0.00 INTRODUCTION

0-01 ADMINISTRATIVE PROVISIONS

A. PURPOSE

1. The Personnel Rules and Regulations establish policies, processes and procedures that will serve as a guide to administrative actions concerning various personnel activities and transactions.

2. The Personnel Rules and Regulations shall not be construed as a contract of employment, either expressed or implied, and the City retains the right to revise, amend, or eliminate rules and regulations at any time, with or without the approval of any employee, except as required by collective bargaining agreements.

3. The City Manager is the only City management official authorized to enter into any contract of employment with any employee and the City Manager is not authorized to enter into oral contracts or any implied contracts for employment.

4. No applicant or employee is entitled to rely on any oral promises of employment or continued employment, or employment for any definite duration.

B. POSITIONS COVERED

The Personnel Rules and Regulations apply to all employees of the City. The City Manager and City Attorney shall be entitled to the same benefits as other employees, unless otherwise provided for in a separate agreement. These rules and regulations do not apply to volunteers providing services to the City. Each City employee shall receive and acknowledge receipt for a copy of the Personnel Rules and Regulations.

C. ADMINISTRATION

1. The City Manager shall be responsible for the administration and technical direction of the City Personnel Rules and Regulations. The City Manager may appoint a designee to maintain the day-to-day responsibility for the operation of this system.

2. Department Directors will be responsible for effective administration of the Personnel Rules and Regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

Approved By Resolution 03-092 (October 7, 2003)
Revisions Dated February 1, 2006; August 1, 2008 and July 1, 2011

D. DEPARTMENTAL RULES, REGULATIONS, POLICIES AND PROCEDURES

1. Departmental rules, regulations and policies may serve as supplements to the Personnel Rules and Regulations, but require prior approval by the City Manager.

2. In the event of conflict in any section, the City Rules and Regulations shall prevail.

E. AMENDMENTS, CHANGES OR REVISIONS OF THE RULES AND REGULATIONS

1. Amendments or revisions of the Personnel Rules and Regulations, which are not required by a change in Federal, Florida or local law, local resolution or administrative decision by the City Manager, shall be by Council resolution, and shall be distributed to all employees. Each City employee shall sign a receipt for every change issued.

2. Rules and regulations and administrative polices and procedures, which are supplemental to, rather than in conflict with, the Personnel Rules and Regulations, may be initiated by the City Manager without City Council's prior approval.

0-02 DEFINITIONS

Definitions of terms used in the Personnel Rules and Regulations Manual of the City of Sanibel.

Alcohol - Ethyl alcohol (ethanol). References to use of alcohol include use of a beverage, mixture or preparation containing ethyl alcohol.

Allocation - The assignment of a position to its appropriate classification in relation to duties and responsibilities performed.

Anniversary Date - That date which designates each successive year after the employee's most recent date of hire as a regular employee. If an employee is upgraded or downgraded through a promotion, reclassification, demotion, transfer or any other similar action, the anniversary date will not change. Former employees who are re-hired begin a new anniversary date.

Appeal - An application for review of a decision considered adverse to an employee to a higher authority.

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

Appointment - The offer and acceptance by a person to a position either as a full-time, part-time, term or temporary employee.

As-Needed Employee - Employee who works a part-time, when needed, not regularly scheduled.

City - The City of Sanibel.

City Manager Designee - The person(s) (usually a Department Director) delegated and empowered by the City Manager to act on behalf of the City Manager in, but not limited to, matters involving hiring, discipline, including terminations, awards, pay raises and promotions, and similar personnel or administrative matters.

Class - A group of positions assigned to the exempt or non-exempt pay plan, which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and job grade.

Class Specification (Job Description) - A written description of a class consisting of a job title, a general statement of the nature and level of work, the distinguishing features of work, examples of duties and responsibilities, knowledge, skills and abilities, certifications required, physical demands, working conditions and the minimum qualifications for the class.

Classification - The act of grouping positions in classes with regard to: (1) duties and responsibilities; (2) requirements as to education, knowledge, experience, and ability; (3) tests of fitness; and (4) pay grade and pay range.

Classification Plan - The official City Council approved grouping of positions into appropriate classes consisting of (1) job title; (2) job grade and (3) pay range.

Compensation - The standard rates of pay which have been established for the respective classes of work, to include benefit package.

Complaint - Perceived violations of personnel laws, rules or regulations or problems resulting from employee interaction with the general public.

Date of Classification - The date which designates through promotion, demotion, reclassification or other action that changes the job class and pay range of an employee.

Demotion - The assignment of an employee from one class to a lower class.

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

Designee - That person designated by the City Manager, Department Director or supervisor where applicable, to administer duties on his/her behalf.

Domestic Partner - Sole partnership, neither of whom is married or legally separated from anyone else, at least 18 years old, unrelated by blood, occupy the same residence for at least 6 months with an intent to do so indefinitely, a relationship of mutual caring and support with interdependence demonstrated in at least three ways (see domestic partnership forms).

Drug Test - Any chemical, biological, or physical instrumental analysis administered for the purpose of determining the presence or absence of a drug or its metabolites.

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

Employee - Any person who works for salary, wages, or other remuneration for the City of Sanibel, excluding independent contractors and volunteers who are reimbursed only costs.

Employee Assistance Program - An established program for employee and family member assessment, counseling services, and alcohol and drug rehabilitation program referral.

Essential Personnel or Essential Employees - Those employees for severe weather emergencies and other emergencies who are considered "essential." The job titles of essential employees are as follows:

Administrative Services Director
Aquatics Manager
Assistant City Engineer
Building Official
City Attorney
City Clerk
City Manager
Computer Support Specialist
Detective
Deputy Building Official
Deputy Public Works Director
Dispatcher
Emergency Management Specialist
Equipment Operator/Crew Leader
Executive Assistant to the City Manager
Finance Director
Garage Supervisor
Management Information Systems Director
Lead Operator/Assistant Streets Superintendent
Lead Wastewater Plant Operator
Mechanic
Natural Resources Director
Network Administrator

Parks Maintenance Supervisor
Planning Director
Police Aide
Police Aide Supervisor
Police Chief
Police Lieutenant
Police Major
Police Officer
Police Records Coordinator
Police Sergeant
Public Works Director/City Engineer
Public Works Operations Manager
Recreation Director
Recreation Superintendent
Senior Administrative Assistant - Police
Service Worker
Streets Superintendent
Tradesworker
Chief Wastewater Plant Operator
Utility Maintenance Technician I, II and III
Utility Maintenance Supervisor (Electrician)
Utility Service Worker
Wastewater Plant Operator I, II and III
Wastewater Plant Operator Trainee
HAM Radio Operators

(NOTE: In anticipation of a severe weather condition or other emergency, during or following same, the City Manager may specifically re-designate any non-essential employee as an essential employee).

Exempt Class - Positions within a job class that are excluded from the wage and hour provisions of the Fair Labor Standards Act for overtime purposes.

Full-Time Employee - Appointment to a position that requires an employee to work forty (40) hours or more per week.

Grievance - A dispute or conflict that involves a perceived improper application of provisions in the Personnel Rules and Regulations or any collective bargaining agreement.

Highly Qualified - An eligible person who meets the screening criteria for employment or promotion consideration.

Illegal Drugs - Any controlled substance as defined in Florida Statutes, as amended from time to time, not possessed or taken in accordance with a lawful prescription.

Immediate Family/Relative - Includes spouse, children, step-children, parent, step-parent, grandmother, grandfather, brother, half-brother, sister, half-sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, legal guardian, grandchildren, foster child, aunt, uncle, nephew, niece and loco parentis. Any other relative or domestic partner (see domestic partner definition) living in the same household is also considered immediate family. (NOTE: (1) This definition is for purposes of medical leave and bereavement leave and (2) this definition may vary, depending on application of mandatory provisions of State and Federal Law).

Injured on Duty - Injury occurred while the employee was engaged in work-related activities.

Layoff - The involuntary, non-disciplinary, separation of an employee from City service.

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

Merit Pay Bonuses - An increase in compensation or bonus award that may be granted to an employee or group of employees for meritorious service.

Non-Essential Personnel or Non-Essential Employees - All other job titles that are not named in the above definition of Essential Personnel.

Non-exempt Class - All positions in a job class subject to the wage and hour provisions of the Fair Labor Standards Act to include paid overtime.

Offense - Any rules infraction, failure to follow rules, inability or failure to meet a standard of conduct or competency, or any other reason for taking disciplinary action.

Overtime - All hours worked by employees assigned to non-exempt classes in excess of forty (40) hours per week, except those employees in classifications as qualified under the Fair Labor Standards Act who are scheduled to work over forty (40) hours per week, but not more than eighty (80) hours in a pay period (two weeks), who then receive overtime for hours worked in excess of eight (80) hours for that pay period. All paid absences, except medical leave, will be considered as hours of work for overtime purposes.

Part-time Employee - Appointment to a position that requires the employee to work less than forty (40) hours per week. Regular part-time employees who work a minimum average of sixteen (16) hours per week and who are assigned regularly scheduled work shifts shall accrue and receive all benefits and privileges (in proportion to the amount of time worked), excluding participation in the City's health, life and dental insurance programs and pension plans.

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

Performance Improvement Period - A 90-day period in which an employee with a performance rating below "Successful" may be given to improve performance.

Position - A budgeted manpower authorization requiring the full-time or part-time employment of one (1) person.

Probationary Employee - A newly hired employee, who has been continually employed by the City for less than six (6) months or twelve (12) months for sworn police officers.

Probationary Period (Initial) - The six (6) or twelve (12) months (sworn police officers) time frame provided for newly hired employees to allow the City an opportunity to initially evaluate an employee's performance and ability. This initial period may be extended at the City's discretion for an additional six (6) months for general employees and three (3) months for sworn-employees.

Probationary Period (Promoted) - The six (6) month period of time for promoted employees provided to allow the City an opportunity to determine whether or not he/she can satisfactorily perform the duties of the new position. This period may be extended at the City's discretion for a total period not to exceed nine (9) months.

Recall - Individual laid-off who is reemployed by the City within one year following the layoff.

Reclassification - Reallocation of a position from its current class to another class. (The grade level within compensation pay plan may be higher, lower, or equal.)

Regular Employee - Any employee except a temporary, seasonal, term, or student intern.

Rehire - Individual hired by the City who was previously employed by the City.

Safety-sensitive Position - Any position, including a supervisory or management position, in which a drug impairment would constitute an immediate and direct threat to public health or safety.

Salary Step - a defined level of pay at or between the minimum and maximum rates of pay for all classes of positions included in the City's classification plan.

Salary Step Adjustment - An annual adjustment in salary granted for "successful" or better job performance ratings and intended to advance an employee through a salary range.

Seasonal Employee - Any employee hired for a specific period of time, but no more than six (6) months. Full-time seasonal requires an employee to work forty (40) hours or more per week. Part-time seasonal requires an employee to work anything under forty (40) hours per week.

Sworn Employee - A person employed or appointed as a police officer.

Termination - An involuntary separation from City employment.

Volunteer - A person who performs services for the City of his/her own free will, without compensation. For purposes of this manual, "volunteer" has the same meaning as that contained in Section 203(e) 4(a) of the Fair Labor Standards Act, as amended.

Work Week - Hours worked from 12:01 a.m. Monday through 12:00 midnight the following Sunday that comprises a minimum of forty (40) hours for full-time employees.

Workers' Compensation Injury - A worker who has sustained an injury, by accident, that arose out of and occurred while performing assigned duties.

0-03 GENERAL PROVISIONS

A. PERSONNEL MANAGEMENT SYSTEM

1. An objective of the City is to establish and administer a system of personnel management consistent with employing and retaining individuals of the highest caliber who display pride, dignity and professionalism in the performance of their duties, which results in superior service to the community.

2. The City advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a Personnel Management System based on merit principles.

3. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to their overall expertise within the organization.

4. The City expects employees to comply with all Florida State Statutes and Federal regulations in the performance of their duties, as well as compliance with all safety rules, these Personnel Rules and Regulations, departmental rules and regulations and administrative policies and procedures. An employee who violates any of these may be subject to disciplinary action up to and including termination.

B. MANAGEMENT RIGHTS: The City shall have the exclusive right to manage the facilities, services and business of the City and direct the work force. These rights include, but are not limited to: the right to determine the organization of City government; to determine the purpose of each of its constituent agencies; to exercise control and discretion over the organization and efficiency of operations of the City; to set standards for services to be offered to the public; to establish, change or modify dates, tasks, responsibilities or requirements within job descriptions in the interest of

efficiency, economy, technological changes or operating requests; to plan, direct and control operations; to assign work and schedule working hours; to determine the extent to which City services will be performed by City employees or by contract providers; to hire, train, promote, demote and transfer employees; to suspend, discipline or terminate and to lay off employees for lack of work or for other reasons; to make and enforce rules and regulations in the Personnel Rules and Regulations, individual departmental rules and regulations and safety procedures manual; to introduce new methods, materials, or facilities; to establish and eliminate job descriptions; to assign overtime work; and to establish benefits and rates of pay.

C. LABOR UNIONS

1. The City's work force is represented by two labor organizations:

    a) Fraternal Order of Police - represents Police Officers and Dispatchers.

    b) American Federation of State, County and Municipal Employees - represents all regular full-time and part-time employees of the City other than managerial and confidential employees, Police Officers and Dispatchers.

    c) The City recognizes and accepts its obligations to provide employees with good working conditions, fair wages and benefits, equitable treatment and the personal respect each employee deserves.

    d) The City prohibits discrimination against any employee because of his/her membership or non-membership in any lawful bargaining organization.

1.00 EMPLOYMENT

1-01 Employment and Examinations

A. Employment with the City is voluntarily entered into and the employee is free to resign at-will at any time, with or without cause. The City may terminate the employment relationship for cause.

B. Policies set forth in the Personnel Rules and Regulations are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between the City and any of its employees. The provisions of the Personnel Rules and Regulations have been developed at the discretion of management and may be amended or cancelled at any time, at the City's sole discretion.

C. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the City Manager.

D. The City Manager and City Attorney shall be appointed by the City Council. The City Attorney shall appoint staff working within the City Attorney's Office and all other employees shall be appointed either at the direction of or by the City Manager.

E. Offers of employment are conditional until all necessary or required pre-employment actions, physical, drug screen, reference check, background check, etc. have been completed. There shall be no offers of employment that imply or indicate any terms or conditions of employment other than those specifically indicated in the City Personnel Rules and Regulations, unless approved in writing by the City Manager.

F. All City positions shall be filled from external sources as regular full-time, regular part-time, term, part-time as needed or temporary appointment and from sources inside the City by promotion, transfer, reassignment or demotion.

G. Established positions may be reclassified by the City Manager to an existing higher or lower classification when changes in duties and responsibilities of the position(s) warrant.

H. COMPETITIVE EXAMINATIONS

Certain City positions may be subject to competitive examinations as determined by individual Department Directors.

I. TYPES OF EXAMINATIONS

1. Oral or Panel Interviews - This includes a personal interview and/or panel interviews with competitors for classes of positions to evaluate the ability to work with others, to work with the public, and to evaluate knowledge, skills, abilities and qualifications. An oral test may also be used in examination where a written test is unnecessary or impractical.

2. Performance Tests - Shall include such tests of performance as would determine the ability and skills of competitors to meet or exceed minimum job requirements as described in the job description.

3. Physical or Medical Tests - Shall consist of tests of agility, ability and physical fitness. This may be given a weight in the examination or may be used for excluding from further examination applicants who do not meet the minimum required standards.

4. Training and Experience - Shall be evaluated from statements of education and experience contained in the application form or from such supplementary data as may be required. Results of reference checks shall be a part of the evaluation of training and experience.

5. Written Test - When required, it shall include a written demonstration designed to show the familiarity of competitors with the knowledge involved in the job description to which they seek employment, the range of their general information, or their general educational attainments. Essays upon one or more subjects may be required.

J. RATING EXAMINATIONS

Sound measurement techniques and procedures shall be used in rating candidates. In all examinations the minimum required rating shall be established by the City Manager in consultation with the Department Director.

K. PRE-EMPLOYMENT REFERENCE CHECKS

1. To ensure that individuals who join the City work force are well qualified and have a strong potential to be productive and successful, it is the policy of the City to check the employment references of candidates being considered for employment.

2. Department Directors are responsible for ensuring that personal and previous employer references are contacted prior to recommending employment of a candidate to the City Manager.

3. Candidates for employment who are scheduled to work with children will be subject to a "sexual predator" background check.

1-02 Veterans' Preference

A. It is the policy of the City of Sanibel to provide veterans' preference to eligible veterans and eligible spouses of veterans in the employment process in accordance with applicable Florida Statutes.

B. Applicants claiming veterans' preference must indicate it on the City's Application for Employment and submit the required documentation to support the veterans' preference claim at the time application is made.

C. Preference will also be provided to eligible veterans in the event of layoff.

D. A one-time promotion veterans' preference will be provided an eligible veteran returning to the City work force following military service that qualifies for such preference.

1-03 Equal Opportunity

A. EQUAL EMPLOYMENT OPPORTUNITY

1. In order to provide equal employment and advancement opportunities to all qualified persons, employment and promotion decisions will be based on merit, qualifications, and abilities. It is the policy of the City to recruit, employ, provide benefits, provide compensation, training advancement opportunities, layoff and recall and the application of all personnel rules and regulations without regard to race, color, religion, sex, national origin, ethnicity, age, disability, sexual orientation or any other characteristic protected by law, except where a bona fide occupational qualification exists.

2. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor, the Department Director or the Administrative Services Director. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

3. The City is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities and employees or applicants associated with persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

4. This policy is neither exhaustive nor exclusive. The City is committed to taking all other actions necessary to ensure equal employment opportunity for all persons in accordance with all applicable federal, state, and local laws.

B. REASONABLE ACCOMMODATION

1. The City will make reasonable accommodations for qualified individuals with known disabilities upon request, unless doing so would result in an undue hardship to the City.

2. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Upon request, the Application for Employment is available in alternative, accessible formats, as is assistance in completing the application. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

3. Reasonable accommodation will be considered for all disabled employees, upon written request, where their disability affects the performance of job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

4. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression, and seniority lists.

1-04 Ethical Conduct and Reports to City Manager

A. GENERAL

1. The successful operation and reputation of the City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

2. The continued success of the City is dependent upon our citizens' trust and we are dedicated to preserving that trust. Employees owe a duty to the City, its customers, and citizens to act in a way that will merit the continued trust and confidence of the public.

3. The City will comply with all applicable laws and regulations and expects all employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

4. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. Contact your supervisor, Department Director or the Administrative Services Director to obtain advice and assistance if a situation arises where it is difficult to determine the proper course of action.

5. Compliance with this policy of business ethics and conduct is the responsibility of every City employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including termination of employment.

B. PROHIBITIONS

1. No person shall make any false statement, certificate, mark, rating or report with regard to any test, certification or appointment made under any provisions of these rules or in any manner commit or attempt to commit any fraud preventing the impartial execution of these rules.

2. No person shall, directly or indirectly, give, render, pay, offer, solicit or accept any money, service or other valuable consideration for any appointment, proposed appointment, promotion or proposed promotion to, or any advantage, in a position with the City.

3. No employee, examiner, or other person shall deceive or obstruct any person in their right to examination, eligibility, certification or appointment under these rules, or furnish to any person any special or confidential information for the purpose of affecting the rights or prospects of any person with respect to employment with the City.

4. No official or employee whose duties involve the use of a badge, card, or clothing insignia as evidence of authority or for identification purposes shall permit such badges, cards or insignias to be used or worn by anyone who is not authorized to use or wear same, not permit same to be out of his/her possession without good cause, or approval of his/her Department Director or authorized superior. Such badge, card, or insignia shall be used only in the performance of the official duties of the positions to which they are related. Any unauthorized use or display of City identification or badges that is unrelated to official City business will result in disciplinary action up to and including termination.

C. REPORTS TO THE CITY MANAGER

An employee who obtains knowledge, or receives notice, concerning any of the following shall immediately notify his/her supervisor who in turn shall notify the Department Director and City Manager.

1. Any employee who is offered a bribe or who has reason to believe that another employee has solicited or has been offered a bribe.

2. Summons, complaint, subpoena or other legal process (except as to a matter clearly not involving the City).

3. Serious injuries or fatalities involving an employee while on the job, in a City vehicle, or occurring upon City-owned property.

4. Crimes against City employees while on the job.

5. Crimes against City property.

6. Threats of litigation, whether oral or written.

7. Any other actions that may result in legal proceedings involving the City or its employees.

1-05 Nepotism (Employment of Relatives)

A. In accordance with Florida Statute, Section 112.3135, a public official may not appoint, employ, promote or advance, or advocate for appointment, employment, promotion or advancement in or to a position in the City in which he/she is serving or over which he/she exercises jurisdiction or control, any individual who is a relative of the management official.

B. Relatives of persons currently employed by the City may be hired if they will not be working directly for or supervising a relative. City employees cannot be transferred into such a reporting relationship. However, relatives may be temporarily employed under the supervision of a relative in a bona fide emergency situation upon approval of the City Manager.

C. "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. A relative includes “domestic partner” for the purposes of nepotism.

1-06 Medical Examinations

A. PRE-EMPLOYMENT MEDICAL EXAMINATIONS

1. Applicants for City employment, including those applicants being re-employed, after a tentative offer of employment, will be required to obtain a medical examination prior to employment. The examination shall be performed and evaluated by the City's designated physician under standards established by the City at the City's expense. The physician will provide written certification of the applicant's physical capability to perform the designated requirements of the sought position. Results of medical examinations must be obtained prior to the first day of employment.

2. Candidates for City employment, after a tentative job offer of employment has been made, will be required to take a drug test as part of the pre-employment physical prior to employment. Results of the drug tests must be obtained prior to the first day of employment.

B. FITNESS FOR DUTY

Current employees may be required to take medical examinations to determine fitness for duty or ability to perform their duties safely. Such examinations will be scheduled at reasonable times and intervals and performed at the City's expense.

C. CONFIDENTIALITY OF MEDICAL INFORMATION

Information concerning an employee's medical condition or history will be kept separate from other employee records and maintained confidentially. Access to this information will be strictly limited to the records custodian and senior management officials with a need to know, as determined by the City Manager.

1-07 Solicitation and Distribution

A. Employee contributions to social, fraternal, or charitable organizations or causes are purely voluntary. No coercion of an employee to make contributions shall be permitted.

B. City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any charitable organization, labor union, labor organization or employee organization, during their working hours or the working hours of the employee sought to be solicited. Working hours shall not include meal and break times.

C. City employees are prohibited from distributing literature that promotes any organization, including any labor union, labor organization or employee organization, during working hours in any area where City work is performed.

D. Distribution of literature for City sanctioned programs or postings on bulletin boards is not restricted by this rule.

1-08 Conflicts of Interest

A. Employees have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of business conduct. These regulations are, in some cases, more restrictive, but employees are subject to state statute and must always comply with the law. Contact the Administrative Services Director for more information or questions about conflicts of interest.

B. The following policy will be adhered to by employees of the City in order to avoid misunderstandings and conflicts of interest that could arise:

1. Employees shall not solicit or accept any gift, including Christmas gifts, loans, rewards, promise of future employment, favor or service based upon any understanding that their judgment would be influenced thereby, or that might reasonably tend to improperly influence them in the discharge of their official duties. This includes the acceptance of free and/or discounted food, gifts, tickets, services, memberships, etc. that is not also offered to the general public.

2. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.

3. Employees shall not accept employment or engage in any business or professional activity that they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

4. Employees shall not disclose or use information not available to the public obtained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit of others.

C. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of City's business dealings. For the purposes of this Section, a relative is any person who is related by blood or marriage, or whose relationship with the

employee is similar to that of persons who are related by blood or marriage.

1. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the Department Director or City Manager, as soon as possible, the existence of any actual or potential conflict of interest so that safeguards can be established to protect all parties.

2. Personal gain may result not only in cases where an employee or relative has a some ownership, employment or contract in a firm with which the City does business, but also when an employee or relative receives any kickback, bribe, substantial gift, or special consideration as a result of any transaction or business dealings involving the City.

D. No official or employee of the City shall have any financial interests in the profits of any contract, service or other work performed for the City; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company.

1-09 Outside Employment

A. A regular full-time and part-time employee may hold a job with another organization as long as he or she satisfactorily performs his or her job responsibilities with the City and no conflict of interest exists. All employees will be judged by the same performance standards and will be subject to the City's scheduling demands, regardless of any existing outside work requirements.

B. City employment shall be considered the primary employment and no regular full-time or regular part-time employee may engage in outside employment that would interfere with the interest of the City or in any way give the appearance of conflict with his/her City employment as may be determined by the Department Director and/or City Manager.

C. Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the City. Every employee who engages in outside employment under this rule shall agree to and shall respond immediately to any emergency call to duty by the City, whenever the Department Director or the City Manager shall determine his/her services to be necessary.

D. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City workers' compensation program on account of disability resulting from the outside employment. This section shall not apply to the Police Department where the outside employment was directed by the Chief of Police

and is a police related function and the pay for the work is through the City.

E. Employees engaging in outside employment shall not use City equipment, facilities, vehicles, unauthorized City employees or contractors, or property of the City in the performance of work for the outside employer.

F. Outside employment is also subject to the conflicts of interest provisions contained in Section 1-08.

G. If the Department Director determines that an employee's outside work interferes with performance or the ability to meet the requirements of the City as they are modified from time to time, the employee may be requested, in writing, to terminate the outside employment if he/she wishes to remain with the City.

H. Outside employment will present a conflict of interest if it has an adverse impact on the City. Questions concerning conflicts of interest should be directed to the Manager of Administrative Services.

1-10 Political Activity

A. The political activity of any City employee shall be governed by Florida Statute 104.31, which prohibits employees from using official authority or influence to interfere with elections; and prohibits employees from coercing political contributions from other employees.

B. An employee is not prohibited from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee's off-duty hours.

1-11 Employee Debts

A. An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee or the collection agencies, except for a court ordered garnishment of pay.

B. Should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or occasional loss of time and effort on the part of other City employees, the employee concerned shall be so informed by the Department Director. Should the condition continue or recur, the employee may be subject to disciplinary action.

C. Employee debts to the City are subject to collection from pay or any other

appropriate means.

D. A credit check with the City by a financial institution concerning mortgage, personal loan, car loan, etc., will be completed by the City where the employee has granted written consent.

1-12 Job Postings

A. The City provides employees an opportunity to indicate their interest in vacant positions and advance within the City according to their skills and experience. Job postings are a way to inform employees of vacancies and to identify qualified and interested applicants inside the City's work force. In general, notices of all regular, full-time, job openings will be posted.

B. ***Employees will be notified of job openings through payroll stuffers***. Each job posting notice will include the date of the posting period, job title, department, grade level, job summary, pay range, minimum qualifications (skills and abilities) required, screening criteria to determine highly qualified candidates and closing date.

C. To be eligible to apply for a posted job, employees must have completed their initial probationary period. Employees who are serving a performance improvement period or have been suspended in the past 12 months are not eligible to apply for posted jobs. Employees are encouraged to apply for those posted jobs for which they possess the required skills, competencies, and qualifications.

D. To apply for a posted position, employees will submit the internal job posting application form to the Administrative Services Director showing how and where they acquired the minimum qualifications required for the posted position.

E. Concurrent recruiting from other sources may also be used to fill vacant positions in the best interest of the City.

2.00 EMPLOYEE STATUS, RECORDS AND PERFORMANCE

2-01 Employment Status

A. It is the intent of the City to clarify the different types of employment classifications so that employees understand their employment status and benefits eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at-will at any time is retained by both the employee and the City.

B. Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the City Manager.

C. In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or probationary status and who are regularly scheduled to work one of the City's full-time work schedules. They are eligible for the City's benefits package, subject to the terms, conditions, and limitations of each benefit program.

REGULAR PART-TIME employees are those who are regularly scheduled to work less than the full-time work schedule, but at least 16 hours per week. Certain benefits accrue to these employees, usually on a pro-rata basis.

AS NEEDED PART-TIME employees are those who work less than a regular part-time schedule and normally work when required by the employing department.

PROBATIONARY employees are those whose performance is being evaluated to determine whether further employment in a specific position or with the City is appropriate. Employees who satisfactorily complete the probationary period will be notified of their new employment classification.

TEMPORARY or SEASONAL employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are limited to six months duration.

TERM appointments may be made for a period not to exceed three years with

the approval of the City Manager when services are required for a special project that is scheduled to last longer than six months, but less than three years. Term employees will be treated similar to regular full-time employees relative to pay and benefits.

STUDENT appointments, students majoring in a field of value to the City from accredited universities or high schools, may be employed on an "internship" basis for a specified period of time with the approval of the City Manager.

2-02 Personnel Records

A. The City Manager or designee is responsible for establishing and maintaining comprehensive central personnel records for all City employees. Each employee will have an official personnel file. Separate and access restricted records will be maintained for medical information and workers' compensation injury reports/action.

B. RECORDS

The City will maintain the following official records concerning employees:

1. Personnel file
2. Medical information file
3. Workers' compensation file
4. Payroll file
5. Employment Eligibility Form (I-9) file
6. Grievance file, where applicable
7. Disciplinary action file, where applicable

C. RECORDS RETENTION AND DISPOSITION

The designated records custodian shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records, in accordance with applicable Florida Statutes.

D. PERSONNEL RECORDS - INSPECTION

With reasonable scheduled notice, personnel records of employees are open to inspection pursuant to the requirements set forth in Chapter 119, Florida Statutes; with the exception of that information regarding law enforcement personnel set forth in Section 119.07(3)(K), Florida Statutes, and certain other exemptions provided by law,

including information relating to protected health information under the Health Insurance Portability and Accountability Act. Inspection of personnel records shall be in accordance with the Florida Public Records Law. The records custodian will always be present during records review. Original record files shall not be permitted to leave the office of the records custodian. The custodian of the records shall furnish a copy or copies of any item(s) requested from the records upon payment of the fee required by City policy.

2-03 Employment Verification/Reference Checks

A. All requests for verification of employment of current or former City employees should be referred to the Administrative Services Department.

B. The Administrative Services Director will respond to all reference check inquiries from other employers for current or former City employees. Responses to such inquiries will be limited to factual information that can be substantiated by the City's records. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

2-04 Personnel Data Changes

A. It is the responsibility of each employee to promptly notify the City of any changes in personnel data.

1. Employees should be aware of the importance of keeping their personnel file current. This means immediately notifying the designated records custodian of any changes; such as, change of address (even if temporary), change of telephone number, change of beneficiary, number of dependents, divorce, marriage or any change not previously reported, of status that was originally given at time of employment, or subsequently.

2. The designated records custodian should be informed of any special training courses completed by an employee. Copies of diplomas or certificates will be forwarded to the records custodian to become a permanent addition to the employee's personnel file.

B. Failure to notify the City of personnel data changes in a timely manner may adversely affect your receipt of important documents, notification of overtime requirements and appropriate benefit coverage for dependents.

2-05 Probationary Period

A. The probationary period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The City uses this period to evaluate employee capabilities, work habits, and overall performance. The City may end the employment relationship at any time during the probationary period with a showing of cause.

B. All new and rehired employees serve in a probationary status for the first six (6) months, twelve (12) months for sworn Police positions, after their date of hire. Any significant absence will automatically extend the probationary period by the length of the City approved absence. If a Department Director requests an extension of the initial probationary period, the City Manager may extend the probationary period for a total of six (6) months for general employees and three (3) months for sworn Police positions beyond the end of the normal probationary period for the position.

C. Upon satisfactory completion of the probationary period, employees enter the "regular" employment classification.

D. During the probationary period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other City-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

E. An employee performance evaluation shall be completed prior to the end of the employee's initial probationary period. Additional evaluations may be completed during the probationary period as necessary. The employee performance evaluation should be completed pursuant to the employee performance evaluation section of the Personnel Rules and Regulations manual.

F. Disciplinary measures are not applicable for initial probationary employees as outlined in the disciplinary section of the Personnel Rules and Regulations. Infractions of the Personnel Rules and Regulations will be cause for termination during the probationary period.

G. Since they serve at the will and pleasure of the City, employees who are serving their initial probationary period shall not be entitled to use the grievance procedures outlined in the Personnel Rules and Regulations.

H. Employees completing their initial probationary period may be granted a merit increase, not to exceed ***one and one-half (1.5)*** percent, provided their performance is rated "exceptional."

I. See Section 4-05, Promotions, Demotions and Transfers, for information concerning

the probationary period upon promotion.

2-06 Information Accuracy and Background Check

A. The City relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process as well as post-employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment. If the person has been hired, termination of employment may be initiated when the misrepresentation, falsification or omission is found, regardless of the length of time the person has been employed with the City.

B. In processing employment applications, the City may obtain, with appropriate authorization, a consumer credit report for employment purposes only concerning credit worthiness, credit standing, and credit capacity. If the City takes an adverse employment action based in whole or in part on the consumer credit report, a copy of the report and a summary of your rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

C. The City will check personal and professional references and investigate the accuracy of information concerning education, training, driving record, previous employment and other information, as appropriate, of applicants granted a conditional offer of employment.

D. Those candidates for employment in positions supervising and conducting activities for youths will not be employed until a background check has been completed to confirm that no criminal history exists concerning sexual abuse of children, conviction of any crime involving children, or violence or sexually exploitive behavior.

2-07 Performance Evaluations

A. The City's performance management process involves a formal discussion between a supervisor and an employee for the purpose of assessing how the employee is performing on the job and how the employee can improve his or her performance in the future so that the employee, supervisor and the City as a whole can benefit. The ratings shall be set forth on the authorized performance evaluation forms.

B. Employees shall be given a copy of their evaluation and shall be entitled to discuss it with their supervisors.

C. Performance evaluations may be used, in whole or in part, for the following:

1. Identify training needs.

2. Award salary adjustments in accordance with the City's current compensation plan as adopted by City Council.

3. A factor to determine the order of layoffs and recalls.

4. Establish documentation relating to promotion, demotion, disciplinary action, termination, layoff, and recalls.

5. The extension or successful completion of probationary periods.

6. Improve communication between supervisors and subordinates.

7. Help to change behavior and improve performance.

8. Serve as a counseling tool.

D. Performance evaluations that reflect "unacceptable" ratings as determined by the process will place the employee in a performance improvement period (PIP) status for up to three (3) months at the Department Director's recommendation and upon the City Manager's approval. Monthly evaluations should be completed during which time progressive corrective actions must be taken, if necessary. Additionally, if overall performance has not been improved to a "successful" level within three (3) months, the employee may be subject to termination of employment proceedings.

E. While the overall ratings on performance evaluations may be at successful levels, the Department Director is not precluded from initiating disciplinary/corrective/remedial actions to address individual problem areas identified on the evaluation.

F. PREREQUISITES FOR AN EFFECTIVE PROGRAM: In order to be effective, a performance evaluation system must meet the following prerequisites.

1. There must be mutual respect between employees and their supervisors.

2. Managerial style must be conducive to employee growth.

3. Managers and employees must have a good working relationship.

4. Employees must be receptive to suggestions for improving performance.

G. PROCEDURES

1. Evaluation and discussion of performance with employees should be an on-going process throughout the year. Annual performance evaluations are completed to formally document performance and will be submitted to the City Manager or designee two weeks prior to the beginning of the first full pay period

of each fiscal year or earlier when directed by the City Manager.

2. Probationary performance evaluations are to be completed and submitted to the City Manager or designee no later than two weeks prior to the end of the probationary period.

3. Employee performance ratings will be assigned to one of the rating levels contained on the appropriate appraisal form for the employee being evaluated.

H. Employees who fail to meet any identified "pass or fail" appraisal factors or whose performance rating is "Unacceptable" shall not be eligible for any salary adjustment authorized. Any cost-of-living increase shall be subject to satisfactory performance upon completion of the PIP. Referral to the Employee Assistance Program should be considered, as appropriate to the PIP conditions that exist.

I. If an individual's performance appears to be significantly deteriorating, the supervisor or Department Director is responsible for determining whether a special performance evaluation should be completed to address problem areas. If performance continues to deteriorate, the Department Director will develop a plan of action for resolving the problems, which may include suspension, demotion or termination.

J. EVALUATION FORM

Employee performance appraisals will be completed on the forms appropriate for the position held.

K. EVALUATION INTERVIEW

The formal discussion between a supervisor and employee mentioned earlier is the evaluation interview. The manner in which the interview is conducted will make the evaluation system work successfully. It is the quality and temper of the discussion - not the technique or type of form used that sets the state for performance improvement.

1. <u>Setting New Goals, Objectives or Action Plans</u>

   a. During the performance review process, an action plan for the upcoming evaluation period will be developed.

   b. In setting new goals, objectives or action plans, improvement areas should be limited to six per evaluation period. This enables the employee to channel his/her energy and attain predetermined goals. The action plan should include:

      1) Steps the employee can take to build on his/her strengths

      2) Specific steps to improve performance in weak areas.

3) Improvement required in specific areas of performance and by when.

4) What can be done if problems are encountered in achieving these goals between now and the next evaluation.

5) What external variables might affect the employee's progress or performance in the coming months.

2. Progress Review

a. Make it clear the performance interview is important - that it is not just something you are doing because of City Rules and Regulations.

b. Explain the interview process - the steps or stages you will follow and the reason for each.

c. State the ground rules for the interview, with an emphasis on open, two-way communication.

d. Explain that the interview will benefit the person being evaluated.

3. Self-Evaluation

When employees are more actively involved in the evaluation interview, they are more likely to react positively to the entire evaluation process. By giving the employee a copy of the evaluation ahead of time and making it clear that he/she will help the evaluator complete the form during the interview, the employee is forced to look at his/her performance critically, and with the support of the appraiser, to speak openly of the ratings he/she thinks is deserved.

4. Avoid Defensiveness

a. Focus on the self-evaluation approach with emphasis on joint problem solving.

b. Offer reassurance whenever possible. This involves taking a position at least partially on the employee's side, thereby reducing the need to escalate a defense.

c. Restate the employee's feelings. A negative statement from an employee can quickly throw the interview off course if it is responded to in kind. By rephrasing or summing up the employee's feelings, the evaluator may avoid a defensive reaction and keep the lines of communication open.

5. Presenting the Evaluator's Rating

The order in which the evaluator presents his/her views can have a significant impact on the employee's acceptance of them. An effective order follows:

a. Deal with areas that received high ratings by the evaluator and employee, but where the evaluator's reasons may have differed or added to the employee's reasons.

b. Discuss the areas in which the evaluator and employee gave low ratings for similar reasons making sure the employee knows you also feel he/she has a problem(s) to overcome.

c. Deal with areas where the evaluator and employee gave low ratings, but the evaluator's reasons are different from the employee's.

d. Delve into areas of performance where there is a significant difference between the ratings the evaluator had planned to give and the employee gave him/herself. Pursuant to the discussion, the evaluator should make the final determination providing a complete explanation of the reasons.

e. Mention the areas in which both the evaluator and employee have very high or positive ratings for similar reasons without going into detail. Make sure the employee understands there is agreement. If the evaluator encounters a serious difference of opinion, reaching a compromise is not necessarily the best solution. It is more important to reach a mutual understanding through dialogue. The best approach is to ask the employee to re-state why he or she gave him/herself a certain rating. After the explanation, paraphrase it and provide feedback until the employee realizes the evaluator understands the point of view even though the evaluator may not agree. By making sure the evaluator understands the employee's point of view, he/she will be more willing to listen to the evaluator's position. The important thing is to keep the lines of communication open, to avoid attack-defense situations and to strive for a rating that is acceptable to the evaluator and the employee.

6. <u>Developing Action Plans</u>

The best action plans are those developed in conjunction with the employee. The rating supervisor should provide guidance to ensure the employee takes into consideration all the necessary planning elements and review and approve the plan. The three important factors in an action plan include:

a. What help is needed?

Action plans should specify exactly what help is needed and from whom.

b. How fast should progress occur?

A rate of progress should be mapped out that is agreeable to both parties.

c. When will progress be reviewed?

Specific dates for informal progress reviews should be established.

L. SUPPLEMENTAL VACATION AWARD

Exempt employees may qualify for supplemental vacation leave based on annual performance rating achieved. Supplemental vacation leave from one (1) to five (5) additional days may be granted for use during the fiscal year with the approval of the City Manager.

3.00 EMPLOYEE BENEFIT PROGRAMS

3-01 Causeway Transponder Reimbursement

A. The City will provide a Causeway transponder payment, equivalent to the cost of the unlimited transponder, to all employees on active status as of October 1st of each fiscal year and to all full-time new hires. The unlimited Sanibel Causeway transponder will represent the renewal period of November 1st through October 31st. The City will make no payment to employees for the any transponder deposit, which may be assessed by LeeWay, or the cost of any prepaid toll account.

B. The City will also provide employees who live in Cape Coral a transponder payment for the combo transponder at the same time the payment is made for the Causeway transponder.

C. Employees required to replace an inoperable transponder will be reimbursed by the City, with proof of payment, for the costs incurred. Employees are responsible for the replacement of batteries in the transponder.

3-02 Workers' Compensation

A. The City provides a comprehensive workers' compensation insurance program. Employees are covered the first day on the job. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, hospital treatment and/or lost time from work. The City's workers' compensation program has three primary components:

1. It pays all reasonable and necessary medical care if an employee is injured or develops an occupational disease as a direct result of performing assigned duties or other work-related activities.

2. It provides salary indemnification benefits to an employee for part of the wages to be lost if any such injury or illness disables the employee for more than seven (7) calendar days.

3. It ensures an employee is provided modified work duties during recovery from a work-related injury. All modified duty work, however, must be meaningful and necessary and not cause the department an undue hardship or safety risk.

B. Employees who sustain work-related injuries or illnesses must inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that

it be reported. This will enable an eligible employee to qualify for workers' compensation coverage as quickly as possible. Failure to promptly report an injury may result in the loss of Workplace Injury Leave, if applicable.

C. The first 40 hours of lost time due to a workplace injury for full-time employees will be paid by the City and documented for time and attendance purposes as Workplace Injury Leave, while regular part-time employees' leave will be pro-rated based on hours regularly worked. Lost wage payments from workers' compensation insurance, called *salary indemnification benefits*, will take effect on the eighth (8th) day of lost time.

D. An employee receiving salary indemnification benefits with medical and vacation leave credited to his/her account may request the Department Director to apply medical and/or vacation hours in order to obtain full pay during the receipt of such benefits. In no case, shall the amount of workers' compensation received and the amount of medical and/or vacation leave used be more than equal to the employee's base pay for any pay period.

E. If an injured or ill employee cannot return to work on his/her next shift or normal workday following the day of injury or illness, the accident or illness will be considered as lost-time for the purposes of workers' compensation benefits.

F. If the accident or illness results from employee negligence or other safety or Drug-Free Workplace Policy violations, the employee will not be allowed to augment workers' compensation payments with accrued leave and may be subject to disciplinary action.

G. Neither the City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, wellness, social, or athletic activity sponsored or authorized by the City.

H. GRIEVANCE PROCEDURES (WORKERS' COMPENSATION ONLY)

1. Anytime an employee or employer is dissatisfied with the workers' compensation Managed Care Program or with the medical care provided under the Managed Care Program insurance carrier, the following guidelines should be used:

    a. Contact the Administrative Services Department notifying them of your grievance.

    b. Complete the form entitled "Grievance Form" (can be obtained from Administrative Services Department).

    c. All grievances will be processed within sixty (60) days unless the employee, provider and insurer mutually agree to an extension. If the grievance involves the collection of information outside the service area, an additional thirty (30) days will be allowed to process the grievance. A

grievance which is arbitrated pursuant to Chapter 682, Florida Statutes, is permitted and additional time not to exceed 210 days from receipt of the written request for arbitration from the employer or provider.

2. It is considered a felony of the third degree to knowingly and with intent to injure, defraud, or deceive an employer and /or the insurance company to file a workers' compensation claim containing any false or misleading information.

3-03 Employee Assistance Program

A. The City cares about the health and well being of its employees and recognizes that a variety of personal problems can disrupt personal and work lives. While many employees solve their problems, either on their own or with the help of family and friends, sometimes they need professional assistance and advice.

B. Through the Employee Assistance Program (EAP), the City provides confidential access to professional counseling services for help in confronting such personal problems as alcohol and other substance abuse, marital and family difficulties, financial or legal troubles, and emotional distress. The EAP is available to all employees and their immediate family members offering problem assessment, short-term counseling, and referral to appropriate community and private services.

C. The EAP is strictly confidential and is designed to safeguard your privacy and rights. Information given to the EAP counselor may be released only if requested by you, in writing. A Professional Code of Ethics guides all counselors. Employees are permitted to use accrued leave to obtain counseling services.

D. Personal information concerning employee participation in the EAP is maintained in a confidential manner. No information related to an employee's participation in the program or the participation of a dependent is entered into the personnel file.

E. There is no cost for employees or dependents to consult with an EAP counselor. If further counseling is necessary, the EAP counselor will outline community and private services available. The counselor will also let employees know whether any costs associated with private services may be covered by the City's health insurance plan. Costs that are not covered are the responsibility of the employee. Employees may use accrued leave for EAP visits during working hours.

F. Minor concerns can become major problems if you ignore them. No issue is too small or too large, and a professional counselor is available to help you when you need it. Call the EAP at 1-800-226-7930 to contact an EAP counselor. Professional counselors are available 24-hours per day, seven days a week.

3-04 Holidays and Holiday Pay

A. DAYS OBSERVED

1. The following holidays and any such other days as the City Council and/or City Manager may declare shall be observed by the City of Sanibel:

    - January 1st (New Year's Day)
    - As designated in January (Martin Luther King's Birthday)
    - Last Monday in May (Memorial Day)
    - July 4th (Independence Day)
    - First Monday in September (Labor Day)
    - November 11th (Veterans' Day)
    - Fourth Thursday in November (Thanksgiving Day)
    - Day Following Thanksgiving (Friday)
    - December 25th (Christmas Day)

2. When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

3. The City Manager will determine when any departments or operations will be closed in observance of the holiday.

4. Special consideration for additional holiday status shall be given to those days immediately following or preceding a holiday that falls on a Tuesday or Thursday at the discretion of the City Manager.

B. ELIGIBILITY FOR HOLIDAY PAY

1. All regular full-time and part-time employees are entitled to holiday pay. Seasonal and temporary employees are entitled to holiday pay for their regularly scheduled hours if the holiday falls on their regularly scheduled workday.

2. If a holiday is observed on a day which is a regular work day for employees, and if they are permitted to be off that day due to the holiday, they shall be paid for the number of hours they would have worked in a normal work shift at their regular straight time rate provided they work the full scheduled work day immediately preceding the holiday and the full scheduled work day immediately following the holiday, unless the employee is absent on either day pursuant to an authorized leave.

3. If a holiday occurs on a day that is outside/beyond the regularly scheduled workweek (which is a regularly scheduled day off) for the employee, he/she will receive pay equal to the hours contained in the employee's regular work shift (8

hours; 10 hours; or 12 hours, whichever applies).

C. HOLIDAY OCCURS ON A SCHEDULED WORK DAY

1. Any non-exempt employee who is scheduled or directed to work on any of the designated holidays will be paid straight time for all hours actually worked plus holiday pay at the regular rate of pay for all hours scheduled on the holiday or hours actually worked whichever is greater.

2. Employees in the exempt classification who are required to work on holidays may be given administrative leave at a later date with appropriate approval from their Department Director or City Manager.

3. Vacation leave requests for the day before or after a holiday must be submitted in writing at least one week in advance to the employee's Department Director, unless otherwise authorized by the employee's supervisor.

D. HOLIDAY OCCURS ON A LEAVE DAY

Employees on vacation leave, medical leave, bereavement leave, or military leave must use the holiday on the same day that it is earned, except as designated by the Department Director. Holidays that occur during such leave will be charged as holiday leave.

3-05 Vacation Leave

A. RATE OF ACCRUAL

1. All regular full-time employees other than Police Officers and Dispatchers shall accrue vacation in accordance with the following chart:

LENGTH OF SERVICE	BI-WEEKLY ACCRUAL	ANNUAL ACCRUAL
Date of Hire	3.08	80 hours
Beginning 61st Month	4.62	120 hours
Beginning 97th Month	5.23	136 hours
Beginning 121st Month	6.16	160 hours
Beginning 169th Month	6.46	168 hours
Beginning 229th Month	7.38	192 hours

2. Police Officers and Dispatchers shall accrue vacation leave as follows:

LENGTH OF SERVICE	BI-WEEKLY ACCRUAL	ANNUAL ACCRUAL
Date of Hire	3.08	80 hours
Beginning 2nd Year	3.38	88 hours
Beginning 3rd Year	3.69	96 hours
Beginning 4th Year	4.00	104 hours
Beginning 5th Year	4.31	112 hours
Beginning 6th Year	4.62	120 hours
Beginning 7th Year	4.92	128 hours
Beginning 8th Year	5.19	135 hours
Beginning 9th Year	5.54	144 hours
Beginning 10th Year	5.85	152 hours
Beginning 11th Year	6.16	160 hours

[NOTE: Employees who accrue either 168 or 192 hours as of October 1, 2005 will continue to accrue those hours. However, employees accruing 168 hours per year will not move to the next higher level, 192 hours.]

3. Vacation leave shall be earned as of the last day of each bi-weekly pay period. All employees will be charged on an hour for hour basis for time used. Vacation leave may not be taken in increments of less than one-quarter (1/4) hour.

4. Regular part-time employees who are assigned regularly scheduled work shifts shall accrue leave in proportion to the amount of time worked on their regularly scheduled shift, computed on the base rate of regular full-time employees with the same length of service, provided the normal work hours are at least sixteen (16) hours per week.

5. For vacation leave accrual purposes, rehired employees are considered new employees.

B. ACCRUED HOURS

1. The maximum number of vacation hours that can be carried forward from one fiscal year to another fiscal year is 240 hours. An employee may accrue vacation hours above the 240 hour maximum during the new fiscal year, however, the additional hours accrued must be used prior to October 1st or the excess hours will be forfeited, unless work related issues prevented the use of the accrued leave and City Manager approval is granted for the higher vacation leave carryover or the employee is enrolled in the Retirement Health Savings Plan.

2. Employees who are enrolled in the Retirement Health Savings Plan will have the financial equivalent of all vacation hours exceeding their allotted carryover into the new fiscal year contributed to their Retirement Health Savings Plan account.

3. Employees are cautioned not to retain excess accumulation of vacation leave until late in the fiscal year. Due to the necessity of keeping all City functions in operation, large numbers of employees, or operationally key employees cannot be granted vacation at the same time. If any employee has excess leave accumulation during the latter part of the year and is unable to take such leave because of staffing demands, the employee will not receive special consideration, either in having vacation scheduled or in receiving any exception to the maximum accumulation without City Manager approval.

C. ELIGIBILITY FOR USE

An employee is eligible to use accrued vacation leave at any time with supervisory approval.

D. SCHEDULING

Application for vacation leave shall be made in advance. In emergency cases, the Department Director may waive this requirement. The requirements of an employee's job may require the Department Director to restrict the scheduling of vacation during certain periods of the year. When practicable and in the best interests of the City, a Department Director may require the use of vacation leave in incremented amounts of forty (40) or more hours.

E. CONVERSION TO MEDICAL LEAVE

Employees becoming sick while on vacation may request the conversion of vacation leave to medical leave for a period not exceeding three (3) days. Requests for conversion of vacation leave to medical leave for more than three (3) days may require a doctor's certificate to verify the illness.

F. PAYMENT FOR VACATION LEAVE UPON SEPARATION

Upon separation from employment, accrued vacation leave hours, up to a maximum of 240 hours, will be paid at the separating employee's base rate of pay. All accrued vacation leave of employees who die while in the service of the City will be paid at the base rate of pay at the time of death to the spouse, or if none, to the estate of said individual.

3-07 Medical Leave

A. ELIGIBILITY FOR USE

1. The City provides all full-time employees and regular part-time employees medical leave to guard against the loss of earnings due to illness. Supervisors have the principal responsibility for the proper and consistent application of the

medical leave policy. Abuse of medical leave in any form can have serious impact on the morale and effectiveness of all co-workers.

2. Full-time employees earn medical leave credits at the rate of 4.62 hours per bi-weekly pay period, 120 hours per year. All regular part-time employees, who are assigned regularly scheduled work shifts and work at least sixteen (16) hours per week, shall accrue medical leave for hours worked on their regularly scheduled shifts on a pro-rated basis computed on a base rate of 4.62 hours per bi-weekly pay period.

3. Medical leave may be used at any time with supervisory approval.

4. Abuse or misuse of medical leave may result in disciplinary action. Abuse is the result of misrepresentation of the actual reason for requesting use of medical leave, using medical leave for unauthorized reasons, and may include chronic, persistent or patterned use of medical leave.

B. CHARGING MEDICAL LEAVE

1. Medical leave time shall be charged to the employee for the actual time the employee is away from work.

2. Medical leave will be charged in one-quarter (1/4) hour minimum increments.

C. REQUEST FOR MEDICAL LEAVE

1. In all cases, the employee is required to notify his or her supervisor on or before the first day of absence due to illness in order to be paid for medical leave. While it may be necessary to initially leave a voice mail message concerning the medical leave requested, the medical leave is subject to being disapproved until the employee requesting medical leave has personally discussed the leave request with his or her supervisor, unless medically unable to do so. In cases of prolonged illness, employees are expected to keep their supervisors informed at regular intervals of their medical status and their anticipated return to work, so that work may be properly scheduled or reassigned.

2. It may be necessary from time to time for an employee to seek medical care during working hours or an employee may become ill during working hours. The employee, if at all possible, must obtain approval from his or her supervisor to depart the worksite due to illness or medical care appointments.

3. An employee in a unit operating on a twenty-four hour basis must notify the department within the time limit established by the department. The Department Director may waive this provision if the employee submits evidence that it was impossible to give such notification.

4. In the event that the employee is on medical leave beyond three (3) days or

abuse of medical leave is suspected, the Department Director may request a physician's certificate to verify the illness.

5. When an employee has exhausted his/her medical, vacation and personal leave, leave without pay may be requested, but management is under no obligation to approve the leave.

D. USE OF MEDICAL LEAVE:

Medical leave may be granted for the following or similar purposes:

1. Personal injury or illness not connected with work.

2. Work-related injury or illness beyond the eighth (8th) day of partial or total disability to make up the difference between workers' compensation payments and the employee's regular base pay not to exceed the regular base pay, if there has been no violation of safety rules or other regulations and has been specifically requested by the employee.

3. Leave qualifying under the Family and Medical Leave Act for personal illness.

4. Medical doctor, dental, optical, chiropractic examination or treatment as well as physical therapy and psychological therapy.

5. Exposure to a contagious disease that would endanger others, as determined by a physician.

6. Illness of a member of the employee's immediate family. (See definition of Immediate Family/Relative).

E. ACCRUAL OF MEDICAL LEAVE

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

F. PAYMENT OF MEDICAL LEAVE UPON SEPARATION

1. No payment will be made for accrued medical leave if separation occurs prior to completing one (1) year of City employment.

2. An employee who is separated from employment for reasons other than termination for misconduct and has been employed with the City for one (1) year or more, shall receive payment for one-fourth the balance of his/her accrued and unused medical leave, but such payment shall not exceed a total of 390 hours. Upon separation from the City after giving proper notice, the employee will receive pay at his or her base rate of pay for any medical hours accrued, not to exceed the maximum, as of the date of separation.

a. The lump sum separation payment for medical leave shall be determined by using the base rate of pay received by the employee at the time of his/her separation or death.

b. Payment of medical leave upon separation will only be given to employees resigning voluntarily and who give proper notice, two (2) weeks for non-exempt employees, thirty (30) days for exempt employees, of their intention to resign. Payment will be based on medical leave earned as of the date of resignation. An employee terminated for misconduct will not receive the payment of medical leave, unless otherwise approved by the City Manager.

3. Employees separated by layoff will receive pay for one-half accrued medical leave up to the date of layoff.

G. MEDICAL LEAVE CONVERSION TO VACATION LEAVE

Each year on October 1st, excess medical leave accrued over 120 hours can be converted to vacation leave on an hour-for-hour basis, not to exceed 40 hours, by first deducting the medical leave used during the exiting fiscal year from the 40 hours and converting the remainder to vacation leave. Medical leave used for workers' compensation purposes shall not affect or restrict the application of this provision. Medical leave donated to other City employees shall not impact the provisions of this policy.

EXAMPLE: 110 hours accrued medical leave from previous leave year; 120 earned in most recent leave year; 16 used in most recent leave year; 40-16 = 24 hours that can be converted to vacation leave; 120-16-24 = 80 medical leave hours added to 110 = 190 hours medical leave balance.

H. DONATION OF MEDICAL LEAVE

Upon approval of the City Manager, in extenuating and extraordinary circumstances due to the serious illness or injury of an employee who has exhausted all of his/her compensatory time, vacation, personal, administrative and medical leave benefits, medical leave may be donated by other employees to such employee subject to the following conditions:

1. The donating employee may not donate more than forty (40) hours per fiscal year, unless City Manager approval is obtained.

2. The donating employee's medical leave balance may not decrease below 120 hours at any time.

3. The hours donated may not exceed the receiving employee's normal bi-weekly work hours.

4. The receiving employee may not receive more than 1,040 hours per fiscal year.

5. If the receiving employee does not use all of the donated hours, the hours will be re-credited to the donating employee or employees upon a pro-rated basis, notwithstanding any provision in this manual to the contrary.

6. The hours donated under this section may be used only for serious illness or injury to the receiving employee not connected with work.

7. Under no circumstances shall the employee receiving medical leave donations benefits under this section receive pay in excess of the employee's normal bi-weekly hours where there is any other source of compensation available to the employee including, but not limited to, benefits payable under a disability plan, workers' compensation plan, insurance or other.

8. If the receiving employee should receive or recover payment from a third party for the benefits (or substantially the same benefits) donated, he/she shall reimburse the City for the value of such benefits. In such case, the City will re-credit the donating employees for the pro-rated portions of the hours donated.

I. CHRONIC ABSENCE DESIGNATION ACTION BY SUPERVISORS

1. When a supervisor identifies an employee who may be abusing medical leave, the employee may be placed into a Chronic Absence Designation (CAD) in order to provide additional management of that employee's medical leave usage. When an employee is approaching being placed in the CAD, the supervisor of the employee shall:

    a. Review the employee's medical leave record with the employee; and

    b. Advise the employee of his or her impending placement in the CAD.

2. The CAD means an employee who demonstrates a pattern of medical leave usage or circumstances exist that lead a supervisor or Department Director to believe medical leave abuse is occurring, as identified by:

    a. Calling in sick six or more non-consecutive or consecutive workdays within a consecutive six (6) month period.

    b. Four (4) or more occasions of use of medical leave in conjunction with regularly scheduled days off, such as Friday or Monday or holidays, within any consecutive six (6) month period.

    c. Conclusive evidence that the employee requested medical leave under a misrepresentation or false pretenses.

d. Four (4) or more occasions of use of medical leave following paydays within a consecutive six (6) month period.

3. An employee who has been placed in the CAD is required to produce documentation, such as a doctor's statement, to verify every use of medical leave. An employee placed in the CAD will be removed from the CAD when they have completed six (6) consecutive months without unsubstantiated medical leave.

4. An employee who has been placed in the CAD is subject to appropriate management responses including investigation of the circumstances concerning medical leave, discipline, fitness for duty examinations and any other actions deemed appropriate.

5. An employee who has suffered a catastrophic condition is not to be placed in the CAD. Such situations include major surgery or extended illnesses where the employee or the family member is under a doctor's care or there are other significant issues that are beyond the employee's control and may impact medical leave usage.

3-08 Time Off to Vote

A. Employees are entitled to one (1) hour time off, with pay, to vote on all designated federal, state, and local election days. Time off must be requested in advance and then scheduled by each employee's supervisor.

B. The time off to vote applies the actual day the polls are open for voting. Time off is not granted to file an absentee ballot.

3-09 Bereavement Leave

A. All full-time and part-time regular employees may be granted, upon approval of the Department Director, time off with pay, up to forty (40) hours for full-time employees or one (1) work week for part-time employees, in the event of a death in their immediate family.

1. Bereavement leave shall not be charged to vacation or medical leave.

2. The employee may be required to provide the Department Director with proof of death in the immediate family, as defined, before payment for the leave is made.

3-10 Personal Leave

A. All full-time employees are eligible for twenty-four (24) hours of personal leave each fiscal year.

B. Personal leave for regular part-time employees shall be pro-rated based upon the number of hours regularly scheduled to work.

C. Requests to use personal leave must be submitted in writing at least one week in advance to the Department Director for approval, unless otherwise authorized by the employee's supervisor.

D. The leave must be used during the fiscal year and may not be carried forward.

E. An employee is not eligible for personal leave until after the completion of the initial probationary period.

F. Personal leave may not be taken in increments of less that one-quarter (1/4) hour.

G. Upon separation from the City, after giving proper notice, the employee will receive pay at his or her base rate of pay for any unused personal leave hours as of the date of separation.

3-11 Court and Jury Duty Leave

A. Employees required to attend court, pursuant to a subpoena in cases involving their official duties or for jury duty during their normal working hours, shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as court or jury duty leave with pay.

B. Employees who are required to attend court during their normal work hours in cases not involving their official duties, will be granted leave for their attendance (vacation, compensatory, personal, or administrative, or leave without pay), if requested and approved in advance.

C. Employees required to attend court during hours other than their normal work hours in cases involving their official duties, will be compensated in accordance with the provisions in the Personnel Rules and Regulations concerning payment for call-out and overtime.

D. All full-time employees subpoenaed to attend court as witnesses during their

regularly scheduled work shift, except as paid expert witnesses, for cases in which employees are not personally or monetarily interested, are eligible for court or jury duty leave with pay. Those employees who attend court as parties to the litigation are not eligible for such leave with pay, unless the action is related to their duties with the City.

E. Employees required to attend court for only a portion of their regularly scheduled work shift are expected to report to their supervisor when excused or released by the court.

F. An employee required to attend court, except for cases in which he/she is personally or monetarily interested, while on scheduled vacation, may be allowed to take court leave with pay for the court time in lieu of vacation time with Department Director approval.

G. The employee may retain all pay received from the court for the jury duty.

H. All pay received for witness fees shall be submitted to the City.

3-12 Administrative Leave

A. Exempt employees who are not normally eligible to earn or accrue overtime or compensatory time off will be permitted up to 24-hours paid time off during the fiscal year to conduct personal business. Administrative leave may not be taken in increments of less than one-quarter (1/4) hour.

B. Upon separation from the City, after giving proper notice as provided in Section 7-04, the employee will receive pay at his/her base rate of pay for any unused administrative hours as of the date of separation.

C. The use of administrative leave is subject to the same approval requirements as other types of leave.

3-13 Blood Donation Leave

A. The City may, from time to time, promote blood donation drives. Employees donating or attempting to donate blood will receive four (4) hours blood donation leave. However, employees who attempt to donate, but are rejected a second time, are not eligible for blood donation leave until blood is once again donated. Only full-time and part-time regular employees who receive vacation/medical leave accrual are eligible for blood donation leave. Regular part-time employees will receive a pro-rated number of hours based on their full-time equivalent status.

B. Employees should not attempt to donate blood if they are permanently deferred from giving blood for medical or other reasons such as HIV, hepatitis, residence and travel in certain countries, etc.

C. All hours earned must be used by September 30th of each fiscal year, except those blood donation hours earned in September each year, which may be carried forward into the next leave year.

D. Employees unable to donate at the on-site specified date have up to one additional week to donate at one of the local donation centers or bloodmobile sites. The employee donating at an off-site location is responsible for providing documentation of his/her effort to the Administrative Services Director.

3-14 Parent and Grandparent Leave

A. Full-time regular employees who are parents, guardians or persons "standing in loco parentis" or grandparents of a school-aged child shall be granted four (4) hours per year of unpaid leave to attend or otherwise be involved at their child's school. However, parental leave is subject to the following conditions:

1. The leave shall be at a mutually agreed upon time between the Department Director and the employee; and

2. A written request must be submitted for the leave at least forty-eight (48) hours before the time desired for the leave; and

3. The Department Director may require written verification from the child's school that the employee attended or was otherwise involved at the school during the time of the leave.

B. For the purpose of this section, "school" means any public school, private church school, church of religious charter, non-public school, preschool and child daycare facilities.

3-15 Domestic Violence Leave

A. Employees are eligible for domestic violence leave for up to three (3) working days in order to address domestic violence issues. In order to be eligible to request domestic violence leave, the employee must have a minimum of three (3) months of service with the City. Employees must use any accrued vacation, administrative leave and medical leave prior to being granted leave without pay. Advance notice and approval for domestic violence leave is subject to the usual supervisory approval requirements,

unless the employee or a member of the employee's household is in imminent danger.

B. Employees requesting domestic violence leave may use the leave from work to:

1. Seek and injunction for protection against domestic violence, repeat violence or dating violence;

2. Obtain medical care or mental health counseling, either personal or a family or household member, or to address physical or psychological injuries resulting from an action of domestic violence;

3. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or rape crisis center as a result of an act of domestic violence;

4. Make the employees' home secure from the perpetrator of domestic violence or seek new housing to escape the perpetrator; or

5. Seek legal assistance in addressing issues arising from an act of domestic violence or to attend and prepare for court-related proceedings arising from an act of domestic violence.

C. The City will not discriminate against an employee for exercising domestic violence leave rights and will not interfere with, restrain or deny an employee's domestic violence leave, if properly requested unless the imminent danger provision is applicable.

3-16 Benefits Continuation (COBRA)

A. The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the City's benefit plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meets eligibility requirements.

B. Under COBRA, the employee or beneficiary pays the full cost of benefit coverage at the City's group rates. The City provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the City's health insurance benefit plan. This notice contains important information about the employee's rights and obligations.

C. Employees have the responsibility to notify the Administrative Services Department when a COBRA qualifying event occurs that would not be common knowledge to the

City. Examples are: divorce or legal separation; loss of dependency of a child; and a covered child attending college drops out of college. Failure to notify the City in a timely manner could seriously impact the health insurance coverage of an otherwise eligible person.

3-17 Cafeteria Benefit Plan

A. All regular full-time employees will participate in the City's cafeteria benefit plan, unless excluded, in whole or in part, by City Manager approval.

B. The City will provide a monthly allowance to each eligible employee from which the employee will pay for "core benefits." Funds remaining in the cafeteria allowance after purchase of the "core benefits" may be used to purchase voluntary benefits for self and/or family members or deposited into a deferred compensation plan account.

1. "Core benefits" consist of health insurance, dental insurance, life and accidental death and dismemberment insurance and long-term disability insurance.

2. Voluntary benefits include:

    a. Dependent dental insurance

    b. Dependent health insurance

    c. Vision insurance

    d. Supplemental life insurance for self and dependents

    e. Cancer, accident, short-term disability, long-term care, and personal indemnity

C. Deferred Compensation Plans

The City provides employees the option to contribute funds to deferred compensation plans (IRC 457) on a tax-deferred basis. These plans are similar to a 401(k) plan without the ability to borrow against the funds contributed.

3-18 Educational Assistance

A. GENERAL

It is the expressed policy of the City to make available the opportunity for training, development, and advancement consistent with individual ability, performance, and the requirements of the City.

B. EDUCATIONAL FUNDS

1. The employee may submit an Application for Educational Assistance at least once annually through his/her Department Director to the City Manager for prior approval. The application will outline the specific course of instruction, career plan of the employee and the estimated costs. Enrollment in the courses will not occur until approval of the application has been obtained.

2. Accelerated accredited college degree programs will be considered for approval. If approved, the fiscal year limit outlined below may be waived by the City Manager proportional to the credits earned.

3. Upon approval, a Field Purchase Order or Departmental Requisition will be prepared and forwarded to the Finance Department.

4. The use of these funds will be limited to no more than $4,000 per person each fiscal year. The City will reimburse for undergraduate courses and graduate level courses that in the City Manager's judgment are work related or related to the future advancement of an employee.

C. ELIGIBILITY REQUIREMENTS

City employees appointed to regular full-time positions who have completed their initial probationary period will be eligible to participate in this program, as well as employees who are authorized by their Department Director to go from regular full-time to regular part-time for the purpose of completing their education.

D. CONDITIONS FOR APPROVAL AND PAYMENT

The City will participate in the cost of those courses, both correspondence and classroom, which are determined as follows:

1. Courses taken must be from an accredited college or university, unless otherwise approved by the Department Director for technical or other training.

2. The City will reimburse an employee who receives a passing grade for the cost of tuition for approved courses, including required books, fees and other approved expenses in connection with the course. The employee must provide official

grade documentation that includes all miscellaneous expenses for which reimbursement is being sought.

3. The City will not pay the cost of tuition that has been advanced from other sources such as scholarships, grants, or other subsidies. In the event of a partial scholarship or grant, reimbursement will be based on the actual expense to the employee that exceeds the scholarship or grant.

4. No course work may be performed during working hours.

E. REQUEST AND AGREEMENT FOR CASH ADVANCE

An employee approved for Educational Assistance may request a cash advance for tuition and books by completing the Request and Agreement for Cash Advance Educational Assistance Program and submitting the request to the Department Director. As a condition of the advance, the employee must provide the Administrative Services Director receipts verifying the expenditure of funds received in the cash advance.

F. REIMBURSEMENT PROCEDURE

Each application for tuition reimbursement will be submitted with the approved Field Purchase Order or Purchase Order signed by the employee's supervisor and Department Director with verification of the final grade received and costs incurred.

G. TUITION REIMBURSEMENT REFUND/CASH ADVANCE

If an employee receiving a tuition reimbursement voluntarily terminates employment with the City within one (1) year after receiving tuition reimbursement or a cash advance, the employee must immediately refund the total amount received to the City or the amount will be withheld from his/her final paycheck, and any remaining amount shall be immediately paid to the City.

3-19 Employee Wellness Program

A. Full-time employees may participate three (3) days per week in a workout program during their one-hour or one-half hour lunch break, **as long as each individual's Department Director approves it,** with ½ hour added to lunch break each day**.** The Recreation Center is available for these activities.

B. Guidelines for this program are as follows:

1. All full-time employees may participate, subject to Department Director approval.

2. Employees may use any three (3) of the five (5) or two (2) of four (4) workdays to

work out.

3. Employees who work 10-hour days **cannot** work out on an overtime day.

4. By lunch, it is not meant that everyone must go between 12 Noon and 1:00 P.M. An employee may go earlier or later as approved by the Department Director.

5. The employee cannot report late for work because of such workout or exercise, or leave one-half (1/2) hour before the scheduled day ends in order to work out.

6. The employee must sign in and sign out if using the Recreation Center.

7. The one-half (1/2) hour three times per week is given to employees to workout, eat lunch and shower following the exercise.

8. If an employee elects not to use the weight room at the Recreation Center, but chooses to walk, roller blade, run, etc., during your lunch break, the employee may use the program as stated above.

9. An employee may group walk or walk individually.

10. Other reporting requirements may be developed, and will become applicable to employees in the manner and at the time noted.

C. It is the policy of the City of Sanibel to reimburse a full-time employee and his or her spouse covered under the City health insurance for the co-payments made to physicians in order to obtain an annual mammogram, a prostate blood screening and any other cancer screening. Employees covered under the City's health insurance will also be reimbursed for the co-payment made to obtain an annual physical examination. Employees may receive the reimbursement by submitting a receipt for payment to the Administrative Services Department.

3-20 Long-Term Disability

A. The City provides a long-term disability (LTD) benefits plan to help full-time employees cope with income for employees who are disabled and unable to work. LTD is designed to ensure a continuing income for employees who are disabled and unable to work.

B. The long-term disability benefit is a "core benefit" that all eligible employees must participate in subject to all terms and conditions of the agreement between City and the insurance carrier. LTD coverage begins for eligible employees the first of the month following 30 calendar days of service.

C. Details of the LTD benefits including benefit amounts, limitations and restrictions are

described in the Summary Plan Description provided to eligible employees. Contact the Administrative Services Department for more information about LTD benefits.

3-21 Retirement Plans

A. The City provides a defined benefit plan or a defined contribution plan for full-time General Employees and a defined benefit plan for all Sworn Police Officers. General employees are defined to be all regular full-time employees, except sworn Police personnel. General employees must participate in one of the retirement plans and will be granted 30-days from the date of hire to exercise the option to continue in the defined benefit plan or make an irrevocable decision to opt-out and participate in the defined benefit plan.

B. General Employees' Retirement Plan

1. ***Employees are vested after completing six (6) years of credited service with the City.***

2. ***The normal retirement age is 65.***

3. ***All new hires and Plan A members contribute five (5) percent of base pay to the retirement plan.***

4. ***A participant with six (6) years of credited service who has attained age 60 may retire on early retirement. The early retirement benefit will be adjusted by 5 percent per year for each year early retirement date precedes age 65. Employees with 15 years City service on September 30, 2011 are eligible for early retirement at age 55 with a 2.5 percent adjustment for each year under age 60 or at age 60 without an adjustment.***

5. In lieu of a normal retirement benefit, a participant may choose a life annuity or a life annuity with a guaranteed number of payments, for five (5) or fifteen (15) years, or a joint and survivor annuity, in which 50%, 66 2/3% or 100% of the retirement benefit received by the participant will be paid to a beneficiary or contingent beneficiary or beneficiaries, upon the death of the participant during the lifetime of the beneficiary or beneficiaries.

6. **A retiree will receive an annual 2% cost of living allowance beginning on October 1st of the year following five (5) years of retirement.**

7. **An employee who has reached age 65 and is vested in the retirement plan may enter the deferred retirement option plan (DROP) for a maximum of five (5) years.** An employee who enters the DROP is not considered an active member of the retirement plan and the monthly retirement benefit is deposited into a special account in the retirement plan for the employee. The DROP benefits earn six (6)

percent interest annually. The DROP participant determines how the funds accumulated in the DROP account will be paid out upon actual retirement.

8. The General Employees' Retirement Plan is administered by a Board of Trustees, three (3) appointed by City Council, two (2) elected from employee participants, one (1) City Manager appointee and one (1) member selected by the other Board members.

C. Defined Contribution Plan

1. General employees may make an irrevocable election to opt-out of the defined benefit plan and participate in this plan.

2. Participation requires a contribution of 5 percent of base pay which the City will match at 100 percent.

3. Participants may voluntarily contribute 6 percent to 10 percent of base pay and the City will match the contribution at 50 percent. The voluntary contribution may be changed on a bi-weekly basis only.

4. ***Participants will be vested for the matching City funds at a rate of 20 percent per year. Employees who opted-out of the defined benefit plan prior to May 1, 2011 are immediately 100 percent vested for the matching City funds.***

D. Police Officers' Retirement Trust Fund

1. Eligible employees contribute an established percent of his/her ***pensionable compensation*** to the pension plan.

2. Employees are vested in the pension plan after completing five (5) years of creditable City service.

3. A Sworn Police Officer is eligible for normal retirement at the earlier of: 1) age 55 and completion of ten (10) years service, 2) age 60 and completion of five (5) years of service, or 3) completion of 25 years of service regardless of age.

4. Early retirement eligibility is attained at age 50 and completion of five (5) years of creditable service.

5. A Sworn Police Officer is considered disabled when he or she becomes totally and permanently unable to perform useful and efficient service as a Sworn Police Officer. Members are covered for service-incurred disability benefits from date of hire. Members are covered for non-service incurred benefits following the completion of ten (10) years of creditable service. See the retirement plan summary plan description for calculation of benefits.

6. Retirees are eligible for an annual 3% cost of living allowance on October 1st

after one (1) year following retirement.

7. An employee who is eligible for retirement may enter the deferred retirement option plan (DROP) for a maximum of five (5) years. An employee who enters the DROP is not considered an active member of the retirement plan and no longer contributes to the plan. The monthly retirement benefit is deposited into a special account in the retirement plan for the employee. The DROP benefits earn four (4) percent interest annually. The DROP participant determines how the funds accumulated in the DROP account will be paid out upon actual retirement.

8. A Board of Trustees administers the Police Officers' Pension Plan. The Board consists of five (5) trustees, two (2) appointed by City Council, two (2) full-time sworn Police Officers elected by the members of the plan and one (1) trustee appointed by the other Board members.

D. See the Summary Plan Descriptions for the General Employees' Retirement Plan or the Police Officers' Pension Plan for more specific information concerning the retirement plans.

3-22 Immunizations

A. The City shall provide, at the City's expense, voluntary Hepatitis B, influenza, tetanus and pneumonia immunizations for City employees and council members.

B. Each year, between October 1st and October 31st, the City will make arrangements with a medical facility or medical provider for employees and council members to voluntarily obtain a flu and/or pneumonia immunization.

C. The City offers all full-time and part-time regular employees the Hepatitis B vaccination and training at the City's expense. Employees will be required to sign the Hepatitis B vaccine acceptance/declination form after making their choice.

D. The City may consider other voluntary immunizations as determined necessary and in the best interests of the City and employees.

3-23 Flexible Spending Accounts

A. The City offers full-time employees the opportunity to contribute pre-tax funds into flexible spending accounts each fiscal year as follows:

1. **Dependent care reimbursement account** with a maximum of **$5000** per year.

This account can assist employees in paying expenses such as day-care, nursery school or baby-sitting while at work for care of a child under the age of 13; a disabled child; spouse or parent who qualifies as your dependent on your Federal tax return.

2. **Unreimbursed medical expense account** with a maximum of ***$2500*** per year. This account will help employees pay for many expenses not fully covered by the health insurance plan such as co-pays, deductibles, dentures/braces, eye glasses/contact lenses, and other such costs to employees.

B. The funds contributed to flexible spending accounts that are not reimbursed to an employee are lost. Therefore, careful planning is required for dependent and/or medical expenses so that funds do not remain in the accounts at the end of the fiscal year. Most expenses are both controllable and predictable.

C. The enrollment form must be completed by all employees for each fiscal year either to participate or decline participation in the flexible spending accounts.

D. Employees who leave the City and are participating in a flexible spending account may:

1. Submit health claims for expenses incurred through the last day you worked.

2. Submit dependent care claims during the Plan Year for expenses up to the amount you have deposited, even if the expenses are incurred after employment is terminated.

3-24 Restricted "A" Beach Parking Passes

A. Full-time and part-time employees are authorized to purchase restricted ***"A"*** beach parking passes at the ***Recreation Center*** at the same rate as charged to Sanibel property owners for their personal vehicles. Employees must provide proof of employment with the City (ID card; leave and earnings statement, etc.), vehicle registration and driver's license.

B. Failure to adhere to the parking designation for the restricted ***"A"*** beach parking sticker could result in a City citation and fine.

3-25 Protective Work Shoes Reimbursement Program

A. Employee safety is a vital concern to the City. For safety reasons based on the nature of the regular and recurring duties performed and the working conditions

involved, employees occupying specific positions in the City are required to wear protective work shoes. Failure to wear the protective work shoes, as required, is cause for disciplinary action up to and including termination.

B. Department Directors are responsible for determining those positions where protective work shoes are required to be worn in the performance of assigned duties and for determining if the specific working conditions of each position cause normal wear and tear or abnormal wear and tear to the protective work shoes.

C. The proper protective work shoe required for the each position varies and is based on the regular and recurring duties performed. The individual protective work shoes necessary may require steel toe caps, protective insoles, side and heel protective overlays, slip resistant soles or any combination of safety features. The cost of protective work shoes varies based on the specific protective features necessary to provide the required safety.

D. The reimbursement program for employees who are required to wear protective work shoes provides a maximum dollar amount each fiscal year based on the nature of the working conditions under which regular and recurring duties are performed, causing either normal or abnormal wear and tear. The maximum reimbursement for protective work shoes will not exceed the actual cost of the shoes or the reimbursement allowance, whichever is less. Multiple pairs may be purchased by eligible employees.

E. Reimbursement for protective work shoes will be based on the regular and recurring duties of employees, either working conditions that cause normal wear and tear to the protective work shoes or abnormal working conditions (water, wastewater, grease, oil, muck, etc.) that cause protective work shoes to wear out faster and require replacement more often, as determined by the Department Director.

3-26 Retirement Health Savings Plan

A. The retirement health savings plan is a City-sponsored health savings vehicle that is mandatory for employees in five specific categories to accumulate assets to pay for medical expenses upon retirement as defined in the City's Retirement Health Savings (RHS) Plan. The groups are:

1. City Contract Employees (City Manager and City Attorney)

2. City Executive Staff

3. City Confidential, Non-Union Employees

4. City Management Staff (excluding Supervisory Sworn Police Officers; Department Directors and City Clerk)

5. ***Employees Represented by the American Federation of State, County and Municipal Employees***

B. Employees of each specific group have determined the mandatory RHS plan contributions to be made. The groups may periodically agree to amend the mandatory contributions.

C. Contributions are made pre-tax and reimbursements from the plan are tax-free to participants and their spouse upon separation from City service or upon reaching age 55.

D. Funds are contributed to the ICMA-RC and participants may change their investment allocation at any time via telephone or the Internet.

E. See the City of Sanibel Retirement Health Savings Plan summary of plan provisions for more detailed information or call the Administrative Services Director.

3-27 Pre-Paid Legal Plan

A. Pre-Paid Legal Plan is a voluntary benefit available to employees through payroll deduction.

B. Pre-Paid Legal Plan provide participating employees preventive legal services, to include legal consultation, contract and document review, will preparation, motor vehicle legal services, trial defense services, IRS audit legal services and identity theft recovery services.

C. Employees may enroll in the Pre-Paid Legal Plan at any time and may discontinue their participation at any time.

4.00 PAY AND JOB CLASSIFICATION

4-01 Timekeeping

A. Accurately recording time worked on the official timesheet is the responsibility of every employee. Federal and state laws require the City to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

B. Timesheets must be submitted on a timely basis. Failure to submit a timesheet required on a timely basis may result in a paycheck not being issued until the next pay cycle.

C. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

D. Employees are responsible for signing their timesheets to certify the accuracy of all time recorded. The supervisor and Department Director will review and sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

4-02 Paydays

A. All employees are paid on a bi-weekly basis. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

B. In the event that a regularly scheduled payday falls on a day off such as a holiday, employees will be paid on the day preceding the day off.

C. If a regular payday falls during an employee's vacation, the employee's paycheck will be available upon his or her return from vacation.

D. Employees may have their paycheck directly deposited into their bank accounts if they provide advance written authorization to the City. Employees will receive an itemized statement of wages and deductions when the City makes direct deposits. Direct deposit is encouraged for all employees, but is not mandatory.

4-03 Classification Plan

A. PURPOSE

The classification plan provides a complete inventory of all active job classes in the City reflecting job title, grade level, duties and responsibilities assigned, qualifications required, working conditions and pay range.

B. CLASSIFICATION

Classification is the grouping of positions into classes, which are approximately equal in difficulty and responsibility.

C. USE OF POSITION TITLES

Official job description titles are to be used in all personnel, accounting, budgeting, appropriation and financial records. No person will be appointed to or employed in a position under a title not included in the classification plan. Other job titles (working titles) may be used in the course of departmental routine to indicate authority, status, special assignments, or administrative rank.

D. USE OF JOB DESCRIPTIONS

All positions authorized in the City will have an official job description. Job descriptions are to be interpreted in their entirety and in relation to others in the classification plan. Particular phrases or illustrative examples are not to be isolated and treated as a full definition of any position. Job descriptions are deemed to be descriptive and explanatory of the kinds of work performed and not necessarily inclusive of all duties performed. The Department Director may revise a job description with the City Manager's approval.

E. USE OF CLASSIFICATION PLAN

The classification plan is to be used:

1. As a guide in recruiting and examining candidates for employment.

2. In determining lines of promotion and in developing training programs.

3. In determining salary to be paid for various types of work.

4. In determining personal service items in departmental budgets.

F. ADMINISTRATION OF THE CLASSIFICATION PLAN

The City Manager or designee is charged with maintenance of the classification plan to

reflect the duties performed by each position and the grade level to which each position is allocated. The City Manager shall periodically review the entire classification plan and recommend appropriate changes. Such a review should occur every three (3) to five (5) years, and should include a comparison of the responsibilities and duties of Sanibel positions and the salary ranges and benefits of those positions with other comparable public and private organizations.

G. ALLOCATION OF POSITIONS

1. When a new position is established, or the duties and responsibilities of a vacant position are significantly changed or an employee in an existing position has been assigned and is performing duties and responsibilities for an extended period of time that are not consistent with the duties and responsibilities of the employee's assigned class, a job description should be completed. The City Manager or designee will review the job description, conduct job audits, if necessary, and make a recommendation for the appropriate classification or reclassification to the City Council.

2. If a new job class is required that is not in the City's approved classification plan, approval must be obtained from the City Council to establish the new job class.

H. RECLASSIFICATION OF POSITIONS

Upon reclassification of a position from one class to another with a higher pay grade in the compensation/pay plan (higher minimum salary) the method of adjusting the pay of the employee filling the reclassified position on a regularly assigned basis shall be in accordance with the Personnel Rules and Regulations regarding promotions. If the position is reclassified to a lower pay grade and the employee's salary exceeds the maximum rate of the pay range of the new pay grade, any increases in the pay range shall not apply to the employee until the maximum of the new pay range exceeds the employee's current salary.

I. POSITION CONTROL

All positions in the City are established and maintained through a personnel budget each fiscal year in accordance with established budget and accounting procedures. The establishment of new or additional positions will be accomplished at the discretion of the City Manager upon approval of the City Council.

4-04 Compensation

A. COMPENSATION /PAY PLAN

The compensation/pay plan represents the minimum and maximum rates of pay for all positions included in the classification plan as adopted annually by City Council and

any subsequent amendments.

B. MAINTENANCE OF THE COMPENSATION/PAY PLAN

The compensation/pay plan is intended to provide fair compensation for all classes of positions in the classification plan with regard to ranges of pay for: other job classes; general rates of pay for similar employment in private establishments, other municipalities or civil jurisdictions in the area or in other comparable areas; availability of applicants to fill positions; the financial condition of the City; and other factors. To accomplish this, the City Manager will from time to time make comparative studies of all the factors affecting the level of the pay ranges and will recommend changes to the City Council.

C. USE OF PAY RANGES

Each job class is assigned a pay grade and each pay grade has a pay range that identifies the minimum and maximum rates of pay applicable to that grade. The pay ranges provide administrative flexibility for recruiting, employee incentives, and pay progression.

D. APPOINTMENT AND STARTING RATES

1. The minimum pay rate of the pay range established for a job class is considered the normal appointment or entry-level rate for new employees.

2. Appointments above the minimum or entry-level pay rate, but within the pay range, may be authorized by the City Manager, if the applicant's training, experience or other qualifications are substantially above those minimally required for the position.

E. ADJUSTMENTS IN PAY RATES

1. Minimum and maximum pay ranges are determined for each job class based upon periodic compensation studies. City Council may, at any time, adopt, amend, or alter pay ranges under the Classification Plan. A compensation adjustment may not increase the rate of base pay above the maximum of the pay range, unless an incumbent exception is granted by the City Manager.

2. The budget process will annually determine the type, amount and distribution of employee compensation adjustments. All or a portion of the compensation adjustment may or may not be added to the employee's base pay. The City Manager also has the discretion to provide different pay adjustments to different job classes and to make other performance incentive adjustments as deemed necessary.

3. A performance merit increase may be considered annually, based upon job

performance. Employees will receive the merit increase, if approved in the annual budget, based on the performance rating achieved. An employee who receives a rating at an "unacceptable level" will not receive a merit increase.

4. A cost of living adjustment (COLA) may be considered annually. The COLA may be considered part of the pay increase and may or may not alter the pay ranges approved in the Classification Plan.

5. Only employees who have been employed with the City a minimum of six (6) months prior to the effective date are eligible to receive a merit increase. The COLA, if any, will apply to all employees.

6. Supervisors are responsible for accurate and prompt submission of employee performance evaluation reports, in accordance with established procedures. Performance evaluations are not subject to the grievance provisions of the Personnel Rules and Regulations (Section 7-07).

7. Adjustments in pay normally will be effected at the beginning of the first full pay period on or after October 1st of each fiscal year.

F. PAY ADJUSTMENT UPON COMPLETION OF INITIAL PROBATIONARY PERIOD

Upon completion of his/her initial probationary period and with an "exceptional " performance rating, the employee shall be granted a merit pay increase, not to exceed ***one and one-half (1.5)*** percent, effective with the beginning of the next full pay period after the probation ends. An employee receiving a performance rating of less than "exceptional" shall not be granted a probationary merit increase.

G. MERIT BONUSES / PERFORMANCE INCENTIVE PAY

The City Manager may, on occasion, further reward high achieving employees. Such a reward could be a salary adjustment, a bonus, performance incentive or a non-monetary reward such as public recognition or time off. Such programs would be funded by a yearly allocation set by City Council during the budget process, and will be administered by the City Manager. Criteria for merit bonuses to individuals or groups of employees include, but are not limited to: "exceptional "performance ratings; meritorious service to the City; cost savings ideas; and/or successful implementation of special projects.

4-05 Promotions, Demotions and Transfers

A. PROMOTIONS

1. When an employee is promoted to a job class with a higher minimum pay rate, the employee's new pay rate shall be increased to the minimum of the pay

range for the new position or a 5% increase above his/her regular rate of pay prior to the promotion, whichever is greater.

2. The City Manager may approve a higher increase upon promotion upon the recommendation of the Department Director.

B. PROMOTION PROBATION AND ELIGIBILITY FOR PAY INCREASE

1. Promoted employees shall serve a promotional probationary period of six (6) months duration.

2. Employees completing their promotional probationary period may be granted a merit increase, not to exceed ***one and one-half (1.5)*** percent, provided their performance is rated "exceptional."

C. INVOLUNTARY DEMOTION

1. Involuntary demotions may be used when an employee is not able to properly fulfill the normal duties and responsibilities assigned to a specific position.

2. When an employee is involuntarily demoted to a position in a job class with a lower minimum pay rate, the employee's pay rate should be reduced. The rate of pay selected by the City Manager will consider the Department Director's recommendation and factors such as the employee's length of service, work experience/history, knowledge, skills, abilities and performance evaluations.

D. VOLUNTARY DEMOTION

When an employee requests a voluntary demotion, the pay rate may be reduced by the City Manager following consultation with the Department Director.

E. TRANSFERS

1. Employees may, with the approval of the Department Directors concerned and the City Manager, be transferred.

2. An employee may be transferred within a department or to another department in the same or different job class with the same pay range, and such transfer shall not change the employee's pay grade, pay rate or anniversary date.

    a. If the employee has been employed less than six (6) months, he/she must serve a six (6) month probationary period in their new assignment.

    b. If the employee has been employed six (6) months or more, but less than one (1) year, he/she must serve a three (3) month probationary period.

    c. If the employee has been employed for one (1) year or more, he/she

must serve a one (1) month probationary period.

3. If during the probationary period the employee is found to be unqualified for the position or incompetent in performing the duties of the new position, he/she may be returned to the position from which he/she was transferred with the approval of the City Manager or designee and Department Director only if a vacancy exists.

4. If the former position is filled, an effort will be made to place the employee in a comparable position. If a vacancy does not exist and if it is impractical to create a new position, the employee may be transferred or demoted to another position for which he/she is qualified, or terminated and eligible for rehire.

4-06 Special Pay Situations

A. SHIFT DIFFERENTIAL

A shift differential will be paid to all employees whose work hours are during the second and/or third shifts as determined by Department Directors. The amount of the shift differential may be adjusted upward from time to time by the City Manager.

B. PAYMENT FOR ON-CALL AND STANDBY TIME

Employees in non-exempt classifications who are assigned to be on-call or in a standby status during hours other than their regularly scheduled work shift and are able to come and go freely, even though they must leave a telephone number where they can be reached, are not eligible for on-call or standby pay since such hours are excluded from hours worked. If employees are restricted to a designated location or premise, or if they must remain on City premises or so near home that they cannot use their time freely, the on-call time and standby status is considered hours worked. Union agreements may specify other on-call payments for specific personnel of the bargaining unit.

C. PAYMENT FOR CALL-OUT

Regular employees in non-exempt classifications who are called out to work during off-duty hours, which are not contiguous to the regularly scheduled work shift, will receive a minimum of two (2) hours pay at time and one-half. Time and one-half will be paid for hours actually worked, if longer than the two-hour minimum.

D. ACTING STATUS AND OUT-OF-CLASS ASSIGNMENTS

An employee temporarily assigned by a Department Director to a position with a higher pay range for more than two work weeks will be paid for all hours worked, in excess of two (2) weeks, at the entry level pay rate of the higher grade level job or at a rate of pay 5% above the employee's base rate of pay, whichever is greater, unless a higher

rate of pay is approved by the City Manager.

E. COURT APPEARANCE AND STANDBY TIME FOR POLICE OFFICERS

Police Officers called back to work, or who remain past normal working hours, for court appearance purposes, will be paid overtime rates, provided they have otherwise worked the requisite number of hours in the work cycle.

F. SEVERE WEATHER SITUATIONS AND EXTENSIVE DISASTER RECOVERY NEEDS

1. During a declared emergency when Essential Personnel in a non-exempt status are required to work during their normal work shifts in preparation for, during or as a result of severe weather conditions and other employees have been excused from work with pay, such personnel will receive pay at double their regular rate of pay for all hours worked during their regular shift. This rate of pay is not in addition to the straight-time pay provided to other employees who have been excused with pay. These hours are treated as straight-time hours for the purpose of calculating overtime after the severe weather condition emergency is over.

2. Hours worked outside the regularly scheduled shifts, during a severe weather condition emergency, shall be paid at double time and one-half. This rate of pay is provided in lieu of the time and one-half rate defined in Section 5-06, Overtime and Compensatory Time Off, and these hours, since compensated at a special rate, will not be included as hours worked for the purpose of calculating overtime after the severe weather condition emergency is over and/or during the City's recovery phase. After the severe weather condition emergency is over and/or during the City's recovery phase, the provisions of Section 5-06, Overtime and Compensatory Time Off, will again become effective.

    a. The double and one-half overtime provisions are only applicable during the emergency situation as defined by the City Manager.

    b. When the City is in the recovery phase, the provisions of Section 5-06, Overtime and Compensatory Time Off, shall govern overtime pay practices. The City Manager shall make the determination of when the City's status changes from the emergency to the recovery phase.

3. When non-exempt employees, either Essential or Non-Essential, have been excused from work with pay during their normal work shifts, such leave shall be treated as time worked for the purpose of calculating overtime pursuant to Section 5-06, Overtime and Compensatory Time Off.

4. When Essential Personnel in an exempt status are required to work during severe weather conditions and other non-essential, exempt, employees have been excused from work with pay, special consideration may be given to granting additional administrative leave time off.

G. OTHER DECLARED EMERGENCIES

Procedures similar to those outlined in paragraph E above will be developed as needed by the City Manager to compensate employees in a fair and equitable manner for other declared emergencies.

H. EMPLOYEE CERTIFICATION PROGRAM

1. Wastewater Plant Operators and Utilities Maintenance Mechanics shall be advanced to the next higher job classification level by passing a written test that is specific to the City's wastewater permit upon meeting job related experience, required certification for the next higher grade level and satisfactory performance rating on the most recent performance appraisal.

2. Employees who have a current valid Florida Wastewater Plant Operator's License which is higher than the position description to which assigned requires, shall receive a 5% pay adjustment.

3. An employee that increases his/her value to the City of Sanibel by obtaining certification specific to their occupation will receive a pay increase from 1% to 3% of base pay depending on the assessed value to the City of the certification obtained, as determined by the Department Director and approved by the City Manager.

5.00 WORKING CONDITIONS AND INCENTIVES

5-01 Safety and Injury Reporting

A. ACCIDENT PREVENTION AND SAFETY

1. An aggressive, comprehensive City-wide safety program has been instituted. All aspects of the working environment and all work-associated activities will receive attention.

2. Additional details are addressed in the City of Sanibel Safety and Health Plan.

3. The development of safe working conditions, practices, habits, and thinking are the principal objectives. Reaching those worthwhile objectives will automatically result in benefits to all employees, to departments, and to the City. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expenses, and improper and dangerous use of equipment, are all operational problems which will be greatly improved by joint safety efforts.

4. Department Directors, supervisors and employees are all responsible for working safely. The City Safety Committee members are designated by the City Manager as the City's Safety Coordinators and will recommend appropriate training and perform routine worksite safety inspections. Safety Coordinators are to notify the subject Department Director of any observed problems, in writing, with a recommendation for resolution.

5. Department Directors are responsible for ensuring that proper safety training is conducted based on the nature of operations of the department and that proper, safe and economical operation of equipment exists.

B. ACCIDENT REPORTING

1. Employees shall report all job-related injuries and illnesses to their supervisor immediately, utilizing the Incident Reporting Form.

2. Incident Report Forms shall be submitted to the employee's Department Director with a copy to the Workers' Compensation Coordinator within twenty-four (24) hours after the date of the accident or the report of injury or illness, if possible.

3. In case of serious injury or fatality, the Police Department and City Manager shall be notified immediately. The Police Department will, in turn, notify the employee's Department Director regarding the accident. In case of fatal injury, it will be the Department Director of the employee's department, the doctor or

nurse, and the City Manager or designee who will personally contact the family or next of kin.

C. STEPS TO TAKE IN CASE OF AN ACCIDENT

1. Minor injuries shall be rendered first aid. An element of judgment is necessary when supervisors are evaluating an injured employee. Emphasis shall be placed on input from the employee and, if any doubt exists, medical care shall be sought.

2. Seriously ill or injured employees should be taken to the nearest available emergency medical facility by persons qualified to handle and manage the situation, if possible.

D. EMERGENCY MEDICAL TREATMENT PROCEDURES

Life threatening and medical emergencies such as, but not limited to; chest pains, serious neck and/or back pain, head injuries, loss of consciousness, serious injuries, profuse bleeding and extensive or serious burns, are to be handled by calling **911** immediately and notifying the Administrative Services Department and the applicable Department Director.

Remain on the line with 911 until the dispatcher/medical technician discontinues the call.

E. RETURN TO WORK

1. An injured employee who was injured on duty and who has been treated by a medical provider **MAY NOT RETURN TO WORK** without a return to work slip from the medical provider.

2. If an employee is returned to work on a Light/Restricted duty basis, the return to work slip must state specifically the nature of limitations and/or restrictions. An effort should be made by the department to accommodate the employee's return to work. If no light duty work is available within the employee's department, an attempt will be made to assign light duty work in another department.

F. SAFETY EQUIPMENT AND DEVICES

1. The City will provide proper and necessary safety equipment and devices, as recommended by the equipment manufacturer, and training, for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, must be used. Failure by employees to utilize provided equipment or devices as directed will be subject to disciplinary measures, and a 25% reduction in workers' compensation benefits as indicated in Florida's Worker's Compensation Laws.

2. Seat Belts

    a. Florida's Mandatory Seat Belt Law requires all front seat passengers to wear their seat belts whether on or off the job. It also constitutes a safety violation of a safety requirement pursuant to the Personnel Rules and Regulations.

    b. Employees who become injured on the job who were not using their seat belt at the time of injury are subject to a 25% reduction in workers' compensations benefits available under Florida's Workers' Compensation Law.

3. The City will provide scheduled maintenance of all equipment and safety devices to ensure maximum safety.

G. SAFETY AWARDS

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

5-02 Hours of Work

A. The City Manager shall establish the hours of work, which insofar as practicable shall be uniform within departments, taking into account the service needs of the public.

B. Employees working on a shift basis will work the hours as determined by departmental policy.

C. Additional work hours may be required of all employees.

D. The City recognizes that the hours of individual employees can be somewhat flexible beyond regular business hours. In order to provide the best service possible to the community as efficiently and cost effectively as possible, the following guidelines will be followed.

1. The City of Sanibel's business hours for City Hall, Public Works and the Civic Center offices and any other offices as determined by the City Manager are from 8:00 A.M. to 5:00 P.M., Monday through Friday, except approved holidays.

2. Department Directors may adjust shifts if it is determined to be in the best interests of the City, the community, and the employee.

3. Department Directors may establish and/or discontinue alternate work schedules

and flexible work schedules at their discretion.

E. Department Directors are responsible for:

1. Approving alternate/flexible work schedules, in writing, and ensuring adequate supervision is maintained during such schedules.

2. Ensuring that their department is adequately staffed and that there will always be a City employee available in the department to assist the public during regular business hours.

3. Ensuring that a lunch break of no less than 1/2 hour is taken.

4. Ensuring that non-exempt employees do not work in excess of their regularly scheduled workweek or pay period without prior Department Director approval.

5. Ensuring employees work the required number of hours in their regularly scheduled workday, workweek or pay period.

6. Maintain and document accurate information on timesheets and other payroll records regarding actual hours worked.

5-03 Telephone Guidelines

A. VOICE MAIL

The City of Sanibel strives to maintain friendly and personal interactions with its citizens. Voice mail has been implemented to enhance these interactions while making the City more efficient.

PROCEDURES:

1. Voice mail should be used only in the event that someone is not able to answer the phone. It is not to be used as a means of screening calls or avoiding direct telephone contact.

2. For after hours, all inbound direct dial numbers will be forwarded to the main receptionist at 5:00 P.M. The forwarding will be cancelled at 8:00 A.M. The voice mail greeting for the main receptionist will announce that the City is closed, and what the normal hours of operation are, and that a message can be left.

3. Active extensions will have an announcement that indicates to whom the extension is assigned.

4. Voice mail messages, like all phone messages, should be returned as quickly as possible, preferably within the same day.

B. CELL PHONES

The following standards and guidelines are established for the use and security of City-owned cellular telephones.

1. Policy

   a. Cellular telephones are purchased and maintained by the City to provide reliable mobile business communications for City employees on a daily operational basis as well as during emergency situations. The City will purchase, install, maintain and pay tolls for official business calls placed from or received by cellular telephones.

   b. The personal or other-than-business use of City-owned cellular phones is excluded from coverage under this policy. Any personal usage of the City provided cell phone will result in the employee reimbursing the City at a rate of 40 cents per minute for such use calculated per the monthly invoice. Payment will be made to the City within thirty (30) days of receipt of the monthly invoice.

   c. Department Directors will ensure that members of their staff, to whom cellular telephones are assigned, follow the policies and procedures contained in the Administrative Policy.

2. Procedures

   a. Assignment of cellular telephones to employees shall be done only with the approval of the MIS Department Director.

   b. The regular use of cellular telephones shall be reviewed periodically by Department Directors who shall be responsible for assuring that the calls placed are business related, non-business related calls are paid for promptly, the equipment is properly maintained, and if damaged or lost, a written report is immediately filed. Department Directors shall sign the monthly invoices indicating payment approval and forward them to the Finance Department for payment.

   c. The City employee is expected to take reasonable precautions to protect the cell phone, such as locking vehicle, parking vehicle in "safe" location and hiding or removing phone from vehicle when not at work.

   d. If a City-owned cellular telephone or subsidiary equipment, such as the

external antenna, is damaged, lost, stolen or otherwise destroyed prior to the end of its useful life, a written explanation of the circumstances shall be prepared by the employee in whose custody the phone was placed and forwarded to the employee's Department Director within two (2) working days of the incident.

e. If the cell phone is lost or damaged, each incident shall be reviewed separately and a determination made by the employee's Department Director as to whether the City or the employee shall bear the cost of repair or replacement.

3. USE OF PERSONAL CELL PHONE IN LIEU OF CITY ISSUED CELL PHONE

a. An employee approved by the City Manager to be issued a City cell phone in the performance of assigned duties may request to use his/her personal cell phone in-lieu of the City-issued cell phone.

b. If the request to use a personal cell phone in lieu of a City-issued cell phone is approved by the City Manager, the City will reimburse the employee $40 per month for the use of his/her personal cell phone.

c. During an emergency situation, such as a hurricane or other extraordinary circumstances, when cell phone usage is beyond normal, actual work related cell phone costs may be reimbursed as determined appropriate by the City Manager.

5-04 Smoking Policy

A. The City has established a "smoke free" work environment. This policy and guidelines were developed in an effort to consider the needs and concerns of smokers and nonsmokers alike and in an effort to provide a more healthful working environment for all employees of the City of Sanibel.

B. The following smoking policies will provide a clean and healthy work environment for employees and citizens.

1. PROHIBITIONS: Smoking is prohibited at anytime in:

a. An employee's work area

b. All City buildings and facilities

c. All City owned vehicles

d. Uniform while on duty for Police Officers

e. The Recreation Center grounds

2. EXCEPTIONS: Smoking is permitted:

a. Outside on City Hall walkways

b. For Police Officers in uniform while on breaks or during lunch hours

5-05 Rest and Meal Periods

A. Each workday, full-time, nonexempt, employees are provided two 15-minute rest periods. Supervisors will advise employees of the regular rest period schedule so City operations are not affected. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time. Misuse of the work break privilege may subject the employee to disciplinary action.

B. All full-time employees are provided with one meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

C. Designated meal periods will not be less than ½ hour in duration.

5-06 Overtime and Compensatory Time Off

A. OVERTIME

1. In the event a non-exempt employee is required to work additional hours beyond/outside his/her regularly scheduled normal work week or pay period, he/she shall receive overtime pay or compensatory time off at the Department Director's discretion for the additional time worked at the rate of time and one-half the employee's regular straight time rate of pay.

2. All overtime worked must have prior authorization by the immediate supervisor or the Department Director.

3. When a non-exempt employee actually works additional hours beyond/outside his/her normal work week or pay period and overtime pay/compensatory time

off is to be provided, vacation leave, holidays, personal leave, military leave, jury duty, blood donation leave, bonus leave and compensatory time shall be treated as time worked for the purposes of calculating overtime pay for additional hours worked beyond/outside the employee's normal work week or pay period.

4. A non-exempt employee shall not have his/her normal work hours reduced or adjusted to avoid the payment of overtime.

5. Exempt employees, who are not eligible for overtime or compensatory time off, who are required by their supervisor to work extended hours due to extraordinary circumstances, may have their regular work hours adjusted in consideration of the additional hours worked with the approval of the Department Director or City Manager.

6. The City Manager may, in extraordinary and extenuating circumstances, approve overtime pay or compensatory time off for exempt employees. Such overtime must be approved prior to the time worked.

7. Part-time employees shall receive overtime pay or compensatory time only when the employee's work hours exceed forty (40) hours in a workweek.

B. COMPENSATORY TIME-OFF

1. Non-exempt employees may be granted, at the discretion of the Department Director, compensatory time off in lieu of payment for the overtime hours worked. Compensatory time off cannot be earned and used in the same pay period. Compensatory time off must be taken by the employee within the fiscal year in which the time was earned or such leave will be paid at the employee's regular rate of pay, unless otherwise approved by the City Manager.

2. If compensatory time off is awarded to Police Officers, the total time accrued shall not exceed 320 hours of actual overtime hours worked (accrued at time and one-half equals 480 total compensatory hours). No other employee may accrue more than 160 hours of actual overtime hours worked (accrued at time and one-half equals 240 total compensatory hours).

3. An employee who has accrued compensatory time off at the time of separation from employment with the City, or at the end of the fiscal year, will be paid for the unused compensatory time at a rate of compensation equal to the employee's regular hourly rate of pay at the time of separation or at the end of the fiscal year, as appropriate.

4. Compensatory time off may not be used in any pay period in which compensatory time off is earned.

5-07 Use of City Equipment and Vehicles

A. Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines. An employee shall not use City property, equipment or vehicles except in the performance of official duties, nor permit its use by an unauthorized person, either on or off duty.

B. Employees will notify their supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

C. The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

D. It is necessary for many City employees to have City vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with utmost care and discretion at all times. Most City vehicles are distinctively marked and the way they are operated directly reflects on the public image of all City employees.

E. City employees are permitted to use City-owned vehicles for the performance of their official duties only; under no circumstances are they to be used for personal business or pleasure, except as otherwise approved by the Department Director.

F. Any employee who operates a City vehicle, receives a monthly travel allowance or operates a privately owned vehicle for City business must have in his/her possession a valid Florida driver's license. Violations will be subject to disciplinary action.

G. The City monitors the driving record of each employee who operates or may have to operate City owned vehicles or equipment, receives a monthly travel allowance or operates a privately owned vehicle for City related business to include the use of a privately owned vehicle for travel purposes. The driving record is monitored to ensure employees have a valid Florida operator's license and to evaluate recorded motor vehicle operation violations. This will assist the City in identifying potential problems, liabilities and training needs.

H. For those vehicles assigned on a 24-hour basis, off street parking should be provided, where possible, when a vehicle is taken to a place of residence. Safety belts, where available, shall be worn at all times. Before a City vehicle can be driven to and from work, City Manager approval is required. Employees who are assigned take-home vehicles are responsible for regularly checking all fluid levels to ensure they are

maintained properly.

I. Prior to taking or using City equipment or vehicles specifically assigned for use in performing work or for extended use, employees shall check fluid levels and other safety equipment such as, but not limited to, oil, brake and washer fluids, tires, lights and brakes. This can be accomplished by utilizing the City garage. Employees will ensure all vehicles and equipment are returned in clean condition (free of any debris or trash). All mechanical defects or malfunctions shall be reported as soon as possible to the maintenance garage.

J. If a City vehicle is involved in an accident, the employee shall immediately notify the proper law enforcement agency, and his/her Department Director.

K. All employees shall operate City vehicles and equipment in a safe manner, consistent with local laws and City rules.

5-08 Severe Weather and Emergency Situations

A. The City is subject to severe weather conditions, especially in the form of tropical storms, hurricanes and floods. It is crucial to the safety and welfare of the citizens that there be sufficient City services available during and after severe weather conditions, weather emergencies and in emergency situations to provide for guidance and protection of persons and property. This is also applicable to the time period following a severe weather condition in which the City is in a recovery phase and may have to conduct operations with unusual scheduling requirements, away from the City's existing buildings and facilities and/or off-island for an indefinite period of time.

B. It is, therefore, necessary to balance the normal concerns for the convenience and well being of City employees against the obligations of the employees and the City to the public safety and welfare. In light of these considerations, the following policies will be in effect during severe weather conditions, including, but not limited to, tropical storms, hurricanes and floods.

1. Expectations--All employees are expected to maintain an awareness of developing severe weather conditions and emergency situations, especially during the hurricane season (June 1st through November 30th), and to make prearranged contingency plans for the protection of their families and property. Employees can obtain this information from the Sanibel Emergency Management Program (Police Department). All employees are expected to recognize that the same conditions which make it desirable to stay home from work, also present a greater need for City employees to report to work.

2. General Rule Concerning Severe Weather Conditions and Emergency Situations--Unless on prearranged leave, all employees are expected to report for their regularly scheduled work shift, unless and until the City Manager specifically and

officially declares that the City is closed. The declaration that the City is closed will normally be part of the Official Statement of Weather Condition issued by the Mayor. The declaration that the City is closed will result in Non-Essential Personnel for severe weather emergencies being released from duty, with pay, unless otherwise specifically stated. Vacations may be canceled and Essential Personnel may be recalled from vacation by the City Manager.

3. Non-Essential Personnel who fail to report for work after notification to report to work, following the severe weather emergency, will not be paid for that work shift. If the failure to report was not for good cause, such personnel will also be subject to disciplinary action up to and including termination. Upon application of the Non-Essential Employee, and a showing that the absence was due to good cause, the Department Director or the City Manager may permit the employee to apply the absence against appropriate leave available to the employee.

4. Essential Personnel, as defined in Section 0-02, Definitions, whether or not the Mayor/City Manager has declared the City closed, will be expected to report for their regularly-scheduled work shift, unless specifically excused by the Department Director with the approval of the City Manager. Essential Personnel who do not report for their regularly scheduled work shift will not be entitled to pay for that work shift. If the failure to report was not for good cause, such personnel will also be subject to disciplinary action up to and including termination. Upon application of an Essential Employee, and a showing that the absence was due to good cause, the Department Director or the City Manager may permit the employee to apply the absence against appropriate leave available to the employee.

5. General principles otherwise applicable to the Personnel Rules and Regulations concerning good cause and disciplinary penalties, as set forth in Section 7-01, Employee Conduct and Discipline, will apply during severe weather conditions with the following modifications:

    a. Good cause will include the official closing of the Sanibel Causeway, prior to the start of the scheduled work shift (for off-island employees), or other conditions making it physically impossible for the employee to report to work.

    b. The disciplinary action to be taken against an Essential Employee failing to report, without cause during severe weather conditions, may result in greater sanctions than those taken against a Non-Essential Employee failing to report after notification, without cause.

5-09 Travel Expenses

A. This establishes a uniform method of providing authorization for and payment of expenses incurred by City employees for travel associated with official City business as defined by City Ordinance and Administrative Policy.

B. The City Manager/City Attorney may authorize and approve their own travel within budgetary constraints so long as the requirements of the Ordinance are satisfied.

C. TRAVEL AUTHORIZATION

1. Each department is annually appropriated a travel budget. In order to manage this budget, the Department Director and the City Manager must approve a Travel Authorization form. A copy of the registration form or itinerary shall be attached to the Travel Authorization form. With the exception of the City Manager and City Attorney, any travel taken without prior approval may be a personal expense to the traveler, at the discretion of the City Manager.

2. In addition to budgetary management, Travel Authorization forms may be used to prepay certain expenses such as registration fees, airfare and lodging costs.

3. **It is intended that traveler's utilize their City-issued Purchasing Card, if issued, for payment of travel expenses.** In the absence of a City-issued purchasing card, employees may use personal credit cards. However, the Finance Department can issue checks for prepayment of certain expenses if the **approved** Travel Authorization form is received in the Finance Department at least two (2) weeks prior to the departure date of the planned travel unless waived by the City Manager.

4. There is **NO** provision authorized by this policy for meals and mileage travel advance payments to be made directly to any City employee, unless unusual circumstances exist as approved by the City Manager.

5. Whether travel expenses are prepaid, charged to the City-issued Purchasing Card or are reimbursed to the traveler, all travelers are required to submit a Travel Authorization form.

D. TRAVEL EXPENSES

1. Registration and/or Tuition

    a. A copy of the completed registration form shall be attached to the Travel Expense Reimbursement form. Prepayment of or charging the approved Registration or Tuition to the City-issued Purchasing Card is recommended; however, if timing does not permit, a traveler may be reimbursed the price of this fee if a paid receipt is attached to the Travel Expense

Reimbursement form.

2. Transportation

a. The method and means of travel must be by the most reasonable and direct route available. In the event a person travels by an indirect route or more costly means for his/her own convenience, any extra costs shall be borne by the traveler and payment for expenses shall be based only on such charges as would have been incurred by a usually traveled method or route. The Department Director shall designate the most economical method of travel for each trip considering:

1) The nature of the business;

2) The most efficient and economical means of travel; and

3) The number of persons making the trip and/or the amount of equipment or material to be transported. All point-to-point mileage shall be computed on the basis of current maps plus approved local mileage.

4) The value of the employee's time.

b. The City will attempt to provide the traveler with a City vehicle for the authorized trip. If a City vehicle is used, the traveler will be entitled to charge or receive reimbursement for actual fuel expenses. However, if a City vehicle is not available, a mileage allowance for personal car use shall be reimbursed to the traveler in a per mile amount established by Resolution.

c. No traveler shall be allowed either mileage or transportation expense when gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense. However, a traveler on a private aircraft shall be reimbursed the actual amount charged for the fare for such transportation up to the cost of a commercial airline ticket for the same flight, even though the owner or pilot of such aircraft is also entitled to transportation expense for the same flight under this subsection.

3. Lodging

a. In most cases with regard to conferences or seminars, the choice of lodging has already been designated and a government price quoted. If a choice of lodging must be made, the traveler shall select lodging comparable to that where the conference or seminar is being held. The amount is calculated by multiplying the single-room rate times the number of nights lodging required.

b. Traveler's may also make and "hold" lodging reservations by using their City-issued Purchasing Card.

c. A traveler should always take a copy of the City's "tax-exempt" form along on the trip in order to insure that Florida State taxes are removed from the hotel bill.

d. In the event that lodging expenses cannot be prepaid or are not charged to the City-issued Purchasing Card, reimbursement will be made to the traveler upon the submission of a paid receipt with the Travel Expense Reimbursement form.

e. State taxes charged to the traveler which could have been avoided by using the City-issued Purchasing Card or making an advance direct payment will not be reimbursed to the traveler unless the reason was unavoidable or not the traveler's fault.

4. Meals

a. Meals may be charged to the traveler's City-issued Purchasing Card. If the meal amount exceeds the maximum daily meal allowance as defined in the Administrative Policy, reimbursement by the employee to the City will be as stated in the policy upon submission of a Travel Expense Reimbursement form.

5. Non-reimbursable Expenses

a. No traveler shall be reimbursed for any meal or lodging expense included in a convention, conference or seminar registration/ tuition fee.

b. City employees shall absorb the additional costs for any personal items, alcoholic beverages, or any expenses incurred by guests or members of the family accompanying the City employee.

c. City employees shall not be reimbursed for expenses incurred for any other person that is not business related and approved by the City Manager.

E. FORMS

The following forms are to be used for reimbursement:

1. Travel Expense Reimbursement Form - Form completed by the traveler, approved by the Department Director and City Manager. A copy of the conference/seminar registration form or itinerary shall be attached. The Travel Expense Reimbursement form shall be completed immediately upon return from

travel and submitted to Finance with the monthly City-issued Purchasing Card statement and Purchasing Card Monthly Recap for the payment of the travel expenses charged on the City-issued Purchasing Card and reimbursement of expenses paid by the traveler.

2. Mileage Certificate - To be completed monthly by employees authorized to regularly use their personal vehicle for City business. This form shall not be used in place of the above forms, but shall be used for regularly incurred mileage expenses such as building inspection, code enforcement, etc.

5-10 Attendance

A. To maintain a safe and productive work environment, the City expects an employee to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the City. Each Department Director shall be responsible for the punctual attendance of all employees in the department.

B. Employees are expected to report for duty at their scheduled times. Attendance will be an element to be evaluated in the performance appraisal process.

C. If an employee is unable to report to work for any reason, his/her Department Director must be notified within thirty (30) minutes after the beginning of the shift, unless otherwise required by the Department Director.

D. Where appropriate, a Department Director may require notification prior to the beginning of the scheduled shift.

E. Habitual, chronic or excessive absenteeism or tardiness shall be sufficient reason/cause for disciplinary action under Section 7-01, Employee Conduct and Discipline, up to and including termination of employment.

5-11 Computer and E-mail Usage

A. Computers, computer files, the E-mail system, and software furnished to employees are City property intended for business use. An employee should not use a password, access a file, or retrieve any stored communication without authorization from the originating person or the MIS Department. To ensure compliance with this policy, computer and e-mail usage may be monitored.

B. The City strives to maintain a workplace free of harassment and sensitive to the

diversity of its employees. Therefore, the City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is prohibited. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others.

C. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

D. Employees may only use software on local area networks or on multiple machines according to the software license agreement. The City prohibits the illegal duplication of software and its related documentation.

E. Employees who violate the computer or e-mail use policy will be subject to disciplinary action, up to and including termination of employment.

5-12 Internet Usage

A. Internet access to global electronic information resources on the World Wide Web is provided by the City to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities, incidental and occasional brief personal use during non-duty hours is permitted within reasonable limits.

B. All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of the City and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

C. The equipment, services, and technology provided to access the Internet remain at all times the property of the City. As such, the City reserves the right to monitor Internet traffic, and retrieve and read any data composed, sent, or received through our online connections and stored in our computer systems.

D. Data that is composed, transmitted, accessed, or received via the Internet must not contain content that could be considered discriminatory, offensive, obscene, threatening, harassing, intimidating, or disruptive to any employee or any other person. Examples of unacceptable content may include, but are not limited to, sexual comments or images, racial slurs, gender-specific comments, or any other comments or images that could reasonably offend someone on the basis of race, age, sex, religious or political beliefs, national origin, disability, sexual orientation, or any other

characteristic protected by law.

E. The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

F. Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

G. Abuse of the Internet access provided by the City in violation of law or City policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy. The following behaviors are examples of previously stated or additional actions and activities that are prohibited and can result in disciplinary action:

- Sending or posting discriminatory, harassing, or threatening messages or images
- Using the City's time and resources for personal gain
- Stealing, using, or disclosing someone else's code or password without authorization
- Copying, pirating, or downloading software and electronic files without permission
- Violating copyright law
- Failing to observe licensing agreements
- Engaging in unauthorized transactions that may incur a cost to the City or initiate unwanted Internet services and transmissions
- Sending or posting messages or material that could damage the City's image or reputation
- Participating in the viewing or exchange of pornography or obscene materials
- Sending or posting messages that defame or slander other individuals
- Attempting to break into the computer system of another organization or person
- Refusing to cooperate with a security investigation
- Sending or posting chain letters, solicitations, or advertisements not related to business purposes or activities
- Using the Internet for political causes or activities, religious activities, or any sort of gambling
- Jeopardizing the security of the City's electronic communications systems
- Sending anonymous E-mail messages
- Engaging in any other illegal activities

5-13 Incentive Programs

A. The City Manager and City Council may promote various incentive and reward programs to recognize employee performance and attendance. These programs will change periodically in an effort to offer new opportunities for individual and staff development. The City Manager is authorized to initiate such programs.

B. EMPLOYEE OF THE QUARTER AND YEAR

1. The objective of the Employee Incentive/Recognition Program is to bestow recognition on one outstanding individual during each quarter of the year for efforts and/or accomplishments which resulted in:

    a. Exceptional customer support and service; or

    b. Outstanding service or support to another department; or

    c. Heroic action or humanitarian deed; or

    d. Significant act which brings credit upon the City and its work force; or

    e. Significant progress in achieving City Council goals; or

    f. Improvement in services provided the public; or

    g. Improved efficiencies that save tax dollars; or

    h. Providing more services for less dollars

2. All employees of the City of Sanibel are eligible for this award. Nominated employees with written reprimands or disciplinary actions in their personnel record within the most recent twelve months will be disqualified.

3. On a quarterly basis, nomination forms will be distributed to all employees within the department(s) for the quarter. Employees from within those departments can designate fellow employees by completing a nomination form and submitting it to the City Manager's Office by the specified submittal date. Additionally, employees from outside the department(s) designated for the quarter may be nominated as At-Large nominations. Nominees not selected for the quarter will have their nominations rolled over into the subsequent quarter.

4. Department designation is as follows:

    - 1st Quarter (Oct 1 - Dec 31)
      Recreation Department/At-Large

- 2nd Quarter (Jan 1 - Mar 31)
  Police Department and At-Large

- 3rd Quarter (Apr 1 - Jun 30)
  Legislative Department
  Legal Department
  Finance Department
  Building Department
  Planning Department
  Natural Resources
  Information Systems
  Administration Department
  At-Large

- 4th Quarter (Jul 1 - Sep 30)
  Public Works Department and At-Large

5. Nominations will be reviewed and evaluated by the Incentive/Recognition Committee and selection of the "Employee of the Quarter" will be determined by a majority vote of members present.

6. The "Employee of the Quarter" will receive the following:

   a. Congratulatory letter from the Mayor at City Council meeting

   b. One (1) paid day off

   c. Monetary Award

   d. Notation in the Personnel file and attachment to selectee's performance evaluation

7. At the conclusion of each fiscal year, employees will have the opportunity to vote for "Employee of the Year" from among the recipients of the "Employee of the Quarter" Award during the fiscal year.

8. The "Employee of the Year" will receive the following:

   a. Congratulatory letter from the Mayor and Councilmembers at City Council meeting

   b. Three (3) paid days off

   c. Monetary Award

   d. Notation in the Personnel file and an attachment to the employee's performance evaluation

C. PERFECT ATTENDANCE AWARD

Employees, who do not use medical leave during a full fiscal year, will receive one

workday of "bonus" leave that employees can schedule for use during the new fiscal year.

D. The City Manager may promote various incentive and reward programs to recognize employee performance and attendance.

5-14 Suggestion Program and Cost Savings Ideas

A. Employees are encouraged to contribute to the City's future success and growth by submitting written suggestions for practical work-improvement or cost-savings ideas.

B. A suggestion is an idea that will benefit the City by solving a problem, reducing costs, improving operations or procedures, enhancing customer service, eliminating waste or spoilage, or making the City a better or safer place to work. Statements of problems without accompanying solutions or recommendations concerning co-workers and management are not appropriate suggestions.

C. All suggestions should contain a description of the problem or condition to be improved, a detailed explanation of the solution or improvement recommended and the reasons why it should be implemented. If you have questions or need advice about your idea, contact your supervisor or Department Director for help.

D. Submit suggestions to the Administrative Services Director, the Department Director or the City Manager.

E. Cost savings ideas or successful implementation of special projects are eligible for employee incentive awards.

5-15 Workplace Violence Prevention

The City of Sanibel is committed to providing a workplace that is safe, secure, and free from threats or acts of violence. Although some violent acts result from societal problems beyond our control, measures are adopted to increase protection for employees and the visiting public to provide a secure workplace.

1. The City prohibits any employee from threatening or committing any act of violence in the workplace, whether on duty or off duty, while on City related business, or while operating any vehicle or equipment owned by the City, except police officers in the performance of assigned duties. Violations of this policy shall result in the appropriate disciplinary action up to and including termination.

2. The City has **adopted a zero-tolerance policy** regarding workplace violence and

the possession of weapons such as firearms, unless they are lawfully possessed and locked inside a private motor vehicle in a parking lot, and knives (other than pocket knives commonly used as tools necessary to the performance of that employee's duties) on City premises or while on duty.

3. Immediate supervisors are to enforce the provisions of this policy by taking prompt action to investigate any observed or reported violations. In the event that a workplace violence situation is observed in progress, supervisors are to take the steps necessary to resolve the situation, if that action can be taken in a safe manner, and report the situation to the Department Director and, if deemed appropriate at the time, to the Police Department.

4. Immediately following an incident, the appropriate supervisor will prepare and submit to the Department Director a detailed report explaining the occurrence and any follow-up investigation that has been initiated.

5. Employees will not threaten any other employee or member of the general public, or otherwise cause any other employee or member of the general public to feel threatened, either verbally or physically.

6. All City personnel are responsible for reporting to their Department Director or the City Manager any threats they have witnessed, received or have been told that another person has witnessed or received. Even without an actual threat, City personnel should also report any behavior they have witnessed, which they regard as threatening or violent, when the behavior is job related or might be carried out on City property, or is connected to City employment.

7. ***If a City employee obtains a restraining order against anyone, the employee will notify their supervisor and Department Director immediately of the circumstances requiring the order. A City employee against whom a restraining order has been issued will notify their supervisor and Department Director immediately of such action and the circumstances precipitating such action. Department Directors will immediately notify the City Manager. Failure to notify management of a restraining order may result in discipline up to and including termination.***

5-16 Use of City-issued Purchasing Card

A. No purchases are exempt from pre-authorization requirements.

B. At the discretion of each department head, all regular full-time and part time City employees are eligible to receive and use a City-issued Purchasing card. Department Directors are responsible for taking administrative action for unauthorized use of these cards. Department Directors, at their discretion, may:

1. Approve issuance of credit card(s) by providing written authorization to Finance.

2. Authorize release of credit card(s) from secure storage by providing written authorization to Finance.

3. Determine the credit limit, up to $2,000 and single purchase limit up to $1,000 for each card issued. Credit and single purchase limits above these amounts require City Manager approval.

C. City-issued Purchasing Cards are authorized for the following purposes:

1. Authorized travel expenses.

2. Official business meal expenses. Amounts exceeding the daily meal allowance will be reimbursed to the City by the traveler.

3. Procurement of City goods and services in accordance with the City's purchasing policy

4. Other official City business as authorized by the Department Director.

D. Procedures

1. Department Directors will provide written authorization to the Finance Department for each employee they wish to add/change, and determine credit limits.

2. Use of City-issued Purchasing Cards is authorized for official business only. Any unauthorized use of a City Purchasing Card will:

    a. Subject the person to disciplinary action under Section 7-01, Employee Conduct and Discipline, of these Personnel Rules and Regulations.

    b. Be sufficient cause for forfeiture of use of the City-issued Purchasing Card.

    c. Obligate the person to repay unauthorized charges and, if applicable, interest and penalties incurred due to purchasing card policy violations.

3. Each employee issued a Purchasing Card will:

    a. Maintain a log of his/her own purchases using the Purchasing Card Monthly Reconciliation Form to summarize and reconcile the cardholder's monthly purchases.

    b. Have all purchases reviewed and approved by the Department Director.

    c. Sign both the statement and the reconciliation form.

d. Within five (5) working days following receipt of the statement from the postal service submit signed statement and reconciliation form with original vendor invoices, and/or other travel authorization and expense forms to the Department Director for approval and signature. Department Director will approve and sign for immediate delivery to Finance.

e. Not allow another employee to use their issued purchasing card.

f. Immediately report lost, stolen or any unauthorized use of the Purchasing Card to their supervisor. Supervisors will notify the Finance Department and their Department Director immediately.

4. Department Directors are responsible for obtaining City-issued Purchasing Cards from employees who are terminating their employment with the City and returning the cards to the Finance Department.

5-17 Driving Record Review

A. Employees who operate City-owned vehicles and equipment or use their personal vehicles in the performance of City related functions are expected to obey all traffic laws and operate the vehicles and equipment in a safe manner at all times.

B. The City will monitor on a monthly basis the driving record of employees who operate City-owned vehicles or equipment and those who receive a travel allowance or reimbursement for the use of their personal vehicle for City related business or travel.

C. The purpose of the monitoring system is to ensure that employees are properly licensed to operate motor vehicles and that their driving record does not present a potential liability to the City.

5-18 Renewal of Commercial Driver's License or License Endorsement

A. Specific positions in the City require an employee to hold a Commercial Driver's License or a license endorsement in order to be fully qualified for the positions. These specialized requirements are outlined in the official job descriptions for the positions.

B. The Commercial Driver's License or license endorsements are required to be

renewed at specified intervals. The City will reimburse employees for the cost of the renewal upon presentation of a receipt for the renewal to the Finance Department along with any additional documentation that the Finance Department may require.

5-19 Vegetation Identification Testing

A. The Department Directors will determine those job classifications that are required to pass the field identification portion of the Sanibel Vegetation Competency Test within one year from the date of hire.

B. Other City employees may voluntarily take the Sanibel Vegetation Competency Test with the approval of the Department Director.

6.00 EXTENDED LEAVES OF ABSENCE

6-01 Family and Medical Leave

A. The Federal Family Medical Leave Act (FMLA) applies to the employees of the City as follows:

1. Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the prior twelve (12) months may take up to twelve (12) weeks of unpaid leave per twelve-month period for the following reason

    a. Birth and/or care of a child of the employee.

    b. Placement of a child into the employee's family by adoption or by a foster care arrangement.

    c. In order to care for the employee's spouse, child or parent who has a serious health condition.

    d. A serious health condition, which renders the employee unable to perform the functions of the employee's position.

2. In the case of leave for the birth or placement of a child, intermittent leave or working a reduced number of hours is not permitted, unless both the employee and the City agree. If the City employs both spouses, the combined leave shall not exceed twelve (12) weeks.

3. In the case of leave for a serious health condition, the leave may be taken intermittently or on a reduced hours basis. If intermittent or reduced hours leave is required, the City may, in its sole discretion, temporarily transfer the employee to another job with equivalent pay and benefits that better accommodates intermittent leave or reduced hours.

B. During designated Family Medical Leave, the City will continue to pay its portion of the core health insurance premium and the employee must continue to pay his/her share of the remaining premium for dependent coverage, if any. Failure of the employee to pay his/her share of the health insurance premium may result in loss of coverage. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for payment of health insurance premiums during the Family Medical Leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his/her job or circumstances beyond the control of the employee.

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Revisions Dated February 1, 2006; August 1, 2008 and July 1, 2011

C. Employees may substitute vacation and or medical leave for periods of unpaid leave during approved absence under Family Medical Leave. Likewise, employees on Family Medical Leave for a serious personal health problem that is covered by voluntary short-term disability insurance may substitute vacation and medical leave hours to ensure that no reduction in pay occurs during the absence.

D. Periods of absence during Family Medical Leave not covered by either vacation leave or medical leave will be unpaid leave. During any unpaid period, the employee shall not accrue leave benefits such as vacation and medical leave.

E. Employees who return to work from family leave of absence within or on the business day following the expiration of the twelve (12) weeks are entitled to return to their job or an equivalent position without loss of benefits or pay. EXCEPTION -- If a key employee's (as defined by FMLA) absence will disrupt city business and cause "substantial and grievous economic injury" to the operations, he/she does not have to be reinstated.

F. Requests for Family Medical Leave must be submitted in writing. Requests should be submitted at least thirty (30) days before the leave is to commence, or as soon as possible if thirty (30) days notice is not possible. Employees requesting Family Medical Leave to care for an immediate family member may be required to provide the City with the appropriate medical certification.

G. The City may designate other specific absences of employees, such as extended medical leave and a drug and alcohol rehabilitation absence, as leave authorized under the Family Medical Leave Act. Such designations will be made in writing to the employee.

H. Following a Family Medical Leave period related to pregnancy and childbirth, an employee may be eligible for additional leave, without pay, for purposes of childcare. In such cases, the combination of the medical leave and the additional period for childcare leave should not exceed 12 weeks in total.

I. Family Medical Leave for Family Members of Injured Military Personnel and to Family Members of Military Reservists Called to Active Duty:

1. Family Members of Injured Military Personnel. Up to 26 weeks of unpaid FMLA leave in a 12-month period may be requested and must be granted to employees caring for family members wounded in the course of military duty. Intermittent leave is also authorized, but employees have just 12 months to take the leave.

    a. Regular FMLA leave counts toward the 12-month allotment.

    b. Employees may substitute paid leave for the unpaid leave upon request.

2. Family Members of Reservist Call-Ups. Up to 12 weeks of unpaid leave FMLA leave may be requested and must be granted to employees who have an immediate family member called to active duty for military reserves or the National Guard and who experience a "qualifying exigency."

   a. The following are examples of a "qualifying exigency:"

      1) Making alternative child care arrangements
      2) Meeting with a financial advisor to recalibrate the family budget
      3) Meeting with a lawyer to redraft a will
      4) Attending counseling sessions
      5) Traveling to military send-offs or welcome-home ceremonies
      6) Attending to funeral and estate matters should the service member die while on active duty

   b. Service members need not be deployed overseas for employees to be eligible for this leave.

   c. Employees may substitute paid leave for the unpaid leave upon request.

6-02 Leave Without Pay

A. An employee may submit a written request outlining the reasons for requesting leave without pay to his/her Department Director. The Department Director may approve up to thirty (30) workdays. City Manager approval is required for periods exceeding thirty (30) workdays, to include any extensions beyond the initial period of leave without pay approved.

B. Leave without pay is intended for circumstances where the employee has exhausted accrued leave and the employee has good cause for requesting the leave without pay.

C. Other than retaining the original date of hire, no benefits, including medical or vacation leave accrual, will accumulate during any unpaid leave of absence that exceeds five (5) workdays.

D. While on leave without pay, except as provided in Section 6-01, Family and Medical Leave, health insurance benefits will be continued only if the employee remits to the City the total premium amount, which includes both the City and the employee's share. If coverage is canceled during an approved leave of absence, it will be reinstated upon return to active duty after observing the thirty (30) day waiting period prescribed for new employees.

6-03 Educational Leave

A. The City encourages the continuing education of City employees and may provide educational leaves of absence, without pay, to full-time employees who wish to take time off from work duties to pursue course work that is applicable to their job duties or projected position with the City.

B. Eligible employees who have completed two years of service with the City may request educational leave for a period of up to 12 months. Requests will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

C. Health insurance benefits will be provided by the City until the end of the month in which the approved educational leave begins, subject to the terms, conditions, and limitations of the applicable plans. At that time, employees will become responsible for the full cost of the health insurance benefits if they wish coverage to continue.

D. Benefit accruals, such as vacation leave, medical leave, or holiday benefits, will be suspended during the educational leave and will resume upon return to active employment.

E. When an educational leave absence ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the City cannot guarantee reinstatement in all cases.

F. If an employee fails to report to work at the end of the approved education leave period, the City will assume that the employee has voluntarily resigned.

6-04 Military Leave of Absence

A. A military leave of absence will be granted to all employees, regardless of status, who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Act (USERRA).

B. Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable. A regular employee who enters the military service is entitled to reemployment with the City, providing an honorable or general discharge was received, for a period of one (1) year following the date of discharge from military service. Reemployment rights will expire if the military service exceeds five (5) years, unless the extension was beyond the individual's control.

C. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service. They will be treated as though they were continuously employed for purposes of determining benefits that accrue based on length of service, including vesting in a pension plan and service for Family and Medical Leave purposes. Employees returning from military leave who were absent for more than 180 days may not be terminated except for "just cause" for a period of one (1) year following reemployment.

D. In accordance with the applicable Federal and State Laws, regular employees who are commissioned reserve officers, reserve enlisted persons or a member of the National Guard will be entitled to a leave of absence for military training duty with full pay and without loss of benefits up to a maximum of seventeen (17) days in any one (1) year. Military leave shall not affect employees' rights to vacation or medical leave. Requests for military leave shall be submitted in writing with proper documentation of duty orders at least one month prior to the commencement date.

E. Regular employees who are in the reserves or National Guard who are called to active military service for other than military training will be entitled to a leave of absence with full pay and benefits for the first thirty (30) days of absence.

F. Benefit accruals will be suspended during the military leave of absence and will resume upon the return to active employment. Employees called to active duty and/or their dependents are eligible for COBRA benefits for the duration of the active duty.

6-05 Pregnancy Related Leave

A. The City provides a pregnancy leave of absence without pay to regular full-time and part-time employees who are temporarily unable to work due to pregnancy, childbirth, or related medical conditions.

B. Employees should make requests for pregnancy related leave to their supervisors at least 30 days in advance of foreseeable events and as soon as possible for unforeseeable events.

C. A health care provider's statement must be submitted verifying the need for pregnancy related leave and its beginning and expected ending dates. Any changes in this information should be promptly reported to the employee's supervisor. Employees returning from pregnancy related leave must submit a health care provider's verification of their fitness to return to work.

D. Employees are normally granted unpaid leave for the period of the absence, up to a maximum of 12 weeks. Employees will be required to first use any accrued paid leave time before taking unpaid leave during the pregnancy related leave period.

E. Subject to the terms, conditions, and limitations of the applicable plans, the City will continue to provide health insurance benefits for the full period of the approved pregnancy related leave, not to exceed 12 weeks.

F. Employees will not accrue vacation and medical leave benefits during any periods of unpaid absence.

G. So that an employee's return to work can be properly scheduled, an employee on pregnancy related leave is requested to provide the City with at least two weeks advance notice of the date she intends to return to work.

H. When a pregnancy related leave ends, the employee will be reinstated to the same position, unless the job ceases to exist. If the same position is not available, the employee will be offered a comparable position in terms of such issues as pay, location, job content, and promotional opportunities. Failure to return to work promptly at the end of the approved pregnancy related leave, the City will assume that the employee has resigned.

7.00 EMPLOYEE CONDUCT

7-01 Employee Conduct and Discipline

A. GENERAL

Effective supervision and employee relations should help avoid most difficulties which otherwise might necessitate discipline of employees. The City also recognizes the fact that each situation differs in many respects from others that may be similar in some ways. The City's objective is to correct employee behavior and not punish employees and be consistent in the application of discipline within the City.

1. Forms of Discipline: The City recognizes the following types of disciplinary actions:

    1) Oral Counseling/Warning
    2) Written warning/reprimand
    3) Suspension (without pay)
    4) Involuntary demotion
    5) Combination of the above
    6) Termination of employment.

2. An employee who is the subject of an investigation of an offense that is considered severe or egregious in nature may be placed in a paid, non-work status, during the investigation.

3. This section sets forth offenses divided into three groups to reflect degrees of severity. Recommended corrective actions contained in this section are intended as guidelines only. The City may take more or less severe corrective actions in any given instance where circumstances warrant.

4. The offenses listed under each of the three groups are examples only and are not intended to be all-inclusive. Failure of a supervisor or Department Director to take an authorized corrective action does not waive any authorized action for subsequent offenses.

5. In determining the corrective action to be taken in each group, and whether a deviation from the recommended action is warranted, consideration should be given to the totality of the circumstances, including, among other things, the position held, the severity of the offense, costs involved, the time interval between violations, the length and quality of service records, and the performance and ability of the employee concerned.

6. Corrective actions should be treated as progressive measures with the ultimate

goal of encouraging employees to adhere to rules and regulations and perform to the best of their abilities.

7. Prior offenses that occurred within a two-year period will be taken into consideration in determining appropriate discipline.

8. Any offense not specifically enumerated in the three groups will be considered an offense most closely resembling the level of any offense in the group listed and appropriate recommended guidelines will apply.

9. As used in this section, the terms second or third offenses do not necessarily mean a repeat of a previous offense, but include any and all offenses listed.

10. Violations of any offenses described in the three groups may be grounds for termination during an employee's probationary period. Termination during an employee's initial probationary period is not subject to the grievance procedures.

B. PROCEDURES

1. Oral Counseling--Department Directors and supervisors are authorized by the City Manager to initiate oral counseling/warning discipline.

2. Written Warning-- Department Directors may initiate written warning disciplinary actions, as warranted. A copy of the written warning will be sent to the City Manager or designee for placement in the employee's personnel file.

3. Suspension--Department Directors are authorized to initiate suspension actions using the following procedures:

    a. Provide the Administrative Services Director, in writing, the facts surrounding the misconduct. The Administrative Services Director will prepare a notice of proposed suspension for the Department Director's signature outlining the reasons for the proposed action and providing the employee an opportunity to respond. Proposed actions, which are inconsistent with prior disciplinary actions for similar offenses in the City, will be discussed with the Department Director and elevated to the City Manager if disagreement exists.

    b. The Department Director will sign and deliver the proposed notice of suspension to the employee and obtain a receipted copy that will be returned to the Administrative Services Director.

    c. The Department Director will receive the employee's response to the proposed action, if any. The Department Director will inform the Administrative Services Director of the nature of the employee's response and the Director's consideration of such response in making a final

decision concerning the disciplinary action.

d. The Administrative Services Director will prepare a decision notice for the Department Director's signature conveying the decision to the employee.

e. The Department Director will sign the decision, deliver to the employee, obtain a receipted copy and forward the copy to the Administrative Services Director.

4. Termination--A Department Director *may not* initiate a termination action without prior discussion of the situation with the City Manager. Approval obtained to proceed with the action will follow the procedures as outlined in paragraph B.3 above.

C. OFFENSES/REASONS FOR DISCIPLINE

1. <u>GROUP I OFFENSES</u>

FIRST OFFENSE - ORAL WARNING OR WRITTEN WARNING
SECOND OFFENSE - ONE (1) TO FIVE (5) DAYS SUSPENSION
THIRD OFFENSE – TERMINATION

a. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.

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

c. Washing up or changing clothes during working hours without specific permission of supervisor.

d. Taking more than specified time for meals or rest periods.

e. Productivity or workmanship not up to required standards of performance.

f. Disregarding job duties by loafing or neglect of work during working hours.

g. Posting or removal of any material on bulletin boards or City property unless authorized.

h. Unauthorized distributing written or printed material of any description on City premises.

i. Discourtesy to persons with whom the employee comes in contact while in the performance of duties.

j. Tardiness. (Guide: More than three (3) times in a six (6) month period.)

k. Violating a safety rule or safety practice.

l. Failure to report prior to leaving work on the day of an incident, an accident or personal injury in which the employee was involved while on the job.

m. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, "catcalls", demonstrations on the job, or similar types of disorderly conduct.

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

o. Failure to report the loss of a City identification card immediately to the Department Director.

p. Failure to keep the department notified of proper address or telephone number (if any).

q. Failure to wear a seat belt while occupant in a City vehicle.

r. Insubordination (minor infraction).

2. GROUP II OFFENSES

FIRST OFFENSE - UP TO FIVE (5) DAYS SUSPENSION
SECOND OFFENSE - TERMINATION

a. Threatening, intimidating, coercing or interfering with fellow employees or supervision at any time, including abusive language.

b. Sleeping during duty hours, unless otherwise authorized, as in some public safety occupations.

c. Failure to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.

d. Leaving his/her post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a 24-hour basis.

e. Negligence or omission in complying with the requirements as set forth in departmental rules and standards of conduct including, but not limited to, the failure to comply with responsibilities under the City's Grievance/Appeal Process.

f. Gambling, lottery, or engaging in any other game of chance at City workstations.

g. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operation.

h. Absent without permission or unauthorized leave.

i. Mistakes due to carelessness, which affect the safety of City personnel, equipment, tools, or property.

j. Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.

k. Soliciting or collecting contributions for any purpose whatsoever at any time on City premises, except for City supported charitable organizations. Solicitations for sales of items for organizations such as Boy Scouts, Girl Scouts, Youth Sports Programs, and the like, are permitted during the non-work periods of employees.

l. Discourteous or disrespectful conduct toward a lead worker, supervisor, or employee in a position of authority.

m. Improper use of leave.

n. Failure of Essential Employee to report to work during severe weather conditions.

o. Employee negligence resulting in damage to City equipment, property or an injury.

p. Provoking, instigating or participating in fighting on City time or on City property unless in the normal discharge of duty.

3. GROUP III OFFENSES

FIRST OFFENSE – TERMINATION

a. Negligence in performance of assigned duties.

b. Deliberately misusing, destroying, or damaging any City property or property of an employee.

c. Violation of the conflict of interest provisions in the rules and regulations, including receipt from any person, or participation in, any fee, gift, or other valuable in the course of work, when such fee, gift, or other

valuable is given in exchange for receiving a favor of better treatment than that accorded other persons.

d. Falsification of personnel or City records, including employment applications, accident records, work records, purchase orders, time sheets, leave requests or any other report, record or application, or use of official position for personal advantage.

e. Insubordination (major infraction).

f. Unauthorized use or display of firearms, explosives or weapons on City property or during work hours.

g. Theft, removal from City locations or destruction without proper authorization of any City property or property of any other employee.

h. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, fellow workers, reputation or goodwill in the community.

i. Being absent from duty for a period of three (3) consecutive working days without proper authorization.

j. Failure to return from an authorized leave of absence.

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

l. Incompetence, inefficiency, incapability or failure to maintain acceptable level of performance of assigned duties in an employee's position.

m. Any violation of the City Drug-Free Workplace Policy including refusal to undergo a drug/alcohol screening.

n. Falsification of claims to obtain workers compensation or related accident benefits or any other City benefit.

o. Use or attempted use of political influence or bribery to secure an advantage of any manner.

p. Conviction of a felony or of a misdemeanor of the first degree involving moral turpitude, while either on or off the job.

q. Concerted curtailment, restriction of production or interference with work in or about the City work stations including, but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in,

slowdown or refusal to return to work at the scheduled time for the scheduled shift.

r. Violation of Florida Statutes prohibiting public employees or employee organizations from participating in a strike or job action against a public employer.

s. Failure to work overtime, additional special hours, or special shifts after being given reasonable notice.

t. Loss of the necessary prerequisites or abilities to perform work, except as restricted by state or federal law.

u. Noncompliance, or repeated abuse or violations of the City's Personnel Rules and Regulations, safety rules and regulations, departmental policies and procedures or other City policies and procedures, or any combination thereof.

v. Unavailability for work; or habitual, chronic or excessive absenteeism.

w. Violations of laws involving moral turpitude, unlawful discrimination.

x. Operating a motor vehicle on city business without a valid Florida driver's license.

y. Failure to report being arrested.

4. The above reasons for termination are examples only and the City retains the right to terminate any employee for reasons other than those listed above.

7-02 Sexual and Other Unlawful Harassment

A. The City of Sanibel is committed to providing a work environment free of harassment by maintaining a work environment that is free of conduct that can be considered harassing, abusive, disorderly, or disruptive. Harassment based on race, sex, national origin, ethnicity, religion, color, ancestry, handicap, medical condition, marital status, and age is unlawful and the City will take whatever corrective action is necessary to prevent or deal with acts of unlawful harassment in the workplace.

B. Any conduct, which creates an intimidating, hostile, or offensive work environment, based on the gender of an employee will not be tolerated. Sexual harassment is defined as any of the following:

1. Harassment includes such areas as sexual flirtations, repeated verbal abuse of a sexual nature, unwelcome sexual advances, requests for sexual favors or the

continued or repeated verbal abuse of a sexual nature. Graphic verbal commentaries about an individual's body or the display in the work place of sexually suggestive objects or pictures would be forms of sexual harassment also.

2. Economic or Tangible Employment Action (*Quid pro quo)* - Unwelcome sexual conduct (sexual advances, requests for sexual favors and other verbal or physical conduct of sexual nature):

    a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment; or

    b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

3. *Hostile environment* - Unwelcome sexual or gender-based conduct that has the purpose or effect of:

    a. Creating an intimidating, hostile or offensive working environment; or

    b. Unreasonably interfering with an individual's work performance.

C. Sexual harassment, a violation of Section 703 of Title VII of The Civil Rights Act, is illegal and contrary to City policy and may result in disciplinary action. Any City employee who feels he/she is the victim of sexual harassment should file a complaint, either orally or in writing, to his/her supervisor, Department Director, Administrative Services Director or the City Manager, as appropriate, and if necessary the Mayor.

D. If the employee's complaint of sexual harassment is directed toward the employee's Department Director or supervisor, the employee shall report that alleged act, in writing, immediately to the City Manager. In the event the employee's allegation of sexual harassment is directed toward the City Manager, the employee shall report the alleged harassment, in writing, immediately to his/her Department Director or the Mayor. It is important to remember that it is the employee's responsibility to initiate this process in order for justice to be served.

E. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee's refusal to submit to sexual advances will adversely affect the employee's continued employment, performance evaluations, wages, advancement, assigned duties, shifts or any other condition of employment or career development.

F. Retaliation against an employee for filing a complaint of harassment is strictly prohibited.

G. False accusations of sexual harassment may have a serious effect on one or more individuals. Therefore, false accusations can result in disciplinary measures.

H. COMPLAINT PROCEDURE

1. Any individual may elect to report complaints of discrimination, mistreatment or unlawful harassment to his/her supervisor, Department Director, Administrative Services Director or directly to the City Manager. An investigation of all complaints will be undertaken immediately. The complainant normally can expect an answer from the investigation within ten (10) working days of the filed report. This procedure does not apply to other than sexual harassment, discrimination or citizen complaints made against City Staff. The following steps outline the procedure to be followed for handling complaints.

    a. Interview the subject who was reported to have committed the offense against the complainant. Also, interview other witnesses who may have knowledge of the incident(s) or information concerning the allegations.

    b. Review all relevant documents and materials.

    c. Develop suggested actions to resolve the problem.

    d. If determined appropriate, meet with the employee or citizen who reported the complaint and the employee against whom the complaint has been made and attempt to resolve the problem.

    e. Meet with the Department Director, City Manager or designee, as appropriate, and recommend appropriate steps to resolve the problem.

2. The City Manager has the ultimate administrative responsibility for the resolution of complaints that are not resolved at other levels.

3. Discussions and reports concerning such complaints will be kept confidential, to the extent allowed by Florida Public Records Law, until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, the complaint or other record is made part of the official record of any hearing or court proceeding, or as otherwise required by law. Files will be maintained in the City Manager's Office.

4. Complaints and investigations of Police Officers will be handled in accordance with Florida State Statutes and will be referred to the Police Chief.

7-03 Personal Appearance

A. City employees are expected to maintain high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress

and appearance.

B. Departments that issue work clothes and uniforms generally set the standard for their functions. Determination of the appropriateness of an employee's specific dress and appearance is a departmental responsibility. Personal appearance standards shall be established as departmental rules.

C. Employees are expected to report to work clean, neat and in accordance with their department regulations.

7-04 Employment Separations

A. Separations from City service are designated as one of the following types:

1. Resignation
2. Retirement
3. Disability
4. Death
5. Reduction in force (Layoff)
6. Termination

B. RESIGNATION

Exempt employees are requested to provide a minimum of thirty (30) days notice in writing prior to leaving employment. All other regular employees are requested to give a minimum of two (2) weeks notice. Failure to give the requested notice may result in the forfeiture of all accrued medical, personal and administrative leave, unless otherwise approved by the City Manager.

C. RETIREMENT

Retirement will be administered in accordance with the City's pension plans (See Section 3-20).

D. REDUCTION IN FORCE

1. LAYOFF

a. The City Manager may layoff employees or reduce work hours when it is deemed necessary by reason of shortage of funds, lack of work, the

abolition of positions, material changes in the job duties or organizational structure, or for other reasons within the discretion of the City.

b. In the event of a reduction in force, temporary, part-time, seasonal, or probationary employees in the job classes and department(s) affected shall be first laid off.

c. It shall be determined, in writing, if any employees in the affected departments and job classes desire voluntary layoff.

d. Employees shall be laid off subsequent to the above on the basis of retention points, lowest to highest:

    1) Length of service with the City (1 retention point for each full year of City service)

    2) Performance evaluation for the most recent two performance appraisals (2 retention points for each Outstanding appraisal with a maximum of 4 points).

    3) Eligible disabled veterans and spouses of disabled veterans with permanent service-connected disabilities, as defined in Section 295.02, Florida Statues and non-disabled veterans will receive double credit for all City service up to a maximum of 10 and 5 years respectively.

e. Any employee who is to be laid off will be given a minimum of ten (10) working days notice of the pending layoff.

f. Employees who are laid off will receive full payment for all accrued vacation leave, compensatory time off earned, personal leave, administrative leave and one-half accrued medical leave at the employee's regular rate of pay at the time of separation.

g. Application of the procedures for layoff of employees set forth herein, but not the decision to layoff or the selection of the employee(s) to be laid off, shall be an issue subject to a grievance in accordance with the grievance procedure as outlined in these rules and regulations.

2. RECALL

a. If recall is effected, the employees shall be recalled to the job class and department from which laid off in the reverse order in which layoff occurred, provided the period of layoff is not more than one (1) year. If an employee has been laid off for more than one (1) year, the employment relationship shall be considered terminated.

b. A recalled employee shall have ten (10) work days to return to work after having been recalled in writing by certified mail with return receipt requested, addressed to the last known address of record, unless there is a reason acceptable to the City for an extension of the ten (10) day period and such additional period as is approved by the City Manager. Failure to comply with this provision shall constitute a termination in the employment relationship.

c. Laid off employees who are recalled or re-employed within one (1) year from the date of layoff have one full pay period within which to buy back their accrued leave balance for which they were paid at the time of layoff. Medical leave hours lost (i.e. unpaid hours) at the time of separation will be restored upon recall.

d. For the purposes of vacation accrual rate only, recalled employees shall retain credit for their prior City service.

e. Recalled employees shall be granted first day coverage in health and life insurance.

E. TERMINATION

Causes for involuntary termination are set out in Section 7-01, Employee Conduct and Discipline.

F. TERMINATION EXIT INTERVIEW

1. The purpose and intent of the termination exit interview is to provide management with information the City can use to improve the personnel processes, procedures, improve departmental operations and reduce employee turnover.

2. All departing employees shall meet face-to-face with the Department Director or designee for an exit interview and will be requested to complete the exit interview questionnaire and to provide any written information they desire concerning their employment experience with the City. Completed exit interview questionnaires will be forwarded to the Administrative Services Director.

3. Where a face-to-face exit interview is not possible, the Department Director will inform the Administrative Services Director who will send the departing employee an exit interview form for completion and return to the City.

G. FINAL PAY

All final paychecks will be issued to the separated employee on the regular pay cycle.

7-05 Return of City Property

A. Employees are responsible for items issued to them by the City, or in their possession or control for employment purposes, such as the following:

- cell phone
- pager
- VISA purchasing card
- equipment
- keys
- protective equipment
- uniforms
- causeway transponder

B. All assigned City property must be returned by a separating employee on or before the last day of work when terminating employment with the City. Failure to turn in assigned property may delay the final paycheck.

7-06 Drug-Free Workplace

A. Alcohol and drug abuse have become one of the nation's greatest problems and the City is not immune to such problems in the workplace. The City will not accept any risk that may negatively impact the safety of our employees, safety of the general public, the quality of City services or work productivity as a result of abuse of alcohol or use of illegal drugs. It is the policy of the City of Sanibel to maintain a drug-free workplace.

B. As a condition of continued employment, all employees must refrain from using illegal or un-prescribed drugs on or off the job and abide by the terms of this policy. It is a condition of employment that employees do not report to work with the presence of illegal drugs or alcohol in their bodies.

C. The use, sale, manufacture, distribution, purchase, possession, dispensing, or being under the influence of illegal drugs, non-prescribed controlled substances, or alcohol on City property, while on City business or while operating a City-owned or leased vehicle (or any vehicle being used for City business) is strictly prohibited.

D. In order to detect the use of these substances, as described above, employees may be directed to submit to urinalysis drug tests, blood tests, hair analysis, breath or saliva tests, in those instances where there is a reasonable suspicion that an employee has consumed or is under the influence of alcohol or an illegal drug. Failure to submit to an alcohol or illegal drug test as directed will result in termination of employment.

E. An employee injured on the job, who is required to take a drug test, but refuses or whose test is confirmed positive for illegal drugs, will forfeit all workers' compensation medical and indemnity benefits as outlined in Florida Statute 440.101, in addition to any disciplinary action considered warranted.

F. Employees with substance abuse problems are urged to discuss a rehabilitation option with the Employee Assistance Program provider. Employees who voluntarily come forward and admit (without being directed to submit to testing and absent any misconduct or injury or property damage) to being a user of illegal drugs shall be offered the opportunity to participate in a counseling and rehabilitation program.

G. Employees who wish to contact the City's Employee Assistance Program directly are encouraged to do so. This is a confidential service that can be utilized without City involvement. Information regarding this program is found in Section 3-03.

H. Use or possession of a controlled drug, which is prescribed to an employee, is permitted as prescribed for and used by that employee only. Such prescriptions can have a direct impact on judgment, coordination, vision, hearing, and alertness. Therefore, an employee occupying a safety-sensitive position or who operate vehicles subject to Department of Transportation (DOT) Alcohol and Drug Testing Rules, who must use prescribed drugs during work and whose physician, pharmacist or prescription information advises that performance or behavior could be negatively affected by such use, must report this fact to their supervisor prior to reporting for duty. Failure to report this information to your supervisor may result in disciplinary action up to and including termination.

I. CIRCUMSTANCES WARRANTING TESTING

1. Pre-employment Testing: Job applicants shall be required to undergo drug testing as part of their employment physical before they can start to work. Refusal to submit to a drug test or a positive confirmed drug test will exclude an individual from employment consideration and the conditional offer of employment will be rescinded.

2. Reasonable Suspicion: If the City has reasonable suspicion that an employee has consumed or is under the influence of alcohol or illegal drugs, the employee will be asked to undergo a urinalysis, hair analysis, breathalyzer and/or blood test. Reasonable suspicion drug testing shall require the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee in question or City Manager or designee approval. The following may be used to support the required reasonable suspicion testing:

    a. Observable phenomena while at work, such as direct observation of illegal drug or alcohol use or of the physical symptoms or manifestations of being under the influence of an illegal drug or alcohol.

    b. Abnormal conduct or erratic behavior while at work or a significant

deterioration in work performance.

c. A report of illegal drug use, provided by a reliable and credible source, which has been independently corroborated.

d. Evidence that an individual has tampered with a drug or alcohol test.

e. A report that an employee has caused, or contributed to, an accident while at work.

f. Evidence that an employee has used or possessed an illegal drug, or sold, solicited, or transferred any drugs or alcohol while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

3. Routine Medical (Fitness for Duty Examination): Employees who are otherwise routinely scheduled for medical examinations will be tested for illegal drugs and alcohol as part of the medical examination.

4. Random Drug Testing: Employees designated as "Safety Sensitive" (Police Officers, Wastewater Plant Operators, Utility Maintenance Technicians, and Lifeguards) and/or who operate vehicles subject to Department of Transportation (DOT) Alcohol and Drug Testing Rules, shall be subject to random drug testing as determined by the City. Also, employees who tested positive or admitted illegal or inappropriate drug use may be required to submit to a random drug test for a period of two (2) years following rehabilitation.

5. Post-Accident Testing:

a. Any employee involved in an accident while operating a City vehicle or any other accident with City equipment shall undergo post-accident drug/alcohol testing, as determined appropriate by the Department Director.

b. Any employee who causes an injury to another employee who requires immediate medical attention, or any employee who sustains a personal injury while on duty which requires immediate medical attention, shall undergo post-accident drug/alcohol testing, as determined appropriate by the Department Director.

J. COLLECTION AND TESTING

1. Whenever an employee or candidate for employment is required to be tested, he/she shall provide urine, blood or hair specimens as directed by the City employment representative.

2. Random testing will be conducted in accordance with Florida Statute 440.102 (5)

and (6).

3. The type of tests to be conducted will be determined by the City in compliance with applicable Federal and State Laws.

4. A listing of the drugs for which an individual shall be tested will be provided immediately prior to the test and shall include, but are not limited to, the following:

   Alcohol
   Amphetamines
   Barbiturates
   Benzodiazepines
   Cannabinoids
   Cocaine/Cocaine metabolite
   Opiates
   Phencyclidine
   Myethaqualone
   Synthetic Narcotics Designer Drugs and Metabolites of any of the above-listed drugs

5. The City shall pay the costs of any tests it requires.

6. Any employee or candidate for employment scheduled for testing has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

7. Any applicant who refuses to submit to substance abuse testing will not be eligible for hire. Any employee who refuses to submit to substance abuse testing will be subject to termination of employment.

8. Employees suspected to be under the influence of alcohol or illegal drugs that are required to be tested shall be driven to the testing facility by the City.

9. Both applicants and employees shall be required to provide picture identification at the collection/testing site.

K. CONFIDENTIALITY

1. All information, interviews, reports, statements, memoranda and drug test results, written or otherwise, received or produced as a result of the City's Drug-Free Workplace Policy are confidential.

2. The City shall not release any information concerning drug test results obtained pursuant to its Drug-Free Workplace Policy without first obtaining written consent, signed voluntarily, by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to any appeal

taken as a result of a positive confirmed test result; or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

3. Nothing herein shall be construed to prohibit the City, its agents or the laboratory contracted to conduct drug tests, from having access to employee drug test information when consulting with legal counsel in connection with actions brought as a direct result of a positive confirmed drug test; or where the information is relevant to the City, its agents or the City-contracted laboratory's defense in a civil or administrative matter.

L. ARREST OR CONVICTION FOR DRUG OR ALCOHOL-RELATED OFFENSES

1. Any employee who is either arrested, indicted or convicted of a drug or alcohol-related violation must report this information to his or her supervisor no later the beginning of the next regularly scheduled workday after such arrest, indictment or conviction. Any employee who fails to report said arrest indictment or conviction shall be subject to disciplinary action up to and including termination of employment.

2. Any employee who is convicted of a drug-related charge, and/or any employee who is arrested, indicted, or convicted of a work-related drug or alcohol charge, shall be subject to disciplinary action up to and including termination of employment.

3. Any employee found to be selling or possessing illegal drugs shall be turned over to the appropriate law enforcement authorities. The City shall also take any disciplinary action it deems appropriate up to and including termination.

M. VIOLATIONS OF THE CITY'S DRUG-FREE WORKPLACE POLICY

1. Any job applicant who receives a positive confirmed test result shall be considered ineligible for employment for a period of one year from the date of notification of a positive confirmed test result. If an offer of employment has been made, it shall immediately be rescinded.

2. Any job applicant who receives a positive confirmed test result shall be considered ineligible for employment for a period of one year from the date of notification of a positive confirmed test result. If an offer of employment has been made, it shall immediately be rescinded.

3. Employees who receive a positive confirmed drug test result as a result of random, return to work, reasonable suspicion, post-accident, pre-assignment to a safety-sensitive position or a routine physical testing shall be subject to the following:

   a. Immediate termination of employment unless the employee contests the

results.

b. If the results are contested, the employee will be suspended without pay pending hair analysis testing.

c. The employee will be terminated if the positive test result is confirmed.

d. If the positive test result is not confirmed through hair analysis, the employee will be returned to duty with a finding of a "false positive" test result.

e. Unauthorized use or possession of alcohol during working hours on any City premises or worksites including lunch or other break periods or being under the influence of alcohol, as determined by a breath alcohol test administered under this policy, will result in immediate termination.

N. Department Directors will immediately report to the Administrative Services Director any employee being subjected to a disciplinary action who claims he/she has an alcohol-related problem.

7-07 Grievance Procedure

A. The procedures described in this section shall apply to the following situations in the absence of a contractual labor agreement:

1. Disciplinary Matter - Where a regular employee, excluding an employee in his/her probationary period, has received any type of corrective or disciplinary action, other than oral counseling or warning, and the employee wishes to grieve that action; or

2. Non-Disciplinary Matter - Where a regular employee, excluding an employee in his or her probationary period, is otherwise aggrieved as a result of action taken by the City in interpreting or applying any provision of the Personnel Rules and Regulations contained herein, and the employee wishes to grieve that action.

B. GENERAL PROVISIONS

1. In the case of terminations, the Grievance process will begin at Step 3 below.

2. The failure of any City representative to respond or take action within the time limits set forth herein shall be deemed a denial of the appeal. In such case, the employee is responsible for continuing the grievance as outlined in the grievance procedure.

3. If a grievance is not timely initiated within the time frames set forth below, the

grievance shall be deemed untimely filed and rejected.

4. The grievant may bring witnesses to each step in the grievance procedure.

5. The time limits may be extended if the supervisor, Department Director, City Manager, or designee is not available within the designated time periods and there is mutual agreement of the parties, in writing.

C. PROCEDURES

1. STEP 1 - SUPERVISOR

   The employee shall present the grievance in writing to his or her immediate supervisor within three (3) working days after the occurrence of the event giving rise to the grievance or after the event became known or should have become known to the employee. For purposes of corrective or disciplinary actions, the term "event" as used in this Section shall mean the date on which the employee became aware of or should have become aware of the action. The supervisor should, whenever practicable, make a determination in writing in response to the grievance within three (3) working days.

2. STEP 2 - DEPARTMENT DIRECTOR

   If the employee disagrees with the determination of his/her immediate supervisor, or if the supervisor has not made a timely determination, the grievance may be presented by the employee, in writing, to the Department Director within three (3) working days after the supervisor's determination or failure to provide a timely determination. The Department Director shall, within three (3) working days after receipt of the written grievance, meet with the employee and witnesses to discuss or hear the grievance. The Department Director may require other employee witnesses to be present or may conduct further investigation into the matter. The Department Director should make a determination, in writing, in response within three (3) working days after the meeting. The Department Director may uphold, deny or modify any disciplinary grievances received.

3. STEP 3 - CITY MANAGER

   If the employee disagrees with the determination of the Department Director, or if a timely meeting has not been held by the Department Director, the grievance may be presented by the employee, in writing, to the City Manager, within three (3) working days after the Department Director's determination, failure to timely meet, or failure to provide a timely determination. The City Manager shall, within ten (10) working days after the receipt of the written grievance, meet with the employee to hear the grievance. The employee's legal counsel or union representative may be present at this meeting. The City Manager may require other witnesses and may seek legal counsel or attendance by the City's

Attorney(s). The City Manager shall make a determination, in writing, in response to the grievance within ten (10) working days after the meeting or hearing. The decision of the City Manager to uphold, deny or modify the action taken by the Department Director shall be final.

D. PROCEDURE FOR EMPLOYEES REPORTING DIRECTLY TO THE CITY MANAGER

1. STEP 1

The employee shall present the grievance in writing to the City Manager within three (3) working days after the occurrence of the event giving rise to the grievance or after the event became known to the employee. For purposes of corrective or disciplinary actions, the term "event", as used in this section, shall mean the date on which the employee is notified of the action to be taken. The City Manager shall, within ten (10) working days after the receipt of the grievance, meet with the employee, to hear the grievance. The employee's legal counsel and the City's legal counsel may be present at this meeting and the City Manager may require the attendance of other witnesses. The City Manager should make a determination in writing in response within ten (10) working days after the meeting. The determination of the City Manager shall be final.

2. STEP 2

a. If the employee disagrees with the determination of the City Manager, or if a timely meeting has not been held by the City Manager, or if a timely determination has not been made by the City Manager, a request for hearing may be presented by the employee, in writing, to the City Manager within three (3) working days of receipt of the City Manager's determination, failure to timely meet, or failure to provide a timely determination.

b. After receipt of the request for hearing, the City Manager shall, within ten (10) working days, request that the Chief Judge of the 20th Judicial Court appoint a disinterested party to act as a hearing officer to hear the grievance/appeal. The hearing before the hearing officer should be scheduled within thirty (30) days after appointment.

c. The hearing shall be conducted so as to afford due process, including the right to be represented by counsel, and the right to present witnesses and cross-examination. The hearing officer will provide a written decision within thirty (30) days, whereupon the administrative process is concluded. If the hearing officer reverses the termination, the employee shall be reinstated with back pay.

8.00 MISCELLANEOUS

8-01 Life-Threatening Illnesses in the Workplace

A. Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the City will make reasonable accommodations, in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

B. Medical information on individual employees is treated confidentially. The City will take reasonable precautions to protect such information from inappropriate disclosure. Department Directors and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

C. Employees with questions or concerns about life-threatening illnesses are encouraged to contact the Administrative Services Director or the City's Employee Assistance Program for information and referral to appropriate services and resources.

8-02 Name Clearing Hearing

A. Any applicant, employee or former employee who believes that material exists in any public records in the control or custody of the City which is false, stigmatizing or likely to tarnish the person's name, reputation, honor or integrity, may request a name-clearing hearing.

B. The material in the public records in question will not be removed from the records, but could result in the preparation of a new document “clearing” the incident.

C. The person making the request must specify what information he/she claims to be false, stigmatizing or in need of clearing. The request shall be made to the City Manager or designee.

D. The City Manager will conduct the public hearing within thirty (30) days after receipt of the request, unless the time limitations are waived or extended by the City Manager or the Manager may designate an independent hearing officer to hear and make a determination.

E. Formal rules of evidence shall not apply; however, the hearing shall be conducted so as to afford due process, including the right to be represented by counsel, the right to present witnesses and evidence and the right to cross-examine.

F. The decision of the City Manager or independent hearing officer will be considered final.

8-03 Participation with City Committees

A. PURPOSE

This section establishes City personnel roles and involvement with City Council appointed committees as it applies to staff liaisons, administration personnel or other effected positions. It is the goal of staff to help facilitate discussions, to build a better working relationship and help committees obtain their City-directed goals.

B. POLICY

It is the policy of the city for staff liaisons and other employees to be as helpful as possible to these appointed committees without impeding the scope of the committee or the employee's other City obligations. City employees shall not commit time or resources to committees that have not been appointed by City Council, unless the Council has specifically authorized staff support and/or City resources.

C. PROCEDURES

1. Staff liaisons will be responsible for working with their respective committees.

2. Staff liaisons will attend committee meetings as their schedules permit.

3. A committee member (secretary) will be responsible for taking and typing committee minutes unless otherwise worked out with the staff liaison in advance of a scheduled meeting.

4. Administration personnel will be responsible for all approved mailings for committees and their members.

5. Administration personnel will set up the recording equipment prior to each committee meeting, as well as unlocking and locking MacKenzie Hall.

6. Committee chairperson(s) and/or vice chairperson(s) will be responsible for preparing the agenda for each committee meeting and providing same to Administration personnel for mailing to committee members in a timely manner.

7. Any material that needs to be copied for a committee meeting will be given to Administration personnel in a timely manner before the scheduled meeting to ensure material is ready for the meeting.

8. If a budget has not been adopted for the committees' support, staff will keep track of time and resources and submit a budget amendment to Council quarterly for transfer of money from the Contingency Fund to the Operating Fund.

9. City personnel are instructed that any costs incurred by the City for lunches and/or dinners will be charged to their Departmental budget to the extent they participate.

8-04 Notification of Arrest

A. All employees are responsible for reporting any arrest, for any reason, to their immediate supervisor.

B. The report of such arrest shall be made no later than the next regularly scheduled workday following the arrest. Failure to report an arrest will be subject to disciplinary action up to and including termination of employment.