary action. Administrative leave shall be limited to 180 days and may be paid or unpaid. Employees placed on unpaid administrative leave may use accrued vacation or compensatory leave benefits.

11.02 GENERAL TERMS AND CONDITIONS

- A. All initial requests and requests for extensions of leaves of absence shall be submitted in writing to the employee's Department Head.
- B. No accrual of further sick time and/or vacation leave shall be permitted after fifteen (15) days.
- C. Health, disability, pension, life insurance, and other benefits shall be suspended after ninety (90) days. Employees may elect to maintain contributions after ninety (90) days.

SECTION 11 - LEAVES OF ABSENCE (Continued)

D. Salary Increases While on Leave of Absence

1. Employees on paid medical or military leaves-of-absence shall be eligible for any City-wide increases.
2. Employees on personal leaves-of-absence shall not be eligible for any salary increases.
3. Upon the employee's return to work, he/she shall be placed in the same or similar position he/she held prior to the leave-of-absence.
4. Failure to return from any leave of absence at the end of the approved period shall be considered abandonment of the employee's position and his/her resignation.

## SECTION 12

### POSITION CLASSIFICATION PLAN

#### 12.01 PURPOSE

The Position Classification Plan provides a systematic arrangement and inventory of service positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities, and level of work performed. The class titles standardize the meaning, allocation, and usage of the plan based upon the similarity of work and duties performed.

#### 12.02 USES

- A. Determine qualifications and prepare examination announcements and content.
- B. Standardize salaries to be paid for the various classes of work.
- C. Establish lines of promotion.
- D. Assist in developing an employee training program.
- E. Provide an understandable and uniform terminology of jobs.

#### 12.03 CONTENT

The Classification Plan consists of:

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which requires the same general qualifications, and which can be equitably compensated with the same pay grades.

## SECTION 12 POSITION CLASSIFICATION PLAN (Continued)

- B. A Class Title, indicative of the work of the class, which shall be used on all personnel, accounting, budget, and related official records. No person shall be appointed to a position in the City personnel structure under a title not contained in the classification plan.
  
- C. Written Class Descriptions for each job classification containing the nature of work and relative responsibilities of the class, illustrative duties found in the class, requirements of the class setting forth the necessary knowledge, abilities and skills required for adequate performance of the work, and the desirable training and experience needed for recruiting to the class.

### 12.04 ADMINISTRATION AND MAINTENANCE

The Personnel Director is charged with maintenance of the Classification Plan, so that it will reflect the duties performed by each employee in the City Service and the class to which each position is allocated. It is the duty of the Personnel Director to have the nature of positions examined as they are created and to have them allocated to the existing class or to create new classes; to make changes in the classification plan as are made necessary to changes in the duties and responsibilities of existing positions; and to review the entire Classification Plan and recommend to the City Manager appropriate changes in allocations or in the Classification Plan as needed.

### 12.05 ALLOCATION OF POSITIONS

Whenever a new position is established or duties of an old position changes, the Personnel Director shall prepare, in cooperation with the responsible Department Head, a comprehensive Class Description describing in detail the duties of such a position. The Personnel Director shall investigate the actual or suggested duties and assign the position to an existing class, or establish a new class and submit this to the City Manager for approval and adoption.

SECTION 12 POSITION CLASSIFICATION PLAN (Continued)

12.06 POSITION AUDIT AND RECLASSIFICATION

- A. The Personnel Director is charged with the responsibility of having position audits made of positions. Other position audits may be initiated by written request to the Human Resources/Risk Management Department from:
1. The City Manager.
  2. The Department Head/Director in the department where the position is located.
  3. The incumbent of the position to be audited, provided that the employee processes the request through the Department Head for review and comments.
- B. Position information will be gained through completion of a Position Classification Questionnaire by the incumbent or by the supervisor of the position (if the position is vacant) and through study of the position.
- C. The Department Head should review and make recommendations to the Personnel Director on all proposed new positions, changes and class descriptions.
- D. The employee in the position to be audited will be notified that the audit is to be conducted.

12.07 RECLASSIFICATION

- A. When the incumbent of a position, through diligent application of the work, is officially assigned more difficult and significant additional responsibilities and duties, so that it appears that the position warrants reallocation to a higher pay grade, the Human Resources/Risk Management Department shall perform a study of the present duties and responsibilities of the position.

SECTION 12 POSITION CLASSIFICATION PLAN (Continued)

- B. If, upon recommendation of the Department Head, it is determined that the position should be reallocated to such higher level class, the Personnel Director may require that the incumbent undergo a prescribed test, depending on the conditions of the reclassification and the nature of the position to be reclassified. Tests may include written or oral examination, interview or performance test, depending on the position involved.
- C. Should the employee fail the examination, or for some other valid reasons is not promoted to fill the vacancy, the Personnel Director may allow the employee to remain in the original position until he/she can be changed to the same or another class of employment.
- D. Should the position be reclassified to a job classification with the same pay grade as that of the original classification, the incumbent employee shall receive a corresponding change in title, without the benefit of examination, provided the reclassified position is in the same line and character of work, and involves the same basic duties, responsibilities, and skill.
- E. Should the position be reclassified to a job classification with a lower pay grade than that of the original classification, the incumbent employee shall be offered a transfer to a vacancy, if one exists, in the original classification in the same or other department.

12.08 POSITION CONTROL

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Council. When necessary, the City Manager may re-allocate authorized positions within any City department.

## SECTION 13

### SALARY PLAN

#### 13.01 PURPOSE

The Salary Plan shall be directly related to the Classification Plan and provides the basis of compensation for employees. The Salary Plan is constructed with regard to the following:

- A. Relative difficulty and responsibility existing between the various classes of work within the City employment.
- B. Prevailing rates of pay for similar types of work in private and public employment in the labor market where the City recruits for employees.
- C. Availability of candidates to fill positions in the City service.
- D. Economic conditions of the area.
- E. Financial policies of the City.

#### 13.02 USE OF THE SALARY PLAN

The Salary Plan is to reward employees for satisfactory performance, and to develop incentives among employees to improve their quality and performance of work. The proper utilization of the Salary Plan provides the Department Head with a vehicle for rewarding performance and affords the employee the opportunity to develop and achieve personal objectives.

#### 13.03 CONTENT OF THE SALARY PLAN

- A. The Salary Plan includes the basic salary schedule of salary ranges for all classes of positions included in the Classification Plan and subsequent amendments as adopted by the City Council.

SECTION 13 SALARY PLAN (Continued)

- B. The salary schedule indicates salary ranges and the compensation attached to the ranges. Each class title in the Classification Plan is assigned a specific salary range.

13.04 MAINTENANCE OF THE PLAN

After study, inquiry and consultation, the Personnel Director, with such assistance as required, shall review and amend the salary plan for the various classes of work in the Classified Service and present this updated information to the City Manager for approval and adoption.

13.05 AMENDMENT

Amendments to the salary plan shall be considered by the Personnel Director when changes of responsibilities of work or classes, availability of labor supply, prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action. The Personnel Director, after consultation with Department Heads and other concerned parties, may recommend amendment of the salary plan to the City Manager.

13.06 APPOINTMENT AND STARTING RATES

- A. The minimum salary established for a position is considered the normal appointment rate for new employees.
- B. Appointments at any rate in the lower third of the salary range for the authorized position being filled may be made with the recommendation of the Department Head and the approval of the Personnel Director.
- C. Appointments at any greater rate than stated above may only be made with the authorization of the Personnel Director.

SECTION 13 SALARY PLAN (Continued)

13.07 REASONS FOR SALARY INCREASES

- A. Merit increases are not considered to be automatic but are to be earned and based upon satisfactory job performance. Evidence of satisfactory service must be reflected in the employee's Performance Evaluation prior to approval of an increase. It is possible for all regular employees to obtain one merit increase per anniversary year.
- B. Amendments to any existing salary plan or the adoption of a new salary plan.
- C. Promotions as provided for in Section 4.03.
- D. A change in an employee's position classification as a result of a position audit.
- E. Other reasons as approved by the City Council and authorized by the City Manager.
- F. Supervisors are responsible for accurate and prompt submission of employee performance reports.
- G. No increase in salary will be approved within the employee's probationary period except in the case of an amendment to the salary plan.
- H. ~~Employees are eligible for a salary increase, not to exceed 5%, 180 days after being hired, promoted or transferred, if they started at the minimum of the salary range for their new position.~~

13.08 OVERTIME

- A. All non-exempt employees, except sworn police officers, shall be paid for authorized overtime at a rate of one and one-half (1-1/2) times their hourly rate for all hours worked over forty (40) during a seven (7) day consecutive period (work week).

SECTION 13 SALARY PLAN (Continued)

- B. Sworn police officers may have an overtime threshold greater than forty (40) hours in a seven (7) day period.
- C. Exempt employees do not receive payment for overtime hours.
- D. Sick leave, conference leave, and paid leaves of absence (except for annual leave and paid holidays) shall not be used for the purpose of computing overtime hours.
- E. All employees must receive authorization from their Department Head or supervisor before working overtime hours.
- F. Department Heads and supervisors shall attempt to notify employees of overtime hours, schedule changes, and work outside the normal schedule as far in advance as practical. However, the failure of an employee to comply with such schedule changes, work overtime hours, or work outside the normally scheduled hours may result in disciplinary action.

13.09 CALL-BACK PAY

- A. Any employee required to return to work after the end of his/her shift shall be paid a minimum of two (2) hours plus all time worked.
- B. Call-back time shall be used for the purpose of computing overtime hours.
- C. Each department shall solicit from its employees volunteers to be placed on a call-back list. In the event that no volunteers are available, the department shall prepare the list.

SECTION 13 SALARY PLAN (Continued)

13.10 SHIFT DIFFERENTIAL

All employees required to work the 11:00 PM (2300) to 7:00 AM (0700) shift shall receive their regular hourly rate, plus an additional fifty cents (\$0.50) per hour compensation.

13.11 OTHER PAID TIME OFF

City policy is to pay employees for overtime hours worked; however, employees may request compensatory time in lieu of overtime, with the approval of their department head. Compensatory time for non-exempt employees shall be paid at the rate of time and one-half their normal hourly salary. A maximum accrual of forty (40) hours is permitted. All accrued hours must be used in full before the end of the fiscal year (September 30) or paid out to the employee.

SECTION 14

ADMINISTRATIVE SALARY PLAN

14.01 POSITIONS DEFINED

The following positions shall constitute the exempt employees list for the purpose of computing overtime under the FAIR LABOR STANDARDS ACT:

1. Accountant
2. Assistant City Manager
3. Assistant to the City Manager
4. Chief of Police
5. City Building Official and Deputy Director
6. City Clerk
7. City Engineer
8. City Manager
9. City Treasurer
10. Civil Engineer
11. Deputy Chief of Police
12. Director and Assistant Director of Planning & Zoning
13. Director and Assistant Director of Utility Systems
14. Field Operations Manager, Utilities
15. Finance Director and Assistant Finance Director
16. Grant Coordinator
17. Information Services Manager
18. Juvenile Counseling Specialist
19. Manager of Research & Development
20. Parks and Recreation Director
21. Parks Superintendent
22. Personnel Director
23. Police Lieutenants
24. Public Works Director and Deputy Director(s)
25. Purchasing Director
26. Recreation Superintendent
27. Traffic Engineer

New positions will be added to this list as they are created by the City.

SECTION 14 ADMINISTRATIVE SALARY PLAN (Continued)

14.02 COMPENSATION

All exempt employees shall be paid a salary as contained in the City Pay Plan. Exempt employees shall not receive overtime pay.

14.03 SICK TIME

- A. All exempt employees shall be granted twelve (12) days paid sick time as of their first day of employment.
- B. Exempt employees shall be granted twelve (12) days sick time upon each anniversary date of employment.
- C. All unused sick time may be accrued from year-to-year.
- D. If an exempt employee does not use any sick time in a twelve (12) month period, the employee may choose to convert eight (8) hours of sick time to vacation time, immediately following his/her anniversary date of employment.
- E. Payments for unused sick time shall be in the same manner as contained in Section 9.

14.04 ANNUAL LEAVE

- A. All exempt employees shall accrue annual leave as contained in Section 8, unless an employment agreement stipulates otherwise.
- B. Unless different arrangements are made with the exempt employee's supervisor or the City Manager, exempt employees are required to take a minimum of two (2) weeks of annual leave per anniversary year. Exempt employees may use accrued annual leave after six (6) months of continuous service, with the permission of their respective Department Head or the City Manager.
- C. Prior to an exempt employee reaching his/her maximum accrual of 240 hours, the exempt employee may request payment of accrued hours. However, this payment shall

SECTION 14 ADMINISTRATIVE SALARY PLAN (Continued)

not relieve the exempt employee from taking a minimum of two (2) weeks annual leave. Payment of accrued, unused annual leave shall be at the discretion of the exempt employee's Department Head and/or the City Manager.

- D. Exempt employees may accrue annual leave, from year-to-year, to a maximum accrual of 240 hours, unless an employment agreement stipulates otherwise. Exempt employees shall be paid for all accrued annual leave upon separation from employment, as contained in Section 8.05, paragraphs B. and C.

14.05 PERSONAL DAYS

- A. Exempt employees shall receive three (3) paid personal leave days as of their first date of employment, and shall receive an additional three (3) paid personal leave days upon each anniversary date of employment.
- B. Paid personal leave days may not be used consecutively.
- C. Paid personal leave days may be used for any reason at the discretion of the exempt employee.
- D. Paid personal leave days may not be accrued from year-to-year.
- E. Paid personal leave shall be charged in increments of no less than one (1) hour.
- F. Paid personal leave days for exempt employees shall not be charged to accrued sick and/or annual leave.

14.06 COMPENSATORY TIME

All exempt employees shall receive compensatory time on an hour-for-hour basis for all time worked over forty (40) hours per seven-day consecutive period (work week) with approval of the City Manager, his designee, or by a department head for subordinate exempt staff members. The maximum accrual of compensatory time shall be limited to forty (40) hours.

SECTION 14 ADMINISTRATIVE SALARY PLAN (Continued)

14.07 SEVERANCE PAY

- A. All exempt employees may receive their normal salary for the next thirty (30) calendar day period upon separation from the service of the City, with the approval of the City Manager.
  
- B. The City Manager shall receive his/her normal salary for ninety (90) days' severance pay upon separation from the service of the City with the City Council's approval, unless a different arrangement is agreed to in writing between the City Manager and City Council.

## SECTION 15

### SEPARATIONS

#### 15.01 TYPES OF SEPARATIONS

All pertinent information concerning the separation of an employee from City service shall be designated on the appropriate personnel forms. The effective date of separation shall be the last day on which the employee is on duty. Separations and/or terminations are designated as one of the following types:

- A. Resignation
- B. Retirement
- C. Disability
- D. Death
- E. Reduction in force (layoff)
- F. Dismissal or discharge
- G. End of temporary assignment

#### 15.02 RESIGNATION

- A. Resignation is the separation of an employee from the City service through the submittal of a notice that the employee wishes to resign.
- B. It is the responsibility of an employee who plans to resign in good standing from the service to notify his/her immediate supervisor in advance as follows:
  - 1. At least fourteen (14) calendar days for employees in regular positions.
  - 2. At least four (4) calendar days for employees in temporary positions.

SECTION 15 SEPARATIONS (Continued)

3. The Department Head may waive these requirements for good and sufficient reason.

Failure to comply with any of the above-prescribed methods may be cause for denying such employee re-employment with the City.

- C. Unauthorized absences from work for a consecutive period of three (3) days, or three (3) assigned shifts, may be considered as the employee's voluntary resignation.
- D. Employees who resign in good standing shall be eligible for re-employment according to the provisions of these rules.

15.03 RETIREMENT - ALL EMPLOYEES

All conditions pertaining to retirement and pensions are set forth in the City Pension Plan. Copies of this plan are available in the Human Resources/Risk Management Department.

15.04 DISABILITY

For any good reason, a Department Head may request that the Personnel Director have an employee under the Department Head's jurisdiction examined by a physician designated by the City. If a disability of any kind is discovered which impairs the effectiveness of an employee or makes continuance on the job a danger to themselves or others, the following action shall be taken:

- A. If the disability is correctable, the employee may be allowed a specific time to have it corrected. If the employee fails to take steps to have the disability corrected within the specified time allowed by the physician, the employee shall be subject to separation.
- B. If, in the opinion of the examining physician, the disability cannot be corrected, the City may attempt to place the employee in another position which can be

SECTION 15 SEPARATIONS (Continued)

performed satisfactorily; if this step cannot be accomplished successfully, the City shall take steps to separate the employee from the City service.

15.05 DEATH

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

15.06 REDUCTION IN FORCE (LAYOFF)

- A. The City Manager or his designee may lay off an employee or employees when it is deemed necessary by reason of shortage of funds, lack of work, the abolition of the position, material changes in the duties or organization, or for reasons which do not reflect discredit upon the service of the employee(s). The duties performed by any employee laid off may be reassigned to other employees.
- B. When it becomes necessary for the reasons above to reduce the number of employees within a given class, employees shall be laid off as follows:
  - 1. Temporary
  - 2. Contract employees
  - 3. Probationary employees (new)
  - 4. Regular part-time employees
  - 5. Regular full-time employees
- C. Employees shall be laid off under the provisions of paragraph (B) above on the basis of the following factors:
  - 1. Performance as documented in the employee's personnel file;
  - 2. length of service with the City;
  - 3. other non-discriminatory reasons.

## SECTION 15 SEPARATIONS (Continued)

Employees who are separated from the service of the City under the provisions of this section shall not have the right of administrative appeal.

- D. The City will offer recall for up to one year from date of separation to laid-off employees, using the same criteria as stated in Section C, by certified mail to the last known address. If the laid-off employee fails to report to the Human Resources/Risk Management Department his intention of returning to work within ten (10) days after the mailing of the certified notice, the employee shall be considered as no longer interested in City employment.

### 15.07 END OF TEMPORARY ASSIGNMENT

Upon completion of assignment in a temporary position, an employee shall be separated. The employee shall be given notice of separation not later than twenty-four (24) hours before the date of separation, and a copy of the personnel form shall be sent to the Human Resources/Risk Management Department within three (3) calendar days after the effective date.

### 15.08 EXIT INTERVIEWS

The purpose and intent of the Exit Interview is to provide management with information as to why and in what areas employees may be dissatisfied with their jobs. This information may, in turn, improve our system and, hopefully, reduce our turnover rate.

Where possible, each employee who separates from the City will be interviewed by the Human Resources/Risk Management Department. An appointment should be made with this department as near as possible to the date of separation.

### 15.09 RETURN OF CITY PROPERTY

At the time of separation and prior to receiving final monies due, all records, books, assets, uniforms, keys,

## SECTION 15 SEPARATIONS (Continued)

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 made by the employee's supervisor. Any monies due the City because of any shortages may be offset against pay due to the employee or, if the shortage exceeds the pay due, may be collected through appropriate action.

### 15.10 REINSTATEMENT

- A. An employee who has left the service of the City in good standing may be rehired if a vacancy exists, to the same or similar position or other position that he/she qualifies for.
- B. Reinstated employees will not be required to serve a probationary period if they return to the service of the City in less than one (1) year to the same or similar positions.
- C. Reinstated employees shall be entitled to accrue paid leave at the same rate that they were accruing it when they left.
- D. No forfeited leave or benefits shall be restored to a reinstated employee upon rehire, except what is mandated by state and federal law, and the City's pension plan.
- E. Reinstated employees may be reinstated at the same pay rate or revert to a lower one, at the discretion of the Department Head and with the approval of the City Manager.
- F. The ordinary seniority date shall be restored in measuring criteria for reduction-in-force purposes if an employee returns to the service of the City in less than one (1) year.

## SECTION 16

### SAFETY

#### 16.01 ACCIDENT PREVENTION

The development of safe working conditions, practices, habits and thinking are the objectives of the City Safety Program. Reaching those objectives will result in benefits to all employees and to the City. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense, and improper and dangerous use of equipment, are all operational problems which will be improved by efforts of all employees.

All Department Heads, supervisors, and employees must recognize their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must, however, have a continuing concern with all possible operational economies consistent with safe work practices. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents, and reduce available manpower.

#### 16.02 ACCIDENT REPORTING

- A. All employees shall be advised of their responsibility to immediately report to their supervisor all injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delay recovery.
  
- B. It is the responsibility of the injured employee's immediate supervisor that accident reports are submitted within twenty-four (24) hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This also applies to industrial accidents and first aid injuries as well as to anyone injured in a vehicular accident involving City vehicles. In the latter case, a vehicular accident report will be submitted and, if an employee is injured, a report of the injury to employee will also be required.

## SECTION 16 SAFETY (Continued)

- C. In the case of all vehicular accidents, the appropriate law enforcement agency, the employee's supervisor and the Safety Coordinator should be notified immediately.
- D. In case of serious injury or fatality, the appropriate law enforcement agency and the Safety Coordinator shall be notified immediately.

### 16.03 WORKERS' COMPENSATION

Payment of Workers' Compensation to all employees who are disabled because of an injury arising out of and in the course of performing their duties with the City will be governed by the Florida State Workers' Compensation Law.

### 16.04 SAFETY EQUIPMENT

Safety equipment and devices, when provided, must be used. Failure by employees to utilize provided equipment or devices will be cause for disciplinary action.

### 16.05 JURISDICTION OF THE SAFETY COORDINATOR

If a safety hazard of immediate consequence is observed by the Safety Coordinator, said officer has the right to overrule the Department Head and/or stop work immediately until the hazard has been properly dealt with.

### 16.06 EMPLOYEE SAFETY AWARDS

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

SECTION 16 SAFETY (Continued)

16.07 EMPLOYEE SAFETY MANUAL

The Employee Safety Manual, approved and adopted by the City Council of the City of Port St. Lucie, shall be considered as a part of these Personnel Rules and Regulations and compliance with the Employee Safety Manual by all City employees shall be required as though the entire Employee Safety Manual was set forth in its entirety herein.

16.08 SUBSTANCE ABUSE POLICY

The City of Port St. Lucie is a drug-free work place employer. A policy regarding the use of drugs, controlled substances and alcohol has been adopted by the City Council and shall be considered as part of these Personnel Rules and Regulations. A copy of this policy shall be furnished to all employees.

## SECTION 17

### RECORDS AND REPORTS

#### 17.01 RESPONSIBILITY

The Personnel Director is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

#### 17.02 RECORDS

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

SECTION 17      RECORDS AND REPORTS      (Continued)

17.03 RECORDS RETENTION AND DISPOSITION

The Personnel Director shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable law.

## SECTION 18

### DISCIPLINARY ACTION

#### 18.01 INTENT

- A. It is the intent of the City of Port St. Lucie that effective supervision and good employee relations will avoid most matters which might necessitate disciplinary action. The purpose of the rules, and disciplinary action for violation of the rules, is not intended to restrict the rights of anyone, but to ensure the rights of all and secure cooperation and orderliness throughout the personnel system.
- B. 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 without creating a precedent for other cases which may arise in the future. Examples given in any rule do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but merely as guide. The rules and regulations provide recommended standard penalties to apply for specific offenses. This means that a more or less severe penalty may be issued than that which appears in the standard procedure, at the discretion of the City Manager or his designee.
- C. The types of offenses requiring disciplinary action are divided into three types to reflect degrees of severity of offenses. In each group, and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned. In each case where the penalty is modified from the recommended standard penalties, the reasons for such modification will be noted in writing.
- D. In all cases, the Department Head shall notify the employee, in writing, of the action taken, and a copy of such notice will be sent to the Personnel Director

SECTION 18 DISCIPLINARY ACTION (Continued)

for placement in the employee's personnel file. Disciplinary action records may not be removed from employee personnel files, and shall conform to the Florida Public Records Law.

- E. In addition to the general types of offenses listed below, infraction of department rules and regulations will subject the employee to disciplinary action.
- F. More progressive discipline may be given an employee based on the cumulative effect of a breach of the same or different work rules. The discipline suggested in the following rules is based on situations where an employee does not have a history of violating City rules. If there has been a prior violation or violations of different rules or of the same rule, then that history should be taken into consideration in deciding the appropriate disciplinary action to take.
- G. The following categories of offenses and resulting consequences are not intended to be all-inclusive or restrictive, but should be considered as examples of possible infractions and recommended disciplines to be administered. The fact that four (4) separate disciplinary actions are listed should not be interpreted to mean that each action must be used, or that there must be three (3) rule violations before any employee must be discharged. Most disciplinary actions may be considered progressive in their consequences in order to consider the cumulative effect and frequency of similar offenses. However, under certain conditions, the offense may be of such a nature as to require immediate termination.
- H. Department Heads or their designees shall review with the Personnel Director all disciplinary actions involving dismissal, suspension without pay and/or demotion, prior to implementation.

SECTION 18 DISCIPLINARY ACTION (Continued)

18.02 TYPES OF OFFENSES - The three (3) groups of offenses and guides for standard recommended penalties are as follows:

GROUP I OFFENSES

FIRST OFFENSE ..... INSTRUCTION AND CAUTIONING  
SECOND OFFENSE ..... WRITTEN REPRIMAND  
THIRD OFFENSE ..... SUSPENSION WITHOUT PAY  
FOURTH OFFENSE ..... DISMISSAL

GROUP I:

1. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
2. Taking more than specified time for meals or rest periods.
3. Demonstrating inferior workmanship which is not up to required standards of performance.
4. Disregarding job duties by loafing or neglecting work during hours.
5. Showing discourtesy to persons with whom the employee comes in contact while in their performance of duties.
6. Habitually failing to punch time card, where applicable. "Habitually" is considered occurring three (3) times in any thirty (30) day period.
7. Habitually reporting to work late. "Habitually" is considered occurring three (3) times in any thirty (30) day period.
8. Violating a safety rule or safety practice.

SECTION 18 DISCIPLINARY ACTION (Continued)

GROUP I Cont'd:

9. Failing to report a personal injury or accident in which the employee was involved while on the job, pursuant to the Employee Safety Manual.
10. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.
11. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
12. Failing to report immediately to the Department Head the loss of a City identification card.
13. Making mistakes due to carelessness which affect the safety of City personnel, equipment, tools or property.
14. Incompetence or inefficiency in the performance of assigned duties in an employee's position.
15. Reporting to work or working while unfit for duty, either medically, mentally, or physically.

GROUP II OFFENSES

FIRST OFFENSE..... INSTRUCTION AND CAUTIONING,  
WRITTEN REPRIMAND

SECOND OFFENSE..... SUSPENSION WITHOUT PAY

THIRD OFFENSE..... DISMISSAL

1. Neglecting to, or omitting to, comply with the requirements as set forth in appropriate rules in Standards of Conduct Section.
2. Engaging in gambling, lottery, or any other game of chance at City work stations at any time.

SECTION 18 DISCIPLINARY ACTION (Continued)

GROUP II Cont'd

3. Making or publishing false, vicious, or malicious statements concerning any employee, supervisor, the City, or its operation; or making statements concerning a violation of City policy without first reporting such violations to the appropriate supervisor, Department Head or City Manager.
4. Being absent one work day or shift without permission or leave.
5. Failing to report a request for information, or receipt of a subpoena from a law firm or an attorney, for a matter relating to City business.
6. Violation of the City's No Solicitation Rules, as contained in Section 3.09.
7. Knowingly reporting for work with a serious communicable disease which may endanger other employees.
8. Abuse of leave privileges.

GROUP III OFFENSES

FIRST OFFENSE.....DISMISSAL

1. Wanton or willful neglect in performing assigned duties.
2. Deliberately misusing, destroying, or damaging any City property.
3. Receiving from any person, or participating in, any fee, gift, or other valuable thing in the course of work, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.
4. Knowingly punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card.

SECTION 18 DISCIPLINARY ACTION (Continued)

GROUP III Cont'd

5. Falsifying job-related records, including employment applications, accident records, purchase orders, work records, time sheets, or any other report, record or application.
6. Making false claims or misrepresentations in an attempt to obtain sick, accident, workers' compensation, or any other City benefit.
7. Insubordination by refusing to perform work assigned, or to comply with written or verbal instructions of a supervisor, Department Head, foreman, or City Manager.
8. Unauthorized use, possession or display of firearms, explosives or weapons on City property.
9. Theft or removal, without proper authorization, of any City property or property of any employee or other person.
10. Immoral, unlawful, or improper conduct, or indecency, either on or off the job, which would tend to affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community.
11. Being absent from duty for a period of three (3) consecutive working days without proper authorization.
12. Failing to return from an authorized leave of absence.
13. Permitting another person to use an employee's City Identification, using another person's, or altering a City Identification Card.
14. Drinking intoxicating liquor or the use or abuse of controlled dangerous substances while on duty. Also, reporting to work while under the influence of intoxicating liquors or controlled dangerous substances.

SECTION 18 DISCIPLINARY ACTION (Continued)

GROUP III Cont'd

15. Being convicted of a felony, or a misdemeanor of the first degree as defined by Florida Statutes, or any violation involving moral turpitude, while either on or off the job.
16. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations, including but not limited to, instigating, leading or participating in any walk-out, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
17. Participating in a work stoppage against the City as established in Florida Statutes.
18. Sleeping or hiding during duty hours.
19. Failure to work special hours, or special shifts, after being scheduled according to overtime and standby duty policies.
20. Leaving assigned post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift.
21. Provoking or instigating a fight, or fighting on City property.
22. Unauthorized use of City equipment for performing work on non-City projects.
23. Threatening, intimidating, coercing, or committing any acts of violence against fellow employees or supervisors at any time.
24. Operating any City vehicle or equipment without a valid Florida driver's license and/or certification.

SECTION 18 DISCIPLINARY ACTION (Continued)

18.03 SUSPENSION WITHOUT PAY

- A. An employee may be suspended without pay by his/her Department Head as a disciplinary action. Suspension without pay imposed by Department Heads shall be limited to three (3) days. Any suspension greater than three (3) days shall require the prior approval of the City Manager or his designee.
- B. Prior to the time a proposed suspension without pay is to become effective, the employee in question shall be given:
  - 1. written notice specifying the reasons for the proposed suspension; and
  - 2. an opportunity to present his/her explanation and/or position in writing and/or orally.
- C. An employee who is dissatisfied with a suspension without pay may use the grievance and Civil Service Appeals Board process. Please see Section 19 for procedure and time limits.

18.04 SUSPENSION WITH PAY

- A. If the City Manager or Department Head should perceive a significant hazard in keeping the employee on the job, the City Manager or Department Head may immediately suspend the employee with pay, without having first complied with the requirements of paragraph 18.03 B above. Within two (2) days from the date of the suspension with pay, the procedures contained in paragraph 18.03 B above should be complied with if possible and the employee may be placed on suspension without pay at the discretion of the Department Head or City Manager.

SECTION 18 DISCIPLINARY ACTION (Continued)

18.05 OTHER DISCIPLINARY ACTIONS

- A. PROBATION - A probationary period may be used as a disciplinary measure at the discretion of the City Manager or the Department Head for Groups I and II offenses. Probationary periods shall be instituted to allow an employee to correct or modify his/her work performance as a precondition for further employment, or to retain his/her present classification. The City Manager or appropriate Department Head shall provide an employee with a written notice of probation, and such information necessary to allow an employee to improve his/her work performance.

No employee on probation shall receive a merit increase.

Probationary periods shall not be for more than six (6) months, except for violations of the City's Substance Abuse Policy.

- B. DEMOTION - Demotion may be used as a disciplinary measure for any Group II or III violation of the City Personnel Rules and Regulations. The City Manager or Department Head may demote any employee to the next lower classification, as contained in the Personnel Management System.

Demotion shall only be used as a disciplinary action if the actions of an employee who was subject to a disciplinary action have an adverse impact on his/her department and/or the City. All demotions are to be approved by the City Manager and coordinated with the Human Resources/Risk Management Department.

Prior to the time the demotion is to become effective, the employee in question shall be given:

1. written notice specifying the reasons for the proposed demotion; and
2. an opportunity to present his/her explanation and/or position in writing and/or orally.

## SECTION 18 DISCIPLINARY ACTION (Continued)

An employee who is dissatisfied with a demotion may use the grievance and Civil Service Appeals Board process. Please see Section 19 for procedure and time limits.

### 18.06 DISMISSAL

In the event a regular City employee (not a newly-hired probationary, temporary, or contract employee), who has attained classified status, is dismissed, the procedures listed below shall be followed:

- A. The City Manager or his designee shall provide a regular City employee who is subject to dismissal with a written statement of the reason(s) for same, at least ten (10) days prior to the effective date of dismissal. An explanation of the City's evidence supporting the proposed termination shall also be provided to the employee with this written statement. In the event that the City Manager's designee terminates a regular City employee, he/she shall have obtained the City Manager's prior approval for such action. After giving the employee the notice of reason(s) for dismissal, the City Manager may suspend the employee from duty with pay for the next ten (10) days following the written notice.
- B. If an employee requests a review of the written statement of reason(s) for his/her dismissal, the employee shall have three (3) working days to deliver to the City Manager a request for a review, in a form provided by the City. Failure to submit the completed form to the City Manager within the prescribed three-day (3) period, requesting a review, shall be deemed a willingness on the part of the employee to accept the City's decision to terminate his/her employment, and shall end the process. The employee's response and request for review shall set forth with reasonable detail the reason(s) why the employee disagrees with the proposed dismissal.
- C. If the employee requests a review, a pre-termination meeting shall be scheduled with the employee and his/her Department Head, to be held in the City Manager's office or conference room, not earlier than

SECTION 18 DISCIPLINARY ACTION (Continued)

five (5) days and not later than ten (10) days after receipt of such request.

Employees are not required to be represented by a legal counsel; however, if the employee intends to be represented by a legal counsel, he/she shall provide written notice to the City Manager at least two (2) days prior to the meeting. At the meeting, the employee may respond orally or in writing to the charges.

The City Manager shall have the authority to uphold, overrule or modify the dismissal. Within ten (10) working days after the pre-termination meeting, the City Manager shall render his decision in writing to the employee, setting forth the reasons therefor. An employee who is dissatisfied with the City Manager's decision may, within five (5) working days, request that the City Manager's decision be reviewed by the Civil Service Appeals Board. (See Civil Service Appeals Board procedure in Section 19.06.)

## SECTION 19

### GRIEVANCE AND CIVIL SERVICE APPEALS BOARD PROCEDURES

#### 19.01 PURPOSE

This grievance procedure is established to provide full opportunity to employees to bring to the attention of management grievances that the employees feel need either adjustment or information. It is the intent and the desire of the City to adjust grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after an appeal and review. The submission of a grievance by an employee shall in no way adversely affect the employee of his/her employment with the City.

#### 19.02 CAUSES OF GRIEVANCES

An employee may file a grievance to register a complaint, to solve a problem, to redress an alleged wrong, and to notify or erase any disciplinary measures taken against him or her, or a suspension from work. The grievance procedure shall not be used to appeal or contest a dismissal or discharge. (See Sect. 18.06.)

#### 19.03 UNACCEPTABLE GRIEVANCES

This grievance procedure is for individual employees to solve their own personal problems concerning the personnel rules and regulations of the City. Grievances are unacceptable if filed by one employee for another, or for groups of employees.

#### 19.04 GRIEVANCE PROCEDURE

In order to assure all employees of a method in which they can get their particular grievance considered rapidly, fairly, and without reprisal, the following steps are provided:

SECTION 19 GRIEVANCE AND C.S.A.B PROCEDURES (Continued)

STEP 1: The employee shall, within three (3) working days of the incident, discuss and explain the complaint or grievance orally with his or her immediate supervisor, who may call higher level supervision into the discussion in an effort to achieve a prompt, satisfactory adjustment. The immediate supervisor will make a decision and notify the employee within two (2) working days after the discussion with the employee.

STEP 2: If the employee feels that the matter has not been settled or adjusted to his or her satisfaction by the immediate supervisor, the employee may submit the matter in writing to the Head of the Department. The Department Head will schedule a meeting within five (5) working days after receipt of the grievance with the employee. If the matter is not resolved at this meeting, the Department Head shall give a written answer within three (3) working days after the scheduled meeting.

STEP 3: If the grievance is not resolved to the employee's satisfaction by the decision of the Department Head, the employee may appeal to the City Manager. The City Manager shall schedule a meeting with the concerned employee, and others at his/her discretion, within ten (10) working days thereafter.

STEP 4: If a grievance concerning suspension without pay or demotion as a disciplinary action is not resolved to the employee's satisfaction by the City Manager, the employee may appeal to the Civil Service Appeals Board. The decision of the City Manager shall be final for all other types of grievances.

It shall be the obligation of the grievant to bring the grievance to each succeeding step. If the grievance is not brought to the next step by the grievant within stated time limits, the City shall consider the grievance as abandoned and settled.

SECTION 19 GRIEVANCE AND C.S.A.B. PROCEDURES (Continued)

19.05 GENERAL PROVISIONS OF THE PROCEDURE

- A. The time limits of their grievance procedure may be extended by management due to illness, vacations, business trips, or some emergency. If an extension of time is required, the employee will be notified. If management does not respond in the time provided, the employee may go to the next step.
- B. In some cases, steps in the grievance procedure may be waived at the discretion of the Department Head or City Manager, to allow more severe matters to progress more rapidly.
- C. Under this grievance procedure, the employee and management have the opportunity to call a witness at the Step 2 level, and thereafter, for each step in the grievance procedure.
- D. Grievants will have three (3) working days to appeal the decision given in any step to the next higher step in the grievance procedure.
- E. Any grievances shall be considered settled at the completion of any step, unless it is appealed by the employee within the time limits set forth. It is hoped that the great majority of grievances will be satisfactorily settled in the first or second step.
- F. All grievances filed shall have informational copies of all stages in the procedure forwarded to the City Manager on the day of receipt.
- G. The time limits as set forth in the grievance procedure, for management response, shall remain the same for employees regardless of the regular work week. If the response time limit falls on an employee's day off, the reply by management shall be given to the employee on his/her scheduled work day, immediately following his/her day off.

SECTION 19 GRIEVANCE AND C.S.A.B. PROCEDURE (Continued)

19.06 CIVIL SERVICE APPEALS BOARD

H. At any step in the procedure, the Human Resources/Risk Management Department is available for advice, policy interpretation, or to assist in any way in resolving the grievance.

A Civil Service Appeals Board (C.S.A.B.) comprised of non-employees shall be established by the City Council. The C.S.A.B. has authority to hear appeals from the final disciplinary actions of suspension without pay, demotion, and dismissal, imposed by the City.

A. An employee may request a hearing and review of the City's action by filing a request in writing with the City Manager's Office within five (5) days after the employee has received notice of the City Manager's final action suspending, demoting, or dismissing the employee.

1. The written request shall specifically state the basis for appeal.

2. The City Manager shall cause the C.S.A.B. to convene within thirty (30) working days after the receipt of the employee's request for review.

B. The employee shall be present at the hearing and may represent him/herself or be represented by counsel.

1. If he/she intends to be represented by legal counsel, he/she shall provide written notice to the Board through the City Manager at least two (2) days prior to the hearing.

2. The City may be represented by counsel.

C. If the employee or the City plans to present witnesses at the hearing, the employee and the City shall provide the other party with a written list of witnesses at least two (2) days before the hearing.

SECTION 19 GRIEVANCE AND C.S.A.B. PROCEDURES (Continued)

1. The C.S.A.B. may limit the number of witnesses to a reasonable number.
  2. Each party shall be responsible for producing any witnesses they wish to present. The C.S.A.B. does not have subpoena power.
- D. At the hearing, the Board shall hear relevant and competent testimony and evidence concerning the appropriateness of the disciplinary charge and the facts upon which it was based. Each party may present brief opening statements. The appealing employee then shall present his/her evidence, specifically addressing the relevant grounds stated in his/her written request for hearing and appeal. The City shall then present its evidence in support of its action. The parties may then offer rebuttal evidence. Each party may then give concluding arguments to the Board.
1. The matters addressed at the hearing shall be limited to the appropriateness of the disciplinary action and the facts upon which it was based.
  2. After full consideration of the evidence, the C.S.A.B. shall reduce its decision to writing, setting forth the reasons therefor and furnish a copy to the City Manager and the employee within ten (10) days of the hearing. The C.S.A.B. shall have the authority to uphold, overrule, or modify the disciplinary action. The decision of the Board shall be binding on all parties.
- E. Remedies
1. If the Civil Service Appeals Board determines that a demotion was not in accord with the City's Personnel Rules and Regulations, the employee may be reinstated to his/her former position, or may be reinstated under such conditions as the C.S.A.B. determines are appropriate. In addition, the employee may be granted back pay for all or part of the time he/she was in a lower-paid position,

SECTION 19 GRIEVANCE AND C.S.A.B. PROCEDURES (Continued)

as a result of the demotion as the C.S.A.B. deems appropriate.

2. If the Civil Service Appeals Board determines that a suspension without pay was not in accord with the City's Personnel Rules and Regulations, or that the length of the suspension was too long, the Board may overrule or modify the suspension as it determines appropriate. If the suspension is overruled or modified, the employee will be made whole for any loss of pay, benefits, as appropriate.
3. If the Civil Service Appeals Board determines that dismissal was not in accord with the City's Personnel Rules and Regulations, the employee may be reinstated to his former position, or may be reinstated under such conditions as the C.S.A.B. determines appropriate. In addition, the employee may be granted back pay for all or part of the time he/she was off work, as the Civil Service Appeals Board deems appropriate.

SECTION 20

SEXUAL HARASSMENT

20.01 Pursuant to the guidelines on sex discrimination issued by the Equal Employment Opportunity Commission, the City endorses the following policy:

- A. It is illegal and against the policies of this City for any employee, male or female, to sexually harass another employee by (a) making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's continued employment, or (b) making submission to or rejections of such conduct the basis for employment decisions affecting the employee, or (c) creating an intimidating, hostile or offensive working environment by such conduct.
  
- B. Any employee who believes he or she has been the subject of sexual harassment should report the alleged act, immediately after the alleged harassment occurs, to the Human Resources/Risk Management Department. An investigation of all complaints will be undertaken immediately. Any department head, supervisor, or other employee who has been found by the City, after appropriate investigation, to have sexually harassed another employee will be subject to appropriate sanctions depending on the circumstances, from a warning in his or her file up to and including termination.

ADMINISTRATIVE SERVICES  
FEB 15 2005  
RECEIVED

COUNCIL ITEM 85  
DATE 2/14/05

COUNCIL ITEM 101  
DATE 1/24/05

Ordinance 05- 15

AN ORDINANCE PURSUANT TO SECTION 10.03, CHARTER OF THE CITY OF PORT ST. LUCIE, FLORIDA; PROVIDING FOR THE ADOPTION OF AMENDED PERSONNEL RULES; AMENDING SECTION 2, PERTAINING TO THE DEFINITION OF "IMMEDIATE FAMILY"; AMENDING SECTION 6.02(A), PERTAINING TO THE LENGTH OF INITIAL PROBATIONARY PERIOD; AMENDING SECTION 6.03(B), PERTAINING TO THE NUMBER AND TIMING OF PERFORMANCE EVALUATIONS; AMENDING SECTION 10.01 (A), INCREASING THE NUMBER OF CITY-OBSERVED HOLIDAYS; AMENDING SECTION 11.01(D), CHANGING 'PERSONNEL DIRECTOR' TO 'DIRECTOR, HUMAN RESOURCES; AMENDING SECTION 11.01(E), PERTAINING TO THE GRANTING OF BEREAVEMENT LEAVE; AMENDING SECTION 11.02(B), PERTAINING TO THE ACCRUAL OF SICK AND/OR VACATION LEAVE DURING AN APPROVED LEAVE-OF-ABSENCE; AMENDING SECTION 11.02(C), PERTAINING TO THE CONTINUATION OF BENEFITS DURING AN APPROVED LEAVE-OF-ABSENCE; REPEALING AND DECLARING INEFFECTIVE ALL PREVIOUSLY ADOPTED PERSONNEL RULES INCONSISTENT WITH THE PERSONNEL RULES ADOPTED HEREBY; PROVIDED THAT THE AMENDMENTS SHALL BE INCORPORATED INTO A COMPREHENSIVE HANDBOOK COMPRISING THE PERSONNEL RULES OF THE CITY OF PORT ST. LUCIE, PROVIDING AN EFFECTIVE DATE.

THE CITY OF PORT ST. LUCIE HEREBY ORDAINS:

Section 1. Pursuant to Section 10.03 of the Charter of the City of Port St. Lucie, Florida, there is hereby adopted effective February 24, 2005, amendments to the Personnel Rules as outlined in Exhibit "A" attached hereto and by reference incorporated herein.

Section 2. The Personnel Rules adopted by this Ordinance shall supercede all previously adopted or enacted Personnel Rules for the personnel of the City of Port St. Lucie, Florida, inconsistent with the provisions of the amended rules adopted herein.

ORDINANCE 05-15

Section 3. The Human Resources Department of the City of Port St. Lucie is hereby directed to incorporate the amended rules approved hereby in the handbook of personnel rules for the City of Port St. Lucie.

Section 4. This Ordinance shall become effective ten (10) days after its final adoption.

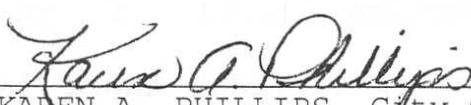
PASSED AND APPROVED by the City Council of the City of Port St. Lucie, Florida, this 14th day of February, 2005.

CITY COUNCIL  
CITY OF PORT ST. LUCIE

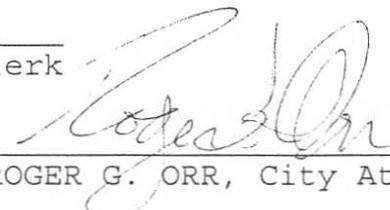
BY:

  
ROBERT E. MINSKY, Mayor

ATTEST:

  
  
KAREN A. PHILLIPS, City Clerk

APPROVED AS TO FORM:

  
ROGER G. ORR, City Attorney

ORDINANCE 05-15

SYNOPSIS OF CHANGES TO PERSONNEL RULES & REGULATIONS

1. **SECTION 2 - DEFINITION OF TERMS** - Immediate Family:  
Deleted *grandmother* and *grandfather*; added grandparent, grandchildren and stepparent.
2. **SECTION 6 - PROBATIONARY PERIODS** -  
**6.02 (A)**: Changed length of time for initial probation to nine (9) months;  
**6.03 (B)**: Added performance evaluation interval at two hundred seventy (270) days.
3. **SECTION 10 - HOLIDAYS** - Added New Year's Eve to listing of City-observed holidays.
4. **SECTION 11 - LEAVES OF ABSENCE** -  
**11.01 (D)**: Changed 'Personnel Director' to 'Director, Human Resources' to reflect actual title;  
**11.01 (E)**: Deleted "...in any twelve-month period..." to reflect actual practice;  
**11.02 (B)**: Changed accrual of sick and/or vacation leave from fifteen (15) to thirty (30) consecutive calendar days, during leaves-of-absence;  
**11.02 (C)**: Deleted reference to suspension of benefits during an approved medical leave-of-absence, so long as employee continues to make required contribution.

MEMORANDUM

TO: CITY COUNCIL

FROM: DONALD B. COOPER, CITY MANAGER 

DATE: JANUARY 19, 2005

SUBJECT: CHANGES TO PERSONNEL RULES AND REGULATIONS

Attached herein please find proposed changes to the City's Personnel Rules and Regulations pursuant to the memorandum dated January 12, 2005 from Linda Valure, Director, Human Resources.

Essentially, these changes bring about modifications to the City's Personnel Rules and Regulations to conform with the PEA contract recently approved by the City Council. They provide a new definition for the term "immediate family;" change the length of the probationary period from six to nine months; add a performance evaluation at an interval of 270 days; add a new holiday to the city's list of holidays, that being New Year's Eve; and change certain provisions of Section 11, Leaves of Absence Policy.

It has been the city's practice to try to make its Personnel Rules and Regulations as uniform as possible in order to avoid confusion of all employees. This would ensure that all of the employees have the same holidays off and the same terms and conditions apply uniformly throughout the city. Otherwise we may have a situation where employees in one group are serving a longer probationary period than another group and some employees may have certain holidays off and other employees may not.

Therefore, in order to avoid confusion it is recommended that the city pass the ordinance.

DBC:eg  
Attach.

c: Roger G. Orr, City Attorney  
Linda G. Valure, Director, Human Resources

# MEMORANDUM

TO: Donald B. Cooper, City Manager

FROM: Linda G. Valure, Director, Human Resources

DATE: January 12, 2005

RE: Amendments to the City's Personnel  
Rules and Regulations

  
**RECEIVED**

JAN 13 2005

City Manager's Office

Pursuant to Section 10.03 of the City Charter and Section 1.04 of the City's Personnel Rules and Regulations, attached are my recommended amendments to the current City employment policies. These changes are primarily to reflect the corresponding sections of the recently adopted CFPEA collective bargaining agreement, to maintain equity among all City employees. A brief synopsis of each recommended amendment is included.

I request that you consider this action for inclusion on the City Council meeting agenda for Monday, January 24, 2005. If you have any questions or wish to discuss this matter, please let me know.

//

cc: Victor L. Granello, Deputy City Manager

SECTION 2 DEFINITIONS OF TERMS (Continued)

FULL TIME EMPLOYEE

An employee required to work over thirty (30) hours per week on a regular and continuous basis.

IMMEDIATE FAMILY

Includes spouse, children, parent, ~~grandmother, grandfather,~~ grandparent, grandchildren, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepchildren, stepparent, aunt, uncle, or legal guardian.

JOB ANALYSIS

A study of the duties and responsibilities of the position.

LAYOFF (REDUCTION IN FORCE)

A reduction of the number of employees due to lack of work or funds, or the reorganization of various departments/divisions, or other legitimate reasons.

LEAVE

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

MAY

The word "MAY" shall be interpreted as permissive.

MERIT PAY INCREASE

An increase in compensation which may be granted to an employee based on job performance.

ORAL EXAMINATION

An examination where a candidate spends time in the presence of a panel. The members of the panel rate the candidate based on the oral testing or interviewing of the candidate.

OVERTIME

Time worked in excess of 40 hours per week for those persons in the non-exempt classification. This definition does not apply to sworn Police Officers.

## SECTION 6

### PROBATIONARY PERIODS - EMPLOYMENT, PROMOTION, TRANSFER

#### 6.01 PURPOSE

The probationary period is an integral part of the employment process. It is utilized to observe closely the employee's work, to secure the most effective adjustment of an employee to the position, and to reject any employees whose performance does not meet the required work standards.

#### 6.02 DURATION

- A. A probationary period shall be served by all newly-hired, transferred or promoted employees. The length of time for probation shall not be less than ~~one hundred eighty (180) days~~ nine (9) months from date-of-hire.
- B. Length of the probation may vary in departments or occupations where regular status is dependent upon completion of a training period, certification or other requirements.
- C. If the employee successfully completes the probationary period, he/she will be placed on regular status.

#### 6.03 EVALUATION OF PERFORMANCE

- A. During the probationary period, Department Heads or supervisors shall perform written evaluations with respect to the employee's qualifications for the position and job performance.
- B. Department Heads or supervisors shall perform written evaluations during the employee's probationary period. Newly-hired employees shall be evaluated at approximately thirty-, sixty-, ninety-, and one hundred eighty- and two hundred seventy-day intervals.

## SECTION 10

### HOLIDAYS

#### 10.01 DAYS OBSERVED

A. The following holidays and any other such days as the City Council may declare shall be observed by the City. They shall be granted with pay to all regular City workers scheduled to work on such days:

1. New Year's Day	January 1
2. Martin Luther King Day	Third Monday in Jan.
3. President's Day	Third Monday in Feb.
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	First Monday in Sept.
7. Veterans' Day	November 11
8. Thanksgiving Day	Fourth Thurs. in Nov.
9. Day after Thanksgiving	Fri. after Thanksgiving
10. Christmas Eve	December 24
11. Christmas Day	December 25
12. New Year's Eve	December 31

B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.

#### 10.02 ELIGIBILITY FOR HOLIDAY PAY

A. All City employees are eligible to receive up to eight (8) hours of holiday pay, at straight time rates. Part-time employees shall receive holiday pay based upon the scheduled number of hours for their position. Employees normally working shifts in excess of eight (8) hours may use accrued vacation or personal leave to supplement holiday pay.

B. Temporary employees shall not be paid for holidays.

SECTION 11 - LEAVES OF ABSENCE (Continued)

D. PERSONAL LEAVE

Personal Leave may be granted for reasons not covered under Family Medical Leave. Department heads may reject or limit requests for Personal Leave. No Personal Leave shall be granted beyond 180 days in any twelve-month period, without the approval of the Personnel Director, Human Resources and City Manager.

E. BEREAVEMENT LEAVE

Employees shall be granted up to five (5) days Bereavement Leave ~~in any twelve-month period~~, for deaths in their immediate family, without charge to any other accrued leave time. (For definition of Immediate Family, refer to Section 2.) Bereavement leave for non-family members may be granted at the discretion of the employee's department head.

F. ADMINISTRATIVE LEAVE

The City Manager or Department Head may place an employee on administrative leave for any reason not contained in this section for other than disciplinary action. Administrative leave shall be limited to 180 days and may be paid or unpaid. Employees placed on unpaid administrative leave may use accrued vacation or compensatory leave benefits.

11.02 GENERAL TERMS AND CONDITIONS

- A. All initial requests and requests for extensions of leaves of absence shall be submitted in writing to the employee's Department Head.
- B. No accrual of further sick time and/or vacation leave shall be permitted after ~~fifteen (15)~~ thirty (30) consecutive calendar days.
- C. Health, disability, pension, life insurance, and other benefits shall not be suspended after ninety (90) days. ~~Employees may elect to maintain contributions after ninety (90) days~~ during approved medical leaves-of-absence, so long as the employee makes any required contribution.