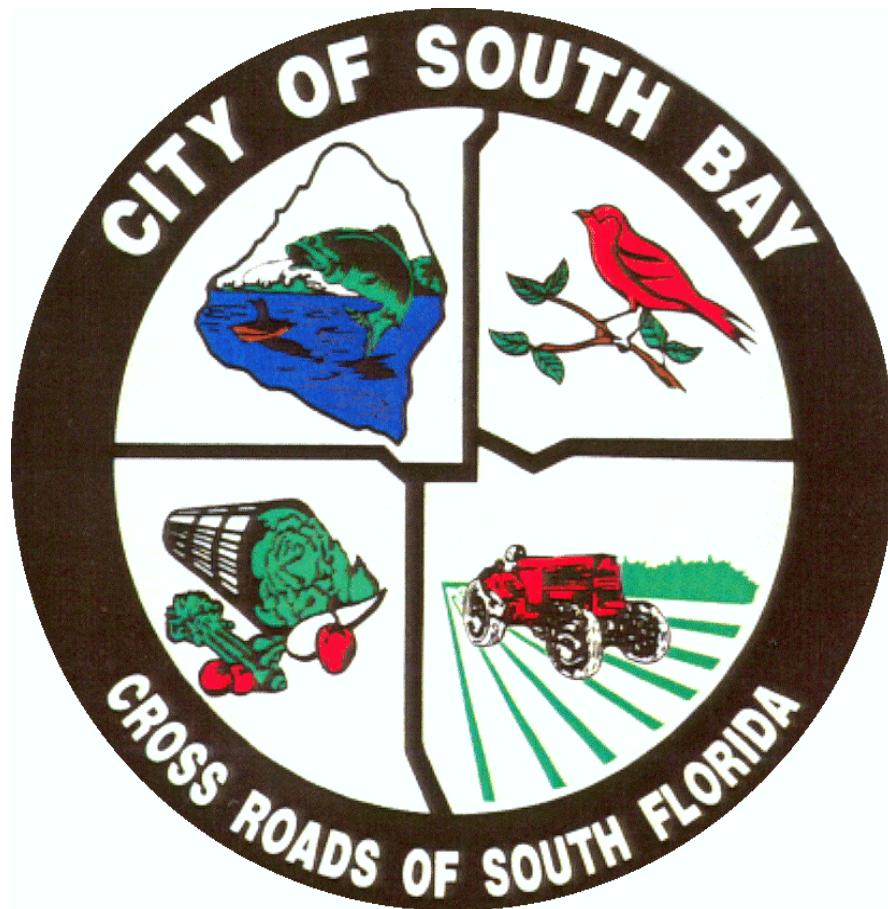


# EMPLOYEE HANDBOOK



## **POLICIES AND PROCEDURES GOVERNING THE EMPLOYEES OF THE CITY OF SOUTH BAY**

**Adopted**

February 6, 2007

***CITY OF SOUTH BAY***

***OFFICIALS***

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***Clarence E. Anthony***  
**Mayor**

***Esther Berry***  
**Vice-Mayor**

***Joe Kyles***  
***Shirley Walker Turner***  
***John Wilson***  
**Commissioners**

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***Bobby “Tony” Smith***  
**City Manager**

***Virginia K. Walker***  
**City Clerk**

***Thomas Montgomery, Esq.***  
**City Attorney**

# FOREWORD

*This employee handbook is the property of the City of South Bay, Florida. The policies, procedures, rules, benefits, and other elements of this handbook pertain only to our employees and have no bearing on persons outside the City.*

*The City of South Bay is an equal opportunity employer as well as a Drug Free Workplace.* These policies and procedures are subject to change, through amendments, in order to maintain their legal compliance, operational effectiveness, and the general scope of desired work-place conditions. These procedures are subject to change without prior notice to employees and all such changes are within the sole discretion of the City. Additionally, these policies and procedures do not create a contract of employment. Employment with the City of South Bay is “at will” and not for any specified period of time. Upon amendment of any part, the City will endeavor to use normal communication channels to apprise employees, in a timely fashion, of such changes and their effect, if any.

Each employee affected by these policies and procedures is responsible for knowledge of and compliance with all provisions contained herein. Violations of these policies and procedures will subject employees to disciplinary action up to, and including, termination. Employees may refer to page      of these policies and procedures relating to discipline for more information.

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# I. INTRODUCTION

## A. Message From The City Commission

*Welcome!*

*We are glad to present you with this copy of our employee handbook, which has been designed to help you better understand the City. Whether you have been with us for a short time or for many years, we want you to know we appreciate your contribution in making the City of South Bay a better place to live and a better place to work. In return for your loyalty and cooperation, we will strive, through this employee handbook and other communications, to keep you accurately informed of our policies and procedures. The handbook is a summary of the principles for which we stand, the benefits offered by the City and the obligations and responsibilities you assume as an employee.*



*You are now a part of the City of South Bay team. As the City grows, we want you to grow with it. You and your job are important to our continued growth and security because we are all working toward a common goal of building a stronger and better City in which to work and live together for our future.*

*Please read your handbook carefully and keep it for future reference. However, please note that nothing in this handbook should be considered a contract for employment. If you have any questions concerning the policies or benefits outlined in this handbook, please ask. Any of us will be glad to help you.*

*It is a pleasure to welcome new employees and to extend best wishes for continued success to those whose careers have become a part of the growth and progress of our City. We are sincerely proud to have you as a member of our team.*

*Sincerely,*

*City Commission*

## **B. Employee Relations Policy**

At the City of South Bay, we realize the importance of our employees. We know our greatest assets are our people. With that philosophy in mind, we have developed the following employee relations policy:

We believe in:

- (1) Treating each employee as an individual. Your rights are respected with courtesy, dignity, and consideration;
- (2) The value of cooperative, well trained, efficient and loyal people working together for the benefit of the City;
- (3) Providing fair wages and good working conditions;
- (4) Frank and open communications; and
- (5) Promotions based on merit and ability, with preference given to those with greater length of service if all other factors are equal.

## **C. Working With The Public**

The continued growth and success of the City of South Bay depends on the attitude and effort of each employee. Maintaining a reputation for quality, integrity, and service is our primary objective. Our City is dedicated toward attaining this primary objective. Each employee who has contact with the public must represent the City of South Bay in a professional and efficient manner.

The City's reputation with the public is important. The City will benefit from employees who are courteous, friendly, and helpful.

Regardless of what work you perform at the City of South Bay, your job is important and vital to our basic objective of providing quality service to the public.

## **D. Equal Employment Opportunity**

It is the policy of the City of South Bay to grant equal employment opportunity to all qualified persons without regard to color, race, religion, sex, national origin, citizenship, age, disability, marital status, pregnancy, sexual orientation, military status or any other category protected by law. In addition, the City of South Bay prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. This policy covers all personnel actions affecting



hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The City of South Bay will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship on the City or where doing so would cause a direct threat to the health or safety of the individual or others. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination and access to benefits and training. If, during the course of employment, an employee incurs any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the City requires that the employee provide medical documentation on any such impairment and, if appropriate, identify specific accommodations which may assist the employee. All information provided regarding any impairment will be handled confidentially to the extent permitted by law.

Employees with questions or concerns about any type of discrimination in the workplace are required to immediately bring these issues to the attention of their supervisor(s), the Human Resources Department, or the City Manager. Complaints should initially be directed to the employee's immediate supervisor, unless the supervisor is the subject of the complaint or if the employee is not comfortable making the complaint to that supervisor. Comments or acts of harassment, whether physical or verbal, regarding color, race, religion, sex, national origin, citizenship, age, disability, marital status, pregnancy, sexual orientation, military status or any other category protected by law that interfere with the working environment or the terms and conditions of employment are specifically prohibited. Any individual who is found to have engaged in improper harassment or discrimination in the workplace will be disciplined, up to and including discharge. This includes, but is not limited to, harassment in the form of unsolicited or unwelcome sexual overtures or physical contact. Such conduct must be reported immediately to an employee's supervisor, the Human Resources Department or the City Manager. The City policy prohibits any supervisor or other employee accused of harassment or discrimination from retaliating in any way against an individual because of any complaint of harassment or discrimination. The City will treat any complaint of harassment or discrimination as confidentially as possible, within the constraints of the public record laws and the City's need to investigate such complaints and take appropriate and prompt corrective action.

## **E. Immigration Law Compliance**

The City of South Bay is committed to employing only United States citizens and aliens who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted. The employee must also provide the supporting documents within three (3) business days or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the I-9 Form if he or she did not previously do so, if his or her prior I-9 Form is more than three years old or if his or her previous I-9 Form is no longer valid. Rehired employees must also complete the I-9 Form upon acceptance of their position and also have three (3) business days to provide supporting documentation. Any employee whose

immigration status changes at any time during employment must notify the Director of Human Resources immediately.

## F. Types of Employees

All employees are divided into two groups: Exempt employees and Non-exempt employees.

- *Exempt Employees*  
Personnel employed in executive, administrative, professional, outside sales or certain computer-related capacities are exempt from the Fair Labor Standards Act. Exempt employees complete time records for daily attendance and productivity purposes. Exempt employees are expected to work as many hours as are necessary to achieve adequate results from their efforts on the job, but do not receive overtime compensation.
- *Non-Exempt Employees*  
All nonexempt employees (employees subject to minimum wage and overtime provisions of the Fair Labor Standards Act), whether part-time or full-time, are required to complete an individual time record showing the daily hours worked.

The City also classifies employees as full-time, part-time or temporary. Full-time employees regularly work 40 or more hours per workweek. Part-time employees regularly work less than the normal 40-hour workweek. Temporary employees are hired for a temporary need of relatively short duration, with no expectation that the employment duration will extend indefinitely.

Part-time and Temporary workers are not eligible for employee benefits.

A listing of each City Position and its classification follows:

|                               |           |            |
|-------------------------------|-----------|------------|
| MAYOR                         | Full-time | EXEMPT     |
| VICE MAYOR                    | Full-time | EXEMPT     |
| COMMISSIONER                  | Full-time | EXEMPT     |
| COMMISSIONER                  | Full-time | EXEMPT     |
| COMMISSIONER                  | Full-time | EXEMPT     |
| CITY MANAGER                  | Full-time | EXEMPT     |
| EXECUTIVE SECRETARY           | Full-time | NON-EXEMPT |
| CITY CLERK                    | Full-time | EXEMPT     |
| DEPUTY CITY CLERK             | Full-time | NON-EXEMPT |
| ADMINISTRATIVE ASSISTANT      | Full-time | NON-EXEMPT |
| DIRECTOR OF HUMAN RESOURCES   | Full-time | EXEMPT     |
| FINANCE DIRECTOR              | Full-time | EXEMPT     |
| ACCOUNTING SPECIALIST III     | Full-time | NON-EXEMPT |
| ACCT. PAYABLE / PAYROLL CLERK | Full-time | NON-EXEMPT |
| UTILITIES BILLING CLERK       | Full-time | NON-EXEMPT |
| METER READER                  | Full-time | NON-EXEMPT |
| COMMUNITY DEVELOPMENT MNGR.   | Full-time | EXEMPT     |
| OFFICE ASSISTANT II           | Full-time | NON-EXEMPT |

|                                    |           |              |
|------------------------------------|-----------|--------------|
| BUILDING INSPECTOR                 | Contract  | Per Contract |
| REHAB. INSPECTOR                   | Part-time | NON-EXEMPT   |
| PUBLIC WORKS DIRECTOR              | Full-time | EXEMPT       |
| PUBLIC WORKS FOREMAN               | Full-time | NON-EXEMPT   |
| MOSQUITO CONTROL                   | Part-time | NON-EXEMPT   |
| SERVICE TECHNICIAN II              | Full-time | NON-EXEMPT   |
| MECHANIC                           | Full-time | NON-EXEMPT   |
| PARKS AND RECREATION DIRECTOR      | Full-time | NON-EXEMPT   |
| RECREATION COORDINATOR             | Full-time | NON-EXEMPT   |
| CAMP COUNSELOR                     | Temporary | NON-EXEMPT   |
| DIRECTOR OF UTILITIES              | Full-time | EXEMPT       |
| CHIEF WATER PLANT OPERATOR         | Full-time | NON-EXEMPT   |
| LICENSED WATER PLANT OPERATOR      | Full-time | NON-EXEMPT   |
| WATER PLANT TRAINEE                | Full-time | NON-EXEMPT   |
| DISTRIBUTION TECHNICIAN            | Full-time | NON-EXEMPT   |
| CHIEF WASTEWATER PLANT OPERATOR    | Full-time | NON-EXEMPT   |
| LICENSED WASTEWATER PLANT OPERATOR | Full-time | NON-EXEMPT   |
| MAINTENANCE WORKER                 | Full-time | NON-EXEMPT   |
| DISTRIBUTION TECHNICIAN            | Full-time | NON-EXEMPT   |

Some position titles listed above may have more than one available position within the City.

Any employee who is unsure as to his or her status under the Fair Labor Standards Act as it relates to minimum wage or overtime pay may direct their inquiries to the Human Resources Department for clarification.

### **1. Introductory Employees**

No employee's appointment to the classified service or for promotion therein shall be complete until he has served an introductory period of six (6) months in the position. The Department Head shall recommend to the City Manager whether or not such introductory employee is qualified for the position. At any time within the six month period the City Manager may dismiss the employee from such position and shall not be obligated to appoint him again to such position. If the employee is a promotional employee or transferee, he may be denied to his or her former position or may be dismissed from employment and his or her name removed from the eligibility list. The City Manager may extend the introductory period for an additional six months, but in no instance shall it exceed one year from the original date of employment or appointment to the respective position. The period of six months herein set forth shall mean six calendar months.

### **2. Temporary Employees**

#### **a. Unskilled Laborers Or Temporary Workers**

The method and procedure of employing and discharging unskilled laborers or temporary workers for non classified positions, is vested in the City Manager and not in the Board.

However, this method of employment shall not be used to defeat the purpose of the Civil Service Rules and the power is hereby declared to be vested in the Board to investigate any such employment or procedure for such employment and to enforce or cause to be enforced the provisions of the Civil Service Rules regarding any such violation.

**b. Temporary Employment For Civil Service Position**

The City Manager is hereby authorized to fill any vacancy in the civil service with any person of his choosing upon being notified that no satisfactory eligible is on the proper eligibility list. The City Manager may appoint a temporary employee to fill such vacancy for a period not to exceed six (6) months. Such action shall be reported to the Board.

**c. Termination Of Temporary Employment**

No temporary employee filling a civil service position shall be employed in excess of six calendar months and his or her employment shall cease upon a satisfactory eligible being made available.

**d. Temporary Employment In Emergency**

Upon a temporary employee filling a civil service position for six continuous months and no satisfactory eligible has been made available, an emergency may be declared by the City Manager. If such emergency is declared, the City Manager may allow the same temporary employee to continue to fill such position until a satisfactory eligible can be made available.

## **II. HIRING**

The growth of the City of South Bay and your future depend upon your performance. That is why we carefully select our employees through a written application, careful interviewing, and reference checking. Our purpose is to find employees that are capable of and desire to provide exceptional service. After all available information was carefully considered and evaluated; we selected you to become a member of the staff of the City of South Bay.

### **A. Applications and Eligibility Requirements**

**1. Application And Form**

All applications must be made upon the form furnished by Human Resources and must be completed personally by the applicant. All information requested thereon must be supplied by the applicant, which may include fingerprints furnished by the Police Department.

**2. Defective Applications**

Defective applications may be corrected and may be revised by making any correction or revision before the final date for receiving applications for the position.

**3. Filing Applications**

All applications for appointment or promotion to the classified service, for transfer within the service, or for reinstatement to the service shall be filed with Human Resources. Applications for open positions may be filed with Human Resources at any time prior to 5:00 P.M. on the day of the application deadline.

**4. Recertification of Applications**

Applications made prior to any advertisement announcing the position shall be recertified by the applicant on or before the final date for filing applications if the applicant wishes to compete for the position. Said recertification by the applicant may be made in the office of Human Resources or by mail. If the recertification of the applicant is by mail, the applicant shall state briefly that he or she desires to compete for the advertised position or words to that effect.

However, when an appointment is made from the list of eligibles and where that same position becomes available within in ninety (90) days of the appointment, Human Resources shall certify to the City Manager the name of three (3) persons standing highest on the register of eligible applicants without requiring recertification. If none of the three (3) persons are appointed by the City Manager, the regular application recertification and selective procedures shall be followed.

**5. Record Retention for Applications**

The application shall be preserved by the City and placed in the individuals' personnel files upon hiring, and shall be retained in conjunction with the applicable retention schedule promulgated by the Division of Library and Information Services, Department of State. Applications submitted by persons not hired by the City shall be retained for twenty-four (24) calendar months. Employment applications, however, shall only be considered active for ninety (90) days following the appointment for which the application was submitted.

**6. Persons Previously Terminated From Service**

No application for reinstatement or for a position in the classified service shall be accepted from any person who has been dismissed or discharged from the classified service and not reinstated after appeal and hearing as set forth in these policies and procedures.

**7. Applicants Must Meet Notice Requirements**

Applicants for positions must meet the requirements set forth in the legally advertised notice and all other requirements in these policies regarding the position being applied for.

## **8. Certificates or Licenses Required**

Any person who applies for a position requiring certain education, training or experience must provide copies of such certificates or licenses along with the application as the laws and ordinances may require for the practice of the profession, art or trade involved.

## **9. Police and Fire Department Employees, if any**

### **a. Minimum Age**

Applicants for a position in the Police Department or Fire Department shall not be less than the minimum age as of the date of commencement of employment as the same are established by City Charter, and if the Charter has no such provision, by the City Ordinance, and if the City Ordinances have no such provision, by State Statutes for such positions, and if the State Statutes have no such provision then the minimum age with reference to the Fire Department shall be eighteen years of age and the minimum age with reference to the Police Department shall be twenty-one years of age.

### **b. Physical Examination**

All original eligibles on the eligibility register after appointment and prior to beginning work shall have a physical examination by a physician selected by the City Commission. The physician shall certify whether or not such person is physically able to perform the essential functions of the position, with or without reasonable accommodation. The appointing authority, upon reviewing the physician's report may confirm the appointment or reject the appointee in accordance with the physician's report and so notify the Board. The cost of such physical examination shall be paid by the City. This section shall apply only to appointees to positions within the Police Department and Fire Department, if any.

## **B. Prohibition Against Nepotism**

It is the policy of the City to avoid hiring relatives into the workplace whenever possible. However, on occasion more than one relative may work for the City. A relative is defined as an individual who is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister. The following guidelines will govern these situations:

- When related persons work for the City, one relative may not supervise another.
- Related persons will not be involved in evaluating each other's job performance or in making recommendations for salary adjustments, promotions or other budget decisions.

- Related employees shall not be employed in the same division except for those employees who are currently employed in the same division at the time of the adoption of these policies.

## **C. Employee Selection Process**

### **1. Appointing Authority**

The City Manager is hereby recognized as the appointing authority and where the term “appointing authority” is used in these policies shall mean the City Manager of the City of South Bay.

### **2. Selection of Personnel For Appointment**

When a position is to be filled, the appointing authority shall make the selection of the person to fill such position. Human Resources shall certify to the City Manager the name of three persons standing highest on the register of eligible applicants. Human Resources shall notify the applicants to report to his or her office for an interview and shall request the Department Head to be present at the interview. The Department Head shall submit the name of the most suitable and capable person to the Human Resources Director who shall then submit the name to the City Manager. The City Manager shall appoint the Department Head’s selection unless he/she has good cause to reject the appointment. Selection of the successful applicant shall be based on the applicant’s skills, experience, educational background, ability to answer questions, character, and personal interview.

Whenever the appointing authority seeks to employ an eligible to fill a vacancy in the approved positions within the civil service and there is no eligible on the eligibility list, or if the eligible thereon can not be appointed or is not suitable for appointment under the other provisions of this Code, the appointing authority shall so notify the Civil Service Board.

### **3. Eligibility Register**

The Human Resources Department shall cause an eligibility register to be established and maintained in such manner and at such place as it deems advisable to carry out the general purpose of the Civil Service Law, subject to the other provisions of these policies. Said eligibility register shall be readily available for the use of the appointing authority.

Within said eligibility register shall be placed the name; address, and telephone number of each successful applicant who has been approved by the Human Resources Department for appointment and a proper indication of the classified position applied for by the particular candidate. The eligibility register shall clearly distinguish between (a) applicants approved for original entry into the classified service, (b) applicants approved for promotion and advancement, (c) applicants for reinstatement due to layoffs, (d) applicants for reinstatement due to approved leave, (e) applicants approved for transfer within the service, (f) applicants approved for re-entry into the classified service after being absent without approved leave, (g) applicants

who resigned in good standing and desire reinstatement, (h) any other distinction the Board desires to make. Applicants placed on the eligibility register for a posted position shall remain active for ninety (90) days after an appointment had been made for that position.

The names of eligibles shall be entered in order of their qualifications, but when two or more eligibles have the same qualifications priority in time of filing application or for promotion shall determine their respective standing on the eligible register. The appointing authority may appoint any one of the three eligibles he considers best qualified for the respective position. He shall not be bound to appoint any of the three eligibles if he finds it would not be to the best interest of the City.

Eligibles shall notify the Human Resources Department of any change of address while their names remain on such register, or while they are employed by the City. Failure of the applicant to keep the Human Resources Department informed of any change of address or telephone numbers and due to said change in address the City is unable to contact the applicant for interview, shall constitute an automatic waiver for the position or place of employment to which the applicant would be eligible for appointment. Said automatic waiver shall not destroy the applicant's eligibility for future appointment providing said applicant shall be ineligible for appointment due to other causes.

Names remaining on the eligible register for two years and one day shall be stricken there from by Human Resources. These names may be replaced on the eligible list by the individual making application for an open position.

Any eligible who fails to report for interview or duty at the designated time shall have his or her name removed from the eligibility register unless a waiver is granted by Human Resources. This section is applicable to and includes applicants for reinstatement. As to employees who are on the reinstatement eligibility register the Human Resources Department may waive the requirement to report and grant a reasonable extension to such period and from time to time as may appear to be just and equitable under the circumstances in order to keep the name on the eligibility register for future employment. The Human Resources Department may grant, said waiver with or without petition from the respective eligible. However, no waiver shall be permitted for more than one year and shall not be granted at all if to do so would interfere with the daily operation of the City government.

#### **4. Restoring Name to Register**

The names of persons removed from the eligible register for failure to report may be restored by the Human Resources Department upon satisfactory reasons for such action being offered.

#### **5. Re-Employment of Terminated Employees**

When any employee is dismissed and not reinstated after opportunity for appeal and investigation or after opportunity for appeal and hearing, such employee shall not be eligible for re-employment.



**6. Oath of Office**

Pursuant to Florida Statute Section 876.05, all city employees shall take the following oath before any person duly authorized to take acknowledgements of instruments for public record in this state and the oath shall be filed with the records of the City prior to the approval of any payment of salary, expenses or other compensation:

I, \_\_\_\_\_, a citizen or resident alien of the State of Florida and of the United States of America, and being employed by or an officer of the City of South Bay and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the constitution of the United States and the State of Florida.

**7. Background Screening**

Applicants and employees may be required to submit to background screening including, but not limited to, drug and alcohol screening, credit history and criminal history checks. Such screening may require the applicant to provide his or her fingerprints through the City of South Bay Police Department. As a condition of employment, applicants may be required to provide such information as is necessary to conduct such screening. Failure to do so upon request shall prevent the applicant from further consideration for employment.

**8. Length of Service - Seniority**

Your length of service is determined by a specific date; usually, the date you were hired for the first time. However, if your service has been broken through resignation, dismissal, or extended layoff, your length of service date will become the last date you were hired following the break in service. A layoff is considered extended if the layoff period lasts in excess of six (6) calendar months.

Your length of service has a direct relationship to several of our important employee benefits, such as paid vacations, sick leave, and pension plan, which are discussed later in this handbook.

## **III. PROMOTION AND ADVANCEMENT**

### **A. Eligibility for Advancement**

No person shall be eligible for advancement from a lower group to a higher group within a grade, unless he has served in such lower group for a period of six months. Advancement and additional compensation shall be effective on the date following the date of the written report to the Human Resources of such advancement. No advancements within a grade shall be given to any employee whose last performance evaluation was less than average or who has been disciplined within the last six (6) months; notwithstanding the seniority of such employees.

## **B. Introductory Period after Promotion**

An officer or employee who has been promoted from one class to a higher class shall be required to serve an introductory period of not less than six months. At any time prior to the expiration of the introductory period the employee may be returned to his or her old position.

## **C. Temporary Promotion**

When an officer or employee accepts appointment to a higher position, the duties of which are merely temporary, the employee shall be reinstated to his or her former position without loss of seniority, when such higher duty is completed.

## **D. Advancement from Group to Group**

When the limits of compensation for each office or place of employment in a single grade of service are prescribed, such compensation limits are provided and specified by groups in the Civil Services Rules. Appointment to an office or place in such grade, from either original or promotion registers, to any department, shall be made to the lowest compensation of salary groups, or a 5% increase in pay, whichever is greater. Advancement from group to group within a grade shall be made on the basis of efficiency, performance and seniority in the position, within each department, as shown by records thereof.

# **IV. TRANSFERS**

## **A. Within Department**

The City Manager may transfer an employee from one position to a similar position of the same class, grade, and character of work and having the same pay within a department, for a period not to exceed thirty (30) days. The City Manager shall notify Human Resources of the effective date and end date of such transfer.

## **B. From Department To Department**

The City Manager may transfer an employee from a position in one department to a similar position in the same class, grade, and character of work and having the same pay in another department, to best address the needs of the City. The City Manager shall notify Human Resources of the effective date of the transfer.

## **C. Transfer to Lower Grade**

Where an employee becomes unable to perform the essential functions of his or her position with or without accommodation, the City Manager may at the request of such employee transfer him to a position in a lower class which he has the ability to perform.

#### **D. Transfers within Police Department, if any**

The Chief of Police may assign or change duties as he sees fit within any class in the Police Department, but not from one range to another.

### **V. GETTING AHEAD**

#### **A. Advancement and Educational Opportunities**

As you acquire more skill and experience in your present position, and as job openings occur at a higher level, you will have the opportunity for advancement. It is our policy to promote from within the City staff whenever possible, taking into consideration such items as merit, performance, qualifications, and length of service. Accordingly, we encourage you to accept every opportunity for additional training.

For training at locations away from City Hall, the City will reimburse employees in accordance with the guidelines provided in Florida Statute Section 112.061

You will receive your regular pay while at work-related training away from the city.

Employees interested in promotion are encouraged to discuss opportunities with their supervisor.

#### **B. Tuition Reimbursement Program**

**1. Purpose:**

The purpose of this Policy is to establish guidelines for tuition reimbursement for eligible City of South Bay personnel.

**2. Eligibility:**

All full-time employees of the City of South Bay who have completed one full year of employment prior to the course enrollment completion date may be eligible for tuition reimbursement under certain conditions described below.

**3. Discussion:**

City of South Bay employees enhance their effectiveness, through education and training to develop skills, knowledge and ability to carry out job assignments. The City of South Bay Tuition Reimbursement Program provides employees with reimbursement of tuition costs for approved course work from an accredited college under certain conditions. Eligible employees are reimbursed for those courses that enhance job skills related to City employment and those courses required within the degree program itself. All courses must be approved by the City Manager prior to registration for review of the individual employee's request to determine eligibility and whether the course(s) enhance job skills related to City employment or are required within the degree program.

**4. Procedure:**

**a. Qualifications**

1. Full-time employees who have completed one full year of employment may submit a written request to the City Manager for tuition reimbursement for course work from an accredited college related to City employment or for course(s) required within the degree program prior to registration. Applicants must obtain approval for tuition reimbursement from the City Manager's Office prior to class registration.

2. Reimbursement shall be based upon completion of course work as follows:

a. Employees receiving a grade of "A" will receive 100% reimbursement of their paid tuition costs.

b. Employees receiving a grade of "B" will receive 85% reimbursement of their paid tuition costs.

c. Employees receiving a grade of "C" will receive 75% reimbursement of their paid tuition costs.

d. Employees who receive less than a grade of "C" will not be reimbursed.

e. Courses taken as pass/fail shall be reimbursed at 75% for "pass" and will not be reimbursed for "fail"

f. Course books, reference materials, travel and parking costs are not included in the reimbursement payment.

**a. Limitations**

1. The total tuition reimbursement costs of the City of South Bay shall be limited to One Thousand Five Hundred Dollars (\$1,500.00) per employee per fiscal year (October 1<sup>st</sup> through September 30<sup>th</sup>).

2. The City of South Bay Tuition Reimbursement Program shall apply only to courses in the pursuit of associate, bachelor and postgraduate degrees and must be related to the same or similar field in which the employee currently works for the City.

3. Employees eligible to receive educational benefits through the G. I. Bill or similar programs may apply for tuition reimbursement from the City of South Bay only for those tuition costs not funded by the other program. The total annual cost to the City of South Bay shall not exceed One Thousand, Five Hundred Dollars (\$1,500.00) for any employee in any fiscal year.

**b. Employee Obligations**

1. The employee shall be responsible for arranging necessary time to attend classes.

2. Classes shall generally be attended during off-duty hours. Employees shall not attend during normal working hours, without written approval by the City Manager.

3. All employees receiving, any reimbursement under this program must remain employed by the City of South Bay for a minimum of one (1) year following the date the tuition reimbursement is paid to the employee.

4. Those employees separating from employment for whatever reason, whether voluntary or involuntary, before expiration of the required period, shall refund the City of South Bay for reimbursement.

5. Upon satisfactory completion of the course, employee shall sign the Continuing Education Agreement prior to any payment being made by the City.

**c. Applications**

1. Employees wishing to take part in the reimbursement program shall submit a "Tuition Reimbursement Application" prior to registration in any educational course so that he may determine whether the course curriculum meets the requirements as set forth in this policy.

2. The applicant must provide tuition receipts and official grade report within thirty (30) days of the end of the course.

3. Upon completion of the course and along with submission of official transcripts or institution-approved grade reports and the "Tuition Reimbursement Application" to the City Manager who may authorize payments under this program subject to budget considerations.

Department: \_\_\_\_\_ Social Security #: \_\_\_\_\_  
Payment/Reimbursement To: \_\_\_\_\_

**CITY OF SOUTH BAY  
TUITION REIMBURSEMENT APPLICATION**

1. The below listed course credit will be obtained from an accredited college:
2. Upon completion the below listed course(s), I will submit the tuition statement/receipt and official grade report within thirty (30) days from the end of the course.
3. I understand that upon receiving tuition reimbursement, I am obligated to remain employed with the City of South Bay for a minimum period of one (1) years. If I leave the employ of City of South Bay for whatever reason, prior to expiration of the required period, I will refund the City of South Bay for tuition reimbursement before receiving a final paycheck.
4. I am not receiving reimbursement under any other tuition program.

**PLEASE PRINT THE FOLLOWING INFORMATION**

NAME: \_\_\_\_\_ ID#: \_\_\_\_\_

Department: \_\_\_\_\_ D.O.H.: \_\_\_\_\_ Telephone #: \_\_\_\_\_

I intend to register for the following course(s):

1. \_\_\_\_\_
2. \_\_\_\_\_

Name of Accredited College Attended: \_\_\_\_\_

Degree: \_\_\_\_\_ Total Tuition Payment: \$ \_\_\_\_\_

I have read, understood, and agreed to comply with the provisions the City of South Bay's Tuition Reimbursement Policy.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
APPROVED BY CITY MANAGER

**CITY OF SOUTH BAY**  
**CONTINUING EDUCATION AGREEMENT**

This agreement is entered into between City of South Bay (hereinafter "City") and \_\_\_\_\_ (hereinafter "Employee") on \_\_\_\_\_.

WITNESSETH:

That for and in consideration of the mutual promises and covenants herein contained, the City and the Employee agree as follows:

- I. Employee has completed course from \_\_\_\_\_ to \_\_\_\_\_ and located at \_\_\_\_\_ . The course is sponsored/provided by \_\_\_\_\_ . Employee earned a grade of \_\_\_\_\_ as evidenced by an official grade report.
- II. The City and employee agree that the course requested in Paragraph I will enhance Employee's job skills related to employment or is a course required within the degree program.
- III. The City agrees to pay \$ \_\_\_\_\_ for the course completed by employee in Paragraph I. However, if employee separates from the City's service within one (1) year of the date payment was made, the agreed amount of the cost of the course, will be considered only a loan. Accordingly, employee will be required to reimburse the cost of the course in full prior to his or her last date of employment.
- IV. Employee hereby gives the City an express lien on all salaries, wages and other sums payable to Employee by the City for the purpose of securing the City for the payment of any amount which may become due from employee under Section III. Employee authorizes the City to deduct said amount from any sums payable to Employee for salaries, wages, expense reimbursement or otherwise.
- V. Employee expressly agrees that this is not an agreement by the City to employ Employee for any specific period, and unless otherwise expressly agreed to in writing between the City and Employee and that Employee's employment may be terminated at any time with or without cause by the City. All terms of this agreement shall survive any termination of Employee's employment with the City.
- VI. In the event that any action, suit or other proceedings are brought to interpret, enforce, or obtain relief for a breach of this agreement, the prevailing party shall be entitled to all such party's attorney's fees and disbursement incurred in each and every such action, suit or proceedings, including any and all appeals or petitions therefrom.

Employee \_\_\_\_\_

Employer approval: \_\_\_\_\_  
City Manager

City Commission Approval: \_\_\_\_\_  
Mayor

## **C. Performance Evaluations**

### **1. Policy Statement:**

It is the policy of the City of South Bay that all employees have a clear understanding of the responsibilities of their current position and that an evaluation of those responsibilities is done in a timely, fair and equitable manner.

### **2. Performance Evaluation Procedure**

#### **a. Employee Position Description:**

1. All employees must have a current, complete and signed job description placed in personnel folder on an annual basis in accordance with the current format and practice as defined and determined by the Human Resources Department from time to time.
2. A new job description shall be distributed to the employee upon transfer, promotion, demotion, and job title change or changes in the responsibilities of the position. All job descriptions signed by an employee, should always be filed with the Human Resources Department within two (2) business days.

#### **b. Performance Evaluations:**

1. The Department Head, manager or supervisor shall complete a performance evaluation on each new employee at 90 days and 180 days. If during the initial 180 days of employment, the employee's performance is determined to be fair or unsatisfactory, the employee may be terminated. However, where employees are determined to be fair, the supervisor may extend the introductory/probationary period for another ninety (90) days. Upon conclusion of the introductory/probationary period, the Department Head may recommend an upward or downward adjustment in compensation. The recommended adjustment will be authorized by the City Manager. This adjustment, if any, will be authorized by the City Manager.
2. On or before the due date of an evaluation, the Department Head, manager or supervisor will complete the evaluation form by assessing the employee's performance relative to each of the position responsibilities and performance criteria and shall assign a score for each.
3. Each year, an annual performance evaluation will be completed on each employee. Performance evaluations may be required, if and when, the City goes into a Merit Increase Base.
4. Any employee who does not receive at least a good rating will not receive



an upward adjustment in compensation, if previously approved by the City Manager. Additionally, those employees who are rated as fair or unsatisfactory may be placed on a 90-Day Performance Plan. However, those who are rated as fair or unsatisfactory may also be subject to immediate termination. Employees who are placed on a 90-Day Performance Plan shall be closely monitored by their manager or supervisor. The manager or supervisor shall closely monitor the employee's work performance and provide documented feedback to the employee at each 30-day interval. The employee may be terminated at any time during the 90-Day Performance Plan period if the manager or supervisor does not believe the employee is progressing toward achieving at least a rating of good. At the end of the 90-Day Performance Plan, the employee will be evaluated and must achieve at least a good performance rating in order to avoid termination.

5. For current employees, those who have an anniversary date of hire within three (3) months of the adoption of this policy by the City Commission will receive a performance evaluation on their anniversary date of hire and annually thereafter.

6. For those current employees whose anniversary date of hire occurs after three (3) months of the adoption of this policy, these employees will be scheduled for an initial performance evaluation during the first three (3) months this policy is in effect. However, these employees will receive a second performance evaluation on the actual anniversary date of hire. Each performance evaluation thereafter will occur on the anniversary of the date of hire.

7. All employees shall be given an evaluation form to perform a self-evaluation prior to the date of the performance evaluation. The employee must return the self-evaluation to his or her supervisor at least two (2) business days prior to his or her performance evaluation. The self-evaluation is to be used for discussion purposes only and is not binding on the City.

## **VI. HOURS OF WORK AND COMPENSATION**

### **A. Work Week**

The official workweek for the City of South Bay begins Saturday at 12:01 a.m. through Friday at midnight. An employee's work schedule will depend upon his or her specific job and the department to which he or she is assigned. Supervisors will assign your work schedule to you.

The City has not established, nor will it promise, a definite number of hours to be worked each day. Work periods will usually begin at the same time each morning. However, the ending time may vary each day depending upon the needs of the City. When additional hours are required,

employees are expected to cooperate. Naturally, any additional hours worked by non-exempt employees may require overtime pay if the total hours during the workweek exceed forty (40). The City Manager or his/her designee shall establish each employee and work schedule.

## **B. Overtime Policy**

It is the policy of the City that overtime work is to be discouraged. Overtime work may be required of an employee provided such overtime shall be limited to emergency conditions which endanger the public health, safety or welfare; or for services required for the protection or preservation of public property; or to perform the essential functions of a department which cannot be deferred and which cannot be performed with the personnel available during normal working hours, either because of vacancies in authorized positions or because of abnormal/unusual circumstances in the activities of the department. When possible, advance notification of these mandatory assignments will be provided. All overtime work must receive the supervisor's prior written authorization. Overtime assignments will be distributed equitably and practically to all employees qualified to perform the required work.

Overtime compensation is paid to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations within any particular workweek.

Failure to work scheduled overtime or work overtime without prior authorization from the supervisor will result in disciplinary action, up to and including possible termination of employment. Such actions are considered misconduct connected with employment as defined under Chapter 443, Florida Statutes, regarding unemployment compensation, and the employee may be subject to termination without prior notice or warning.

## **C. Compensatory Time Off**

Non-exempt employees may earn and accrue compensatory time off in lieu of monetary overtime payments. Compensatory time off is earned at a rate of one and one-half (1.5) hours for each hour of overtime in any given workweek. By accepting employment at the City of South Bay, employees are expressly agreeing to the terms of this policy. Employees currently employed by the City of South Bay at the time this policy is issued [February 2007], agree and understand that any overtime worked after the date of issuance of this policy shall be subject to the compensatory time off policy.

Employees shall be permitted to accrue up to 240 hours of compensatory time off. This accrual is equivalent to the employee having worked 160 hours of overtime. However, employees engaged in a public safety activity or an emergency response activity shall not be entitled to accrue more than 480 hours of compensatory time off. The accrual is equivalent to the employee having worked 320 hours of overtime. Once an employee has accrued the maximum hours of compensatory time off, the employee must be paid monetary overtime compensation for additional overtime hours worked.

Employees with accrued compensatory time off shall be permitted to use such time off within a reasonable period after making the request so long as the use does not unduly disrupt the operations of the City of South Bay to the extent that such use would impose an unreasonable burden on the City's ability to provide services of acceptable quality and quantity for the public during the time requested without the use of the employee's services. The City of South Bay will consider the normal schedule of work, anticipated peak workloads based on past experience, emergency requirements for staff and services, and the availability of qualified substitute staff in determining when the compensatory time off will be granted.

Overtime compensation may be paid in lieu of providing compensatory time off in any given workweek. The City of South Bay may freely substitute monetary overtime payments for compensatory time off and such payment would not affect the subsequent granting of compensatory time off in future workweeks. Such payments are made at the regular rate of pay earned by the employee at the time the employee receives such payment.

Upon separation from employment, whether voluntary or involuntary, employees shall be paid for unused compensatory time earned at a rate of compensation not less than:

- (1) the average regular rate received by the employee during the three-year period immediately prior to separation from employment; or
- (2) the final regular rate received by the employee,

whichever is higher.

The City of South Bay shall maintain and preserve the following information relating to compensatory time off with respect to this policy:

- (1) the number of hours of compensatory time earned each workweek by each employee at the rate of one and one-half hour for each overtime hour worked;
- (2) the number of hours of such compensatory time used each workweek by each employee;
- (3) the number of hours of accrued compensatory time off paid out in monetary compensation, the total amount paid and the date of such payment; and
- (4) the written agreement regarding earning and using compensatory time off (this policy and Employee Acknowledgement).

## **D. Meal Periods**

Each City employee receives a designated meal period of one hour each day. This time is your own, and you may use it as you see fit. Employees must take the full meal period and must not perform any work during this break. Your supervisor or Department Head will schedule your meal period and length of the meal period.

## **E. Time Records**

The laws and regulations today are very strict about recording the exact number of hours you work. It is our responsibility to keep accurate records. A time record is very important because it is used for payroll computation and details an accurate record of your earnings. Employees must record the exact number of hours worked each day. Each person is responsible for his or her own time record. Employees are prohibited from completing time records for other employees.

Employees who make an error on the time record must make the correction and the employee and supervisor must initial it. When leaving work on the last day of the week, employees must review the time record carefully to see that all hours of work are properly recorded. The employee's name must appear on the time record exactly as it appears on the paychecks.

Falsifying time records shall be considered misconduct connected with employment as defined by Chapter 443, Florida Statutes, regarding unemployment compensation, and shall subject the employee to immediate termination.

## **F. Payday**

The regular payday for employees of the City of South Bay is every Friday. The paycheck issued covers the workweek ending the previous Friday. Employees who are not present to pick up the paycheck may pick it up on the next scheduled workday or may request that the City mail it to the home address. All approved deductions are itemized on the pay stub attached to the paycheck.

A spouse or family member may pick up an employee's check only after submitting written authorization by the employee. If the spouse or family member is unknown to the City, identification may be required. Payroll advances and loans are not permitted.

## **G. Errors in Pay**

Precautions are taken to ensure that employees are paid correctly. If an error does occur in timekeeping, overtime, pay deductions or any other compensation issue, the employee must notify the department designee in writing who shall notify the Human Resources Department in writing immediately, but no later than two (2) working days from receipt of the check in question, to make appropriate pay adjustments on the forthcoming payroll.

## **H. Payroll Deductions**

The law requires that employers make certain deductions from every employee's compensation. Among these are applicable Federal income taxes. Employers also must deduct Social Security and Medicare taxes from each employee's earnings subject to any specified limit that is called the "wage base". The employer also matches the amount of Social Security or Medicare taxes paid by each employee. Other deductions may be made for health and life insurance, 401(k)

contributions or obligations to the employer, or as required by law. Questions concerning pay check deductions should be directed to Human Resources in writing. Any changes in deductions must be submitted in writing.

## **VII. EMPLOYEE BENEFITS**

Your paycheck is important, but it does not represent all of the compensation you receive from the City of South Bay. In addition to receiving your wages each payday, full-time employees also receive a substantial number of employee benefits. These benefits include paid vacations, paid holidays, retirement, and various types of insurance which are only available to full-time employees after the 6-month introductory period.

Questions concerning any of the employee benefits should be directed to the Human Resources Director or to the immediate supervisor.

### **A. Paid Vacation Leave**

Paid vacations are important to both you and the City by providing you with a time of relaxation to be away from your work and enjoy personal activities. Paid vacations are available to all full-time employees who have been employed one continuous year since the last date of hire. The amount of vacation time a city employee will be granted each year without loss of pay is as follows:

| <b>Years of Service</b>                | <b>Amount of Vacation</b>                 | <b>Accrual/Month</b> |
|--|---|----------------------|
| <b>1 - 4 years continuous service</b>  | <b>2 weeks (10 workdays or 80 hours)</b>  | <b>6.667 hours</b>   |
| <b>5 - 10 years continuous service</b> | <b>3 weeks (15 workdays or 120 hours)</b> | <b>10 hours</b>      |
| <b>10 + years continuous service</b>   | <b>4 weeks (20 workdays or 160 hours)</b> | <b>13.33 hours</b>   |

Where employees request conflicting vacation dates, the employee with the greater length of service will have preference. Vacation may only be used after the completion of one (1) full year of employment. Employees must take vacation during the year the employee becomes eligible to use it. Because your time of rest and relaxation is important to the City of South Bay, a carry-over of no more than five vacation days per year is permitted. Pay in lieu of time off may be received if warranted by work load requirements and approved by the City Manager. Vacation leave does not accrue while employee is on an unpaid leave of absence or worker's compensation.

Employees who are ill during scheduled vacation shall not be permitted to charge the absence to sick leave.

Please remember that service to the public comes first. We must schedule all time off to meet their needs and retain sufficient manpower at all times to provide the proper services.

To request time off for foreseeable vacation, employees must submit a written request to the Department Head at least 30 days prior to the first date of leave requested.

Employees whose absences during the fiscal year exceed two percent of their total possible workdays for such fiscal year may forfeit his or her right to a vacation. However, any absence is taken seriously and may subject you to disciplinary action.

Hourly, non-exempt employees receive their regular hourly rate for their normal workweek while on vacation. Salaried exempt employees receive their regular salary while on vacation.

Only employees who resign from their employment in good standing, and whose resignations are accepted by the City, are paid unused vacation pay at the time of departure.

## **B. Paid Sick Leave**

Full-time employees who have completed the six-month introductory period are eligible for paid sick leave. Sick leave may be used for personal illness, physical disability, pregnancy and its related conditions, medical, dental or optical examinations or treatment, and for enforced quarantine in accordance with community health regulations. Up to two sick leave days per year may be used for personal leave.

Sick leave will accrue at the rate of one day per full month of employment commencing with the first day of the month following the first day of employment. Full-time employees earn twelve (12) days of sick leave (one day for each calendar month worked) per year. Employees may accumulate a maximum of sixty (60) sick leave days.

Any employee absent from work due to illness for three (3) or more consecutive days shall be required to bring a medical certification from a health care provider to verify the health condition for which the employee took sick leave. Said certification must be submitted to the City no later than 15 days after the first date of the sick leave. Failure to furnish the medical certification within 15 days may result in denial of leave, with the absence being considered unexcused. In such cases, the employee may be subject to disciplinary action, and/or the absence may be charged to unused vacation leave. Additionally, prior to returning to work, the employee must provide a fitness-for-duty certification from the health care provider indicating that the employee is capable of returning to work and performing the essential functions of the employee's position. Both the medical certification and the fitness-for-duty certification shall be submitted to the employee's supervisor who shall then forward the documentation to the Human Resources Director.

Any employee unable to report to work because of an unforeseen illness or health condition must notify his or her supervisor immediately upon learning of the need to take sick leave, but no later than the normal reporting time for work. Failure to do so may result in disciplinary action up to, and including, termination. Foreseeable sick leave shall be requested by employees no later than thirty (30) days prior to the date(s) requested for leave. Failure to timely request foreseeable sick

leave may result in denial of the request for leave, disciplinary action, or designation of the absence as unexcused. Unexcused absences shall include those where the employee left a voice mail in lieu of speaking to the Supervisor, Human Resources or a Department Head; failing to call in at all or prior to the start time; or failing to provide any required medical certification in a timely fashion.

Employees who resign in good standing with a minimum of five (5) years of continuous service with the City will be paid 25% of their accumulated sick leave. Those who resign in good standing after working continuously for 10 years will be paid for 50% of their accumulated sick leave. Terminated employees shall not be entitled to any payment for accrued but unused sick leave.

Employees are prohibited from performing work for any other person or entity, whether or not the employee is compensated for such work, while using sick leave. If it is determined that an employee is abusing this benefit, such employee shall be subject to disciplinary action including, but not limited to, immediate termination.

### **C. Paid Bereavement Leave**

If you are scheduled to work and you receive news of a death in your immediate family, you may request bereavement leave in order to make necessary arrangements, attend the funeral, or handle other affairs immediately associated with the funeral.

Full-time employees will be granted up to three days paid leave at regular pay. Immediate family, for purposes of bereavement leave only, is defined as including your spouse, children, parents or legal guardians, brother or sister, grandparents, mother-in-law, father-in-law or a relative living in the same household.

Full-time employees will be granted one day paid leave at regular pay to attend the funeral of his or her brother or sister-in-law, cousin, aunt, uncle or other relative.

Full-time employees will be compensated for actual work time lost, up to a maximum of one day, to serve as an active pallbearer at a funeral of a fellow employee.

The City shall not pay or reimburse for any expenses or costs associated with bereavement including, flowers, cards or other items.

### **D. Paid Holidays**

At the City of South Bay, we have eleven (11) paid holidays. These are the days on which you will normally not be required to work, but for which you will be paid. However, non-exempt employees who are asked to work or are scheduled to work on a holiday, will receive regular holiday pay for the day **plus** the regular rate for working the holiday for all time worked. Exempt employees receive their regular salary regardless of whether they worked on the holiday.

Our paid holiday schedule is as follows:

|                                      |                               |
|--------------------------------------|-------------------------------|
| <b>New Year's Day</b>                | <b>Labor Day</b>              |
| <b>Martin Luther King's Birthday</b> | <b>Thanksgiving Day</b>       |
| <b>President's Day</b>               | <b>Day after Thanksgiving</b> |
| <b>Memorial Day</b>                  | <b>Christmas Eve</b>          |
| <b>Independence Day</b>              | <b>Christmas Day</b>          |
|                                      | <b>Veteran's Day</b>          |

To be eligible for holiday pay, you must be a full-time employee on the active payroll and must have worked the last regularly scheduled day before the holiday and the first regularly scheduled day following the holiday. The only exception to this rule will be absences that have been excused in advance by the City Manager.

If the holiday falls on Saturday, it will be observed on Friday; if it falls on Sunday, we will observe it on Monday. The designation of the day to be observed may be changed at the discretion of the City Commission.

Should a holiday fall during your vacation period, you will receive holiday pay for that day and it will not be deducted from your vacation leave.

## **E. Court Leave and Jury Duty**

If you are summoned for jury duty or to appear as a witness, you must tell your supervisor as soon as possible after receipt of the summons or subpoena. Employees must also provide a copy of the summons or subpoena for placement in the personnel file. **If you attend jury duty or are called as a witness and then are dismissed, you are expected to return to work.**

1. If an employee receives a subpoena as a trial witness or to give a deposition regarding matters that arose within the scope and course of City employment, the employee should notify his or her supervisor for further direction. The employee will be granted leave with pay. For accounting purposes, the subpoena must be attached to the payroll timesheets and attendance confirmed by the clerk of court to receive leave pay. However, the employee's pay will be reduced by the amount of any witness fee received as a result of such testimony.
2. If an employee is summoned for jury service, the employee will be granted leave with pay up to a maximum of seven (7) calendar days. For accounting purposes, the subpoena must be attached to the payroll timesheets and attendance confirmed by the clerk of the court to receive leave pay. Additionally, the employee's pay will be reduced by the amount of any jury duty pay received from the court.
3. If an employee is summoned or receives a subpoena as a trial witness or to give a deposition in a matter that is not job related, the employee will not be granted



leave with pay. In such cases the employee shall use vacation leave or leave without pay.

4. If an employee is a party to or is a prospective beneficiary of litigation that is not job related, the employee shall not be granted leave with pay. In such cases the employee shall use vacation leave or leave without pay.

## **F. Military Leave**

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 17 days provided that leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service shall receive their full pay for the first 30 days of any such leave.

Employees seeking to invoke military leave shall provide advance notice to the City unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

Employees on military leave for periods of more than 30 days shall provide the City with such documentation that can be used to establish the employee's basic eligibility for protection under the Uniformed Services Employment and Reemployment Rights Act of 1994. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the City reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

Employees on military leave will be reinstated with the City of South Bay in accordance with applicable State and Federal Laws.

Upon the return of any employee from Military Leave, as described above, the temporary services of the employee filling his or her position shall be terminated or said temporary employee may be moved elsewhere in the City's service, at the City's sole discretion.

## **G. Family and Medical Leave**

Eligible employees will be granted up to 12 weeks of unpaid family or medical leave during a 12-month period in accordance with the Family and Medical Leave Act of 1993. An eligible

employee can take up to 12 weeks of leave during a 12-month period measured forward from the first date leave is used.

**1. Notice**

Employees must provide the Director of Human Resources with no less than 30 days written notice of their intent to take such leave when the leave is foreseeable. If such leave is unforeseeable, the employee shall provide notice as soon as possible after the employee learns of the need for the leave. Employees on approved family or medical leave with or without pay must make monthly contact with Human Resources during their absence.

**2. Eligibility**

To be eligible for family or medical leave, an employee must have been a City of South Bay employee for at least 12 months and have worked for at least 1250 hours during the previous 12-month period.

In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:

- the birth of a son or daughter, and to care for the newborn child;
- the placement with the employee of a child for adoption or foster care, and to care for the newly placed child;
- to care for an immediate family member (spouse, child, parent) with a serious health condition; or
- when the employee is unable to work because of a serious health condition.

**a. Birth, Adoption or Foster Care of a Child**

An eligible employee can take up to 12 weeks of leave during a 12-month period measured forward from the first date family or medical leave is used. This applies equally to mothers and fathers. However, if both the mother and father are employed by the City of South Bay, the aggregate number of workweeks of leave that both can receive is limited to 12 work weeks during any 12-month period;

The entitlement to leave expires at the end of the 12-month period beginning on the date of the birth, or placement of a child;

Employees are required to use all accrued vacation leave before taking unpaid leave. However, employees shall not be required to use accrued sick leave, but shall be permitted to use this leave;

This type of leave shall not be taken by employees intermittently or on a reduced work schedule.

**b. Serious Health Condition of the Employee or to care for a Family Member having a Serious Health Condition**

For purposes of this section, family member is defined as a spouse, parent, or child. Spouse is defined in accordance with applicable state law. Parent means a biological parent or an individual who legally stands or stood in the place of the biological parent. Child means a biological, adopted or foster child, a stepchild, a legal ward or child of a person standing in the place of the biological parent.

Serious health condition is defined as an illness, injury, impairment, or physical condition continuing for longer than three days that involves:

- a) Any period of incapacity or treatment connected with inpatient care in a hospital, hospice, or residential medical care facility; or
- b) A period of incapacity requiring absence of more than three calendar days from work, school, or other regular daily activities that also involves continuing treatment by (or under the supervision of) a health care provider;
- c) Any period of incapacity due to pregnancy, or for prenatal care;
- d) Any period of incapacity (or treatment therefore) due to a chronic serious health condition such as asthma, diabetes, or epilepsy;
- e) A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective such as Alzheimer's, stroke, or terminal diseases;
- f) Any absences to receive multiple treatments (including any period of recovery there from) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated, such as chemotherapy, physical therapy, or dialysis.

Employees using FMLA leave for a serious health condition are required to exhaust their sick and vacation leave balances before taking unpaid leave.

Spouses employed by the City of South Bay are limited to a combined total of 12 workweeks of family leave for the care of an employee's child who has a serious health condition.

**3. Medical Certification**

The employee shall provide the City of South Bay Human Resources office with certification of the need for leave from the health care provider of the employee or family member within 15 days of notification of the need for leave.

The certification shall state:

1. The date on which the serious health condition began;
2. The probable duration of the condition;
3. The appropriate medical facts of the condition; and

4. For family leave, a statement that the employee is needed to care for the family member and an estimate of the amount of time that such care is needed.

The certification shall be signed by the health care provider responsible for providing such services and not by a staff member employed by the health care provider. The employee will be required to obtain subsequent re-certification on a reasonable basis.

The City of South Bay may require, at its own expense, that the employee obtain the opinion of a second health care provider designated or approved by the City, however, the health care provider cannot be employed on a regular basis by the City.

#### **4. Intermittent Or Reduced Work Week Leave**

Leave can be taken intermittently or on a reduced work schedule when medically necessary. The taking of the leave intermittently or on a reduced work schedule shall not reduce the total amount of leave to which the employee is entitled. However, the employee must provide a certification from the health care provider stating that the employee's reduced work schedule is medically necessary and the expected duration and schedule of the intermittent leave or reduced work schedule. Such certification must also include the information listed under the foregoing "Medical Certification" section and shall also be signed by the health care provider responsible for providing such services and not by a staff member employed by the health care provider.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

1. May be required to transfer temporarily to an available alternative position (for which they are qualified) which has an equivalent pay and benefits and which better accommodates recurring periods of leave than the regular position of the employee.
2. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

Intermittent or reduced work-week leave is not available for the birth of a son or daughter or the placement of a child through adoption or foster care.

#### **5. Health Insurance Benefits During FMLA Leave**

During approved FMLA leave, the City is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute any co-payment of his or her normal portion of the insurance premiums to the City in order to maintain insurance coverage. For details on continuation of health insurance benefits for dependents, contact the City of South Bay's Human Resources Department.

## **H. EMPLOYEE DONATIONS OF VACATION LEAVE TO OTHER CITY EMPLOYEES POLICY**

City employees will be allowed to donate unused, accrued vacation leave to another City employee on medical leave without pay. The donated time will be credited to the employee who is on medical leave without pay as sick leave.

1. Approval of the City Manager is required.
2. There shall be no solicitation for donations outside of the department, nor shall any time donations be accepted from outside the department. This program is entirely voluntary; the decision to donate to an eligible individual and the amount of hours donated is left to each employee.
3. An employee may donate up to 40 hours. Ongoing donations will not be accepted, but rather, there shall be a restricted time period for making donations.
4. The total of all donations to any one employee may not exceed 60 days or 480 hours. The value of donated time will be transferred to the employee on leave.

The employee receiving the donations must:

1. Be a full-time regular employee.
2. Be on leave in excess of 31 consecutive days. Donations are transferred to the receiving employee on the 32<sup>nd</sup> day, even if the receiving employee's paid leave was exhausted after a lesser number of days. Such donations are not retroactive in that upon receipt of donated paid leave on the 32<sup>nd</sup> day, the employee on leave will not be permitted to apply any donated time received to days of leave occurring prior to the transfer of donated time on the 32<sup>nd</sup> day.
3. The crisis must be of a certified medical nature involving the employee, employee's spouse, children or parents.
4. Have exhausted all personal, sick and vacation leave balances.
5. Not have any disciplinary action in his or her file relating to abuse of sick or vacation leaves.
6. Must not qualify for compensation under the City's disability plan or workers' compensation.

Procedures:

- A. All requests for donations shall be forwarded by the Department Head through Human Resources to the City Manager for approval. The request should describe the circumstances surrounding the employee's need for assistance. The decision of the City Manager is final.
- B. Once approved, it is the Department Head's responsibility to distribute the request for donations.
- C. A team of employee volunteers shall be selected by the Department Head and shall coordinate each request.

- D. The attached authorization form will be used by employees wishing to donate. Completed forms will be forwarded to the Finance Department to tabulate the value of the donated hours, convert the hours to the donee's pay rate and submit a memo to Human Resources for credit and deduction of donors' time.
- E. If the donations exceed the 60 days or 480 hours permitted, all excess leave will be returned to the most recent donor(s). Authorization should be sequentially numbered as received in order to return hours to donors.
- F. If the leave taken by the receiving employee does not exceed the 60 days or 480 hours permitted, all excess leave will be returned to the most recent donor(s).

## **I. Retirement Plan**

Regular, full-time employees of the City are eligible to participate in the Retirement Plan on the first day of January or on the first day of July following the requirements listed below:

- the employee is a full-time employee of the City, and
- the employee has completed at least one-year of service (service means continuous service as an employee with the City).

Normal Retirement Date is the date on or after the date the Member ceases to be an employee and the date the following requirements are met:

- the employee reaches age 55 and
- the employee has 5 years of Vesting Service.

Medical health care and life insurance coverage will be provided to qualified retirees and their families with a reimbursable cost paid to the City monthly.

After employees complete one year of service, employees may contact the Plan Administrator or Human Resources to receive a booklet which summarizes employee benefits and rights under the plan. It contains information that may be very important to you and your plans for the future.

## **J. Insurance**

The City of South Bay provides a comprehensive insurance package covering both the employee and the employee's family. Included in our package is life and health coverage. Full-time employees of the City are covered after thirty (30) days of employment.

The City pays for the Health & Life Insurance coverage premiums for the employee. The cost for family premiums will be paid for by the employee and will be deducted from his or her pay. A percent of the cost to be paid by the City for employee family may be set by the City Manager subject to budgeting considerations on the anniversary date of the insurance. Please see your insurance book for additional information regarding the City of South Bay's insurance benefits.

## **K. Voting Time**

Employees are encouraged to vote on their way to work or on their way home. However, if that is not possible, you will be allowed time off with pay during your normal workday. We believe it is the responsibility of each citizen to vote, especially as an employee of the City government.

## **L. City Vehicles**

Certain city employees may be allowed to drive city-owned vehicles to and from work. Non-employee passengers are prohibited from riding in city-owned vehicles unless such transportation is work-related (such as transporting suspects and prisoners). No city vehicle shall be driven outside city limits without prior written authorization from the City Manager. However, Department Heads may use City vehicles for work-related business outside of the City limits. City vehicles are not authorized for personal use. Employees must remove keys from and appropriately secure unattended vehicles.

Employees shall refrain from operating cellular telephones while driving City vehicles.

## **M. Credit Union**

As an employee of the City, you are eligible to join the Credit Union. If you are interested in obtaining further information about the Credit Union, visit the Everglades Federal Credit Union located at 1055 West Ventura Avenue, Clewiston, or call 954-938-5141. This is a full service credit union. You may also join the Credit Union of Palm Beach County located on Summit Blvd., or call 561-983-5141.

# **VIII. HEALTH AND SAFETY**

## **A. Safety Rules**

Establishment and maintenance of a safe environment is the shared responsibility of the City and its employees. The City will attempt to do everything within its control to ensure a safe environment and compliance with safety regulations. Employees are expected to exercise caution in all work activities, follow safety training and guidelines, correct unsafe conditions and report defective equipment and vehicles to the immediate supervisor.

Please observe the following safety rules at all times:

- Do not report to work under the influence of alcohol or drugs and do not possess alcohol or drugs on the job at any time.
- Comply with the City's Drug-Free Work Place Policy at all time.
- Report all job accidents immediately when the accident occurs to your supervisor.

- Be responsible for keeping office work area and job sites clean and neat at all times.
- Do not remove or bypass any guards on any machinery at any time unless approved by the job foreman or supervisor.
- Employees must advise supervisors when additional equipment or instruction is needed to do the job safely.
- Employees should lift with their legs, not their back. Employees should get assistance with loads over 50 pounds or loads employees feel they are unable to lift.
- Advise supervisors of any hazardous conditions in the workplace.
- Follow all other written and spoken safety rules.
- Obtain written medical authorization from your supervisor before seeing the doctor for job-related accidents.
- Use safety equipment, such as glasses, goggles, respirators, guards, etc., as recommended. Your supervisor will be familiar with the requirements.
- Observe all danger and warning signs.
- Employees are required to wear seat belts in City cars at all times.
- Report any frayed or torn electrical wires to your supervisors.

## **B. Workers' Compensation**

A Workers' Compensation Insurance program is provided at no cost to all employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical or hospital treatment. This program provides certain financial benefits in the event of personal injury or death by accident, arising out of or in the course or scope of employment, and such diseases or infections as naturally or unavoidably result from such injury.

Any employee who sustains a work-related injury or illness must inform his or her supervisor immediately, regardless of how minor an on-the-job injury may appear. The supervisor and the designated representative, as posted on employee bulletin boards, must immediately complete all appropriate forms, including the First Report of Injury. This will enable an eligible employee to qualify for coverage as quickly as possible.

Failure to **immediately** report an injury or illness to your supervisor may delay the benefits to which you are entitled and will be considered misconduct connected with employment as contemplated by Florida Statute Chapter 443 such that you may be terminated for failure to report such injury or illness. Failure of a supervisor to immediately complete all appropriate forms will be considered misconduct connected with employment as contemplated by Florida Statute Chapter 443 such that the supervisor may be terminated for failure to complete the forms.

## **C. Workplace Violence**

The City of South Bay expressly prohibits any acts or threats of violence on its premises at any time. Firearms or other weapons may not be brought onto City premises or work sites, except by authorized law enforcement personnel. If an employee feels threatened, or witnesses threatening



or violent activity, he or she should alert co-workers of the need for assistance. Any employee who violates this policy will be subject to disciplinary action, up to and including termination.

## **D. Disaster Emergency Provisions**

### **1. Disaster Defined**

Disaster shall be termed to mean any unusual situation arising from Hurricanes, Floods, Fires, Riots, War, Etc. which may create an emergency within the City.

### **2. Disaster Emergency Authority**

The City Commission of the City of South Bay shall be the only authority which may declare a state of Disaster Emergency and it shall be governed by the need to protect public life and property.

### **3. Work Hours During State Of Disaster Emergency**

The City Commission will upon declaring a State of Disaster Emergency, notify each Department Head or supervisor of such, and require said supervisor and any or all city employees to work such hours as the Commission deems necessary to protect the public health, safety and welfare. The City Commission may delegate this notification to the City Manager and permit the City Manager to determine the number of employees and the hours each must work to protect the public health, safety and welfare.

### **4. Failure To Recognize State Of Disaster Emergency**

Failure of any City employee to comply with the Commission's orders or the City Manager's orders, issued during a state of Disaster Emergency shall be deemed to have committed misconduct in connection with employment as defined by Chapter 443, regarding unemployment compensation, and shall be immediate termination.

## **E. DISASTER RECOVERY PROCEDURES & POLICY – Emergency Notification Procedures**

### **1. Policy and Procedures:**

- a. The polices and procedures contained herein shall be maintained and updated by the Disaster Management Team Coordinator and Department Heads. This policy does not replace current departmental emergency critical response procedures, but serves as a city-wide disaster recovery policy in the event of a natural or manmade disaster.
- b. The purpose is to provide required procedures for emergency notification.

c. This policy applies to all disaster management team members which consists of all Department Heads. A team leader will be designated by the City Manager, in the event of the City Manager's absence.

## 2. Employee List:

The Disaster Management Team shall maintain appropriate lists of employees' names, titles, position descriptions, home addresses and home telephone numbers. This information shall be maintained with the Disaster Management Plan for contact, if necessary. This personnel information shall be updated at least annually.

## 3. Notification and Responses:

Upon notification of an emergency, the Disaster Management Team Leader shall authorize the notification and immediate response of appropriate personnel. This notification shall be made by phone or in person, and according to one of the three levels of threat as follows:

### a. Alert 3: Stand-By:

Appropriate personnel are to be notified of the emergency and place on stand-by status, and shall remain available for emergency assignment, either by phone or by other means as necessary. If the emergency occurs during business hours:

- All personnel are placed on alert.
- All appropriate records, equipment and documents are prepared for transfer to secure areas or facilities.
- All operations may resume routine functions.
- Assure that all equipment is available and in working condition.

### b. Alert 2: Minimum Response:

Only selected personnel will be called to respond immediately, and all other personnel will remain on stand-by status. If the emergency occurs during business hours:

- All personnel are to remain at current locations, until instructed to leave.
- All appropriate records, equipment and documents are transferred to secure areas or facilities; and business operations involving customers are discontinued and internal tasks, functions and assignments continue until further instructions are received.

### c. Alert 1: Maximum Response:

All designated personnel shall respond, the City of South Bay or any of its facilities may be closed immediately, and all personnel are to remain at their current locations.

- All appropriate records, equipment and documents are locked within a secure facility.
- All business operations are discontinued, and personnel and customers remain at their locations until escorted from those locations by City officials or emergency services personnel.

## 4. Appropriate Responses:

- Detection
- Reaction
- Assessment
- Notification
- Mobilization
- Recovery
- Restoration
- Resumption
- Reconstruction

#### 5. Activity Log:

In the event of any activation of this plan, the Disaster Management Team Leader shall cause an activity log to be kept at all times during the activation. Each Department Head shall keep an activity log and log of equipment utilized during activation. These logs shall be maintained in a chronological sequence of events, and clearly identify the following information:

- Time Activity begun, actions taken, activity terminated.
- Locations involved.
- Person maintaining log entries.
- Person generating information.
- Person assigned a task, if applicable.
- Notification of other personnel, if applicable.
  - ❖ Name of Person notified
  - ❖ Time of notification
  - ❖ Action requested
  - ❖ Disposition
- Unusual events requiring follow-up when normal operations resume.
- Termination date/time of emergency activation, including name and title of person making termination.

## **F. Drug Free Workplace Policy**

The City of South Bay is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs on the job; comes to work under the influence; possesses, distributes or sells drugs in the workplace; or abuses alcohol on the job. Therefore, the City has established the following policy:

It is a violation of our policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job;

It is a violation of our policy for anyone to report to work under the influence of illegal drugs or alcohol;

It is a violation of our policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications);

It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace;

It is a condition of employment to abide by the Drug-Free Workplace Policy;

Violations of this policy subject all employees to disciplinary action up to and including termination.

It is the responsibility of supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee has a drug problem. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help and advise them about available resources for getting help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a substance abuse problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the City of South Bay.

**1. Authority for Drug Testing**

Florida Statute Section 440.102 outlines the drug-free workplace program requirements.

**2. Definitions**

Confirmation Test, Confirmed Test, or Confirmed Drug Test: a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

Drug: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP; a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.

Drug Test or Test: any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

Employee: any person who works for salary, wages, or other remuneration for an employer.

Employee Assistance Program: an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow-up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be provided by service providers pursuant to Florida Statute Section 397.311(28).

Employer: a person or entity that employs a person and that is covered by the Workers' Compensation Law.

Initial Drug Test: a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective forum.

Job Applicant: a person who has applied for a special-risk or safety-sensitive position with the City and has been offered employment conditioned upon successfully passing a drug test, and may have begun work pending the results of the drug test.

Medical Review Officer or MRO: a licensed physician, employed with or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

Prescription or Nonprescription Medication: a drug or medication obtained pursuant to a prescription as defined by Florida Statute Section 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

Safety-Sensitive Position: a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with confidential information or documents pertaining to criminal investigations, or work with controlled substances; a position subject to Florida Statute Section 110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.

Special-Risk Position: a position that is required to be filled by a person who is certified under Chapter 633 or 943 of the Florida Statutes.

### **3. Types of Testing Required**

a. *Job Applicant Drug Testing:* Job applicants for safety-sensitive or special risk positions must submit to a drug test. Refusal to submit to a drug test, or a positive confirmed drug test, may be used as a basis for declining to offer employment to the applicant.

b. *Reasonable Suspicion Drug Testing:* Employees will be tested following any observed behavior creating “reasonable suspicion”. These behaviors may include the following:

- i. Direct observation of drug/alcohol use, or the symptoms of being under the influence of a drug or alcohol;
- ii. Abnormal or erratic behavior while at work or a significant deterioration in work performance;
- iii. A report of drug use, provided by a reliable and credible source;
- iv. Evidence that an individual has tampered with a drug test while working for the City;
- v. Information that an employee has caused, contributed to, or been involved in, an accident while at work;
- vi. Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery or equipment.

c. *Follow-Up Testing:* If the City requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug test, the City requires the employee to submit to a random drug test, quarterly for a two year period after completion of the program. Advance notice of the testing date will not be given to the employee being tested. If the employee voluntarily enters the program, the City is not required by law to conduct follow-up testing, but may do so in its discretion.

d. *Routine Fitness-For-Duty Testing:* Employees who ordinarily must submit to annual physical fitness for duty examination must also submit to drug testing at that time.

### **4. Confidentiality**

All information, interviews, reports, statements, memoranda, drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida Statute Section 440.102 or in determining compensability under Chapter 440, Florida Statutes. Moreover, the foregoing items are confidential and exempt from the provisions of F.S. 119.07(1) and Section 24(a), Art. I of the State Constitution.

The City, the laboratories, medical review officers, employee assistance programs, drug rehabilitation programs and their agents shall not release any information concerning drug test results obtained under Florida Statute Section 440.102 without first obtaining a release from the affected individual in accordance with Florida Statute Section 440.102.

**5. Drugs to Be Tested**

Alcohol, amphetamines, cannabinoids, cocaine, phencyclidine, methaqualone, opiates, barbiturates, benzodiazepines, methadone and propoxyphene.

**6. Testing Location**

The City only uses laboratories for drug testing that are licensed by the Florida Agency for Health Care Administration or that are certified by the U.S. Department of Health and Human Services.

The laboratory used by the City is:

Name: DSI Laboratories/Diagnostic Services, Inc.  
Address: 12700 Westlinks Drive  
Ft. Myers, FL 33913  
Telephone: (239) 561-8200 or 1-888-DSILABS

The City's Medical Review Officer is:

Name: Dr. Lucy Valencia  
Address: 101 NW 1<sup>st</sup> Avenue  
South Bay, FL 33493  
Telephone: (561) 993-0092

**7. Testing Procedures**

Employees or job applicants may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the medical review officer explaining or contesting the test result, and explaining why the result does not constitute a violation of the City's policy. If the employee's or job applicant's explanation or challenge is unsatisfactory to the medical review officer, the medical review officer shall report a positive test result back to the City. Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant to Florida Statute Section 440.102.

**8. Consequences of Positive Confirmed Test Result**

Any employee receiving a positive confirmed test result shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical and indemnity benefits.

*An employee or job applicant has one-hundred-eighty (180) days after receiving written notification of a positive test result to have the sample retested at his or her own expense at another licensed or certified laboratory chosen by the employee or job applicant.*

**9. Consequences Of Conviction for Violation of Criminal Drug Statute Occurring in the Workplace**

All employees shall report any conviction for a violation of a criminal drug statute occurring in the workplace to the Director of Human Resources in writing, no later than five calendar days after such conviction. The Director of Human Resources shall notify the City Manager

Within thirty (30) calendar days of receiving such notice from a convicted employee, the City Manager shall take one of the following actions:

Take appropriate disciplinary action against the employee, up to and including termination;  
Require the employee to participate satisfactorily in a drug abuse or assistance or rehabilitation program approved for such purposes by Federal, State, or local health, law enforcement, or other appropriate agency.

**10. Affect of Refusing to Submit to Drug Testing**

An employee who refuses to submit to drug testing shall be subject to immediate termination. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical and indemnity benefits. A job applicant who refuses to submit to drug testing will not be hired.

**11. Medications That May Alter Or Affect The Drug Test**

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot, and is not intended to, be all-inclusive.

|                |   |
|----------------|---|
| <b>Alcohol</b> | Includes distilled spirits, wine, malt beverages, and liquors. Ethyl alcohol (ethanol) is included in many liquid medications such as Vicks' Nyquil is 25% (50 proof), Comtrex is 20% (40 proof), Contac Severe |
|----------------|---|



|                        |   |
|------------------------|---|
|                        | Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).  |
| <b>Narcotics</b>       |   |
| Opium                  | Dover's Powder, Paregoric, Parepectolin   |
| Morphine               | Morphine, Pectoral Syrup  |
| Codeine Compound       | Tylenol with codeine, Emprin with Codeine, Robitussin AC  |
| Heroin                 | Diacetylmorphine, Horse, Smack  |
| Hydromorhone           | Dilaudid  |
| Meperidine (Pethidine) | Demerol, Mepergan   |
| Methadone              | Dolphine, Methadone, methadose  |
| Other Narcotics        | LAAM, Leritine, Numorphan, Percodan, Tussionex, Fentanyl, Darvon, Talwin, Lomotil   |
| <b>Depressants</b>     |   |
| Chloral Hydrate        | Noctec, Somnos  |
| Barbiturates           | Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate  |
| Benzodiasepines        | Ativan, Azene, Clonopin, Dalmane, Diasepan, Librium, Xanax, Tranxene, Valium, Vestran, Serax, Halcion, Paxipan, Restoril, |
| Methaqualone           | Quaalude  |
| Glutethimide           | Doriden   |
| Other Depressants      | Equanil, Miltown, Noludar, Placidyl, Valmid   |
| <b>Stimulants</b>      |   |
| Cocaine                | Coke, Flake, Snow, Crack  |
| Amphetamines           | Biphetamine, Delcobese, Desoxyn, Dexedrine, Mediatric   |
| Phenmetrazine          | Preludin  |
| Methylphenidate        | Ritalin   |
| Other Stimulants       | Adipex, Bacarate, Cylert, Didrex, Ionamin, Plegine, PreSate, Sanorex, Tenuate, Tepanil, Vorsnil                           |
| <b>Hallucinogens</b>   |   |
| LSD                    | Acid, Microdo   |
| Mescaline & Peyote     | Mesc, Buttons, Cactus   |
| Amphetamine Variants   | 2, 5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB, Phencyclidine, PCP, Angel Dust, Hog   |
| Other Hallucinogens    | Bufotenine, Ibogaine, DMT, DET, Psilocybin  |
| <b>Cannabis</b>        |   |
| Marijuana              | Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks  |
| Tetrahydrocannabinol   | THC   |
| Hashish                | Hash, Hashish Oil   |

## 12. Employee Assistance Programs

Employees may contact the EAP if they need help in dealing with substance abuse. A list of other local employee assistance programs and local drug rehabilitation programs follows:

**Comprehensive Alcoholism Rehabilitation Programs, Inc.**  
125 NW 2nd St  
South Bay, FL 33430-3013  
(561) 992-1352

**Pregnant and Addicted (PANDA)**  
816 NW Avenue D  
South Bay, Florida  
(561) 992-1375

**Western Palm Beach County MH Clinic**  
408 SE Avenue E  
South Bay, Florida 33430  
(561) 992-1330

**Abuse Counseling and Treatment**  
P.O. Box 60401  
Ft. Myers, Florida 33906-6401  
(239) 939-3112

## **G. Care of Equipment**

The City has invested substantial funds in obtaining and maintaining its equipment in order to enable you to perform work efficiently. Your cooperation in the care and use of this equipment is necessary to maintain it in good condition. If any equipment is defective or is not suitable for the job, please notify your supervisor immediately. A few timely repairs may prevent complete breakdown of the equipment.

## **H. Damaged Property and Corrective Action Policy**

The City of South Bay is continually increasing the size of its staff, equipment, and vehicles. Particular attention is directed to the vehicular and equipment categories. The probability of incidents in which damages occur to these items may also increase as the City grows. Incidents may occur that result in damage to private property. Therefore, the City has developed procedures and guidelines for; the reporting, documenting, and corrective actions of any damage incident. The purpose of this policy is to reduce the number of damage incidents through the application of corrective actions, when deemed appropriate.

### **1. Reporting of Damage Incident**

- a. The employee involved in a damage incident will report injury of City personnel or citizens, incidents of property damage, equipment, vehicle, or damage to private property immediately to their supervisor.

- b. The employee's immediate supervisor will be responsible for ensuring the incident is investigated, documented, and properly reported to the Director of Human Resources, by the next business day.
- c. The employee's immediate supervisor will ensure that the damage incident is investigated independently and thoroughly, and not by the employee directly involved in the damage incident.
- d. Should the incident require investigation by another agency, the supervisor will document the investigating agency and officer's name within the supervisory report.
- e. The immediate supervisor will be responsible for obtaining all completed reports, documents, and photographs concerning the damage incident, and forward copies of all data to the Human Resources Department.
- f. The immediate supervisor will be responsible for contacting the Human Resources office to schedule a mandatory post-accident drug and alcohol screening. Should the accident occur outside the normal work hours, the immediate supervisor shall be responsible for ensuring screening is completed at an authorized facility and notifying the Human Resources Department immediately on next business day.
- g. The investigative reports will also include the following information:
  - i. Estimates of repairs or replacement costs from (3) reputable and licensed businesses, or cost of parts and materials required to repair the damages; automobile estimates and repair provided in compliance with the City's auto insurance coverage procedures.
  - ii. All completed reports from the City of South Bay Police Department and or investigating agency-having jurisdiction over the damage incident.
  - iii. All City of South Bay reports, documents, photos, etc.

**2. Responsibilities of Department Head**

- a. Upon receipt of all reports and documents, the Department Head shall review all submitted information to determine responsibility. Is employee partially, or totally responsible for the damage incident; or is employee not responsible for the incident.
- b. The Department Head shall then confer with the respective Department and/or Line Supervisors in order to determine the employee's responsibility level, if any.
- c. Upon conclusion of the incident meeting, should the employee involved in the damage incident be required to receive some form of corrective action, the suggested corrective action will be documented and forwarded to the Human Resources Department

for the Corrective Action Review Committee to review and recommend decision (in writing) to the City Manager for final approval. Such meeting of the Corrective Action Review Committee shall be publicly noticed and open to the public.

**3. Corrective Action Guides**

a. If the damage incident warrants the following may be used or adapted to fit the incident:

- i. Oral Counseling (documented in the employees personnel file).
- ii. Written Counseling statement (documented in the employees personnel file).
- iii. Defensive driving or pursuit driver’s training course attendance.
- iv. Loss of “Take Home Vehicle” privileges for a specific period.
- v. One (1) or more days of suspension without pay for a first damage incident, depending on the total damage costs and the type of incident.
- vi. Suspension without pay.
- vii. Termination.

b. Regardless of the corrective action deemed appropriate, especially those involving vehicle accidents, any damages that are to be repaired, must be accomplished by the City’s Public Works Department and through the City’s Finance Department process, OR at a reputable and licensed business dealing in the type of repairs needed. The City’s insurance carrier must first authorize all outside repairs.

c. Individual corrective action and financial damage restitution may both be incorporated together to complete a total corrective action requirement.

**4. Suggested Repayment Schedule (Restitution of Damage Costs) for Non-Exempt Employees**

a. The following is a suggested schedule of financial payment levels that may be incorporated with, or act solely as corrective action for non-exempt employees. The following can be applied in part or as written, or altered.

- i. First (1<sup>st</sup>) damage incident                      25% of the damage costs, not to exceed an amount of \$250.00 from the employee.

- ii. Second (2<sup>nd</sup>) damage incident      50% of the damage costs, not to exceed an amount of \$500.00 from the employee
- iii. Third (3<sup>rd</sup>) damage incident      100% of the damage costs, not to exceed an amount of \$1000.00 from the employee

b. Non-exempt employees who are subject to the payment of restitution for damages costs shall have their pay reduced by no more than the current minimum wage and corresponding overtime payments, if any, in accordance with wage and hour laws. Such deductions shall continue until the restitution amount is paid in full.

c. If employee is terminated prior to full payment of damage costs, the outstanding amount shall be deducted from the employee’s remaining earnings and/or benefits accrued.

d. The City Manager or designee shall approve, or modify, or deny any corrective action recommended as a result of a damage incident prior to it’s imposition on any employee.

## **1. Drivers’ License Requirement**

This policy shall apply to all City departments and employees who are required to operate motorized equipment as part of their job description.

Employees must immediately notify their supervisor in writing within 2 business days of the driver’s license or commercial driver’s license being suspended, revoked or expired. Operating City vehicles or motorized equipment with a suspended, revoked or expired license shall constitute misconduct connected with employment as defined by Chapter 443, Florida Statutes, governing unemployment compensation, and shall subject the employee to immediate termination.

Employees who properly notify the supervisor of the suspended, revoked or expired license may be allowed thirty (30) calendar days in which to obtain a license or a work permit. The City reserves the option of terminating any employee who fails to maintain a current license or satisfactory driving record unless the circumstances warrant other action. The employee may be allowed to continue working during this thirty (30) day period in a position which does not require the operation of motorized equipment, subject to availability and within the sole discretion of the City. It is the employee’s responsibility to provide the City with written documentation which shows that the required license has been obtained or reinstated.

The City may conduct periodic status checks to ensure employees have maintained the proper license.

## **IX. ANTI-HARASSMENT AND ANTI-DISCRIMINATION**

In order to provide a productive and pleasant working environment, it is important that the City of South Bay maintain an atmosphere characterized by mutual respect. Accordingly, verbal or physical conduct by any employee which harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive or hostile environment will not be tolerated. We believe that each employee should be able to work in an environment free from discrimination and any form of harassment based on race, color, military status, religion, age, sex, pregnancy, national origin, citizenship, disability, marital status, sexual orientation or any other category protected by law. In addition, we will endeavor to protect employees, to the extent possible, from reported discrimination or harassment by non-employees in the workplace.

The City of South Bay is an equal opportunity employer. All personnel actions including hiring, promotions, selection for training, compensation, layoffs, recall from layoffs, and terminations will be administered in a manner consistent with general principles of non-discrimination.

Each employee and supervisor has a responsibility to maintain the workplace free of any form of sexual harassment and any other harassment based upon any characteristics stated above or otherwise protected by law. No supervisor is to threaten or insinuate, either explicitly or implicitly, that any employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment. Other harassing, discriminatory or offensive conduct in the workplace, whether committed by supervisors, nonsupervisory employees or nonemployees, is also prohibited. Such conduct may include the following:

- Sexual flirtations, touching, advances or propositions;
- Verbal abuse based upon any protected characteristic;
- Graphic or suggestive comments about an individual's dress or body;
- Sexually degrading words to describe an individual;
- The display in the workplace of sexually suggestive objects or pictures;
- Spreading gossip about a person because of that person's protected characteristic;
- Unwanted comments, serious or humorous directed at an individual or about an individual which refers or relates to his or her protected characteristic;
- Making unwanted suggestive telephone calls to an individual on the basis or because of that person's protected characteristic;

- Writing unwanted suggestive letters denigrating an individual because of one of the above-mentioned protected characteristics;
- Any comments referencing that individual's protected characteristic in employment practices that is of a derogatory or denigrating nature.

Actions or words that constitute unwelcome harassment of employees by anyone, including non-employees, in the workplace are not acceptable and must be reported to the immediate supervisor, the Director of Human Resources, or the City Manager. Each supervisor is responsible for making sure that all employees within his or her area of responsibility are aware of this policy, for ensuring that personnel decisions are in accordance with this policy, and consulting with the Director of Human Resources when improper behavior is observed or reported.

Employees who believe they have been harassed or discriminated against should inform the person engaging in such behavior that such conduct is unwelcome and must stop. Should the employee feel uncomfortable directly confronting the alleged harasser, the employee may choose to skip to the next step by immediately notifying immediate supervisor, the Director of Human Resources, or the City Manager. Any employee, who has a complaint of discrimination or harassment at work by anyone, including supervisors, co-workers, or visitors, must immediately report his or her complaint to the supervisor. If for any reason, the alleged discrimination or harassment cannot be reported to the supervisor or the employee reasonably believes such report would be ineffectual, the employee should report the matter directly to the Director of Human Resources or the City Manager. Supervisors who receive reports or complaints of discrimination or harassment shall immediately notify the Director of Human Resources and the City Manager.

All such complaints will be investigated in a timely and in as impartial and confidential a manner as possible under Florida law. Investigation by the City, however, does not toll or alter the time for filing a charge with the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, or any other such agency. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. If a violation is found to exist, appropriate disciplinary action will be taken, up to and including termination. A non-employee who subjects an employee to discriminatory conduct or harassment in the workplace will be reported to the appropriate local law enforcement authorities. Other action may be taken as appropriate or allowed by law.

The City will provide training to employees regarding prevention of harassment and discrimination in the workplace. Such training will be conducted regularly and will be documented in each employee's personnel file.

# **X. ATTENDANCE AND PUNCTUALITY**

## **A. Attendance**

Attendance is an essential function of every position at the City of South Bay. Absenteeism places a burden on other employees and City resources. If an employee is unable to work as scheduled, and such absence was not foreseeable, he or she must notify the immediate supervisor as soon as possible in advance of the anticipated absence but not later than the employee's scheduled start time. Poor attendance is disruptive and may lead to disciplinary action, up to and including termination. Attendance problems are not tolerated and may lead to termination after the first offense. However, three unexcused absences in any six-month period shall lead to immediate termination.

## **B. Tardiness Policy**

Punctuality and consistent attendance are essential functions of every position within the City of South Bay and are extremely important to the proper performance of the City's functions.

This policy shall be administered on a rolling annual basis as to all non-exempt employees. This policy does not apply to exempt employees. This period shall begin with the date of the employee's first violation. Future violations will be measured from the date of the first violation in the preceding one year period. Violations occurring more than one year from prior violations shall not be considered for disciplinary purposes. The following example illustrates this policy:

|          |   |
|----------|---|
| 1/15/02  | First Violation   |
| 3/10/02  | Second Violation  |
| 11/12/02 | Third Violation   |
| 2/5/03   | This becomes the Third Violation because the original first violation (1/15/02) is more than one year old and is dropped. The original second violation (3/10/02) now is considered the first violation as it is within one year from the most recent (2/5/03). |

1. Any employee reporting to work later than the scheduled start time shall be in violation of this policy.
2. The first violation of this policy shall subject the employee to a verbal reprimand. The employee shall be given a notice that the policy has been violated and that a future violation may result in disciplinary action.
3. The second violation of the tardiness policy will result in a written warning.
4. The third violation of the tardiness policy shall result in a second written warning



5. The fourth violation of the tardiness-policy shall result in a one-week suspension without pay.
6. The fifth violation of the tardiness policy shall result in termination of employment.

Any employee believing that a violation of the policy should be excused must submit a written request to his or her supervisor to have said violation considered excused for good cause. Good cause is determined by the supervisor and the Director of Human Resources but shall not include oversleeping, traffic or other such routine and avoidable occurrences. Such written request shall be made and delivered to the individual's supervisor and to the Director of Human Resources by the close of the next business day after the violation (i.e. the incident of tardiness). Failure to timely request an excuse of the violation is a waiver of any right that the employee may have to contest the violation and the resulting discipline.

Upon receipt of a request to have a violation excused, the supervisor and Director of Human Resources shall determine whether the individual has demonstrated good cause so that said violation shall be excused. Any violation that the supervisor and Director of Human Resources excuses shall not be considered a violation. The maximum number of excused violations within one year will not exceed two.

### **C. Absence Without Leave**

Absence from duty without leave or failure to report after leave has expired or has been disapproved, or revoked and cancelled by Human Resources or the City Manager, shall be cause for immediate termination.

### **D. Absence Reports**

All absences shall be reported to the Human Resources Department by means of notations on the time record, under the name of the employee.

## **XI. GENERAL INFORMATION**

### **A. Confidential Information**

In the course of employment, you may have access to confidential information or other information regarding the City or fellow employees. It is your responsibility to refrain from revealing or divulging any such information and that you use it only in the performance of your duties. Even information subject to the public records laws shall be considered confidential until such time a request is made by the public to review such information. Violation of this policy shall be considered misconduct connected with employment as contemplated by Chapter 443 of the Florida Statutes, governing unemployment compensation, and shall subject the employee to immediate dismissal.

Employees shall be required to sign the following:

## **B. Employee Confidentiality Agreement**

Employees shall not divulge any information, other than public information, that was obtained as a result of his or her City position to gain personal advantage for him or her self or to gain advantage for anyone else.

Definitions:

“Information obtained as a result of City position” means any information that has not been distributed to the public through media reporting, direct mail, public hearings or published legal notices or information that is available to a member of the public only by request.

“Public Information” means any information that has been disseminated, divulged, or disclosed to the public or media through official channels such as public hearings, published legal notices, media reporting, direct mail, or information that has been disclosed under Chapter 119, Florida Statutes, after request by a member of the public.

“Personal advantage” means placing the employee or the recipient of the information in a position of advantage over the general public, a situation which constitutes a violation of the public trust; this does not refer to the divulgence or use of information in the performance of official duties.

Guidelines:

Examples of using information for personal advantage include:

1. Knowing that the price of real estate in a certain area will increase because of a proposed private development that has not yet been made public and then purchasing real estate in the area or advising others to purchase before prices increase;
2. Disclosing the low bid on an item to be purchased or contracted by the City so that another bidder can adjust its bid downward;
3. Hearing that City officials may take a particular action and “leaking” the information to a member of the public or press before the action becomes a matter of public record or is released to the press or public in general;
4. Knowing that the City staff is investigating an employee for suspected misconduct and either (a) “tipping off” the employee or providing the employee with details of the investigation; or (b) telling members of the public, including the press, details about such investigation before such details are made public;
5. Using City records to compile mailing lists for use other than official business; or
6. Using or disclosing any information that, while subject to disclosure upon request under Florida Statute Chapter 119, is not readily available to the public without making a formal request under Chapter 119, Florida Statutes.

The foregoing examples are for illustrative purposes only and are not an exhaustive list of situations where an employee is not permitted to disclose or divulge particular information.

Employee understands and agrees that violation of this agreement or the confidential policies stated herein shall subject me to immediate discipline up to, and including, immediate termination or suspension. It is agreed and understood that the proper functioning of the City is impeded by disclosure of information in violation of this agreement and the policies and guidelines stated herein.

### **C. Good Housekeeping**

Orderliness in your work area reduces accidents, improves health conditions, reduces fire hazards, adds to the efficiency of your work, improves the quality of service, and portrays a favorable image to the public. Employees are expected to place trash and refuse in the containers provided and to maintain the work area in a clean and neat manner..

### **D. Non-Employees Solicitation and Distribution**

Solicitation and distribution of literature or other materials on City Property by non-employees is prohibited.

### **E. Smoking**

Smoking is not permitted in any city building, including bathrooms and indoor break areas.

### **F. Personnel Records**

It is the responsibility of each employee to promptly notify the Human Resources Department of any changes in personal information. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments and other such status reports should be accurate and current at all times. This information is requested and maintained in accordance with applicable law and as may be necessary for employee benefits. All employee information changes should be reported in writing to the Human Resources Department.

The public record laws require that “all state, county, and municipal records shall be available at all times for a personal inspection by any person.” The Public Records Act requires public employers to produce most types of documents that are commonly found in an employee’s personnel file.

## **G. Communication With Supervisor**

One of the best sources of information about your job and your benefits is your supervisor or the Director of Human Resources. When you have questions, please see him or her for the answer. We will generally have the answer for you right away, but if we do not, we will get the proper information for you as soon as possible.

## **H. Other Booklets and Letters**

In addition to this Employee Handbook, you may receive other informative booklets from the City of South Bay. All employees are responsible for knowing and abiding by all policies and procedures governing the City's employees.

## **I. Bulletin Boards**

One of our communication tools is our bulletin board. Please check it for important announcements or bulletins. Bulletin Boards are for official City use only and personal postings are not permitted.

## **J. Uniform Policy and Dress Code**

We believe in creating a professional and positive atmosphere for the public in a number of different ways, one of which is through our dress code.

All employees should dress appropriately in order to present a professional and well-groomed appearance to visitors, as well as other employees. Employees who are in the public view should dress conservatively and exercise good judgment in selecting clothes for work.

If your job requires you to wear a uniform, it should be clean and neatly pressed each day. The City pays the entire cost of uniforms, but it is the employee's responsibility to maintain them.

## **K. Outside Employment**

The purpose of this policy is to establish guidelines for monitoring and controlling outside employment and not to prohibit outside employment.

The City of South Bay believes that employees forced by economic necessity or desire to supplement their income by taking outside employment should be allowed to do so. This policy is based on the premise that employees will first meet the demands of his or her job with the City. To avoid any misunderstanding, City employees are required to obtain written authorization from their Department Head and final approval from the City Manager, upon the recommendation of Human Resources, prior to accepting outside employment.

- If at the time an employee is offered a position, he or she has another job, the employee must provide written notice of the job as outlined in the Procedures Section of this policy.
- If an employee desires to obtain a second job while working for the City of South Bay, the employee must provide a written request as outlined in the Procedures Section of this policy.
- Employees currently holding a second job will be permitted to continue as long as that position does not impair his or her work performance with the City.
- This policy shall be applicable to all City of South Bay employees regardless of pay grade or job class.

**1. Procedures**

Written requests shall contain:

1. Name of outside agency or company and nature of business
2. Potential, if any, conflict with City job
3. Position title
4. Hours of duty
5. Proposed start date of employment

The written request shall be forwarded to the Human Resources Department following approval by the employee's Department Head. Upon receipt, the Human Resources Department shall review the request for clarity and forward to the City Manager for action. The employee shall receive written notification of the results of his or her request in writing within 10 business days from the date the initial request was submitted to the employee's Department Head.

**2. Reasons For Denial**

- a. Conflict with obligations to the City
- b. Introductory
- c. Unsatisfactory job performance
- d. The employee is receiving workers' compensation benefits
- e. The employee is receiving sick leave benefits from the City
- f. FMLA Leave

Additionally, outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside the City for materials produced or services rendered while performing their jobs with the City.

**L. Employee Parking**

Employees should not park in any place which would hinder the public's ability to receive full and immediate attention.

## **M. Computers, Electronic and Voice Mail, and Telephones**

The City of South Bay makes every effort to provide the best technology for employees. Computers, electronic and voice mail and telephones are available in most areas and should only be used for conducting City business. Incidental and occasional personal use of this equipment is permitted, but information and messages stored in these systems will be treated as business-related information and messages. The use of these systems may not be used for solicitation of commercial ventures, religious or political causes, outside organizations or other non-job related solicitations. The electronic mail system shall not be used to send/upload or receive/download copyrighted materials, trade secrets, proprietary information, or similar materials without prior written authorization. Employees shall not use a code, access a file, or retrieve any stored information unless authorized to do so. Additionally, all computer pass codes must be provided to the Information Systems Manager and no pass code may be used that is not known to the City. Furthermore, these systems may not be used to create any offensive or disruptive messages, including any violation of the anti-discrimination and anti-harassment policy.

Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Excessive personal calls during the workday, regardless of the telephone used, can interfere with employee productivity and distract others. Employees whose job responsibilities include regular or occasional driving should refrain from cellular phone use while driving. Safety must come before all other concerns. The City is not responsible for the loss of personal cellular phones brought into the workplace. Employees are responsible for City-issued communication equipment and must pay for the cost of replacing any lost or damaged equipment, subject to any restrictions imposed by Federal or State law.

Employees are not permitted to incur charges on any City equipment including telephones, cellular phones, pagers or computers that are not directly related to City business. Any non-exempt employee who uses such equipment in violation of this policy shall be personally responsible for the full amount of any charges incurred including any interest charged by the company providing the service on the City's equipment. Any charges incurred by non-exempt employees in violation of this policy shall be deducted from the employee's next paycheck immediately following discovery of said charges so long as such deduction does not reduce a non-exempt employee's pay below the minimum wage and overtime rate as established by the applicable wage and hour laws. Moreover, should the charges to the employee exceed the amount that may be deducted from the next pay check, the City shall continue to deduct the charges from each successive paycheck until the City is completely and fully reimbursed for such charges.

Employees have no expectation of privacy with respect to information in computers, electronic and voice mail because such information is the sole property of the City and may be inspected by management or others at any time, with or without prior notice. The contents of electronic mail obtained through legitimate business purposes may be disclosed within the City without permission of the employee.

Any violation of this policy shall be subject to discipline up to, and including, termination.

## **N. Inspections**

To maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives or other improper materials, the control, possession, transfer, sale or use of such materials on the premises and field areas is prohibited. The cooperation of all employees in administering this policy is required. Desks, computers and other storage devices may be provided for the convenience of employees, but remain the sole property of the employer. These storage devices, as well as any articles found within them, can be inspected by management or other City representatives at any time, with or without prior notice. The City will not condone theft or unauthorized possession of the property of the employees, the employer, visitors or customers. To enforce this policy, the City Manager or designee may inspect desks, packages, and persons entering and/or leaving the premises. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto the premises.

# **XII. DISCIPLINARY ACTIONS**

## **A. Disciplinary Procedures**

Disciplinary problems are generally dealt with through any of the following types of actions:

1. Oral reprimand;
2. Written reprimand;
3. Suspension with or with or without pay;
4. Change in assignment or transfer;
5. Reduction in pay;
6. Demotion; or
7. Termination.

Discipline shall generally be instituted by the immediate supervisor, the Department Head, the Director of Human Resources or the City Manager. *However, in instances of suspension, change in assignment or transfer, reduction in pay, demotion or termination, such disciplinary action must first be approved in writing by the City Manager.*

A written record of every disciplinary action, including memorandums evidencing oral reprimands, shall be made by the disciplining authority, and such record shall state the time, place and nature of the problem, together with a brief summary of the action taken and signed by the disciplining authority and the employee against whom action has been taken. Should the employee refuse to sign the written record, the record shall state that the employee refused to sign and a witness shall sign and attest to the employee's refusal to sign the record. Such record shall become a part of the employee's personnel record and a copy shall be furnished to the employee, employee's Department Head, the City Manager, the Director of Human Resources and the Civil Service Board. Except as otherwise provided herein, such written record shall be

completed, filed and copies furnished to the appropriate persons within 2 business days of the date of the action by the disciplinary authority.

Nothing herein shall be construed to prohibit the City from imposing discipline in any order it deems appropriate for each situation. The City does not have a policy of progressive discipline and each and every employee may be terminated at any time for any non-discriminatory reason.

## **B. Demotions**

Employees who are demoted for disciplinary reasons should expect to be penalized by a reduction in salary or wages to be determined by the supervisor, Department Head, and approved by the City Manager. Employees demoted for reasons of reduction in force initiated to increase productivity or meet budget restrictions, shall be assigned at the same dollar level in the new classification range. Should the present salary of the employee exceed the maximum of the assigned range, the employee's salary should be capped or frozen at the top step in the newly assigned range.

# **XIII. PROBLEM-SOLVING PROCEDURES**

The City of South Bay is interested in how you feel about your job. Your complaints, problems, or concerns, no matter how large or small, are important to us. After all, we know that if you are satisfied with your job, you will work harder and are of more value to the City, your co-workers, and yourself. Therefore, we have established the following problem-solving procedure. It is our policy to let you tell your side of the story.

The following procedure will be used with respect to complaints or concerns brought by an employee regarding (and limited to) the following issues: suspension, layoff, denial of promotion, denial of merit pay increase and any other issue or concern except for termination and demotions.

Your first step should be to discuss the problem with your Department Head. Every effort should be made to resolve the problem at this level to the satisfaction of both parties. The complaint should be discussed with your Department Head within five consecutive workdays from the date the action complained of occurred.

If your Department Head's answer is not satisfactory to you, you may take your concern to the City Manager. If you decide to submit your concern to the City Manager, your concern must be put in writing and signed by you. Further, if you decide to submit your concern to the City Manager, you should notify your Department Head of your intention to do so. Again, every effort should be made to resolve the problem at this level to the satisfaction of both parties. This must be done within five consecutive workdays of your Department Head's answer.



The City Manager will review all the facts and circumstances and give you an answer within five consecutive working days from the day he receives it. If the City Manager's answer is not satisfactory to you, you may submit a written appeal to the City Commission.

## **XIV. SEPARATION FROM EMPLOYMENT**

Employment is based on mutual consent. Both the employee and the employer have the right to terminate employment at will, with or without cause, at any time. However, employees subject to the Civil Service Rules may appeal a termination to the Civil Service Board.

### **A. Resignation**

Employees who wish to leave the employment of the City shall provide the immediate supervisor at least two weeks written notice to allow time to adjust working schedules and secure a replacement. Supervisors are requested to give at least four weeks written notice. Advance notice of resignation will reflect favorably on your employment record; nevertheless, failure to do so does not automatically prevent you from being re-employed with the City. Employees who leave in good standing will be considered for re-employment with the City in the future if the employee submits an application. Employees who resign in good standing are those who have provided a minimum of two weeks notice of resignation, were not terminated by the City, did not resign in lieu of termination, have not sustained any disciplinary action a minimum of 2 years prior to the date the resignation was submitted, and were not tardy for work on more than 1 occasion in the six months prior to the date of resignation.

Employees who fail to report to work for three consecutive days without proper notification and approval of absence will be considered to have abandoned their jobs and voluntarily terminated their employment. The Human Resources Department will enter a termination notification into the employee's personnel file. Moreover, such employees will not be subject to rehire by the City of South Bay.

### **B. Layoffs**

A layoff occurs where, due to lack of work or funds, a department must reduce the number of persons employed in a given class, provided such class consists of 5 or more individuals. A layoff may be instituted by the City Commission by majority vote upon recommendation of the City Manager or the Civil Service Board. Such recommendation shall include the budgetary considerations relating to such layoff.

Where a layoff is ordered, employees shall be released in the following order:

1. Emergency
2. Temporary
3. Seasonal
4. Employees who have not yet completed the Introductory Period
5. Part-Time
6. Full-Time

Within each of the categories determining the order in which employees are to be subject to layoff, the Department Head shall have the discretion to determine the order of layoff as to each employee. Such discretion shall be based upon the employees' seniority, performance history, and other relevant factors.

Where possible, employees subject to layoff shall be considered for transfer to another department. However, in order to be considered for transfer, the employee must be in good standing, must have worked for the City for 5 consecutive and continuous years, and must not have any derogatory or disciplinary action in his or her personnel file for the previous two years. Additionally, any transfer shall be to a similar position with like duties, responsibilities and qualification requirements in another department. Such transfers shall be subject to the procedures outlined in these policies.

### **C. Termination**

The City of South Bay does not have a policy of progressive discipline, but City management is encouraged to engage in progressive discipline, making use of counseling and written reprimands where appropriate (i.e., unsatisfactory job performance due to lack of ability or failure to fulfill the requirements of a job). In some cases, supervisors are expected to notify employees of the problem, and to work with employees to correct the situations at the early stages. The City does not guarantee progressive discipline to any employee in any particular situation. Employees may be terminated at any time without warning where circumstances warrant such action.

Employees whose last day falls between pay periods will be paid on the next regularly scheduled payday. Accrued, unused vacation pay is provided to employees who resign in good standing. Additionally, employees who resign in good standing may be eligible for partial payment of accrued and unused sick leave depending on length of service. Refer to Sick Leave on page 30 for additional information. Terminated employees do not receive pay for any accrued and unused vacation or sick leave.

### **D. Pre-termination Meeting**

Pretermination meetings are scheduled for terminating employees with the Director of Human Resources. The pretermination meeting affords the employee an opportunity to be heard with respect to the reasons and or facts the employee believes do not support a termination of employment. If the Director of Human Resources finds that the termination should proceed,

she/he shall issue the Notice of Termination. If the Director of Human Resources believes the facts and circumstances do not support a termination she/he shall provide a written recommendation to the City Manager indicating the facts and circumstances supporting an action less than termination and a recommendation for lesser disciplinary actions, if any.

## **E. Notice of Termination**

Employees subject to the Civil Service, meaning full-time regular employees who have completed the introductory period, and as further defined by the Civil Service Law, may be terminated by the Department Head or by the City Manager. The employee shall be given a Notice of Pre-Termination meeting which shall include the reason the City intends to terminate employment. If, after the Pre-Termination meeting, the Human Resources Director determines the City should proceed with termination, the employee will be given a Notice of Termination. The Notice of Termination shall be in writing stating the grounds for termination with a copy served on the employee being dismissed, and the original filed with the Board. A copy of the Notice shall be supplied to the Department Head, the City Commission, and a copy to be retained by the Human Resources Department. The employee shall be dismissed effective immediately upon being served the Notice of Dismissal. The Time and date of service shall be noted on the original and other copies of the notice. Employees subject to the Civil Service, meaning full-time regular employees who have completed the introductory period shall have the right of appeal.

## **F. Post Termination Name-Clearing Hearing**

All employees are entitled to a name-clearing hearing when false and stigmatizing information is placed in files, subject to the public records laws, attending their termination. Employees wishing to avail themselves of this procedure must submit a request for a name-clearing hearing in writing to the Human Resources Department within 10 calendar days of the date of termination. Within 10 days of receipt of same, the City will schedule a name-clearing hearing. Presiding at said hearing will be the City Manager, the Director of Human Resources and one city commissioner chosen by the City Manager and the Director of Human Resources. At the hearing, the terminated employee shall be permitted to present evidence and testimony relative to the falsity of the stigmatizing information. The City will also be permitted to present such evidence or testimony relative to the veracity of the stigmatizing information.

Employees subject to the Civil Service Rules may incorporate the name-clearing hearing into the Appeals procedures so long as the City receives notice of same at the time the appeal from termination is submitted. In the event an employee chooses to incorporate the name-clearing hearing into the appeals procedure, the appeals procedures will govern.

## **G. Termination of Temporary, Part Time or Introductory Employees**

Any employee who is employed temporarily, part-time or who has not completed the introductory period may be dismissed, removed or discharged from employment with the City and from his or her position on recommendation by the respective Department Head and approval of the City Manager, or independent action of the City Manager, and no reason is necessary. After such termination the employee's name shall be removed from the eligibility register, if thereon, and shall not again be permitted to apply for the same position without approval of both the City Manager and the Department Head.

## **H. Cause for Termination, Suspension or Demotion**

The following are declared to be cause for termination from the Civil Service of the City, though charges may be based upon causes other than those enumerated, including that an officer or employee:

1. Directly or indirectly giving, rendering, paying, offering, soliciting or accepting any money, service or other valuable consideration for or by reason of any appointment, proposed appointment, promotion, or proposed promotion to a position at the City;
2. Receiving pay, bribes, tips or other valuable consideration from any source, other than regular pay from the City, for any work, services, favors, protection, influence, help, aid, assistance or promises or any of these in connection with their position, except as may be specifically authorized in writing by the City Commission for some legitimate enterprise or purpose;
3. Taking part in a strike against the City, interfering with other employees or prospective employees, or otherwise disrupting the lawful and orderly process of the City government;
4. Advocating the overthrow of the government of the United States or of the State of Florida or any other State by force or violence, or giving or offering aid or assistance to any group or individual who might advocate such overthrow;
5. Converting to his or her own personal use any property, material, item or thing belonging to the City or for which the City may be held responsible, except by specific authority in writing from the City Manager, with a copy furnished to the City Commission;
6. Willfully violating any provision of the Civil Service Law, Rules of the Civil Service Board or Personnel Policies included in this Employee Handbook of the City of South Bay;

7. Conducting actions unbecoming an officer or employee of the City;
8. Any employee who has violated any lawful or reasonable official regulation or order; or who has failed to obey any lawful or reasonable direction made and given by an authorized employee of the City where such violation or failure to obey amounts to an act of insubordination or resulted in, or reasonably might be expected to result in, loss or injury to the City, the public, or to prisoners or wards of the City;
9. Any employee who has been intoxicated or under the influence of drugs or alcohol while on duty or any other violation of the Drug Free Workplace Policy;
10. Any employee who has committed any act that amounts to an act of insubordination;
11. Any employee who is wantonly offensive in his or her conduct or language towards the public or City officers or employees;
12. Any employee who is incompetent in the performance of the duties of his or her position so that his or her efficiency average is unacceptable;
13. Any employee who is careless or negligent of the property of the City;
14. Any employee who has used or threatened to use, or attempted to use political influence in securing promotion, leave of absence, transfer, change of grade, pay or character of work;
15. Engaging in political activities while on duty;
16. Any employee who has sided or been induced, has induced, or has attempted to induce any other employee of the City to commit any unlawful act, any violation of these rules, any city department regulations, or any authorized directive from a supervisor of the City;
17. Any employee who has taken any fee, gift or other valuable thing in the course of his or her work for the City for his or her personal use, from any person, when such fee, gift, or valuable thing is given in the hope or expectation of any favor or better treatment than that accorded to any other person in connection with such work;
18. Any employee who has been absent from duty without leave, contrary to the policies or rules or has failed to report after his or her leave of absence has expired;

19. Violating Anti-Harassment and Anti-Discrimination Policy;
20. Engaging in any act of workplace violence;
21. Absenteeism or tardiness as defined in the policies governing same;
22. Has willfully, wantonly, or through culpable negligence been guilty of brutality or cruelty to an inmate or prisoner of the City Institution, or to a person in custody; provided that the act committed was not necessarily or lawfully done in self-defense, or to protect the lives of others or to prevent the escape of a person lawfully in custody; or
23. Has solicited the vote of a member of the City Council for or against a proposed ordinance or resolution, or a proposed item in a budget, or an appropriation ordinance concerning his or her department, where such solicitation is charged and established to have been made elsewhere than at a public hearing of the City Council or some Committee thereof; or
24. Has been convicted of a felony or first degree misdemeanor directly related to the duties of the position held; or
25. Has solicited funds for any purpose or in any manner whatsoever from any other employee in the classified service, without first procuring the written approval of his or her Department Head and the City Manager.

## **I. Appeals from Termination, Demotions or Suspension of more than seven (7) days in any twelve (12) month period**

Only non-introductory, regular full-time employees who are subject to the Civil Service Rules may appeal to the Civil Service Board. Appeals will only be heard regarding terminations, demotions, and suspensions of more than seven (7) days in any twelve (12) month period, and will not be heard regarding any other matter. *The Civil Service Board shall not entertain appeals relating to disciplinary actions, or other matters not resulting in a termination, demotion, or suspension of more than seven (7) days in any twelve (12) month period.*

To appeal a termination, demotion or suspension of more than seven (7) days subject to the appellate process, the employee must:

1. File a written notice of appeal with the secretary of the Board, who shall forward a copy of same to Human Resources, within thirty (30) calendar days from the employee's receipt of notice of demotion, termination or suspension from which the appeal is sought.
2. The written notice of appeal shall refer specifically to the demotion, termination, or suspension from which the appeal is taken, specifying the date, the person

- instituting the demotion or termination and briefly describing the demotion or termination.
3. The secretary of the Board shall immediately, and within no later than three (3) business days, forward a copy of the notice of appeal, along with a copy of the record of the demotion, termination, or suspension, to the chairman of the Board and shall notify the employee of receipt of such notice of appeal along with confirmation that the notice of appeal has been forwarded to the chairman of the board.
  4. A defect in the form of the notice or an omission of any required information may defeat an appeal if all of the required information is not submitted within the time to file a notice of appeal. Upon notification from the City or the Board, the employee must, within ten days from the date of the notification, supply any omitted information or correct the form of the notice. If the employee fails to supply same within the time prescribed, the appeal may be dismissed at the sole discretion of the Board.

## **J. Procedures for the Appeal Hearing**

1. After receipt of the notice of appeal, the Board shall, at the next meeting, establish a date and place for the hearing and give the appealing employee, his or her Department Head, Director of Human Resources, and the City Manager reasonable notice thereof. Said notice shall conspicuously advise that, if the employee decides to appeal any decision by the Board, he or she will need a record of the proceedings and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.
2. No hearing shall be held unless a quorum of the Board is present.
3. The Chairman of the Board shall begin the hearing by explaining the procedures to be followed at the hearing.
4. Each party shall have the right to be accompanied, represented and advised by an attorney, or to represent him or herself.
5. Each party shall have the opportunity to present an opening statement.
6. Testimony of witnesses shall be under oath or affirmation with opportunity for cross-examination.
7. As presiding officer, the Chairman of the Board shall have control of the proceedings and shall take whatever action is necessary to insure an equitable, orderly, and expeditious hearing. All parties shall abide by his or her decisions, except when a Board member objects to a decision to accept evidence, in which case the majority vote of the Board will govern.
8. The Chairman, or any member of the Board, may direct questions to any witness at any time during the proceedings.
9. The employee has the burden of proving his or her case by clear and convincing evidence.
10. Each party may object to clearly irrelevant material, but no technical objections shall be allowed.

11. Before closing the Hearing, the Chairman shall allow each party to make a closing statement. The Board, taking into consideration the facts surrounding the demotion or termination from which the appeal is taken, at its discretion, may or may not order all or part of the hearing on the appeal to be stenographically reported at the expense of the Board.
12. The appearance fee of a stenographer or court reporter, if any, shall be paid by the requesting party. If both parties request such attendance, the fee will be shared equally by the Board and the appealing employee. Each party shall bear their own costs if ordering any stenographic record.

## **K. Decisions and Orders of the Board**

All appealable demotions and terminations shall be upheld unless the appealing employee proves his or her case by clear and convincing evidence. Additionally, all appealable demotions or terminations shall not be reversed or modified unless a minimum of 4 Board members out of 5 votes for same. However, should the Board hearing the appeal be comprised of less than five members, the demotion or termination shall not be reversed or modified unless by majority vote.

Within thirty (30) calendar days from a hearing on appeal, the Board shall make its written findings and decisions, and transmit a copy of same to the employee, the City Manager, the Director of Human Resources, and the appropriate Department Head. However, all deliberations of the Board shall occur at properly noticed, public meetings. The decision shall incorporate an order of the Board sustaining, reversing, or altering the decision of the disciplining authority to demote or terminate the employee. Such order may include, but need not be limited to, reinstatement with or without back pay or other appropriate and just decisions based on the circumstances of the appeal provided that no such order shall provide any greater penalty than that administered in the demotion or termination from which the appeal was taken. The decision and order of the Board shall be issued under the signature of the Chairman of the Board.

If any Board member(s) disagrees with all or any part of the Board's decision and order, and wishes the basis for the disagreement to be incorporated in the decision and order, the Board's decision and order shall include any such dissent, indicating the member dissenting and the reasons for the disagreement.

## **L. Rehearing**

Any party may apply to the Board for a rehearing by filing with the secretary of the Board a written petition for rehearing within 15 calendar days from the date of the decision or order of the Board.

The petition for rehearing shall not include any new grounds or positions from those taken in the original hearing, and must set forth concisely and without argument the alleged omissions, oversights, causes or grounds on which it is based.

A copy of any petition for rehearing shall be served on the opposing party.



Only one such petition shall be allowed. The opposing party may file and serve a reply to the petition for rehearing within 5 days after such party has been served with a copy of the petition.

Within 30 calendar days from receipt of a petition for rehearing, the Board shall enter its order denying or granting the rehearing. If the Board grants a rehearing, the order granting the same may limit the scope of the rehearing as the Board may determine.

The procedures on any rehearing shall be limited to arguments relating to errors, omissions and oversights committed by the Board and no new evidence or testimony shall be permitted at any such rehearing.

## **M. Judicial Review**

Any decision and order of the board after hearing on an appeal shall be reviewable only by the judiciary on the grounds that:

1. The Board did not afford a fair and equitable hearing;
2. The decision of the Board was not in accordance with existing laws or rules and regulations promulgated thereunder;
3. The decision of the Board was not based on substantial evidence.

Any judicial appeal shall be initiated within thirty calendar days from the date of the order from which the judicial appeal is taken in accordance with the applicable Florida Statutes, including Florida Statute Section 120.68.

## **N. Benefits Affected by Separation from Employment**

Employee benefits will be affected by separation from employment. Upon termination employees will not be paid for vacation benefits or sick leave. Employees who resign in good standing may be paid for portions of accrued and unused vacation and sick leave. Please refer to Paid Vacation Leave and Paid Sick Leave on pages 29 and 30 for additional information on qualifying for such payments. Some benefits may be continued at the employee's expense. Employees will be notified in writing of the benefits that may be continued and of the terms, conditions and limitations.

## **O. Return of Property**

Employees are responsible for all property, including keys, computer and telephone codes, uniforms, credit cards, pagers, cellular phones, radios, materials, tools, work orders, handbooks, manuals and other written information issued to them or in their possession or control. Employees must return all property of the employer that is in their possession or control in the event of termination of employment or immediately upon request. Where permitted by applicable laws, the City may withhold from the employee's paycheck the cost of any items that

are not returned when required and may take appropriate action to recover or protect its property including, but not limited to, deducting the value of such items from the employee's final paycheck so long as such deduction does not reduce said employee's pay below minimum wage if such employee is not exempt from the Fair Labor Standards Act.

## **XV. SUMMARY AND CLOSING WORD**

*This booklet is a summary of the principles for which we stand the benefits to which you are entitled, and the obligations you assume as an employee. We hope that you have read your handbook carefully and will keep it for future reference. If you have any questions concerning the policies or benefits outlined in this booklet, please ask your supervisor or the Director of Human Resources about them.*

*We may occasionally revise some of the policies that are outlined in this handbook, or add new policies and benefits that we feel will make the City of South Bay a better place to work. Our steady growth and ever-changing business conditions will undoubtedly require changes in our policies and procedures. Be sure to read any notification of policy changes that are given to you.*

*You are now a part of the team, and we hope your association with us will be a rewarding one. The City has made considerable progress since its beginning, and the credit goes to each individual employee. Your job is important to its continued growth and security. We are all working toward a common goal, which is building a stronger and better community in which to work together for our future job security. By all of us working together in a spirit of cooperation and teamwork, our community will be unsurpassed for its quality, integrity, and service.*

***“Working Together Today for the Future”***

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**Employee Acknowledgement**

The Personnel Policies and Procedures in this handbook describe important information about the City of South Bay and I understand that I should consult with my immediate supervisor or the Director of Human Resources regarding any questions not answered in the handbook.

I have entered into my employment relationship with the City of South Bay voluntarily and hereby acknowledge that my employment is at will and that there is no specified length of employment. Accordingly, either the City or I may terminate the employment relationship at will at any time, with or without cause, so long as there is no violation of applicable federal or state law. However, full-time employees who have completed the introductory period and who are subject to the Civil Service Law shall have a right to appeal any termination or demotion to the Civil Service Board.

Since the information, policies, and benefits described in the policies and procedures are subject to change as needed, I acknowledge that revisions to the policies and procedures may occur, except to the employment-at-will policy. Any such changes will be communicated as soon as possible after the change is instituted. I also understand that the revised information may supersede, modify or eliminate existing policies. I also understand that only the City Commission has the ability to adopt revisions to the policies and procedures in this manual.

I further agree and understand that I must abide by the Anti-Harassment and Anti-Discrimination policy as well as the Drug-Free Workplace policy. I understand that failure to abide by such policies may result in immediate termination.

Furthermore, I acknowledge that this handbook of policies and procedures is neither a contract of employment nor a legal document. I have received the manual and understand that it is my responsibility to read and comply with the policies contained herein and any revisions made hereafter.

EMPLOYEE NAME (printed): \_\_\_\_\_

EMPLOYEE SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*Return original signed acknowledgment to Director of Human Resources for placement in personnel file.