PERSONNEL RULES

AND

REGULATIONS

FOR THE

ABOUT THIS HANDBOOK/DISCLAIMER

We prepared this handbook to assist you in finding the answers to many questions that you may have regarding your employment with the City of Port St. Lucie. Please take the necessary time to read it. We do not expect this handbook to answer all of your questions. Your supervisor and the Human Resources Department also will be a major source of information.

WHILE THIS HANDBOOK IS DESIGNED TO PROVIDE HELPFUL INFORMATION TO EMPLOYEES, IT IS NOT INTENDED TO CREATE A CONTRACT BETWEEN THE CITY OF PORT ST. LUCIE AND EMPLOYEES.

The City of Port St. Lucie adheres to the policy of employment at will, which permits the City or the employee to terminate the employment relationship at any time, for any reason, with or without cause or notice.

Many matters covered by this handbook, such as benefit plan descriptions, are also described in separate City documents. These City documents are always controlling over any statement made in this handbook or by any member of management.

Any gender specific references in this handbook should be interpreted as encompassing both male and female employees.

THIS HANDBOOK SUPERSEDES ALL PRIOR HANDBOOKS. Any amendments or revisions to this handbook must be approved by the City Manager and City Council and will be posted on City bulletin boards, distributed to all City departments, and posted on the City' s web page.

An **ACKNOWLEDGEMENT OF RECEIPT OF HANDBOOK** is found on page 67 of this handbook and must be signed and returned to the Human Resources Department.

POLICIES AND PROCEDURES HANDBOOK
ADOPTED BY CITY COUNCIL DECEMBER 12, 2005

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SECTION 1—GOVERNING PRINCIPLES OF EMPLOYMENT

1-1 WELCOME, CITY ORGANIZATION AND POLICY STATEMENT

The City of Port St. Lucie welcomes you to its team and hopes that you find your City employment enriching.

The City of Port St. Lucie operates under the Council-Manager form of government. The City Council is the policy-making body of the City of Port St. Lucie. Its major functions are to pass ordinances, adopt resolutions, adopt a budget, employ a City Manager and City Attorney, and to establish personnel and compensation policies for City employees. The Council also makes appointments to various advisory boards and committees. Except for inquiries relating to present or proposed legislation, the City Council is not permitted to give directives to City employees, either publicly or privately.

City employees must immediately inform their department heads or their designees of any directives given to them, either publicly or privately, by City Council members. Failure on the part of any employee to promptly inform his/her department head or the department head’s designee may subject an employee to disciplinary action. Department heads are required to inform the City Manager if City Council members give them directives as well as to inform the City Manager of any directives given to their subordinates. Furthermore, City employees, either directly or through third parties, are prohibited from discussing or communicating with City Council members on matters pertaining to their employment.

Each department, subject to the City Manager's approval, may have a policy manual detailing operational procedures for the department. However, in the event there is a conflict between departmental rules and those in this handbook, the operational procedures in this handbook will prevail. Likewise, **unless a contrary provision is negotiated as part of a collective bargaining agreement or individual contract, the provisions of this handbook and appendices apply to all employees.**

The Director, Human Resources is responsible for the overall administration of the City’s personnel system while

department heads or their designees are responsible for the proper and effective implementation of these rules and policies within their respective departments.

Failure on the part of any employee to follow these rules, policies and procedures may subject an employee to disciplinary action, up to and including dismissal.

SECTION 1-2 APPENDICES, DEFINITIONS AND MANAGEMENT RIGHTS

1-2.1 APPENDICIES

In addition to the rules, policies and procedures in this handbook, you must adhere to the following policies (incorporated herein by this reference) which are published as appendices and provided to you during your orientation:

- Education Assistance Program and Licensing Fee Reimbursement/Payment Program
- E-Mail, Internet and Telecommunications Policy
- Emergency Personnel Policies
- Employee Bonus Program
- Employee Safety Handbook (a.k.a. Manual)
- Family and Medical Leave Policy
- Hazard Communication Right to Know Program
- Key/Access Scanner FOB Policy
- Sexual Harassment Policy
- Substance Abuse Policy
- Workers’ Compensation Managed Care Arrangement

1-2.2 DEFINITIONS

The following definitions apply unless otherwise noted in a specific section of this handbook:

ADMINISTRATIVE LEAVE

Department Heads or their designees or the City Manager may place employees on administrative leave with or without pay.

ANNIVERSARY DATE
The date an employee begins employment and the same date in following years. It is also the date from which vacation and sick leave accruals are computed.

APPEAL
An employee’s or his representative’s request to review a disciplinary action or other action that affects the employee's employment with the City.

APPOINTMENT
An applicant’s acceptance of an offer of employment.

BROADBANDING
The City’s classification and compensation plan, in which position titles a.k.a classifications are grouped into one of five (5) bands.

CALLBACK
An assignment which requires an employee to return to work after the completion of his/her shift, while off-duty, on vacation, or on personal leave. Prior notification (minimum twenty-four (24) hours’ notice) of mandatory overtime negates the payment of callback hours.

Employees receive two (2) hours compensation per shift, plus all time worked, for the first callback per shift. Employees are paid for actual time worked for subsequent callbacks on the same shift, in accordance with City overtime provisions. Employees do not receive callback pay when they are required to remain on duty.

CLASSIFICATION DATE
The date an employee entered, transferred, or was promoted to his/her current position. This date is used to determine probationary periods, and eligibility for annual wage adjustments.

CLASSIFICATION PLAN
The approved system of grouping positions into appropriate bands.

CLASSIFIED STATUS (a.k.a. REGULAR STATUS)
Status conferred to non-contractual employees who complete their required probationary period.

COMPENSATORY LEAVE
Time off from work for non-exempt employees in lieu of monetary payment for time worked in excess of forty (40) hours in a workweek.

CONTRACT EMPLOYEE
A City employee whose terms and conditions of employment are governed by a written agreement (contract). Unless a contrary provision is negotiated as part of an individual contract, the provisions of this handbook and appendices apply.

DAYS
The term "days" shall mean working days when the City's administrative offices are open for business and does not include Saturdays, Sundays, or City-observed holidays.

DEMOTION
Assignment of an employee from one classification to another classification which has a lower starting rate of pay within the same band or assignment to a lower band.

DISCIPLINARY ACTION
An action taken to discipline an employee for any violation(s) of these rules, policies or standards of conduct. Disciplinary actions include written reprimands, demotions, suspension without pay and dismissal.

DISMISSAL OR DISCHARGE
Separation from City employment initiated by the City. Discharge, dismissal or termination may be used interchangeably to signify the same personnel action.

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

EXEMPT STATUS (FLSA)
Employees who are paid on a salary basis and do not qualify for overtime pay under the provisions of the FAIR LABOR STANDARDS ACT.

FULL TIME EMPLOYEE
An employee whose regular workweek exceeds thirty (30) hours per week on a continuous basis.

GRIEVANCE
A dispute or disagreement regarding any action taken in the administration, the interpretation, or application of any of the provisions of this handbook or appendices. However, performance evaluations are not subject to the grievance procedure.

IMMEDIATE FAMILY
Includes spouse, child, parent, grandparent, grandchild, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepparent, stepchild, aunt, uncle, or legal guardian. Note: This definition is not applicable to FMLA leave.

LAYOFF (REDUCTION IN FORCE)
A reduction of the number of employees due to lack of work or funds, or the reorganization of various departments, or for other legitimate reasons.

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

LIMITED TERM EMPLOYEE: An employee who is hired for a limited duration to assist with special projects, programs or events. The term of employment is limited to the term of the project, program or event for which the employee is hired. Limited term employees are compensated for time worked and are not entitled to any benefits except for workers' compensation pursuant to Chapter 440, Florida Statutes.

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.

NON-EXEMPT EMPLOYEES (FLSA)
Employees who must be paid at a rate of one and one-half (1.5) times their regular rate of pay for all hours worked in excess of forty (40) hours in a workweek. Compensatory time (leave) may be provided to employees in lieu of monetary payment pursuant to these rules or any applicable Collective Bargaining Agreement.

ON-CALL
An assignment in which an employee is scheduled for a period of time (e.g., one week) to be available to respond to calls after the end of his shift. The employee will be paid one and one half (1.5) hours additional regular compensation per day for on-call status. The employee must be physically fit for duty twenty-four (24) hours per day during his/her on-call status.

OVERTIME
Time worked in excess of forty (40) hours per week by non-exempt employees.

PART-TIME
Appointment to a position that requires an employee to work up to and including thirty (30) hours per week.

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

PERFORMANCE EVALUATION
A report made by supervisors relative to an employee's job performance.

POSITION (Authorized)
A position (job) that is documented, budgeted, and which requires the full-time or part-time employment of one (1) person.

POSITION AUDIT
An analysis by the Director, Human Resources, or his/her designee, to determine whether the duties, requirements and responsibilities of a position (job) comport with the position description.

POSITION DESCRIPTION
Duties, requirements, and responsibilities of an authorized position.

PROBATIONARY EMPLOYEE
An employee, either full-time or part-time, who has not achieved regular a.k.a. classified status in his/her current position.

PROBATIONARY PERIOD

A time period in which a department head evaluates an employee's performance and ability in order to decide whether the employee should be retained or dismissed. Newly hired probationary employees are at-will employees and can be terminated with or without cause during their probationary period without regard to the City's disciplinary and dismissal policies. The dismissal of a newly hired probationary employee is not subject to the City's appeal procedures.

PROMOTION
Assignment of an employee to a position in a higher band.

RECLASSIFICATION
Assignment of an employee from one position to another position that has a higher starting rate of pay within the same band.

RETIREMENT
When an employee meets the conditions set forth for retirement and elects to retire from City employment.

SHALL
The word "SHALL" will be interpreted as mandatory.

STANDBY ASSIGNMENT/STATUS
An assignment which requires an employee to carry a pager or other device and be available to return to work within forty-five (45) minutes of notice. An employee will be paid one and one-half (1.5) hours additional regular compensation per day for stand-by status and must be physically fit for duty twenty-four (24) hours per day during his stand-by duty, which may include nights, weekends, or holidays.

SUSPENSION WITHOUT PAY
A disciplinary action temporarily relieving an employee of his/her duties and responsibilities for a specified number of days. The employee does not receive his/her pay during this period of suspension but may forfeit, subject to his/her department head’s approval, accrued annual leave and/or compensatory time as a substitute for no pay.

TRANSFER
An action by which an employee moves from one authorized position to another. Transfers may be voluntary or involuntary.

VOLUNTARY TRANSFER: transfer initiated by an employee.
INVOLUNTARY TRANSFER: transfer not initiated by an employee.

WORKDAY
Scheduled number of hours an employee is required to work in a twenty-four (24) hour period.

WORKWEEK
Time period used to measure eligibility for overtime. The workweek commences at 12:01 A.M. Saturday and ends at midnight Friday.

1-2.3 MANAGEMENT RIGHTS

The City retains certain rights, in accordance with applicable laws, regulations, union contracts, and provisions of this handbook. These rights are not all-inclusive, but are examples of matters or rights, which belong to and are inherent to the City's management:

- To determine the size and composition of its workforce;
- To determine the purpose of each of its constituent agencies;
- To exercise control and discretion over the organization and efficiency of the operation of the City;
- To set standards for services to be offered to the public;
- To manage and direct the employees of the City, and to determine the number of employees to be employed by the City;
- To hire, rehire, retire, examine, classify, reclassify, promote, evaluate, train, transfer, assign, schedule, and retain employees in positions with the City;

- To suspend, demote, discharge, or take other disciplinary action against employees;

- 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;

- 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.

- To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department, or project.

- To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.

1-3 EQUAL EMPLOYMENT OPPORTUNITY

The City is an Equal Employment Opportunity employer whose policy is to provide equal employment opportunity to all qualified persons. The City does not discriminate on the basis of race, color, religion, national origin, age, sex, veteran status, handicap or disability, marital status, or any other characteristic protected by applicable federal, state or local laws.

This policy applies to hiring, promoting, transferring, training, laying off, terminating, compensating, and recruiting of employees.

The City will endeavor to make a reasonable accommodation to known physical or mental limitations of qualified individuals with disabilities unless the accommodation would impose an undue hardship on the City.

The City will endeavor to accommodate the sincere religious beliefs of its employees to the extent such accommodation does not pose an undue hardship on the City. If you wish

to request such an accommodation, please contact the Director, Human Resources or your supervisor.

Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the Director, Human Resources or your supervisor. The City will not permit any form of retaliation against individuals who raise issues of equal employment opportunity. To ensure our workplace is free of artificial barriers, violation of this policy may lead to discipline, up to and including termination.

1-4 NON-HARASSMENT AND SEXUAL HARASSMENT

The City is committed to maintaining a work environment free of harassment based on race, color, religion, national origin, age, sex, veteran status, handicap or disability, marital status, as well as any other characteristic protected by applicable law. All employees are expected to conduct themselves in a professional and respectful manner. The City will not tolerate harassment by any employee or supervisor for any reason.

Harassment includes unsolicited remarks, gestures or physical contact, display or circulation of written materials or derogatory pictures. Accordingly, derogatory racial, ethnic, religious, age, sexual or other inappropriate remarks, slurs, or jokes will not be tolerated.

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct or communication is made a term or condition either explicitly or implicitly to obtain or maintain employment or services;

- Submission to or rejection of such conduct or communication by an individual is used as a factor in decisions affecting such individual's employment or service; and

- Such conduct or communications has the purpose or effect of substantially interfering with an individual's employment or services or creating an

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as harassment. Forms of harassment include, but are not limited to:

- Verbal: repeated sexual innuendoes, racial or sexual epithets, derogatory slurs, off-color jokes, propositions, threats or suggestive or insulting sounds;

- Visual/Non-verbal: derogatory posters, cartoons, or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;

- Physical: unwanted physical contact including touching, interference with an individual's normal work movement, or assault; and

- Other: making or threatening reprisals as a result of a negative response to harassment.

VIOLATIONS OF THIS POLICY SHOULD BE BROUGHT TO THE ATTENTION OF THE DIRECTOR, HUMAN RESOURCES, HIS/HER DESIGNEE OR A SUPERVISOR, AS SOON AS POSSIBLE, SO THAT A THOROUGH INVESTIGATION MAY BE CONDUCTED AND, IF NECESSARY, APPROPRIATE CORRECTIVE ACTION TAKEN. DO NOT ALLOW AN INAPPROPRIATE SITUATION TO CONTINUE BY NOT REPORTING IT, REGARDLESS OF WHO IS CREATING THAT SITUATION. NO CITY EMPLOYEE IS EXEMPT FROM THIS POLICY. ANY VIOLATION OF THIS POLICY WILL BE GROUNDS FOR DISCIPLINARY ACTION UP TO AND INCLUDING IMMEDIATE DISCHARGE.

THE CITY WILL NOT DISCRIMINATE OR RETALIATE AGAINST ANY EMPLOYEE WHO FILES A GOOD-FAITH SEXUAL HARASSMENT COMPLAINT, EVEN IF THE INVESTIGATION PRODUCES INSUFFICIENT EVIDENCE TO SUPPORT THE COMPLAINT, AND EVEN IF THE CHARGES CANNOT BE PROVEN. IF THE INVESTIGATION SUBSTANTIATES THE COMPLAINT, APPROPRIATE CORRECTIVE AND/OR DISCIPLINARY ACTION WILL BE TAKEN.

The City’s **Sexual Harassment Policy** is published under separate cover as an appendix and all employees are required to comply with its provisions.

1-5 DRUG AND ALCOHOL FREE WORKPLACE

The City's **Substance and Abuse Policy** is published under separate cover as an appendix and all employees are required to comply with its provisions.

1-6 WORKPLACE VIOLENCE

The City of Port St. Lucie is strongly committed to providing a safe workplace. The purpose of this policy is to minimize the risk of personal injury to employees and damage to City and personal property.

We do not expect you to become an expert in psychology or to physically subdue a threatening or violent individual. Indeed, we specifically discourage you from engaging in any physical confrontation with a violent or potentially violent individual. However, we do expect and encourage you to exercise reasonable judgment in identifying potentially dangerous situations.

Experts in the mental health profession state that prior to engaging in acts of violence, troubled individuals often exhibit one or more of the following behaviors or signs: excessive resentment, anger and hostility; extreme agitation; making ominous threats such as bad things will happen to a particular person, or a catastrophic event will occur; sudden and significant decline in work performance; irresponsible, irrational, intimidating, aggressive or otherwise inappropriate behavior; reacting to questions with an antagonistic or overtly negative attitude; brandishing weapons in the workplace; overreacting or reacting harshly to changes in City policies and procedures; personality conflicts with co-workers; obsession or preoccupation with a co-worker or supervisor; attempts to sabotage the work or equipment of a co-worker; blaming others for mistakes and circumstances; demonstrating a propensity to behave and react irrationally.

1-6.1 PROHIBITED CONDUCT

Threats, threatening language or any other acts of aggression or violence made toward or by any City employee **WILL NOT BE TOLERATED**. For purposes of this policy, a

threat includes any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, flashing of weapons, stalking or any other hostile, aggressive, injurious or destructive action undertaken for the purpose of domination or intimidation. To the extent permitted by law, employees and visitors are prohibited from carrying weapons onto City premises.

1-6.2 PROCEDURES FOR REPORTING A THREAT

All potentially dangerous situations, including threats by co-workers, should be reported immediately to any member of management with whom you feel comfortable. Reports of threats will be kept confidential to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. No employee will be subjected to retaliation, intimidation or disciplinary action as a result of reporting a threat in good faith under this policy.

If the City determines, after an appropriate good faith investigation, that someone has violated this policy, the City will take swift and appropriate corrective action.

If you are the recipient of a threat made by an outside party, please follow the steps detailed in this section. It is important for us to be aware of any potential danger in our offices. Indeed, we want to take effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

1-7 EMPLOYEE CLASSIFICATIONS

For the purposes of this handbook employees fall within one of the following classifications:

CONTRACTUAL: Employees whose terms and conditions of employment are governed by a written agreement (contract). Unless a contrary provision is negotiated as part of an individual contract the provisions of this handbook and appendices apply.

LIMITED TERM EMPLOYEE: An employee who is hired for a limited duration to assist with special projects, programs or events. The term of employment is limited to the term of

the project, program or event for which the employee is hired. Limited term employees are compensated for time worked and are not entitled to any benefits except for workers' compensation pursuant to Chapter 440, Florida Statutes.

PROBATIONARY EMPLOYEE: An employee, either full-time or part-time, who has not achieved regular a.k.a. classified status in his/her current position.

REGULAR (a.k.a. CLASSIFIED) FULL-TIME: An employee who regularly works in excess of thirty (30) hours per week on a continuous basis and has successfully completed a probationary period.

REGULAR (a.k.a. CLASSIFIED) PART-TIME: An employee who regularly works thirty (30) or fewer hours per week on a continuous basis and has successfully completed a probationary period.

TRAINEE: An employee who does not yet meet the minimum qualifications of the position. The length of training is at the discretion of the department head.

In addition to the above classifications, employees are categorized as either **"exempt"** or **"non-exempt"** for purposes of federal and state wage and hour laws. You will be informed of your classification upon hire and informed of any subsequent changes to your classification.

SECTION 2- OPERATIONAL POLICIES

2-1 PROBATIONARY PERIOD

Newly hired employees must serve in a probationary capacity for a minimum of nine (9) months. This is an opportunity for the City to evaluate your performance. It also is an opportunity for you to decide whether you are happy being employed by the City. Completion of the probationary period does not alter your at-will employment status. Employees who **transfer**, are **promoted** or are **reclassified** must serve a ninety (90) day period in their new position. The City may extend the probationary period if it desires.

The length of the probationary period may vary in departments or occupations where classified status involves completion of a training period, certification or other requirements.

Probationary employees who successfully complete the probationary period attain classified a.k.a. regular status.

2-2 APPLICATIONS AND RECRUITMENT

Applications for open and posted positions must be timely submitted to the Human Resources Department on the City’s official application form. Applications may be active and considered for a period not to exceed six (6) months from the date the application is filed. However, employees and applicants must activate their application in order to be considered for any open positions since the City only reviews applications submitted for a particular position. After six (6) months the application is void, unless it is renewed.

Applicants are recruited on the basis of education, training and experience as detailed in their completed applications and may be requested to provide evidence of certifications, registrations and to take an examination.

All job openings are posted a minimum of five (5) working days on the City's web page as well as on the bulletin board in City Hall.

Only the Human Resources Department may make an offer of employment. The City will give preference to veterans pursuant to Section 295.07, Florida Statutes. All offers of employment are contingent upon the successful completion of a background investigation, drug testing and a physical examination.

As part of the pre-employment procedure, former employers and references may be checked.

2-3 PERFORMANCE EVALUATIONS

Employees are evaluated on their work performance. At the performance review (evaluation), the supervisor should discuss the employee’s performance as well as set future goals. At least one (1) written evaluation must be completed annually after an employee has completed his/her probationary period. Employees must sign their evaluations at the conclusion of the review and are encouraged to provide comments. The original of the performance evaluation form, and any comments, must be sent to the Human Resources Department to be included and maintained in the employee's personnel file.

Newly hired probationary employees are evaluated at approximately thirty (30), sixty (60), ninety (90), one hundred eighty (180), and two hundred seventy (270) day intervals.

The new department head or supervisor will evaluate transferred, reclassified or promoted employees prior to the expiration of ninety (90) days of service in their new department. A promoted probationary employee who receives an unsatisfactory evaluation may be terminated, returned to the position the employee held prior to promotion (if the position is available), or transferred to an open position for which he/she is qualified.

2-4 TRANSFERS

Non-probationary employees may **voluntarily** apply to transfer from one budgeted position to an open position in another department. These transfers require the approval of the Director, Human Resources and the new department head.

Employees may be transferred **involuntarily** when they are needed for the good of the City to fill positions in other departments. These transfers require the approval of the Director, Human Resources in coordination with the appropriate department heads.

Transfers within the same band do not affect an employee's classification date.

2-5 PROMOTIONS, DEMOTIONS, RECLASSIFICATIONS AND LATERAL TRANSFERS

2-5.1 PROMOTIONS

Vacancies may be filled, as far as practicable, by the promotion of qualified employees. Examinations may be held for specific positions.

An employee may be promoted to a job classification in a higher band after successfully meeting the requirements for that position. Upon promotion, the employee will have his/her pay, classification date and probationary period adjusted as follows:

- Employees promoted to a position in a higher band receive a salary increase of ten (10%) percent or receive the minimum starting salary of the new position, whichever is higher. The classification date of employees who are promoted to a higher band changes to the date of promotion.

- Employees who are promoted must serve a ninety (90) day probationary period.

2-5.2 DEMOTIONS

An employee may be demoted for a variety of reasons including, but not limited to when: a position is eliminated; an employee with prior rights returns to the position; an employee is not performing satisfactorily, as a form of discipline; a position is being reclassified to a lower pay rate; the position is being reclassified as a position with greater responsibilities and duties for which the employee is not qualified; there is a lack of funds or if an employee voluntarily requests a demotion.

A demoted employee’s rate of pay (salary) will be reduced by five percent (5%) or he will be returned to his rate of pay before the demotion, whichever results in a higher rate of pay, if the demotion is within the same band. A demotion to a lower band will result in a pay reduction of ten percent (10%).

An employee who is demoted to a classification (position) held immediately prior to being promoted will have his classification date in the lower classification reinstated. All other demotions will establish a new classification date.

2-5.3 RECLASSIFICATIONS

When an employee is reclassified to a position within the same band with a higher starting rate of pay, the employee's new salary will be the minimum for the new position, or five (5%) percent more than his/her salary prior to the reclassification, whichever is higher. An increase of more than five (5%) percent may be recommended by the department head, depending upon the circumstances of the reclassification and subject to the City Manager's approval. Employees who are reclassified to a position within the same band retain their classification date.

Reclassifications may be **voluntary** or **involuntary**.

The Director, Human Resources conducts **position audits**. Audits may also be initiated by written request to the Human Resources Department from: the City Manager, the department head in the department in which the position is located; or the incumbent of the position to be audited may request an audit, provided that the employee processes the request through his/her department head for review and comments.

2-5.4 LATERAL TRANSFERS

Employees transferred to a lateral position retain their current salary and classification date.

2-6 HOURS OF WORK AND SCHEDULES

The standard workweek for full-time employees is forty (40) hours during a continuous seven (7) day period. You will be assigned a work schedule and expected to begin and end work according to the schedule.

2-7 OVERTIME, CALLBACK PAY AND COMPENSATORY TIME

2-7.1 OVERTIME

Department heads or their authorized designees should arrange work schedules in such a way that overtime is not required, except in emergency situations. Emergency situations are defined as:

- When an established duty site must be covered and an employee is not available to cover that site on a given shift;

- When danger to the life, health, or well-being of the public, employees, or other persons could occur if an employee is not required to be on duty or where danger to property is imminent; and

- Other situations where the department head determines the responsibilities prescribed for the department cannot be reasonably planned in advance and accomplished unless overtime work is authorized. In such cases, a department head or his/her designee may prescribe reasonable periods of overtime in order to meet operational needs.

All non-exempt employees are paid for authorized overtime at a rate of one and one-half (1-1/2) times their regular rate for all hours worked over forty (40) during a seven (7) day consecutive period (workweek). All employees must receive authorization from their department head or supervisor before working overtime hours. Exempt employees do not receive payment for overtime.

Sick leave, conference leave, and paid leaves of absence (except for annual leave and paid holidays) are not used to compute overtime.

Department heads or supervisors should notify employees of overtime hours, schedule changes, and work outside the normal schedule as far in advance as practical. Failure by employees to comply with such schedule changes, work overtime hours, or work outside the normally scheduled hours may subject employees to disciplinary action.

2-7.2 CALLBACK PAY (applicable to non-exempt employees only)

Non-exempt employees required to return to work after the end of their shift will be paid a minimum of two (2) hours plus all time worked for the first callback only. Employees will be compensated for time worked for subsequent callbacks.

Callback time will be used for the purpose of computing overtime hours.

Each department shall solicit volunteers to be placed on a callback list. If no volunteers are available, the department shall prepare the callback list.

2-7.3 COMPENSATORY TIME AND PAYMENT OF OVERTIME

City policy is to pay non-exempt employees for overtime hours worked; however, non-exempt employees may request compensatory time in lieu of overtime, subject to the approval of their department head. Compensatory time for non-exempt employees is accrued at the rate of one and one-half hours (1.5) for each hour worked in excess of forty (40) hours in any workweek. A maximum annual accrual of forty (40) hours is permitted per calendar year. All accrued hours must be used before the end of the fiscal year (September 30). Any hours not used by September 30 of any given year will be paid to the employee.

2-8 ATTENDANCE, RECORD KEEPING AND PERSONNEL RECORDS

2-8.1 ATTENDANCE

All employees are expected to report for duty at their scheduled starting times. Non-exempt employees may not start work until their scheduled starting times.

An employee who is unable to work for any reason must notify his/her supervisor as close as possible to the scheduled reporting time. If an employee is unable to contact his/her supervisor prior to the scheduled reporting time, he/she shall contact the supervisor as soon as practicable thereafter. Employees who are unable to complete their shift for any reason must promptly notify their supervisor or his/her designee prior to leaving their assigned post or job site.

Department heads or supervisors may reject explanations of absenteeism or tardiness from persons other than the employee. Absenteeism or lateness is cause for disciplinary action.

2-8.2 RECORDKEEPING

Supervisors must maintain attendance records for all employees; department heads are ultimately responsible for the accuracy and proper maintenance of attendance and leave records.

Each department is required to keep an accurate record of all hours worked by each non-exempt employee, as well as a complete and accurate record of all authorized and unauthorized leave. Exempt employees are required to report full days of absence from work for reasons such as leaves of absence, sick leave or personal business. Falsification of any attendance or leave record(s) may be cause for disciplinary action, up to and including dismissal, of the employee or employees involved.

2-8.3 PERSONNEL RECORDS

Personnel and other records relating to the administration of the City’s personnel management system are considered City property and are public records subject to disclosure pursuant to Florida Statutes. The Director, Human Resources is responsible for establishing and maintaining centralized personnel records for all City employees in accordance with applicable law. The Human Resources Department will notify employees when a public records request is made of their records.

Employees must keep their personnel records current and immediately provide written notice of any changes to the Human Resources Department. These changes include, but are not limited to change of: address (even if temporary), telephone number, beneficiary, number of dependents. Failure of an employee to comply with this requirement may result in loss of employee benefits.

Employees should also notify the Human Resources Department when they complete training courses and provide the Department copies of diplomas, licenses, or certificates for placement in their personnel files.

An employee's medical information is confidential and not subject to disclosure to the general public in accordance with state and federal law. All medical information is maintained separately from the employee's personnel records.

2-9 SALARY (BROADBANDING/CLASSIFICATION) PLAN AND POLICIES

2-9.1 PLAN OVERVIEW

The Director, Human Resources maintains and implements the City's Broadbanding/Classification Plan (the "Plan"). This Plan groups position titles a.k.a. classifications in one (1) of five (5) bands. The Plan specifies starting rates for all position titles contained in each of the five (5) bands. The bands are as follows beginning with the highest band:

Administrator: Department heads and staff members who report directly to the City Manager and whose primary duty is related to the administration of the City.

Manager/Professional: Assistant/Deputy Department Heads; Division Heads as well as staff members whose primary duty is to manage a department or division under the general direction of the department head; and staff members who have obtained an advanced degree and/or certification in a recognized professional discipline.

Supervisor/Mid-Management: Staff members whose primary responsibility is to direct the daily activities of other employees.

Technical: Staff members who possess one or more certifications, licenses or degree/non-degree training in a non-professional discipline.

Support Staff: Staff members whose primary work is to support the achievement of departmental goals.

2-9.2 STARTING SALARIES

The starting salary for new employees is the minimum salary for a position. Employees may start at a higher rate not to exceed the lower third of the salary range upon the recommendation of the department head and the approval of the Director, Human Resources. Starting salaries exceeding the lower third of the range require the authorization of the Director, Human Resources and the City Manager.

2-9.3 CLASSIFICATION (POSITION) DESCRIPTIONS

The Human Resources Department maintains written descriptions for each position title which are available for review by employees.

2-9.4 ELIGIBILITY FOR ANNUAL INCREASES (PERFORMANCE EVALUATIONS AND COLA)

Employees may receive a merit increase and/or Cost-of-Living Adjustment (COLA) on their respective classification dates, pursuant to the annual budget directive from the City Council. The merit increase is contingent upon employees receiving an overall rating of "Meets Requirements" or "Exceeds Requirements" on their annual performance evaluations. Merit increases are not automatic but must be earned and are based upon satisfactory job performance. Classified employees may obtain one merit increase per classification year.

An employee who receives a rating of "Does Not Meet Requirements" only receives the approved COLA increase upon his/her classification date and shall be re-evaluated in thirty (30), sixty (60) and ninety (90) day intervals. At the end of the 90-day period, if the employee achieves a rating of "Meets Requirements", he will receive any approved merit increase, effective upon the date of the 90-day evaluation. Supervisors are responsible for accurate

and prompt submission of employee performance reviews. The Human Resources Department will notify department heads if an evaluation is not timely received.

Employees may receive a salary increase pursuant to amendments to the existing salary plan or upon the adoption of a new salary plan. No salary increase will be approved during the employee's probationary period except in the case of an amendment to the salary plan.

2-9.5 INCENTIVE PAY

Employees who fulfill degree requirements, become licensed or obtain certification pursuant to state or nationally accredited educational or professional organizations are granted incentive pay in accord with these provisions. Incentive pay is provided only when the initial degree, license, or certification is obtained as a city employee and is relevant to the employee’s position and job duties.

Employees who train on individual pieces of equipment or partake of training that will or could culminate in a reclassification will not receive incentive pay unless and until they are reclassified. Interim training will not be compensated. Employees must obtain approval in advance to ensure that a course or training will or could qualify for incentive pay. All such training must be prescribed by their position and approved by their department head. In house training does not qualify for incentive pay. Additionally, continuing education required to maintain certification or to maintain a license does not qualify for incentive pay.

In order to obtain incentive pay, subsequent to completing their degree, license, or certification employees must submit a letter or memorandum to their department head together with proof of their degree, license or certification (“Submission”). The incentive will become **effective** as of the date of the degree, certification or license, unless more than ninety (90) days have elapsed from the date of the degree, certification or license, in which case the effective date of the incentive pay will be the date of the Submission. Employees whose Submission and degree, license, or certification comport with this policy

will receive incentive pay per the following illustrative but non-exclusive list:

Degree Program

Associate's Degree
Bachelor's Degree
Doctoral Degree
Master's Degree

License

Backflow Prevention Tester
Building Inspector
Commercial Electrical Inspector
Dual Cert Plumbing/Dwelling Inspector
Engineer Intern
Family Dwelling Inspector (1 and 2)
Journeyman Electrician
Master Electrician
Mechanical Inspector
Mechanical Plans Examiner
Pesticide Applicator
Plans Examiner
Plumbing Inspector
Plumbing Plans Examiner
Professional Engineer
Stormwater,Erosion,Sediment Control Inspector
Water Field Site Inspector
Water Plant or Wastewater Plant Operator (A, B or C)

Certification

American Institute of Certified Planners AICP
Arborist
AS 400 System
CCNA Cisco Certification Network Associate
Certified City Manager
Certified Governmental Financial Officer
Certified Municipal Clerk
Certified Novell Administrator
Certified Novell Engineer
Certified Professional Public Buyer
Certified Public Accountant
Certified Public Pension Trustee
Code Enforcement Level I
Code Enforcement Level II

Code Enforcement Level III
Cross-Connection Certification
Florida Animal Control Association
Florida Bar Certification
Horticultural Landscape Installation & Design
Municipal Clerk
National Licensing Official
National Recreation and Parks Association
NPDES Stormwater Management
Playground Safety Inspector
Professional in Human Resources
Refrigerant Transition & Recovery Certification
Signal Technician
Signs and Markings
Terminal Agency Coordinator
Work Zone Traffic Control
Youth Sports Administrator

Employees must provide the Human Resources Department with evidence of their continued certification and license. Employees are also required to inform the Human Resources Department if they no longer maintain their certification(s) or licenses(s). Failure to timely notify the Human Resources Department of a loss of certification(s) or license(s) may result in discipline. Additionally, the loss of certification(s) or license(s) may result in a commensurate decrease in salary and change in position (e.g., demotion, reclassification, and/or transfer to another division or department), depending upon the requirements of the position.

Incentive salary increases are limited to five (5%) percent per employee per fiscal year, do not affect classification dates, classification increases or annual merit/COLA increases.

2-9.6 PAY PLAN REVIEW AND ADJUSTMENTS

Effective October 1st of each fiscal year, the Human Resources Department may recommend to the City Manager any necessary adjustments to each classification, pursuant to the annual *Florida League of Cities/Florida Public Personnel Association Salary Study.*

2-10 PROVISIONS FOR EXEMPT EMPLOYEES

Unless an employment agreement provides otherwise, the following provisions apply to exempt employees:

2-10.1 SICK TIME

Exempt employees are granted twelve (12) days paid sick time upon their first day of employment and upon each subsequent anniversary date. Unused sick time may be accrued from year-to-year. If no sick time is used in a twelve (12) month period an employee may convert eight (8) hours of sick time to vacation time, immediately following his/her anniversary date of employment. Payments for unused sick time shall be in accordance with Section 3-5.3.

2-10.2 ANNUAL LEAVE

Exempt employees accrue annual leave pursuant to Section 3-3. Exempt employees are ordinarily required to take a minimum of two (2) weeks of annual leave per anniversary year and may use accrued annual leave after six (6) months of continuous service, with the permission of their respective department head or the City Manager.

Prior to reaching his/her maximum accrual of two hundred forty (240) hours, an exempt employee may request payment of accrued hours. This payment does not relieve the exempt employee from taking a minimum of two (2) weeks annual leave. Payment of accrued, unused annual leave is at the discretion of the exempt employee's department head and/or the City Manager. Exempt employees will be paid for all accrued annual leave upon separation from employment.

2-10.3 PERSONAL DAYS

Exempt employees receive three (3) paid personal leave days upon their first date of employment and an additional three (3) paid personal leave days upon each anniversary date of employment. Paid personal leave days may not be accrued from year-to-year. Personal days are not compensated upon separation from City employment.

2-10.4 COMPENSATORY TIME

Exempt employees are credited forty (40) hours of compensatory time upon each anniversary date in addition to other types of leave. They may not utilize more than forty (40) compensatory hours in any twelve (12) month period, commencing on their anniversary date and ending on the day prior to the anniversary date of the following year. Compensatory time may not be accumulated or banked. Additionally, upon separation from employment with the City for any reason, exempt employees are not entitled to and will not receive payment for any unused compensatory time balance.

2-10.5 SEVERANCE PAY

Upon the approval of the City Manager exempt employees may receive their salary thirty (30) calendar days following their separation from the service of the City. The City Manager receives his/her salary for ninety (90) days following his/her separation from the service of the City subject to the City Council's approval or in accordance with the severance provision of his/her contract.

2-11 SAFE HARBOR POLICY FOR EXEMPT EMPLOYEES

It is our policy and practice to accurately compensate employees in compliance with all applicable state and federal laws. To ensure that you are paid properly and that no improper deductions are made, you must review your pay stubs promptly to identify and report all errors.

If you are classified as an exempt salaried employee, you will receive a salary which is intended to compensate you for all hours you may work for the City. This salary will be established at the time of hire or when you become classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work you perform.

Under federal and state law, your salary is subject to certain deductions. For example, unless state law requires

otherwise, your salary can be reduced for the following reasons:

- Full-day absences for personal reasons;
- Full-day absences for sickness or disability;
- Full-day disciplinary suspensions for infractions of our written policies and procedures;
- Family and Medical Leave absences (either full- or partial- day absences);
- To offset amounts received as payment for jury and witness fees or military pay;
- The first or last week of employment in the event you work less than a full week; and
- Any full workweek in which you do not perform any work.

Your salary may also be reduced for certain types of deductions such as your portion of health, dental or life insurance premiums; state, federal or local taxes; social security; or voluntary contributions to a pension plan.

In any workweek in which you performed any work, your salary will <u>not</u> be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability
- Your absence on a day because your employer has decided to close a facility on a scheduled work day
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work
- Any other deductions prohibited by state or federal law.

If you believe you have been subject to any improper deductions, you should immediately report the matter to your supervisor. If the supervisor is unavailable or if you believe it would be inappropriate to contact that person (or if you have not received a prompt and fully acceptable reply), you should immediately contact the Human Resources Department or Finance Department.

2-12 YOUR PAYCHECK

You will be paid bi-weekly for all the time you have worked during the past pay period. Your payroll stub itemizes deductions made from your gross earnings. By law, the City is required to make deductions for Social Security, federal income tax, and any other appropriate taxes. These required deductions also may include any court-ordered deductions.

2-13 ADMINISTRATIVE LEAVE

The City Manager or a department head may place an employee on paid or unpaid administrative leave. Employees placed on unpaid administrative leave may use accrued annual leave or compensatory time in lieu of taking unpaid leave.

2-14 SEPARATIONS AND LAYOFFS

Employees will be separated or laid off pursuant to the provisions of this section and in accordance with the non-discrimination policy set forth in these rules.

No employee, department head, or other person shall use duress, coercion, threats or force to obtain a resignation or cause abandonment of a position by an employee.

2-14.1 TYPES OF SEPARATIONS

RESIGNATION is the separation of an employee from the City service through a written notice that the employee wishes to resign. The department head or his/her designee must acknowledge and accept a resignation in writing. The written notice does not apply if an employee abandons his/her position. Employees who desire to resign in good standing must notify their immediate supervisor in advance as follows:

- At least fourteen (14) calendar days for employees in classified positions; or
- At least four (4) calendar days for employees in probationary positions.

The department head may waive these requirements for good and sufficient reason.

Employees who resign in good standing may be eligible for re-employment. Resignations may be withdrawn (in writing) prior to their being accepted in writing by the department head or his/her designee. Once accepted in writing, a resignation is final. An employee’s failure to comply with these requirements may result in his/her being denied re-employment with the City as well as in the forfeiture of paid accrued sick time.

ABANDONMENT OF POSITION results after unauthorized absences from work for a consecutive period of three (3) days or three (3) assigned shifts. This constitutes a voluntary quit.

RETIREMENT eligibility is determined by the specific conditions relating to retirement and pensions set forth in the various City pension plans maintained in the Human Resources Department. Retired employees, at the time of their retirement from the City, are eligible to continue health insurance benefits, subject to payment of any applicable premiums.

DEATH - Separation from City employment is effective upon an employee's death. All compensation and benefits due the employee at the time of his/her death will be paid to the employee's beneficiary, surviving spouse, or the estate, as determined by law or by executed forms in the employee's personnel file.

DISMISSAL OR DISCHARGE - Probationary employees who have never achieved classified status in a previous position may be discharged at any time during their probationary period and have no right to appeal their discharge. **Classified employees** may be discharged upon recommendation to the City Manager by the employee's department head or the City Manager may initiate discharge of any classified employee. The City Manager must provide any classified employee who is discharged a written statement setting forth the reasons for the proposed discharge.

2-14.2 LAYOFF (REDUCTION IN FORCE)

The City Manager or his/her 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 based on the following factors: performance as documented in the employee's personnel file, length of service with the City; and other non-discriminatory reasons.

The City may recall laid off employees up to one (1) year after their date of separation, using the same criteria as stated above by certified mail to the last known address. The laid-off employee must notify the Human Resources Department in writing whether he/she intends to return to work within ten (10) days after the mailing of the certified notice. Failure by the laid off employee to notify the Human Resources Department in writing within the allotted time period conclusively evidences his/her rejection of the offer of re-employment.

2-15 EXIT INTERVIEWS

Exit interviews allow the Human Resources Department to obtain employees' reasons for leaving City employment. This information may assist in making changes to City policies or practices.

Whenever possible the Human Resources Department interviews all employees who separate from the City. An exit interview appointment will be made by the Human Resources Department prior to the date of separation.

2-16 EMPLOYEES’ RESPONSIBILITIES UPON SEPARATION FROM THE CITY

At the time of separation and prior to receiving his/her final paycheck, an employee must return all records, books, uniforms, keys, tools, passwords and other City property in his/her custody or control to his/her supervisor. Employees are prohibited from deleting any files or otherwise destroying public records. Any monies owed the City due to an employee's failure to return City property or provide reimbursement, if applicable, as set forth in the Education Assistance Program and Licensing Fee Reimbursement Payment Program may be offset against the employee’s final paycheck or may be collected through a civil action.

2-17 REHIRED EMPLOYEES

Employees who leave City service in good standing are eligible to be rehired for an open position for which they are qualified.

Former employees who are rehired will not be required to serve a probationary period if they return to the service of the City to the same or similar position within one (1) year of their separation.

Employees who are rehired within one year will accrue paid leave at the same accrual rate as when they left their employment with the City.

No forfeited leave or benefits will be restored to a rehired employee unless mandated by state or federal law or the City's pension plan.

Rehired employees may be reinstated at the same or lower pay rate, at the discretion of the department head with the approval of the City Manager.

A rehired employee's prior anniversary date is restored if an employee returns to the service of the City within one (1) year of his/her separation.

SECTION 3 BENEFITS

3-1 BENEFITS OVERVIEW/DISCLAIMER

In addition to good working conditions and competitive pay, the City provides additional benefits to eligible employees. These benefits include time-off benefits, such as vacations and holidays, and insurance and other plan benefits as described below.

The descriptions of the insurance and other plan benefits merely highlight certain aspects of the applicable plans for general information only. The details of those plans are spelled out in the official plan documents, which are available for review upon your request from the Benefits Manager. Additionally, the provisions of the plans, including eligibility and benefits provisions, are summarized in the summary plan descriptions (“SPDs”) for the plans (which may be revised from time to time). In the determination of benefits and all other matters under each plan, the terms of the official plan documents shall govern over the language of any descriptions of the plans, including the SPDs and this handbook.

Further, the City of Port St. Lucie (including the officers and administrators who are responsible for administering the plans) retains full discretionary authority to interpret the terms of the plans, as well as full discretionary authority with regard to administrative matters arising in connection with the plans and all issues concerning benefit terms, eligibility and entitlement.

If you have any questions regarding your benefits, please contact the Benefits Manager.

3-2 Holidays

The City currently observes the following holidays, as well as any other days declared by the City Council. These holidays are paid for all classified and probationary City employees scheduled to work:

1. New Year's Day	January 1
2. Martin Luther King, Jr. 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

When a City-observed holiday falls on a Saturday, the preceding Friday is observed as the official holiday. When a holiday falls on a Sunday, the following Monday is observed as the official City-observed holiday.

Part-time employees will be paid for the holiday based upon the scheduled number of hours for their position.

If a non-exempt employee works on a City-observed holiday, he/she will be paid time and one-half (1.5) his/her regular rate for all hours worked, and receive his/her normal holiday compensation.

When a City-observed holiday and an employee's day off coincide, the employee will be granted another day off, have his/her vacation leave credited or receive compensation for one shift at his/her regular rate of pay, subject to the approval of the department head or his designee.

When a City-observed holiday falls within a period of paid leave, the holiday will not be counted as a workday in computing the amount of leave debited.

When a City–observed holiday falls within a period of an unpaid leave of absence, the employee will not be paid for the City-observed holiday.

3-3 ANNUAL LEAVE

All full-time City employees accrue annual leave on a bi-weekly basis as of their date of hire as follows:

Years Employed	Days Accrued Per Year
0-3	10
4-9	15
10-19	20
20 +	25

All part-time employees accrue annual leave on a pro-rata basis. For example, twenty (20) hour employees accrue annual leave as follows:

Years Employed	Days Accrued Per Year
0-3	5.0
4-9	7.5
10-19	10.0
20+	12.5

Annual leave may be accrued to a maximum of thirty (30) days or two-hundred forty (240) regular hours. Employees are eligible to use accrued annual leave after completing six (6) consecutive months of employment. An employee will be charged the actual time he/she is away from work in minimum increments of one (1) hour. Employees are not charged for holidays that occur during their scheduled annual leave time.

Requests for forty (40) or more hours of annual leave should, to the extent practicable, be submitted to the employee's department head at least two (2) weeks in advance of the first day of the requested leave. Requests for less than forty (40) hours of annual leave must be submitted to the employee's department head or his/her designee in advance of the first day of the requested leave.

Annual leave may be taken after approval by the appropriate department head or his/her designee. Employees are encouraged to take at least ten (10) consecutive days leave during the year. No paid annual leave is permitted in advance of being accrued and employees are not 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.

If a department head cannot accommodate an employee's request to use accrued annual leave, the department head may recommend that the employee be compensated for up to eighty (80) hours of accrued annual leave, prior to the employee's next anniversary date of employment. Approval is contingent upon concurrence of the City Manager and verification that funds are available. If approval is denied the employee can submit a new annual leave request.

An employee will not be paid for accrued leave in lieu of taking such annual leave except upon separation or pursuant to this section. Employees leaving City employment after more than six (6) months of continuous employment with the City will receive payment for any accrued annual leave as of the date of separation. Payment for accrued annual leave does not apply to employees having less than six (6) months of employment. Payment for unused accrued annual leave is limited to a maximum of thirty (30) days or two-hundred forty (240) regular hours.

After utilizing at least eighty (80) hours of accrued annual leave in the preceding twelve (12) months, an employee may request to sell back a portion of his/her remaining accrued annual leave balance. Approval is contingent upon budget restrictions and the concurrence of the City Manager.

An employee’s accrued annual leave at the time of his/her death will be paid to the employee's beneficiary, surviving spouse, or estate, as determined by law or by the executed forms in the employee's personnel file.

3-4 PERSONAL DAYS

Non-exempt employees shall receive, on January 1, of each year, two (2) compensated personal days per calendar year in addition to their annual leave accrual. The two (2) compensated personal leave days may not be used consecutively and may not be accrued from year to year. Personal days are not compensated upon separation from City employment.

3-5 SICK TIME, SICK LEAVE POOL AND SICK TIME PAYMENT/CONVERSION

3.5.1 Sick Time

Full and part-time non-exempt City employees are eligible to **accrue** paid sick time on a bi-weekly basis as of the date of their employment. Full-time non-exempt employees accrue eight (8) hours per month (ninety-six (96) hours per year). Part-time employees accrue four (4) hours per month (forty-eight (48) hours per year). There is no maximum amount of paid sick time that may be accrued.

Sick time is **charged** for the actual time the employee is away from work in minimum increments of one (1) hour. To receive compensation while absent on sick time, an employee must notify his/her immediate supervisor or department head prior to, or as soon as possible after, his/her scheduled reporting time. An employee in a unit operating on a twenty-four (24) or sixteen (16) hour basis must notify the department within the time limits established by the department.

If an employee is suspected of **abusing** sick time privileges, the department head may request that the employee provide verification from the employee's physician. Absences for an employee’s illness as well as for appointments for medical, dental, optical, or chiropractic examination, treatment or consultation are appropriate uses of sick time. Evidence of malingering or the abuse of this benefit will constitute grounds for prompt disciplinary action by the department head, up to and including discharge.

Employees may be required to submit proof of illness or disability and to submit to physical or psychological examinations to ensure they are fit for duty.

Employees may use up to ten (10) days of accrued sick time annually to care for a parent, child or spouse. Additional time may be available under FMLA leave. See Section 4-3.

3-5.2 SICK LEAVE POOL

The Human Resources Department will administer the Sick Leave Pool. The City’s Sick Leave Pool is a way for employees to combine a portion of their individually accrued sick leave for collective use.

If you join the Sick Leave Pool, you may be able to draw upon the pool, after approval from the Sick Leave Pool Committee, in instances in which you must use all of your sick, vacation, personal, and compensatory leave hours (if applicable) because of personal (not family) catastrophic illness or injury. Catastrophic injury or illness is defined as a severe condition or combination of conditions affecting the mental or physical health of the employee that has resulted in a life-threatening condition and/or has had a major impact on life functions.

To be eligible to participate in the Sick Leave Pool, you must complete one (1) year of employment with the City and have a minimum of sixty-four (64) hours of sick leave on balance if you are full-time. Full-time employees whose applications are accepted will contribute eight (8) hours of sick leave automatically to the Sick Leave Pool. All amounts associated with the Sick Leave Pool are prorated for part-time employees. To enroll in the pool, you must submit an application for membership during the October open enrollment period or within 30 days following your one (1) year anniversary.

Upon acceptance for initial membership, eight (8) hours of leave will be deducted from your sick leave balance. You may be asked to contribute another eight (8) hours of leave if the pool balance ever is reduced to two thousand (2,000) hours; however, you will not be asked to contribute more than sixteen (16) hours (in eight (8) hour increments) per fiscal year. This additional deduction will occur unless you inform the appropriate administrator in writing, within ten (10) workdays of the date you are notified, of your wish to discontinue membership.

If you become catastrophically ill or injured and have exhausted all of your sick, vacation, and compensatory leave, a maximum of two hundred forty (240) hours or thirty (30) days of pool hours may be granted to you for any one request. Requests for pool hours must be made in writing to the Sick Leave Pool administrator by you or your representative and are limited to two hundred forty (240) hours per fiscal year per person.

A participating employee who uses sick leave from the pool shall not ordinarily be required to recontribute such sick leave to the pool. However, abuse of the Sick Leave Pool may result in an employee having to repay the pool for any contributions received.

An employee who cancels his/her membership in the Sick Leave Pool shall not be eligible to withdraw the days of sick leave contributed by that employee to the pool.

NOTE: The granting of Sick Leave Pool hours in no way limits the City’s rights to proceed with any employment or disciplinary action. Should an employee transfer, retire, resign, or be terminated from City employment, he or she will be terminated from the Sick Leave Pool on the date of

the personnel action. Any unused hours will be returned to the pool, and the employee will not receive any payment for those unused hours.

3-5.3 SICK TIME PAYMENT/CONVERSION

All classified employees may be compensated for accrued, unused sick time upon their separation in good standing from employment as follows:

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

Payments are limited to a maximum of one thousand forty (1,040) hours for full-time employees, and five hundred twenty (520) hours for part-time employees

Employees who do not separate in good standing from the City forfeit all accumulated sick time (e.g., they are dismissed, abandon their position, fail to provide advance notice pursuant to Section 2-14.1).

If a classified employee does not use any sick time in a twelve (12) month period, a full-time classified employee may convert eight (8) hours of sick time to vacation time and a part-time classified employee may convert four (4) hours, immediately following his/her anniversary date of employment.

3-6 INSURANCE PROGRAMS

Eligible employees may participate in the City’s insurance programs. Under these programs, eligible employees can receive comprehensive health and other insurance for themselves and their families, as well as other benefits.

Upon becoming eligible to participate in these plans, you will receive summary plan descriptions (SPDs) describing the benefits in greater detail. Please refer to the SPDs for detailed plan information. Of course, feel free to speak to Human Resources, if you have further questions.

3-7 WORKERS' COMPENSATION

The City's Workers' Compensation Insurance Policy covers you if you are injured on the job. If you are injured, no matter how slightly, report the incident immediately to your supervisor or his designee. Failure to follow City procedures may affect your ability to receive Workers' Compensation benefits.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who need to miss work due to a workplace injury must also request a formal leave of absence. See the Leave of Absence section (Section 4) of this handbook for more information as well as the City's **Workers' Compensation Managed Care Arrangement Policy** published under separate cover as an appendix.

3-8 BEREAVEMENT LEAVE

Employees may be granted up to five (5) days bereavement leave for deaths in their immediate family, without charge to any other accrued leave time. (Immediate family is defined in Section 1-2, Definitions). Bereavement leave for non-family members may be granted at the discretion of the employee's department head.

3-9 COURT LEAVE

City employees who are subpoenaed to court as a juror or as a witness involving City business are granted paid time off if they comply with the notification requirements. You must provide your supervisor or his designee notice of your request to perform jury duty or your subpoena to testify. The City may require verification of your attendance. You are also required to keep your supervisor or his designee informed of the expected length of your jury duty service and to report to work if the court excuses you before the end of your shift. If the required absence presents a serious conflict for management, you may be asked to try to postpone your jury duty. You are required to turn over to the City any money you receive from the court, except for mileage, unless mileage was attributed to a City vehicle.

3-10 LONG-TERM AND SHORT TERM DISABILITY BENEFITS

Full time employees are eligible to participate in the City's Disability plans, subject to all terms and conditions of the agreement between the City and the insurance carrier.

This is solely a monetary benefit and not a leave of absence entitlement. Employees who will be out of work must also request a formal leave of absence. See the Leave of Absence section (Section 4) of this handbook for more information.

3-11 EMPLOYEE ASSISTANCE PROGRAM ("EAP")

The City provides an employee assistance program for employees. This program offers qualified counselors to help you cope with problems you may be facing. Further details can be obtained from the Human Resources Department.

3-12 RETIREMENT PLAN

The City sponsors several pension plans and currently contributes ten and one half percent (10.5%) of an eligible employee's gross taxable wages to the employee's chosen plan. Upon becoming eligible to participate in a plan, you will receive an SPD describing the plan in greater detail. Eligibility requirements are available in the Human Resources Department.

3-13 RETIREE HEALTH SUBSIDY/RETIREE HEALTH SAVINGS PLANS

A **retiree health subsidy** ("Subsidy") is currently available to police officers who are at least 52 years of age with a minimum of 10 years of full time service with the City. A Subsidy is available to other employees who are at least 55 years of age with a minimum of 10 years of full time service with the City. Part time employees with a minimum of five years of full time service and up to a maximum of 10 years of eligible part time service are also eligible to receive a Subsidy.

A **retirement health savings plan** is available through ICMA ("ICMA Plan") for full time employees with at least one

year of service with the city. Contributions of employee compensation or eligible compensable leave may be made in accordance with ICMA Plan documents to fund an account that may be used for eligible future medical expenses.

Specific requirements and details of both plans are available from the Benefits Manager.

3-14 EMPLOYEE BONUS PROGRAM

The City is in the process of implementing an **employee bonus program**. See the **Employee Bonus Program** to be published under separate cover as an appendix.

SECTION 4—TYPES OF LEAVES OF ABSENCE

All initial requests for leave and requests for extensions of leave must be submitted in writing to the employee's department head or his/her designee.

Except for military leave all other leaves combined may not exceed a cumulative total of one hundred eighty (180) days in a twelve (12) month period, measured forward from the date of the first leave.

Accruals of sick and annual leave time cease after leave of thirty (30) consecutive calendar days. Employees must continue to make any required member contributions for health or other benefits.

4-1 PERSONAL LEAVE

If you are ineligible for any other City leave of absence, the City may under certain circumstances grant you a personal leave of absence without pay. A written request for a personal leave should be presented to management at least two (2) weeks before the anticipated start of leave. If the leave is requested for medical reasons and you are not eligible for FMLA, medical certification must also be submitted. Your request will be considered on the basis of staffing requirements and the reasons for the requested leave, as well as your performance and attendance records. However, as stated above, the cumulative total for all leaves combined may not exceed one hundred eighty (180) days leave in a twelve (12) month period, commencing upon the first day the leave begins.

Please keep management notified of your expected return date. Upon completion of your personal leave of absence, the City will attempt to return you to your original job or to a similar position. Reinstatement, however, is not guaranteed.

Failure to advise management of your availability to return to work, failure to return to work when notified, or your continued absence from work beyond the time approved by the City, will be considered a voluntary quit.

4-2 MILITARY LEAVE

Employees must provide advance notice (unless excused by applicable law or regulations) of their military orders on the earliest possible date to their department head and the Director, Human Resources. Federal law and state statutes govern the granting of military leave. Additional benefits may be available pursuant to the City Council's action. Please contact the Human Resources Department for details and further information.

4-3 FAMILY AND MEDICAL LEAVE

You are eligible to take up to twelve (12) weeks of family/medical leave within any twelve (12) month period and be restored to the same or an equivalent position upon your return from leave (subject to the terms of the Family and Medical Leave Act) provided you: have worked for City for at least twelve (12) months and for at least one thousand two hundred fifty (1,250) hours in the last twelve (12) months. The City uses a variable twelve (12) month period measured forward from the date leave begins.

4-3.1 REASONS FOR LEAVE

You may take family/medical leave for any of the following reasons:

(1) the birth of a son or daughter and in order to care for such son or daughter;
(2) the placement of a son or daughter with you for adoption or foster care and in order to care for the newly placed son or daughter;
(3) to care for a spouse, son, daughter or parent ("covered relation") with a serious health condition; or
(4) because of your own serious health condition which renders you unable to perform any of the essential functions of your position.

Leave because of reasons (1) or (2) must be completed within the twelve (12) month period beginning on the date of birth or placement. In addition, spouses employed by the City who request leave because of reason (1) or (2) or to care for an employee's parent with a serious health

condition may only take a combined total of twelve (12) weeks leave during any twelve (12) month period.

4-3.2 NOTICE OF LEAVE

Employees must request FMLA leave thirty (30) days in advance when the leave is foreseeable or as soon as practicable when the need for leave is unforeseeable.

4-3.3 TERMS OF LEAVE

Family/Medical leave is unpaid leave, **although you may be eligible for short or long-term disability payments and/or workers' compensation benefits under those insurance plans or policies.** If you are entitled to payments or benefits, your leave will be considered "paid leave" for the period you receive them. If your leave is "unpaid" you must substitute paid time off (vacation, sick days, personal days) for "unpaid" FMLA leave as described below:

- If you request leave because of a birth, adoption or foster care placement of a child, any accrued paid vacation and personal days will be substituted first for unpaid family/medical leave.
- If you request leave because of your own serious health condition, or to care for a covered relation with a serious health condition, any accrued paid vacation, personal days and sick days will be substituted first for any unpaid family/medical leave.

The substitution of paid leave time for unpaid leave time does not extend the twelve (12) week leave period. **Your family/medical leave runs concurrently with other types of leave.**

An employee who is granted Family and Medical Leave will be restored to the same position he/she held when the leave began, or to an equivalent position, with equivalent benefits, pay and other terms and conditions of employment. Employees who are among the highest paid ten percent (10%) within the City are not guaranteed restoration to the same or equivalent position upon return from leave.

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

SECTION 5- GENERAL STANDARDS OF WORKPLACE CONDUCT AND OFFENSES AND DISCIPLINARY GUIDELINES

5-1 GENERAL STANDARDS OF WORKPLACE CONDUCT

The City endeavors to maintain a positive work environment. Each employee assists in fostering this environment and working together for the purpose of serving our community. Accordingly, each employee must abide by certain rules of conduct, based on honesty, common sense, and fair play. Employees' failure to follow City rules and policies not only penalizes them but also does a disservice to other City employees and the citizens of Port St. Lucie. The City's rules and policies are designed to ensure the rights and safety of all employees and to provide working guidelines that encourage acceptable and business like conduct.

When circumstances permit, department heads should pursue a philosophy of progressive discipline, whereby employees receive increasingly greater levels of discipline for each successive instance of related misconduct. This allows an employee an opportunity to modify and correct his/her behavior and/or work deficiencies. Certain offenses are of such a serious nature that the use of progressive discipline is generally not advisable and immediate termination from employment is recommended upon the first offense. Termination from employment is also a necessary action when progressive discipline has failed to achieve satisfactory improvement in an employee's conduct and/or job performance.

Depending upon the circumstances, supervisors may choose to use informal instruction and cautioning rather than formal disciplinary action to advise an employee of work deficiencies and/or misconduct. The supervisor should maintain a written record of the informal instruction and cautioning. A copy of the written record should be given to the employee and the Human Resources Department.

Because everyone may not have the same idea about proper workplace conduct, it is helpful to provide examples of unacceptable behavior. **The following are examples of some, but not all, conduct which can be considered unacceptable**. Unacceptable conduct may subject the offender to

disciplinary action, up to and including discharge, in the City's sole discretion. In addition to the general types of offenses listed below, infraction of departmental rules and policies can subject the employee to disciplinary action.

Offenses are divided into three groups to reflect degrees of severity. In each group and for each rule, consideration will be given to the severity of the offense(s), the time interval between violations and the length and quality of the employee's service. Recommended disciplinary actions are provided as a guide.

5-2 OFFENSES AND DISCIPLINARY GUIDELINES

GROUP I OFFENSES:

FIRST OFFENSE: WRITTEN REPRIMAND
SECOND OFFENSE: SUSPENSION WITHOUT PAY
THIRD OFFENSE: DEMOTION/DISMISSAL

1. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.

2. Taking more than the allotted time for meals or break periods.

3. Falling short of required standards of performance.

4. Disregarding job duties by loafing or neglecting work during on duty hours.

5. Showing discourtesy to persons with whom the employee comes in contact while in his/her performance of duties.

6. Habitually reporting to work late.

7. Violating a safety rule or safety practice.

8. Failing to report a personal injury or accident in which the employee was involved while on the job, pursuant to the Employee Safety Handbook.

9. 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.

10. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.

11. Failing to report immediately to the department head the loss of a City identification card.

12. Making mistakes due to carelessness, which affect the safety of City personnel, equipment, tools or property.

13. Incompetence or inefficiency in the performance of assigned duties.

14. Reporting to work or working while unfit for duty, medically, mentally, or physically.

GROUP II OFFENSES:

FIRST OFFENSE: WRITTEN REPRIMAND
SECOND OFFENSE: SUSPENSION WITHOUT PAY
THIRD OFFENSE: DEMOTION/DISMISSAL

1. Neglecting to or failing to comply with any departmental rules or any rules that are contained herein.

2. Engaging in gambling, lottery, or any other game of chance at City work stations at any time.

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 the City Manager.

4. Being absent one or more workdays or shifts without authorization.

5. Failing to report to a supervisor or department head a request for information or receipt of a subpoena for a matter relating to City business.

6. Violation of the City's Solicitation and Distribution Policy.

7. Knowingly reporting for work with a serious communicable disease.

8. Abuse of leave privileges.

9. Malingering or abusing the sick leave benefit

10. Release of information in violation of these rules.

11. Failing to promptly inform a department head or his/her designee of directives given by members of the City Council.

12. Discussing with members of the City Council matters relating to an employee's employment status.

GROUP III OFFENSES (Committing any of these offenses may result in demotion or immediate dismissal):

1. Wanton or willful neglect in performing assigned duties.

2. Deliberately misusing, destroying, or damaging any City property, including destroying public records.

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 misrepresenting or falsifying the time records of another employee or one’s own time records as well as causing one's time records to be altered by another person.

5. Falsifying any job-related records, including employment applications, accident records, purchase orders, work records or any other report or record.

6. Making false claims or misrepresentations in an attempt to obtain sick, accident, workers' compensation, or any other City benefit.

7. Insubordination, including but not limited to:
   - refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor, department head, foreman, or the City Manager;
   - refusal or failure to obey orders or perform a job assignment given by a supervisor or any authorized employee;
   - disrespect, publicly displayed at a work site, toward a supervisor or the City;
   - threatening, intimidating, coercing, or interfering with supervision;
   - abusive language to any supervisor;
   - openly making or publishing false, vicious, or malicious statements concerning supervisors; or
   - countermanding the order of a supervisor.

8. Unauthorized use, possession or display of firearms, explosives or weapons on City property.

9. Theft of 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. Unauthorized absence from work for a consecutive period of three (3) days or three (3) assigned shifts. **NOTE:** This constitutes a constructive quit a.k.a. abandonment of position.

12. Failing to return from an authorized leave of absence.

13. Permitting another person to use an employee's City identification card, using another person's or altering a City identification card.

14. Drinking intoxicating liquor or using or abusing controlled substances while on duty, as well as reporting to work while under the influence of intoxicating liquors or controlled substances.

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 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.

18. Sleeping or hiding during duty hours.

19. Failure to work special hours or special shifts, after being scheduled according to overtime, callback or 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. Unauthorized use of City property, equipment or vehicles as well as performing work that is not related to City business or the employee’s job.

24. Threatening, intimidating, coercing, or committing any acts of violence against fellow employees or supervisors at any time.

25. Operating any City vehicle or equipment without a valid Florida driver's license and/or certification.

NOTE: Department heads or their designees must provide employees written notice of the disciplinary action taken and provide a copy to the Director, Human Resources for placement in the employee's personnel file. Disciplinary action records may not be removed from employee personnel files and shall be maintained in accordance with the Florida Public Records Law. **Department heads or their designees must review with the Director, Human Resources all disciplinary actions involving dismissal, suspension without pay or demotion, prior to imposing them.**

5-3 CODE OF ETHICS AND CONFLICTS OF INTEREST

The City’s policy is that all employees must avoid any conflict between their personal interests and those of the City. No employee should have, or appear to have, personal interests or relationships that conflict with or potentially conflict with the best interests of the City.

It is not possible to provide an exhaustive list of situations that might involve violation of this policy. However, some situations that would constitute a conflict in most cases include but are not limited to:

- using property owned by the City for personal benefit, convenience, profit or for any purpose except for official job-related functions or in accordance with policies promulgated by the City Council;

- having an interest, financial or otherwise, direct or indirect, or engaging in any business or activity or incurring any obligation that is in substantial conflict with the proper discharge of your duties;

- being employed (including as a consultant) or serving on the board of any organization which does, or is seeking to do, business with the City.

Employees should confer with their department heads if they are unclear as to what activities are prohibited. City employees are governed by the standards of conduct and code of ethics set forth in Florida Statutes. Copies of the applicable statutes are available in the Human Resources department. The applicable statutes include:

- Chapter 112, Part III, Florida Statutes: Code of Ethics;
- Section 99.012, Florida Statutes: Restrictions on Individuals Qualifying for Public Office;
- Section 104.31, Florida Statutes, Political Activities of State, County, and Municipal Officers and Employees;
- Chapter 112, Florida Statutes: Public Officers and Employees; and
- Chapter 838, Florida Statutes: Misuse of Public Office.

5-4 POLITICAL ACTIVITIES

Employees may express their opinions on any issue or candidacy or participate in any political campaign during their off-duty hours.

Employees must request an unpaid personal leave of absence prior to declaring candidacy for office, seeking election or appointment to any political office. Upon being elected or appointed to any political office, City employees must immediately tender their resignation.

5-5 EMPLOYMENT OF RELATIVES

A familial relationship among employees can create an actual or at least a potential conflict of interest in the employment setting, especially where one relative supervises another relative. To avoid this problem, the City may refuse to hire or place a relative in a position where the potential for favoritism or conflict exists. The City Manager is the ultimate arbiter of determining such situations.

If two employees marry, become related, or enter into an intimate relationship, they may not remain in a reporting relationship or in positions where one individual may affect the compensation or other terms or conditions of

employment of the other individual. The City generally will attempt to identify other available positions, but if no alternate position is available, the City retains the right to decide which employee will remain with the City.

For purposes of this policy, a relative is any person who is related by blood or marriage or whose relationship is similar to that of persons who are related by blood or marriage.

5-6 OUTSIDE EMPLOYMENT

City employees may be permitted to engage in outside employment if it does not pose a conflict of interest with their City employment, is properly disclosed, and is approved in advance by their department head as follows:

- At least two (2) weeks prior to starting the position employees must submit a request for approval of outside employment containing the name, address and phone number of the place of employment and the weekly number of hours the employee will be required to work; and

- Requests for outside employment must be renewed annually and include any changes in the specific duties required of the employee and any changes in the status of the employer or business.

If for any reason the outside employment interferes with the employee’s primary responsibility to the City, the department head has the right to withdraw approval.

Employees who accept outside employment must make arrangements with their outside employer to be relieved from outside duties if and when called for emergency service by the City. Every employee engaged in outside employment must agree to and must respond immediately to any emergency call to duty by the City whenever the Department Head or the City Manager determines his/her services are necessary.

Employees who sustain injuries while they are engaged in outside employment are ineligible to receive benefits under the City’s Workers' Compensation coverage. Employees shall not use City equipment, telephones, facilities, vehicles or property in the performance of their outside employment.

Additionally, work for an outside employer may not be performed during City time.

5-7 RELEASE OF INFORMATION/PUBLIC RECORDS REQUESTS

Employees should be courteous, friendly, and helpful to those members of the public who seek information. However, unless release of information is a normal part of their duties, employees must decline courteously if queried and shall direct such query to their department head or his/her designee. This procedure insures that all information released is true and accurate. Violations of this procedure may subject an employee to disciplinary action.

All media inquiries regarding the City and its operation must be referred to department heads or the City Manager. No employees, unless specifically designated by department heads or the City Manager, are authorized to respond to media inquiries.

All requests for personnel records or information must be directed to the Director, Human Resources. 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. If an employee receives such a request or subpoena regarding City business, the matter must be discussed first with the Department Head who, in turn, will notify the appropriate City official.

5-8 SOLICITATION AND DISTRIBUTION

To avoid distractions, any form of solicitation by an employee of another employee is prohibited while either employee is on working time unless an employee has received express approval from his/her department head. “Working time” is the time an employee is engaged, or should be engaged, in performing his/her work tasks for City of Port St. Lucie. Solicitation of any kind by non-employees including but not limited to vendors on City premises is prohibited at all times.

Unauthorized distribution of advertising material, handbills, printed or written literature of any kind in working areas of the City is prohibited at all times. Distribution of literature by non-employees on City premises is prohibited at all times.

5-9 USE OF CITY PROPERTY

When using City property, employees are expected to exercise care and follow all operating instructions, safety standards and guidelines. You must notify your supervisor if any equipment, machines or tools appear to be damaged, defective or in need of repair. Prompt reporting of loss(es), damage(s), defect(s), and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. Your supervisor can answer any questions you may have about your responsibilities.

Only City employees are authorized to use City property, equipment and vehicles in the performance of their official job related duties. Improper, careless, negligent, destructive, unsafe or unauthorized use or operation of City property can result in discipline up to and including dismissal.

5-10 PERSONAL APPEARANCE AND DRESS

City employees 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 City employees should at all times promote the good will and favorable attitude of the public toward the City and its programs and policies.

You are expected to report to work well groomed, clean, and dressed according to the requirements of your position. Some employees may be required to wear uniforms or safety equipment/clothing. Employees are encouraged to maintain their personal appearance consistent with these rules as well as any rules and policies which may be established for this purpose by individual City departments.

5-11 HEALTH AND SAFETY

The health and safety of employees and others on City property are of critical concern to the City. The development of safe working conditions, practices, habits and thinking are the objectives of the City's safety program and 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 operational problems, which can be improved by efforts of all employees.

All department heads, supervisors, and employees are responsible for a successful safety program. Inadequate safety training, improper equipment handling and neglect can increase costs, cause accidents, and reduce available manpower.

5-11.1 REPORTING UNSAFE CONDITIONS AND ACCIDENTS

Any unsafe condition(s) or potential hazard(s) should be reported to management immediately. All employees must immediately report all injuries that occur on the job to their supervisor. Delay in reporting injury can cause complication of the injury, delay recovery and receipt of benefits.

The injured employee's immediate supervisor must submit accident reports within twenty-four (24) hours following the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report must be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This applies to industrial accidents and first aid injuries as well as to anyone injured in a vehicular accident involving City vehicles. In the latter case, a vehicular accident report must be submitted and, if an employee is injured, a report of the employee’s injury is also required.

In the case of vehicular accidents, the appropriate law enforcement agency, the employee's supervisor and the Risk Manager should be notified immediately. In case of serious injury or fatality, the appropriate law enforcement agency and the Risk Manager must be notified immediately.

5-11.2 SAFETY EQUIPMENT

Safety equipment and devices provided by the City must be used. Failure by employees to utilize provided equipment or devices may lead to disciplinary action as well and/or a partial loss of workers’ compensation benefits.

5-11.3 SAFETY COORDINATORS

If a safety coordinator observes a safety hazard of immediate consequence they may overrule the department head and/or stop work immediately until the hazard has been properly dealt with.

5-11.4 EMPLOYEE SAFETY

The City’s Employee Safety Handbook a.k.a. Manual is published under separate cover as an appendix and all City employees are required to comply with its provisions.

SECTION 6-DISCIPLINARY ACTIONS AND GRIEVANCE AND APPEALS PROCEDURES

6-1 DISCIPLINARY ACTIONS

Disciplinary actions include written reprimand, suspension without pay, demotion and dismissal.

- **Written Reprimand--**An employee may use the grievance procedure to appeal a written reprimand.

- **Suspension without pay--**Suspension without pay imposed by the department head is limited to three (3) days. Any suspension greater than three (3) days requires the prior approval of the City Manager or his/her designee. Prior to the time a proposed suspension without pay is to become effective, the employee will be given a written notice specifying the reasons for the proposed suspension and will be given an opportunity to present an explanation and/or position in writing and/or orally. Unless an applicable Collective Bargaining Agreement provides otherwise, employees may use the Grievance and Civil Service Appeals Board (C.S.A.B.) procedures to appeal suspensions.

- **Demotion--**The City Manager or department head may demote any employee to a lower classification. All demotions must be approved by the City Manager and coordinated with the Human Resources Department. Prior to the demotion becoming effective, the employee should be provided a written notice specifying the reasons for the proposed demotion and an opportunity to present his/her response within three (3) days of the written notice. Unless an applicable Collective Bargaining Agreement provides otherwise, employees may use the Grievance and Civil Service Appeals Board (C.S.A.B.) process to appeal a demotion.

- **Dismissal--**Separation from City employment that is initiated by the City. Discharge, dismissal or termination may be used interchangeably to signify the same personnel action. An employee may use the petition for review procedure in Section 6.3 to appeal a dismissal.

6-2 GRIEVANCE AND APPEALS PROCEDURES

A grievance is a dispute or disagreement regarding any action taken in the administration, the interpretation, or application of any of the provisions of this handbook and appendices (hereinafter "Grievance"). **Performance evaluations are not subject to the Grievance procedure.** Employees may not file Grievances on behalf of other employees or groups of employees.

These procedures and guidelines apply unless an individual or Collective Bargaining Agreement provide otherwise.

6-2.1 GENERAL GUIDELINES

- Grievances must be submitted in writing on the prescribed form which is available in the Human Resources Department.

- **Suspensions without pay and demotions will not be imposed** until the grievance procedure is completed or the time period for filing a grievance or proceeding to the next step has expired.

- Management may extend time limits due to illness, vacations, business trips, or some emergency. Employees will be notified if an extension of time is required. If management does not respond in the time provided, the employee may proceed to the next step.

- Steps in the Grievance procedure may be waived, at the department head’s or City Manager’s discretion, to allow serious matters to progress more rapidly.

- At the Step 2 level and thereafter, the employee and management have the opportunity to call witnesses.

- Grievants have five (5) working days to appeal any decision to the next Step.

- Unless an employee timely appeals, a Grievance is considered settled at the completion of any Step.

- Informational copies of each step of a Grievance must be immediately forwarded to the City Manager.
- If the grievant does not timely proceed to the next step, the City shall consider the Grievance as abandoned and settled.

6-2.2 PROCEDURAL STEPS

The following procedural steps must be followed:

- **STEP 1**. Within five (5) working days of the incident giving rise to the Grievance or when the employee knew or should have known of the incident, the employee or his representative must submit the Grievance to the employee's immediate supervisor. The immediate supervisor must issue a written decision within five (5) working days of his receipt of the Grievance.

- **STEP 2**: Within five (5) working days of the supervisor's written decision, employees may appeal the decision in writing to their department head. The department head will schedule a meeting with the employee within five (5) working days after receipt of the Grievance. The department head will render a written decision within five (5) working days after the scheduled meeting.

- **STEP 3**: Within five (5) working days of the department head's written decision, employees may appeal the decision in writing to the City Manager. The City Manager or his/her designee will schedule a meeting within ten (10) working days of his/her receiving the notice of appeal. The City Manager or his/her designee will render a written decision within seven (7) working days of the meeting.

- **STEP 4**: If the City Manager does not resolve a Grievance concerning suspension without pay or demotion as a disciplinary action, an employee may appeal to the Civil Service Appeals Board. The decision of the City Manager is final for all other types of Grievances.

The Human Resources Department is available for advice or policy interpretation.

6-3 DISMISSAL-PETITION FOR REVIEW

6-3.1 REVIEW PROCEDURE

The City Manager or his/her designee will provide an employee with a written statement of the reason(s) for dismissal, at least ten (10) working days prior to the effective date of dismissal. An explanation of the City's evidence supporting the proposed dismissal will also be provided to the employee. The City Manager's designee must obtain the City Manager's prior approval before dismissing an employee. After giving the employee the notice of reason(s) for dismissal, the City Manager or his/her designee may suspend the employee from duty with pay for ten (10) days following the written notice.

A classified City employee (not a newly-hired probationary or contract employee) who is discharged may request a review of the written statement of reason(s) for his/her dismissal as follows:

- he/she must deliver to the City Manager a request for a review within five (5) days of his/her receipt of the written statement. The employee's request for review must set forth with reasonable detail the reason(s) why the employee disagrees with the proposed dismissal. Failure to submit a request for review to the City Manager within five (5) days shall be considered an employee’s willingness to accept the City's decision to terminate his/her employment and shall end the process.

- If the employee requests a review, a pre-termination meeting will be scheduled with the employee and his/her department head not earlier than five (5) days and not later than ten (10) days after receipt of such request.

- Employees do not have to be represented by legal counsel; however, if an employee intends to be represented by counsel or present witnesses, he/she

6-3.2 DECISION

The City Manager has the authority to uphold, overrule or modify the dismissal. Within ten (10) working days after the pre-termination meeting, the City Manager will render his written decision and supporting reasons to the employee. An employee who is dissatisfied with the City Manager's decision may, within five (5) working days of the issuance of the decision, request that the decision be reviewed by the Civil Service Appeals Board (C.S.A.B.) pursuant to applicable rules.

6-4 APPEAL OF CITY MANAGER'S DECISION TO THE CIVIL SERVICE APPEALS BOARD

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

6-4.1 PROCEDURE

- An employee may request a hearing and review of the City's action by filing a written request (specifying the basis for the appeal) with the City Manager's Office within five (5) days after the employee is given notice of the City Manager's final action.

- Within thirty (30) working days after the receipt of the employee's request for review, the City Manager shall cause the C.S.A.B. to convene. The employee must be present at the hearing and may represent him/herself or be represented by counsel. If the employee fails to appear at a scheduled and noticed hearing, the C.S.A.B. will consider the appeal conclusively withdrawn.

- The City may elect to have representation of counsel. If the employee intends to be represented by legal counsel or to present witnesses at the hearing, he/she shall provide written notice to the C.S.A.B. through the City Manager at least two (2) days prior to the hearing. The employee and the City shall provide each

- At the hearing, the C.S.A.B. will 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 employee or his representative will then present his/her evidence, specifically addressing the relevant grounds stated in his/her written request for review and appeal. The City will then present its evidence in support of its action. The parties may then offer rebuttal evidence. Each party may then present closing arguments.

- Within ten (10) days of the hearing the C.S.A.B. will issue to the employee and the City Manager a written decision. The C.S.A.B. has the authority to uphold, overrule, or modify the disciplinary action. Its decision is binding on all parties.

6-4.2 DECISION OF THE C.S.A.B.

The C.S.A.B. has the authority to make a final disposition as follows:

- Uphold the decision of the City Manager in so suspending, demoting, or discharging the employee;

- Reverse the recommended decision of the City Manager in so suspending, demoting, or discharging the employee; or

- Modify the recommended decision of the City Manager in so suspending, demoting, or discharging the employee.

The Board may order payment to the employee of any wages lost during the period of the employee’s discharge.

ACKNOWLEDGMENT OF RECEIPT OF HANDBOOK

This handbook is presented as a matter of information only. The City reserves the right to modify, revoke, suspend, terminate, or change any or all such plans, policies, or procedures, in whole or in part, at any time with or without notice. This handbook is not intended to create, nor is it to be construed to constitute, a contract between the City and any one or all of its employees.

I have received my copy of the handbook and I understand that it is my responsibility to read and comply with the policies contained herein as well as with any revisions that may be subsequently adopted. **I also acknowledge that this handbook does not constitute a contract of employment.**

_____
Employee's Signature

_____
Print Name

_____
Date