

CITY OF AVON PARK

PERSONNEL RULES AND REGULATIONS

This manual was approved by City Council
Resolution No. 15-07
On April 13, 2015

EMPLOYEE ACKNOWLEDGMENT

The undersigned hereby acknowledges receipt of the City of Avon Park Personnel Rules and Regulations. I agree to read the Personnel Rules and Regulations thoroughly, and I acknowledge my duty to conform to, comply with and implement the policies and procedures set forth in the Personnel Rules and Regulations, and any amendments that may be hereafter adopted.

I agree to immediately contact my supervisor or the Administrative Services Director if I have any questions about any of the terms of the Personnel Rules and Regulations.

Employee Signature

Date

SECTION 1

GENERAL PROVISIONS

1.01 PURPOSE

The purpose of these Personnel Rules and Regulations (hereafter referred to as "PRR" or "Rules") is to establish procedures, which will serve as a guide to administrative actions covering most personnel actions, which may arise. They are intended to indicate the customary and most reasonable methods whereby the aims of the personnel program can be carried out. The final interpretation and application of these Rules shall be made by the City of Avon Park (hereinafter "City") or its designee. The City reserves the right, to amend, alters, modify, delete and add to these Rules in accordance with Section 1.04 and these PRR's do not constitute an employment agreement between the employee and the City of Avon Park.

1.02 POSITIONS COVERED

- A. Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees in City service except:

Elected officials.

Persons hired as independent contractors on a contractual, fee, or retainer basis (e.g. City Attorney)

Temporary, probationary or seasonal employees.

Persons employed under the provisions of government programs or grants unless they are classified as regular full-time employees by the City.

- B. Employees employed as the City Managers, Department Heads are classified "at will" and:

Shall be supervised and evaluated by the City Manager or his designee, and shall serve in their capacity - and as City employees at his will and pleasure.

Shall not have access to Sections 12 or 13, but shall present their grievances directly to the City Manager who shall resolve same as he deems in the best interest of City operations.

1.03 ADMINISTRATION

- A. General Administration: The City Manager and/or Administrative Services Director shall be responsible for the City's personnel administration.

- B. Department Heads are responsible for the efficient and effective operation and the direct supervision of the employees assigned to their department or area of responsibility and for the proper and effective administration and enforcement of these Rules. Department Head may delegate these duties, but the ultimate responsibility shall remain with the Department Head.

1.04 OVERALL EMPLOYMENT POLICY

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, religion, age, sex, national origin, legally-recognized disability, or marital status unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.
- B. Persons with known legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such person's reasonable accommodation with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job, and provided further such accommodation does not create undue hardship on City operations.
- C. The City will take affirmative recruitment actions to expand employment opportunities for groups that are underutilized in the City workforce, but not in any way, which violates applicable law.

1.05 COLLECTIVE BARGAINING AGREEMENT (CBA) AND EMPLOYMENT CONTRACTS

Where these Rules or departmental rules and regulations are in conflict with the express terms of any CBA, or Specific Department Policy, such as Police and Fire General Orders, the terms of the CBA, and Department policies shall take precedence. The terms of employment contracts take precedence over these rules and regulations.

1.051 PRE-EMPLOYMENT CONDITIONS AND TERM FOR NEW HIRES

A. **Tobacco Products:** Employees hired after 4/4/2015, who use tobacco products will pay a \$25 contribution per month towards the cost of their health insurance coverage, if they use tobacco products or start using tobacco products during any time period during their employment with the City.

B. **Waiver of Jury Trial:** All employees hired after 4/4/2015 are required, as a condition of hire and employment by the City, to agree to waive any right to a jury

trial and to agree that any legal disputes that would otherwise be tried before a jury would be tried as a bench trial before a judge. All employees hired after 4/4/2015 will be required to sign a jury trial waiver in a form prepared by the City.

1.06 RESPONSIBLE FOR UPDATES

- A. The City Manager and/or the Administrative Services Director shall be charged with the responsibility to see that the Personnel Rules and Regulations are kept up-to-date, and made available to Department Heads for their employees through the City's web-site on www.avonpark.cc, or by the employee requesting a hard-copy from Human Resources.
- B. The Personnel Rules and Regulations may be amended by Resolution only. The City Manager may also recommend to the City Council waiver of any portion of this Personnel Rules and Regulations where appropriate. The final decision on waiver rests with the City Council.

1.07 DEPARTMENT POLICIES

- A. Departmental policies and standard operating procedures will be in writing and submitted to and reviewed by the City Manager.
- B. Departmental policies and standard operating procedures approved will serve as supplements to this City policy. In the event of conflict, the PRR shall prevail unless the departmental rule has been specifically approved as an exception by the City Manager.
- C. Approved changes in departmental policies and standard operating procedures shall be distributed to the affected employees after approval.

1.08 MEMOS, POLICIES AND REGULATIONS

All prior memos, policies, procedures and regulations inconsistent with this PRR are null and void.

1.09 MANAGEMENT RIGHTS AND RESPONSIBILITIES

The City fully recognizes its responsibility to see that the City is run in a smooth and efficient fashion. To that end, the City reserves and retains exclusively all of its normal and inherent rights with respect to the management of its operations, whether exercised or not, including, but not limited to, its right to determine, and from time to time re-determine, the number, locations and type of its various operations, functions and services, the methods, procedures and policies to be employed; to discontinue the conduct of any operation, function or service, in whole or in part; to transfer its operations, functions or services from or to, either in whole or in part, any of its departments or other divisions; to select and direct the working force in accordance with requirements determined by the City; to

create, modify or discontinue jobs; to established and change personnel policies or working rules and regulations; to create new job classifications; to establish and change work schedules and assignments; to transfer or promote employees; to lay off, furlough demote or otherwise relieve employees from work for lack of work, lack of funds, or other legitimate reason; to suspend, discharge, demote or otherwise discipline employees for just cause; to subcontract, and otherwise to take such measures as the City may determine to be necessary to the orderly and efficient operation of its various operations, functions, and services.

1.10 EMERGENCY CONDITIONS

If it is determined that civil emergency conditions exist, including riots, civil disorders, hurricane conditions, similar catastrophes or disorders, these policies may be suspended by the City Council, City Manager, or his designee during the time of the declared emergency.

SECTION 2 DEFINITION OF TERMS

For the purposes of the Personnel Rules and Regulations, the following terms and related definitions shall apply and shall be interpreted and applied by the City.

Active Pay Status - When an employee is working, on authorized paid leave, paid holidays or other time where pay is being credited to employee.

ADA - Americans with Disabilities Act

Anniversary Date – The original date an employee begins employment and the same date in following years. This is the date upon which entitlement to benefits are based unless a specific benefit provides otherwise. The anniversary date may be changed in accordance with these Rules.

Applicant – An individual who has completed and submitted an application for employment with the City of Avon Park.

Appeal – An application for review of a disciplinary action submitted or instituted by an employee.

Appointment – Offer and acceptance by a person of a position either on a regular or temporary basis.

At-Will Employee – Employees who serve at the pleasure of the City, may be removed from their position and disciplined up to and including termination for any or no reason subject only to applicable law. Refer to Sections 1.02 B, 1.02 C and 4.06 for a listing of at-will positions.

Calendar Year - For the purposes of recording leave, such as emergency, personal, military and all other leaves that have a calendar year limitation (excluding FMLA), the dates used for reporting W-2 wages for employees shall be considered the calendar year.

CBA – A collective bargaining agreement.

City – City Manager of the City of Avon Park or an employee authorized to act on behalf of the City with respect to a particular matter. Example: City decides

City Manager - The City Manager or his designee.

City Seniority - The total time an employee has continuously worked for the City without loss of seniority under Section 9.

Class – Group of positions which are sufficiently alike in essential duties and responsibilities to warrant the use of the same title, class descriptions and pay ranges.

Class Description – Written description of a class consisting of a class title, a general statement of the essential job functions and the qualifications for the class.

Class Title – In the classification plan which describes the general nature of work of the position.

Classification – Grouping positions in classes.

Classification Date – Date an employee entered, transferred, or was promoted to the current position. This is the date from which length of service in classification is computed for determination of probationary periods, order of layoff and eligibility for performance increases.

Classification Plans – City Council approved pay structures.

Classification Seniority (also referred to as job or position seniority) - The length of time an employee has been continuously employed in his current position classification. Classification seniority will be lost or changed upon the loss of seniority as described under Section 9.02, and/or the transfer, promotion, demotion or reassignment to or from one job classification to another.

Collective Bargaining Agreement (also referred to as "CBA") - An agreement between an employee organization and the City Council negotiated and ratified as required by the Public Employees Relations Act (Ch. 447, F.S.)

Community and Special Activity participation – On a case by case basis the City may allow employee participation as “employee and employer relations” without charge to any leave time.

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

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

Compensatory Time (also referred to as Comp Time) - Time off from work in lieu of pay.

Confidential Employee - An employee who assists a managerial employee in a confidential manner relating to labor relations and is exempt from coverage of the Public Employee Relations Act.

Continuous Service – Employment, which is uninterrupted except for authorized leaves of absence. Employees on unpaid leave shall not accrue any benefits.

Council – The City Council of the City of Avon Park.

Demotion - Permanent reassignment of an employee to a lower level job classification for disciplinary reasons. Disciplinary demotions are covered under Section 8.14 and Section 11. Non-disciplinary demotions are made at will by the City Manager for operational reasons.

Departmental Seniority - The length of time an employee has been continuously employed in a department.

Department Head – A Director who is assigned the overall responsibility for the operation of a recognized department or area of City operation.

Direct Deposit – The method in which all employees are to have their payroll deposited in to their bank accounts.

Dismissal - Involuntary separation from City employment.

DOL – Department of Labor.

DOT – Department of Transportation.

Driving Position - A position where the employee drives or may be required to drive a City vehicle in the performance of his duties.

Employee -

- A. Regular full-time employee is any employee who is non-probationary and assigned a regular schedule of a minimum of forty (40) hours a week or the regular Section 7(K) schedule (Police and Fire), whichever applies,
- B. Part-time employee is any employee who is assigned a regular schedule of less than forty (40) hours per week.
- C. A Probationary employee is any full-time employee who has not completed the initial probationary period.
- D. Temporary employee is any employee that is not classified as a regular full-time, part-time or probationary employee, such as a seasonal or a part-time employee who does not work a regular schedule.
- E. Seasonal employee is a temporary employee who is employed for a specific period of the year only.

Exempt Employee - An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act and paid a salary for all hours worked in a work week and are not eligible for overtime pay.

FCRA - The Florida Civil Rights Act.

FLSA - The Fair Labor Standards Act.

FMLA - Family Medical Leave Act.

FMLA Immediate Family – Spouse, Children, and Parent

Flexible Scheduling – A method of scheduling typically used for adjusting an hourly employee’s work hours (start and stop times) within an eight (8) hour workday or forty (40) hour workweek.

Full Time – Position that requires an employee to work the full amount of hours scheduled for employees of the unit.

He/His/Him - Are generic and used for reference purposes only to signal reference to both males and females.

Immediate Family - Includes spouse, children, parents, brother, sister, In-laws (father, mother, brother, sister, son or daughter only), stepparent, stepchild, step brother or sister, grandmother, grandfather and grandchild, and legal guardian. (This definition is for purposes of Sick Leave, and Funeral Leave, and shall not apply to FMLA leave under Section 19).

Insubordination – The unwillingness or refusal on the part of an employee to submit to the authority vested in any managing position; a willful disregard of express or implied directions or refusal to obey reasonable orders; a showing of disloyalty to management.

Job Description - A written description of some but not all of the duties and responsibilities of a job.

Layoff – Reduction of the number of employees due to the lack of work, funds or other causes.

Leave Application – Written request for leave.

Leave – Approved type of absence from work as provided by this Personnel Rules and Regulations.

Managerial/Confidential Employee - An employee who performs jobs that is not routine and clerical in nature, and which require the exercise of independent judgment and is exempt from coverage of the Public Employee Relations Act.

May - The word “may” shall be interpreted as permissive, but not necessary.

Merit Pay Increase - An increase in compensation established in the Classification Plan which may be granted to an employee based on merit.

Outside Employment – Compensated employment outside the City office.

Overtime – Time worked by an employee in excess of the maximum hour standard established for those persons in a non-exempt classification.

Part Time – Position that requires the employee to work less than 35 hours per week.

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

Pay Range – One or more specific pay rates having a relationship to one another, assigned to a class of positions as the compensation of class.

Performance Evaluation (also referred to as “PE”) - A written report of an employee’s job performance.

Performance Pay Increase – Increase established in the pay plan, which may be granted to an employee, exempt or non-exempt, based on job performance.

Permanent Transfer - The reassignment of an employee from one position to another as provided in Section 7.06.

Position – Groups of duties and responsibilities assigned requiring employment of one (1) person.

Probationary Period - The first 6 months of continuous employment as a regular full or part-time employee upon hiring or promotion; provided where a formal training period, certification or license is required for a job, the probationary period shall continue until the certification or license is obtained. After successful completion of the probationary period, the employee will be classified as a regular employee.

Promotion - Subject to completion of the promotional probationary period of 60 days, regular assignment of an employee to a higher-level job classification.

Reclassification - Movement of a job or job classification from one pay grade to another based on significant changes in the job duties, responsibilities, job market and/or other work-related factors.

Reemployment – Classified as hiring of a person who formerly worked for the City. Persons rehired shall be classified as new employees for all purposes, unless the Department Head recommends and the City Manager approves otherwise in a particular case.

Regular Appointment – Employees who work full time. Employees in this category are entitled to all of the City’s benefits.

Reinstatement - An action returning a person to City employment.

Relative – 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, half sister. (F.S. 945.0311 definition).

Resignation - Act of voluntarily withdrawing from City employment.

Retirement – Whenever an employee meets the conditions set forth in the Retirement Plan, the employee may elect to retire and receive all benefits earned under that Plan.

Section 7(K) - Section 7(K) of the Fair Labor Standards Act allowing certain employees in the Fire and Police Departments to be paid overtime based on a schedule other than after forty (40) hours in a seven (7) day period.

Shall/Will- These terms designate mandatory action.

Status Date – The day an employee was hired, permanently transferred, promoted or demoted to his current position. Also changing from Part-time to Full-time, from temporary to regular employment or vice versa.

Suspension – Relieved from work with or without pay, as specified by a person authorized to enforce disciplinary action for disciplinary purposes or pending investigation of charges made against the employee.

Temporary Employee – An employee appointed for a special project or other work of a temporary or transitory nature. All will serve in a non-covered status and meet the education and experience requirements as established by the job description for the particular position.

Time Sheet – A daily record of time worked in the assigned work area.

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

Training Period – Period of time provided to allow an opportunity to evaluate the employee's performance and to decide whether or not the employee is to be retained in the position.

Transfer – Action in which the employee moves from one position to another.

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

Work Week or Work Period - The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and is authorized by the City.

SECTION 3

STANDARDS OF CONDUCT

3.01 POLICY

It is the policy of the City to expect from employees compliance with this PRR, State Statutes, Federal Regulations and Departmental Rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, Departmental Rules, or the PRR shall be subject to disciplinary action.

3.2 EQUAL EMPLOYMENT OPPORTUNITY

- A. The City is firmly committed to equal employment opportunity and does not discriminate in any employment related decisions on the basis of race, color, religion, national origin, sex, age, disability, marital status, or any other protected status except to the extent the law allows consideration of such factors.
- B. The City's policy of equality of opportunity applies to all levels of employment and to all job classifications under the jurisdiction of the City. It is the responsibility of each Department Head to give the City's non-discrimination policy full support through leadership and by personal example. It is the duty of each employee to help maintain a work environment which is conducive to and which reflects the City's commitment to equal employment opportunity.
- C. A complaint of a possible violation of the equal opportunity policy should be reported to your Supervisor, Working Forman, Department Head, Administrative Services Director, or the City Manager. All such complaints will be promptly investigated and, if deemed valid, corrective action will be taken.

3.3 CONFLICT OF INTEREST

- A. Employees in a position to influence actions and decisions of the City shall refrain from internal or external relationships, which may adversely affect their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. No City employee shall accept any gift, loan, favor or service that might reasonably appear to improperly influence him or her in the discharge of his or her official duties. The City does not consider traditional Christmas gifts or birthday gifts such as candy or similar items of a nominal cost, a conflict of interest.

- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.
- D. No employee shall disclose confidential information gained, by reason of his official position with the City, except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the City Manager in writing as soon as that potential relationship is known. Failure to so advise the City Manager may result in immediate termination. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and direct the employee's activities in such a way that the conflict or potential conflict of interest no longer exists. The City Manager's determination as to whether there is a conflict of interest or a potential conflict of interest and the actions required by the City Manager shall be final.
- F. No City employee shall transact any business in his or her official capacity with any business entity of which he or she is an officer, director, agent, or member, or in which he or she owns a controlling interest.
- G. No employee shall have or hold any employment or contractual relationship with any business entity or any agency that is subject to the regulation of or is doing business with the City, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the City; nor shall an officer or employee of the City have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his private interests and the performance of his public duties or that would impede the full and faithful discharge of his public duties. This shall not prohibit an employee from practicing in a particular profession or occupation when such practice is required or permitted by law or ordinance.
- H. All employees shall comply with the Code of Ethics for Public Officers, Florida State Statutes 112, as well as all City ordinances and policies, including this PRR.
- I. An employee shall not use his employment with the City to attempt to persuade any person, including, but not limited to, citizens, residents or guests, to make contributions to any cause.
- J. If the employee is in doubt as to whether a conflict of interest exists, it is that employee's responsibility to seek clarification from the City Manager.

The City Manager shall determine whether a relationship could cause a potential conflict of interest.

3.4 PECUNIARY INTEREST

No officer or employee of the City shall have any financial interests in the profits of any contract, service, or other work performed by the City; or shall personally profit directly or indirectly from any contract, purchase, sale or service between the City and any person or company; or personally or as an agent provide any surety bail, or bond required by law. No officer or employee shall accept any free or preferred services, benefits, or concessions from any person or company. Any employee who violates the provisions of this rule shall be considered guilty of misconduct in City service.

3.05 STATEMENTS BY CITY EMPLOYEES TO ATTORNEYS, LAW FIRMS, OR OTHERS CONCERNING EMPLOYEES OR CITY BUSINESS

- A. From time to time, any City employee, especially those in supervisory positions may be requested or subpoenaed to make a statement to an attorney or a law firm.
- B. Should you receive either a request or a subpoena, discuss the matter first with the Department Head, and the Department Head in turn must discuss it with the City Manager. Before making any oral or written statements, the entire matter must be discussed with the City's legal counsel.
- C. Anyone who does not comply with this rule may be subject to disciplinary action.

3.06 POLITICAL ACTIVITY

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business. Employees of the City shall not use their official authority or influence for the purpose of interfering with an election or a nomination for any political or elected office, or coercing or influencing another person's vote, or affecting or attempting to affect the result thereof.
- B. No employee shall solicit orally, by letter or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any employee during their hours of duty, service or work with the City. Employees shall not wear or display political badges, buttons or stickers when on duty, when wearing a City insignia, riding in or on City equipment or when in a City uniform.
- C. Employees shall comply with all state and local laws involving political activity and are subject to provisions of Florida Statutes, Section 104.031.

- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Avon Park so long as the position in no way interferes with their work as a City employee.
- E. Subject to applicable law the restrictions set forth in that law, employees may run for City office so long as they handle their candidacy in such a manner as to not interfere with the efficient operation of the City.
- F. No City employee shall solicit any contribution for the campaign fund of any candidate for City office or take part in the political campaign of any candidate for City office while on duty.
- G. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in the support of a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

3.07 EMPLOYMENT OF RELATIVES

- A. The term relative includes the following relationships: immediate family as defined in "Definition of Terms" and uncle, aunt, first cousin, nephew, niece. Under no circumstance shall an employee have supervisory authority (direct/or indirect) over a relative or be employed in a position that creates or there is a likelihood may create a conflict of interest. In some areas or departments the City Manager may determine if it is in the best interest of the City to insure discipline and operational harmony that relatives not be hired or employed.
- B. Current employees who marry, or otherwise acquire the relationship of relative with another employee during the term of employment, shall notify the City Manager/Administrative Services Director. In the event it is determined the relationship is consistent with subparagraph A, the City Manager shall make an effort to reassign one (1) of the employees so as not to have a conflict with this policy. The decision by which an employee is reassigned should be based on the qualifications of the employee and the availability of suitable positions within another department. If reassignment is not acceptable or available for resolving the conflict, one (1) of the employees shall be separated from employment. If the employees/relatives involved cannot agree as to which person is to terminate their employment, the decision shall be made at the discretion of the City Manager based on the needs of the City.
- C. Employees/relatives who would be disqualified from employment as a result of this policy, but were employed under such status as of the effective date of this section, are grandfathered in for their status as of that date and will not be required to terminate their employment, although such employees may be subject to transfer to minimize any potential for conflict. Further,

such employees will not be eligible for promotions or transfers if such would result in the creation of a conflicting situation as described in this policy. Employees/relatives who were employed by the City prior to the effective date of this rule and who would otherwise thus be entitled to continue their employment with the City, but who terminate employment after the effective date of this policy, shall be subject to this rule with regard to any future employment or reemployment.

- D. No employee who has the ability to appoint, employ, promote, and affect compensation, advance employees or to recommend such action shall do so with regard to a relative.

3.8 OUTSIDE EMPLOYMENT

- A. Employees are not automatically restricted from engaging in other employment during their off duty hours. However, City employment shall be considered primary employment and no employee may engage in outside employment, which would interfere with the interest of City service, or the employee's ability to perform all of the duties and responsibilities of his/her primary job with the City.
- B. Fulltime employees of the City shall not engage in any employment activity or enterprise, which has been or may be determined to be in conflict of their duties, functions or responsibilities of their department.
- C. Employees who engage in secondary employment or seek to have other jobs shall do so only with approval of the Department Head and must immediately submit the "Request for Outside Employment Form" to their Department Head for City Manager approval. Employees must understand and accept that their primary duty and obligation and responsibilities are to the City.
- D. All employees are subject to call at any time for emergencies for overtime duty, and no secondary employment may interfere with this obligation. Employees may be subject to disciplinary action under this section if they fail to report for emergency or overtime duty after being ordered to do so.
- E. If in the judgment of the City Manager, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the operation of the City, including but not limited to availability for scheduled and unscheduled overtime, and/or call-ins, the employee may be required to quit the other job or leave City employment.
- F. Employees may not work at outside employment while on a leave of absence from the City, except with the authorization of the City Manager.
- G. Employees who are injured while working another job or jobs are required to notify their Department Head or his designee immediately, and are ineligible to receive benefits under the City Workers' Compensation Plan.

- H. No City equipment, facilities, vehicles or property, shall be used by employees for outside employment.
- I. Final approval of outside employment is subject to review and approval by the City. It is further understood the City may cancel approval upon ten (10) days written notice to the employee. Approval of one application cancels any other application previously approved by the City.

3.09 RELEASE OF INFORMATION

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information of City records, including those concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to release City records or to reveal information pertaining to personnel and other City business and shall direct such inquiries to the City Manager's Office.
- C. Department Heads, confidential and supervisory employees are cautioned that subjects under discussion or consideration among City staff often change in content and meaning before becoming an accomplished fact. Discussions of said subjects with anyone other than City employees with a need to know before final decisions or disposition often cause misunderstandings and confusion resulting in waste of time and money. Such discussions should be avoided. All media inquires will be directed to the City Manager's office.

3.10 SOLICITATION AND DISTRIBUTION

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain while on duty or during scheduled working hours of any of the employees involved or within any City building.
- C. Employees are prohibited from soliciting for any reason during time they or the person they seek to solicit are being paid to perform actual work, including solicitations in behalf of or in opposition to a labor organization under circumstances which the City Manager determines, interfere with the efficient operation of the City.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time under circumstances, which the City Manager determines interfere with the efficient operations of the

City. These rules do not apply to solicitation or distribution during scheduled breaks in non-working areas to employees who are also on their breaks or lunch so long as order and neatness are maintained. Employees are not to enter or remain on the premises unless on duty or on other City related business.

- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its employees, when such is part of the normal operation of City business.

3.11 EMPLOYEES' PERSONAL LIFE AND DEBTS

Employees shall handle their personal life, including their financial obligations, in such a manner that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities. Exceptions will be allowed only in case of emergency.

3.12 USE OF CITY PROPERTY

Employees shall not use City property, equipment or vehicles except in the performance of their official duty, nor shall they permit their use by an unauthorized person, unless approved by the City Manager.

3.13 DRESS CODE

Office staff and employees who have regular contact with the public must comply with the following personal appearance standards.

- A. Employees are expected to report to work in clean clothes and to dress in a manner that is normally acceptable in similar business establishments.
- B. Professional and appropriate attire includes, but is not limited to: slacks, pants/suits, worn at natural waistline. Women may wear skirts or dresses no shorter than 3" above the knee, and tops should be no lower than 4" from the neck- line. Pants are to be worn at the natural waistline.
- C. Inappropriate attire is defined, but not limited to: halter tops, shorts, midriff showing tops, and gapping blouse.
- D. Employees supplied uniforms by the City, are expected to wear uniforms in the performance of their job shall report in a clean full uniform on each day worked. Uniforms must also be worn in the manner prescribed by the City. The employee is responsible to reimburse the City for uniforms lost or damaged through the employee's negligence and to return same upon cessation of employment.

City issued uniforms may not be worn at times other than during the performance of City duties and during the normal trip to and from the employee's place of residency.

- E. Safety shoes, mandated by the employer to be worn on duty, shall be furnished without cost to the employee, once a year, unless the Department Head determines an employee's work responsibilities require an additional pair. NOTE: The CBA states the City will provide protective clothing but does not state a dollar amount.
- F. Any employee who does not meet the standards of this policy will be required to take corrective action, and will not be compensated for any work time missed because of failure to comply with this policy. Violations of this policy will also result in disciplinary action.

3.14 BULLETIN BOARDS

- A. Bulletin Boards are located in each main department building. Your supervisor can point out the one nearest your work area.
- B. It is the responsibility of the employee to check the Bulletin Boards daily for important announcements and notices.
- C. Items posted on the Bulletin Boards must be approved, in advance by the Department Head or City Manager.

3.14 EMPLOYEE USE OF OFFICE EQUIPMENT

- A. The City is committed to providing the best possible service to our citizens, customers, and clients. The City has remained very competitive in this area by making use of the most modern office equipment available including facsimile machines, electronic mail systems (E-Mail), voice mail systems and computer generated Internet access. Our office equipment has been installed solely for the purpose of promoting the business interests of the City and all office equipment is the property of the City. Use of a password for entrance into any electronic system does not mean the information is limited to personal use, but rather all such information remains City property and is at all times accessible to the City. Accordingly, it is the City's policy that any and all office equipment (including, but not limited to, data processing, computer information, E-mail and voice mail systems) is to be used for business purposes only. This equipment should not be put to personal use. Again employees have no expectation of privacy in any information contained on any and all office equipment including, but not limited to, data processing, computer information, E-mail and voice mail systems.
- B. Quality assurance is of utmost importance to the City. Accordingly, the use of any and all office equipment including, but not limited to data processing devices, computer information systems, E-mail systems and voice mail systems is subject to monitoring at any time, with or without notice, at the City's sole discretion. The City's computer system is set up so that E-mail

messages may not be destroyed upon deletion. Rather, deleted E-mail messages may be stored in another electronic location upon deletion.

- C. As with all office communication devices, employees are prohibited from using the internet or the E-mail system to communicate any improper communication, including but not limited to personal messages, inappropriate comments or jokes, cartoons, or any other communications which are derogatory, obscene or offensive. Additionally, employees are prohibited from using the E-mail system or other office equipment for the purpose of soliciting or distributing for any cause, group, enterprise or organization. Persons not employed by the City are prohibited from using the City's office equipment for any purpose unless prior approval from the City Manager is given.
- D. A violation of any provision of this policy will result in disciplinary action up to and including termination.

3.15 ZERO TOLERANCE OF VIOLENCE IN THE WORKPLACE

The City has a zero tolerance for violence policy. No weapons or firearms of any type may be carried onto City property, including without limitation, parking lots at any time or possession by an employee during work time. Employees who threaten violence or become violent to another employee or member of the public will be disciplined up to and including termination.

3.16 GENERAL PROHIBITIONS

- A. Employees are expected to be aware that they are public service employees and to conduct themselves in a manner, which will in no way discredit the City, public officials, fellow employees or themselves.
- B. Employees shall avoid conduct or speech that is inconsistent with good order and discipline. They shall treat each other with the utmost courtesy and respect and at all times refrain from making any derogatory remarks concerning each other. They shall direct and coordinate their efforts toward establishing and maintaining the highest level of efficiency, morale and achievement, and shall conduct themselves in such a manner as to bring about harmony among the various departments of the City.
- C. No employee whose duties involve the use of a badge, card or clothing insignia as evidence of authority or for identification shall permit such badges, cards or insignia to be used or worn by anyone who is not authorized to use or wear them. Such badges, cards and insignia shall be used only in the performance of the official duties of the position to which they are related.

3.17 WHISTLE BLOWER PROTECTION POLICY

The City of Avon Park is committed to providing a workplace and citizen service in which there is open discussion of operations and practices. Accordingly, anyone who has a reason to believe the City is violating or not complying with local, state or federal statutes, rules, policies or regulations is encouraged to report the concern to any member of the City's management.

Any vendor, contractor, or member of the public may verbally or in writing submit the allegations to Human Resources, Department Heads, the City Manager or the City Attorney. City Employees are required and shall report any misconduct, violations or misuse of public funds. The City's Management will investigate or defer to an independent agency all allegations of misuse of public resources.

All City Employees are referenced to Florida's "Whistle-blower's Act" which specifically prohibits against retaliatory actions to those reporting misconduct, and further provides for protections under State Law. For additional information, please reference F.S. 112.3187 to 112.31895 for details.

SECTION 4

TYPES AND TERMS OF EMPLOYMENT

4.01 BASIS OF EMPLOYMENT

When an applicant is employed by the City, they are either probationary full-time, regular full-time, part-time, seasonal or temporary employees. (See Section 2).

4.2 APPOINTING AUTHORITY

The City Manager or his designee has the ultimate authority in all employment decisions.

4.3 POSITION CONTROL

All positions in the employment of the City are established and maintained through a personnel budget each fiscal year. The establishment of new or additional positions can be authorized by the City Council subject to adequate justification of need and availability of funds. This does not include the restructuring or reclassification of funded positions where job duties are changed.

In recognition that CBA employees automatically receive step pay increases, when possible, the City Manager may budget for an annual 3% step increase based on a merit evaluation system, of which the salary increase shall be limited by the employee top out limit.

4.04 PARTICIPATION IN BENEFITS

All regular full-time employees are eligible to participate in all City benefits. Other employees do not participate in employee benefit plans unless a particular plan so provides or unless required by law.

4.05 EMPLOYMENT TERMS

A. Regular full-time employees who are not Department Heads or at-will shall continue as employees unless they are terminated, laid off, retire, or otherwise leave City employment as provided in these Rules.

B. Full-time employees who have not successfully completed their initial probationary period as defined in Section 2 and those covered by Subsection 1.02(B), serve at the will and pleasure of the City and may be disciplined or dismissed for any reason or no reason, subject only to applicable law. Such employees shall not have access to the grievance procedure set forth in these Rules or any applicable collective bargaining agreement unless the agreement provides otherwise. All decisions concerning wages, hours, and working conditions, shall be made by the City Manager, or his designee.

- C. All employees are required to have their payroll directly deposited into their bank accounts.

4.06 REGULAR FULL-TIME AT-WILL EMPLOYEES – SPECIAL CONDITIONS

- A. Because regular full-time employees covered by Section 1.02(B) serve at the will and pleasure of the City Manager and have no property right in employment or their position, they may be entitled to receive severance pay excluding statutory deductions if terminated by the City Manager.
- B. Employees who have served in a position covered by Section 1.02(B) for more than three hundred sixty-five (365) consecutive days whose employment with the City is terminated, subject to Subsections 4.06(C) and (D), **may** be paid severance pay of one (1) week's pay for each year of continuous employment with the City but not more than Six (6) weeks or 240 hours.
- C. To receive severance, the employee must execute a release satisfactory to the City.
- D. Severance under this subsection will not be paid to an employee terminated because of dishonesty in connection with City business, for violation of the City Drug-Free Workplace and alcohol policy, sexual and other illegal or improper misconduct and harassment policy, failure to fully or truthfully cooperate in an investigation conducted by or at the direction of the City, or failure to be acquitted if charged with a felony connected with City business.

4.07 PROBATIONARY EMPLOYEES

- A. Subject to 4.05(b), all regular full-time employees shall serve an initial probationary period of six (6) months. Said probationary period may be extended, by their Department Head, for up to an additional ninety (90) days with the approval of the City Manager.
- B. When an employee is initially hired in a position, which has a formal training program or requires certification or licensing, the probationary period as set forth in paragraph A above shall continue until the program, certification, or licensing is successfully completed, but no more than a total of one year.

4.08 PROMOTIONAL PROBATION

- A. An employee promoted to a higher level job classification shall serve an initial probationary period of sixty (60) days except where a license or certification is a prerequisite to holding the job, in which event the probationary period will continue until the license or certification is successfully obtained. During the promotional probationary period, the employee shall serve in the position to which he was promoted at the will and pleasure of the City Manager.

- B. In the event a promotional appointee is found to be unable or unwilling to perform the duties of the position to which the employee was promoted by the City Manager, the employee shall be returned to the position and status held immediately before the promotion, if the position is vacant; or the employee may be transferred to a vacancy within the same pay range or lower subject to the approval of the City Manager. If there are no vacancies, the employee will be dismissed but may be considered for any future vacancies for which the employee is qualified.
- C. Extension of probation. Employees out on leave, while on probation will have the probationary period extended, on a day-by-day basis equal to the amount of leave time taken. Employees shall not be removed from initial or promotional probation without the express, written approval of the Department Head and City Manager.
- D. Accruals. Employees are entitled to accrue vacation leave during their probationary period. During probation employees cannot utilize accrued vacation until they have completed six (6) months of their probationary period.

4.09 PART TIME EMPLOYEES

- A. A part time employee is only allowed to work up to 35 hours per week.
- B. Part time employees are not eligible for City benefits.
- C. Part time employees may apply for internal job postings.

4.10 LOYALTY OATH

As a recipient of public fund's, and to the extent allowed by law, employees are required to sign a loyalty oath(s) as a condition of employment.

SECTION 5

HIRING PROCEDURES

5.01 VACANCIES

All persons inquiring about employment shall be directed to the Administrative Services Director where they will be required to complete the standard application form.

5.02 BASIS FOR SELECTION

- A. Employment with the City shall be based on skills, experience, training, education, ability, physical and mental ability to do the available work and other factors that are related to the performance of the job in question.
- B. As part of the pre-employment procedure, former supervisors, employers and references provided by candidates shall be checked as a precaution against obtaining undesirable employees. Reference checks will be documented and made part of the applicant's file.
- C. The City reserves the right to reject any applicant for any reason or no reason subject only to applicable law.

5.03 TESTING

At its option and expense, the City may use legal physical, written or oral examinations and performance tests to assist in the selection process.

5.04 DRUG TESTING

Subject to applicable law, the City may require submission to and successful passing of testing for the use of illegal controlled substances as a condition of employment or continued employment with the City.

5.05 DISABILITY AND MEDICAL EXAMINATIONS

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered tentative employment.
- B. Employees may be required to take a medical and/or psychological examination at any time by the City for reasons connected with their job (e.g., an accident on the job, fitness for duty).
- C. Applicants and employees who are directed to take a medical examination under paragraph A, B or C above and who refuse to do so will be terminated.
- D. Applicants and employees who take a medical examination pursuant to paragraph A, B or C above shall not be employed, or, if previously

employed, shall be terminated immediately if the results of the medical examination show that they are either mentally or physically unable to perform the essential functions of the job. However, if they have a legally recognized disability, they will be terminated only if they cannot be reasonably accommodated to perform the essential job functions of the job without undue hardship to the City and such action shall be subject to applicable federal, state and local laws dealing with handicap status.

- E. Subject to applicable law, all medical examinations required to be taken under paragraphs A and B above shall include drug testing to determine the presence or absence of illegal controlled substance in their body. Drug testing above will be conducted under the Drug Free Workplace Policy of the City. [See Exhibit B]

5.06 APPLICATION PROCEDURES

- A. The Department Head shall make requests for persons to fill vacancies to the Administrative Services Director and/or City Manager, and submit a job description for the vacancy.
- B. Upon being notified of a vacancy, the Administrative Services Director shall prepare a notice and advertisement where appropriate, outlining the qualifications for the position.
- C. Applications are submitted to the Administrative Services Director who will review the applications with the Department seeking the employee. A selection team including the Administrative Services Director, Department Head, and possibly others, will conduct the initial interview. The Administrative Services Director, Department Head, and City Manager will make the final selection decision.
- D. The Administrative Services Director will make all official job offers.
- E. The Administrative Services Director will schedule all employment examinations.
- F. When a vacancy has been filled, the remaining Employment Applications become inactive and returned to the Administrative Services Director to be maintained per public records requirements, including police and fire.
- G. The applicant shall be requested to complete and present to the authorized physician a consent/authority to release medical information form and other information required by the physician.
- H. The Administrative Services Director shall enclose a job description for the physician showing the essential job junctions to be performed by the prospective appointee.

- I. The authorized physician shall conduct the physical examination and identify all, if any, medical conditions, which may have an effect on the prospective employee's ability to perform the essential job functions of the identified position.

5.07 CONSIDERATION OF APPLICATIONS

- A. Applications, which indicate the applicant does not possess one or more of the requirements specified in the announcement and job description, may be rejected.
- B. Applications may also be rejected for the following reasons:
 - .1 The applicant has been convicted of a felony, or a first -degree misdemeanor, which directly relates to the position sought, regardless of when discovered. (Applicants for police and fire will abide by applicable state statutes.)
 - .2 The applicant has made false statements or omissions of any fact or practical deception in the Employment Application form, or process, regardless of when discovered.
 - .3 Whether or not an applicant will be rejected under items 1 and 2 above will depend on the specific facts, including the nature of the offense, relevance to employment, the passage of time since the incident occurred, evidence of rehabilitation or other mitigating factors.
 - .4 The application is not completed and/or signed.
 - .5 The applicant does not reply to mail inquiry within ten (10) days, or does not return a telephone inquiry within five (5) business days.
 - .6 The applicant fails to accept appointment within two (2) days or to report for duty within the time prescribed in the offer.
 - .7 Other, legitimate business reasons.
- C. After tentative selection of an applicant and before final processing, an applicant may be required to:
 1. Pass a physical examination performed and evaluated by the City of Avon Park's designated physician.
 2. All employees must take a drug- screening test as part of their physical examination.
 3. Present a valid Social Security Card.

4. Present proof of:
 - a) Education, if required by the position
 - b) Date of Birth
 - c) Authorization to work in the U.S.
 - d) Separation from the Armed Forces, if appropriate.
 6. Be subject to a background investigation.
 7. Present a valid Florida Driver's License, where required by the position.
 8. Sign a Loyalty Oath, if required by position.
 9. Complete bonding and fingerprinting requirements for the position, if necessary.
- E. Any exception to this procedure must be approved by the City Manager.

5.08 VETERAN'S PREFERENCE

- A. In accordance with the provisions of Florida Statutes, Section 295, and the Florida Administrative Code, Chapter 55A-7 veterans and spouses of veterans who meet certain criteria are eligible for preference in employment or promotion provided the veteran or spouse possesses the minimum qualifications of the position as outlined in the position description. Such preference does not preclude the hiring of a non-veteran who is more qualified than a veteran.
- B. Effective July 1, 2007 section 295.101, F.S. was repealed, thus eliminating the "single entitlement event" relating to Veterans' Preference. The new law ensures that a person eligible for Veterans' Preference in hiring (defined by s. 295.07, F.S.), does not forfeit employment preference eligibility once that veteran has been employed by a state agency or any political subdivision of this state. This law establishes "perpetual" entitlement for veterans' preference for eligible persons, and provides for increased employment opportunities statewide for all affected veterans and spouses of veterans.
- C. The following positions in public agencies are exempt from Veterans' Preference:
 1. Elected officials and personal secretary of such officials
 2. Members of Boards and Commissions
 3. Temporary employees without benefits

4. Department Heads

- D. If at any stage of the hiring process, preference-eligible veteran meets minimum qualifications for an open position, then he or she will advance to the next step in the selection process.
- E. If, at any step in the selection process, a determination is made that the veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct. The review and decision by the higher, level manager will be documented.

5.09 PHYSICAL EXAMINATION

- A. Once a conditional offer of employment is made, the City shall require all employees to complete a pre-employment physical examination and drug/alcohol testing in accordance with the City of Avon Park's Drug Free Workplace Policy.
- B. Final appointment for the identified positions shall be contingent upon successful completion of the pre-employment physical, medical form, and drug/alcohol testing. Rejection of a candidate at this step of the process will only be based upon a reason, which is job-related and consistent with business necessity.
- C. If medical restrictions/limitations are identified, the Administrative Services Director and City Manager shall review the medical report and determine:
 - 1. If reasonable accommodations can be made available to the prospective appointee.
 - 2. If the prospective employee shall be required to submit additional medical information from his/her personal physician.
 - 3. If the offer of employment must be withdrawn.
- D. An applicant who fails to successfully pass the physical examination may request reconsideration by submitting additional medical information.
 - 1. Request for reconsideration must be made to the City in writing.
 - 2. Upon receipt of a request for reconsideration, the Administrative Services Director and City Manager shall review it with the authorized physician who made the initial assessment. If necessary, the Administrative Services Director and City Manager may authorize any additional medical examinations at the City's expense.

- E. The applicant shall not be considered a City of Avon Park employee until completion of the medical examination process and acceptance of an unqualified offer of employment.

5.10 PAY RATES FOR NEW EMPLOYEES

- A. General Policy – In an effort to successfully recruit the most qualified candidates for employment, the City of Avon Park may recognize past years of proven comparable service in determining starting pay for new hires as follows:

Less than five years experience	Step 1 or entry
5-15 years experience	Step 2 or 10% above entry

This should not be viewed as a guaranteed starting pay and should only be recommended when it is necessary to hire the desired employee.

- B. Approval – All credited service must be approved by the City Manager prior to making any offers of employment.

SECTION 6

TYPES OF SEPARATIONS

6.01 TYPES OF SEPARATIONS

Separations and/or terminations from positions in the City service are designated as one of the following types. Personnel action forms shall show the reason for the separation, and the last day worked. The effective date of the separation shall be the last day on which the employee is present for duty.

- A. Deceased
- B. Disabled
- C. Dismissed
- D. Laid off
- E. Probationary termination
- F. Resigned
- G. Retired
- H. End of temporary hire

6.02 RESIGNATION

An employee wishing to leave the City in good standing shall file with his Department Head a written resignation, stating the date and reasons for his resignation. Such notice must be given at least two (2) weeks prior to the date of separation and the employee must work each regularly scheduled day during said two (2) week period to maintain good standing status. Employees who give such notice may be considered for reemployment with specific approval of the City Manager.

6.03 RETIREMENT

Retirement from City employment occurs when an employee retires under the terms and conditions set forth for the City-sponsored applicable Pension Plans.

[Resolution No. 85-9 Exhibit D]

6.04 DEATH

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

6.05 REDUCTION IN FORCE (LAYOFF)

Reductions in force shall be in accordance with Section 9.

6.06 DISABILITY

When an employee is determined to have a legally recognized disability, which impairs his ability to perform the essential functions of the job, which he still cannot perform with reasonable accommodation and without undue hardship to the City, the City Manager may take whatever action he deems in the best interests of the City, including change of job classification or termination of employment.

6.07 DISMISSAL, SEPARATION, DISCHARGE AND SEVERANCE

- A. Temporary, part-time, seasonal and probationary employees are subject to dismissal from City employment pursuant to Section 4.07(B).
- B. Except as provided in Section 1.02(B), and (C), regular full-time employees are subject to dismissal from City employment pursuant to Section 11.
- C. Severance, the City Manager may authorize, but is not required to, up to Six (6) weeks or 240 hours of pay for any employment separation as defined in Section 6.01. An employment general release shall be required. This section shall not be applicable when severance is paid under the provisions of Section 9.04,

6.08 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS

- A. At the time of separation from employment, the employee shall return all records, books, assets, uniforms, keys, tools and other items of City property to his department. Failure to return same in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. The City may collect any balance due, over and above the amount deducted from the employee's paycheck, through appropriate legal action.
- B. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages or advance of leave or expense accounts, advances on pay and other standing debts due to the City will be deducted from the employee's final paycheck. The City may collect any balance due, over and above the amount deducted from the employee's paycheck, through appropriate legal action.

- C. All deductions under paragraphs A and B above shall be subject to the applicable State and Federal law.

6.09 EXIT INTERVIEW

It is the desire of the City to determine why employees leave the employment of the City. An exit interview program **may** be established and administered to determine the causes of and possible solutions for turnover within the work force. Exit interviews, will be conducted by the Human Resources Specialist.

SECTION 7

POSITION CLASSIFICATION PLAN

7.01 PURPOSE

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

Uses

- A. Standardize salary range to be paid for the various classes of work.
- B. Establish lines of promotion and career ladders.
- C. Assist in developing employee training programs.
- D. Provide uniform job terminology.

7.02 CONTENT

- A. A grouping of positions into classes on the basis of approximately equal difficulty and responsibility, which require the same general qualifications and which can be equitably compensated within the same pay grade.
- B. A class title, indicative of the work of the class, which shall be used on all personnel, accounting, budget, and related official records.
- C. Written job descriptions for each approved classification containing the general description of the work and essential job functions found in the class. Included are requirements of the class, setting forth the knowledge, abilities and skills required for performance of the work and training and experience needed for the job.

7.03 ADMINISTRATION AND MAINTENANCE

- A. The City Manager, with the assistance of the Department Head and Administrative Services Director, is charged with the maintenance of the classification plan so that it will reflect the duties performed by each employee and the class to which each position is allocated.
- B. It will be the responsibility of the City Manager, with the assistance of the Department Head and Administrative Services Director, to examine newly created positions and have them allocated to an existing class or to create new classes.

- C. The City will institute changes in the Classification Plan as are made necessary by changes in the duties and responsibilities of existing positions or by a change or reorganization of the City's departments.
- D. The Department Head will maintain the plan of their specific department, and recommend to the Administrative Services Director and City Manager, appropriate changes in position allocations or in the Classification Plan.

7.04 ALLOCATION OF NEW POSITIONS

- A. Whenever a new position is established or duties of an old position changed, the Department Head with the assistance of Administrative Services Director shall prepare and submit a comprehensive job description describing the proposed duties of the position.
- B. The City Manager, with the assistance of the Administrative Services Director and the Department Head shall analyze the duties of a position, assign the position to an existing class or establish a new class. A Fair labor Standards Act classification will also be established.

7.05 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION

- A. A regular full-time employee assigned for thirty (30) calendar days or more to a position in a higher pay grade shall have a rate increase retroactive to the first day of the transfer and the temporary pay grade shall be given. When the employee is reassigned to his original position, he shall be at the step he would have before the assignment.
- B. When a regular full-time employee temporarily works in a lower paid job classification, he shall receive the rate of pay for his regular job classification.
- C. A routine assumption of duties that occurs in the absence of another above that which he/she is assigned, shall be paid an additional one (\$1.00) dollar an hour for work in the higher position for all time spent in the position after serving an initial sixteen (16) hours in the higher position. This is based upon consecutive workdays only.

7.06 AMINISTRATIVE STIPEND FOR TEMPORARY ASSIGNMENTS

An administrative stipend will be paid to an employee who is temporarily assigned responsibilities of a higher level position or other ~~significant~~ duties not part of the employee's regular position and schedule. The sum of stipend and base salary shall not exceed the maximum salary of the higher level position.

7.07 PERMANENT TRANSFERS

A. An employee may be permanently transferred from one job classification or department to another job classification or department:

1. An employee requesting a transfer shall submit a written request to the Administrative Services Director. Consideration for such action will depend on vacancy availability and other conditions, which are deemed necessary as determined by the Department Heads and Administrative Services Director. Transfers may be made after consultation with the employee and the two Department Heads involved and the Administrative Services Director for approval by the City Manager. Two weeks notice shall be given prior to the transfer unless otherwise agreed upon by both Department Heads. The transferred employee will be required to undergo a six (6) months probationary period to determine his/her ability to perform the new duties.
2. May be transferred by the City Manager for operational or efficiency reasons.
3. In all cases involving more than one (1) department, both Department Heads must agree to the transfer, unless in a particular case, the City Manager decides otherwise.

B. When an employee is permanently transferred:

To a position in the same pay grade, his/her rate of pay will remain the same and anniversary date will not change.

1. For employees not covered by a step pay plan:
 - .a If to a position in a higher pay grade, his rate of pay will be the minimum rate in the new pay grade or a 5% increase whichever is higher.
 - .b If to a position in a lower pay grade, his rate will be adjusted back to the rate closest to, but not less than, the rate in the job from which he was transferred or to the maximum rate of the new pay grade, whichever is less.
 - .c In the event an employee laterally transfers from a union to a non-union position, there will be no change in the performance review date.

7.08 RECLASSIFICATION

- A. When a position is officially assigned more difficult and significant additional responsibilities and duties so that it appears that the position warrants re-allocation to a different classification, a study may be made of the duties and responsibilities of the position.
- B. If it is determined the position should be re-allocated to a different classification, the Department Head and Administrative Services Director, with City Manager approval, may require that the incumbent undergo a job related test depending on the conditions of the reclassification and the nature of the position to be reclassified. Tests, where appropriate, may include written or oral examination, interview or performance tests.
- C. Should the employee fail the job related test or for some other valid reason is not selected to fill the vacancy the incumbent employee shall be offered a transfer to a vacancy for which he is qualified, if one exist, in the original classification, or lower, in the same or other department. If the transfer is not accepted or no other vacancy exists the employee may be terminated.
- D. Should a position be downgraded to a lower classification transfer, to a vacancy for which he is qualified, if one exists, in the original classification in the same or other department. If the transfer is not accepted or no other vacancy exists the employee will remain in the existing position at the downgraded title and pay grade.
- E. When a job is reclassified, and the incumbent employee holding the reclassified position is determined to be qualified through the above job related testing, he will be paid in accordance with the applicable City Classification Plan at the grade assigned for the reclassified job.

SECTION 8

SALARY SCHEDULES/PROMOTIONS/ DEMOTIONS

8.01 PURPOSE

The Salary Schedules are directly related to the Classification Plan and provide the basis of compensation for employees of the City. The salary plan is constructed to reflect the following:

- A. Relative difficulty and responsibility existing among the various classes of work within positions of the City's Departments.
- B. Job performance will be reviewed for each employee each fiscal year. Department Heads are to consider all factors affecting employee performance and will submit their recommendation in writing, to the Administrative Services Director. All such advancements and retentions must be approved or denied by the City Manager.

8.02 CONTENT

The Salary Schedules consist of salary ranges and a minimum and maximum compensation attached to the ranges.

8.03 AMENDMENT AND MAINTENANCE

Amendments to the Salary Schedules should be considered when changes in the availability of labor supply, competitive rates of pay, the City's financial condition and policies or other pertinent economic considerations warrant such action.

8.04 HIRING RATE

- A. The minimum salary established for a position is considered the normal hiring rate for new employees.
- B. The Administrative Services Director, upon request from the Department Head, may request that a prospective employee, based on training and/or experience, be hired at above the minimum hiring rate. The City Manager will give final approval of the position and wages.

8.05 PROMOTION

- A. Salary increases are provided through promotion by the City, upon recommendation of the Department Head to the Administrative Services Director and City Manager and funds being available.
- B. Department Heads are responsible for accurate and prompt submission of employee promotion recommendations to the Administrative Services Director.

- C. Employees will be eligible for consideration for promotion until the maximum salary for the pay grade is reached. Specific, dates and amounts provided for promotional consideration are established by the City.

8.06 NOTICE OF JOB VACANCY (OR POSTING)

Except when determined operationally necessary by the City Manager, all vacancies within the City will be posted for a minimum of ten (10) working days. Posted vacancies may also be advertised outside the City when deemed necessary by the City Manager. The posting will advise whether the job will be advertised or be initially restricted to employee applicants. The Administrative Services Director maintains the procedure used for posting positions.

8.07 APPLICATION

Employees who wish to be considered for the vacancy must apply by submitting a new application to the Administrative Services Director during the posting period.

8.08 POOL OF QUALIFIED APPLICANTS

The Department Head of the Department in which the vacancy exists, in conjunction with Administrative Services Director, will determine which of the employees, if any, who apply for the job and outside applicants, when applicable, meet the minimum qualifications for the job.

8.09 INTERVIEW

All employee applicants determined by the Department Head and Administrative Services Director to meet the minimum qualifications for the job will be interviewed. When applicable, the most qualified from among outside applicants, if any, whom the City determines appear to be better qualified than employee applicants will also be interviewed.

8.10 NO SUFFICIENTLY QUALIFIED APPLICANTS

If, after completing the interview and evaluation, the Department Head and Administrative Services Director determine that none of the applicants are sufficiently qualified for the job, the position will be re-advertised and if again no qualified applicants exist, then the City Manager may fill the position in any manner he wishes.

8.11 BASIS OF SELECTION

- A. When the posting is restricted to City employees, in determining whom to promote from among qualified employee applicants, if any, the Department Head and Administrative Services Director shall consider:

1. Qualifications and ability to perform the job.

2. The employee's past work related experience with the City and elsewhere.
3. The employee's past performance record with the City.

When factors 1, 2 and 3 are relatively equal in the opinion of the City, time of continuous service with the City, will be given preference.

- B. When the posting is not restricted to City employees, the Department Head and the Administrative Services Director will consider factors 1, 2 and 3 for employees and factor 1, plus the outside applicant's references and past work-related experience and performance with other employers. When, in the opinion of the Department Head and the Administrative Services Director, all factors are considered relatively equal among all qualified applicants, City employees will be given preference, and as among them, time of continuous service with the City, will be given preference.

8.13 ORIENTATION OF EMPLOYEES

It is the responsibility of the Administrative Services Director to assure that all employees receive adequate orientation to a new job.

- A. New Hire: Persons employed from outside of current City employees will receive a general orientation of the City personnel practices before reporting to the assigned department. This orientation will include completion of any required forms related to pay and benefits. Each newly employed person will receive a copy of the personnel policies and procedure, and acknowledgement receipt in writing.
- B. Transfers and Promotions: All persons selected for a position new to them, will receive appropriate on-the-job orientation. This orientation should emphasize job safety, accident reporting procedure, city image, mutual support, and other matters of importance to the Department Head.

8.14 DEMOTION

A demotion is the assignment of an employee from one class of pay to another, which has a lower maximum rate of pay. An employee may be demoted to a lower position for any of the following reasons:

- A. In lieu of lay-off when a position is to be abolished or an employee returns to his/her prior position.
- B. In lieu of dismissal when an employee is not performing satisfactorily or when the employee cannot perform the essential functions of the position even with any available reasonable accommodation, and another position of the same classification is not available but rather, a lower position for which the employee is qualified.
- C. When an employee fails to perform satisfactorily during the probationary period following promotion, or an employee's position is being reclassified due to a lack of work or funds, and there is an open position for which the employee is qualified.
- D. An employee voluntarily requests a demotion; or when imposed for disciplinary reasons, all such demotions must be approved in advance by the City Manager.
- E. Any regular employee may appeal a demotion through the complaint procedure.

All demotions must be at the direction of the Department Head concerned, reviewed by the Administrative Services Director for compliance, with all related PRR and approved by the City Manager.

SECTION 9

SENIORITY LAYOFF AND RECALL

9.01 ACCRUAL

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences without pay shall not count towards the accrual of classification seniority unless the law requires otherwise.

9.02 LOSS OF SENIORITY

An employee shall lose his seniority and be terminated from employment as the result of any one of the following:

- A. Discharge.
- B. Retirement.
- C. Voluntary resignation.
- D. Layoff exceeding one (1) year.
- E. Failure to report to the Administrative Services Director the intention to return to work within three (3) business days of receipt of a recall notice.
- F. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by the City Manager.

9.03 LAYOFF SELECTION

In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary or probationary basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:

- A. Ability to perform all of the work available.
- B. Special skills essential to the performance of the available work.
- C. Job performance as reflected by the performance evaluations for the past three (3) years or the most recent evaluations available.
- D. Departmental classification seniority.

When, in the opinion of the Department Head and the Administrative Services Director, factors A, B and C are relatively equal among employees, factor D shall prevail.

9.04 PERMANENT LAYOFFS

In some cases, the City may utilize a layoff under circumstances where there is no reasonable expectation to return to work. Such layoffs will be designated permanent and the employees laid off shall not be eligible for recall.

- A. At the City Manager's discretion, full-time employees who have completed their initial probationary period and who are scheduled to be laid off for lack of work, funds or other reasons where there is no fault on the part of the employee may be eligible, but are not required to, receive severance pay as follows:
1. One (1) week of pay at their straight time hourly rate or salary, whichever applies, less statutory deductions, for each full year of service as an employee of the City of Avon Park, capped at (6) six weeks, conditioned upon the employee signing a general release.
 2. The employee's last annual performance evaluation must be satisfactory or better and the employee must be on active duty not on leave of absence or suspension without pay.
 3. If the employee is covered by a Collective Bargaining Agreement or policy that allows the employee selected for layoff to bump into another job, the employee must have unsuccessfully sought to bump, unless there is no job to which the employee may bump under the applicable Collective Bargaining Agreement or policy.
 4. The employee must execute a release of all claims, including the right to file a grievance under any applicable CBA, the City PRR, as well as any and all judicial and/or administrative claims. If an employee is in a collective bargaining unit, the collective bargaining agent must approve the employee's release of his/her right to file a grievance under the applicable collective bargaining agreement and the City PRR.
- B. Eligible employees not covered by Section 1.02(B) or (C) who have recall rights under this PRR or any CBA, may elect to retain recall rights in lieu of severance pay as provided in Section 9.04(A) above.

9.05 RECALL

Except for employees laid off pursuant to Section 9.04 above regular full-time employees who are recalled by the City within twelve (12) months shall have their City service, departmental service, and job classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

9.06 DECISIONS FINAL

Decisions made pursuant to this Section shall be final and shall not be subject to the grievance procedure in Sections 12 or 13.

SECTION 10*

ATTENDANCE/TARDINESS

10.01 PRESENT AND ON TIME

All employees are expected to report for duty at the scheduled time and remain there until the scheduled leaving time. Each Department Head shall be responsible for the attendance and timeliness of all persons within his department.

10.02 CALL-IN

All employees are required to call in before they are scheduled to report to work when they are going to be absent or late. (Check with your Supervisor or Department Head for specific instructions that pertain to your department). Failure to call in before the employee's shift begins will subject the employee to discipline, unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

10.03 VERIFICATION

The Department Head may require an employee to establish to his satisfaction that an absence or tardiness was for a legitimate reason. Such proof, in the case of sickness or injury, may include the presentation of a medical doctor's excuse from a doctor acceptable to the City, only after a determined length of time.

10.04 CONTINUING ABSENCE

In the case of a continuing absence, the employee must call in each day unless otherwise instructed by his Department Head or Supervisor.

10.05 PERSON TO CALL

Call-ins are to be directed to the employee's immediate Supervisor; however, in the event the immediate Supervisor is not available, the employee must speak with the Department Head, or his designee. If no one is available to speak with the employee, the employee must leave a contact number where they can be contacted.

SECTION 11

DISCIPLINARY ACTION

11.01 GENERAL STATEMENT

It is the hope of the City that effective supervision and employee relations will avoid most difficulties which otherwise might necessitate discipline of employees. However, when disciplinary action becomes necessary, the City recognizes the fact that each situation differs in many respects from others that may be similar in some ways. Thus, the City retains the right to treat each incident on an individual basis without creating a precedence for other cases which may arise in the future as to a particular employee or group of employees and to determine the appropriate discipline in every matter on a case by case basis.

Under normal circumstances, the City endorses a policy of progressive discipline in which it attempts to provide employees with notice of deficiencies and an opportunity to improve. It does, however, retain the right to administer discipline in any manner the City sees fit. Further, this policy in no way restricts the City's right to bypass the disciplinary procedures suggested.

Examples given in any rule do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained right of the City, but merely as a guide. The rules and regulations provided recommended standard penalties to apply for specific offenses. This means that a more severe penalty may be issued than that which appears in the standard procedure if it is deemed necessary.

11.02 FORMS OF DISCIPLINE

Every organization needs a set of guidelines establishing rules of conduct for its personnel. Any employee who violates reasonable standards of conduct will be subject to corrective action up to and including immediate discharge.

The listed violations are not intended to be an exhaustive list nor categories into which violations must be placed. The listing is provided as a non-binding suggestion to City Management. The suggested disciplinary actions are also not binding on the City. The City retains the right to take whatever disciplinary action it, in its sole determination, deems appropriate given the situation.

A record of all personnel actions shall be included in the employee's personnel file.

- A. The City recognizes the following types of discipline:
 - 1. Counseling and/or Verbal reprimands.
 - 2. Written reprimands.

3. Suspension without pay.
 4. Probation
 5. Demotion.
 6. Combination of the above.
 7. Termination of employment.
- B. A Department Head, with the approval of the City Manager, may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.
- C. The Department Head, or his designee, will consult with the City Manager and Administrative Services Director in deciding appropriate disciplinary action greater than a written reprimand. However, the Department Head may place the employee on administrative leave with pay to the next regular work day of the City (Monday through Friday) if the Department Head, with the City Manager's approval, deems it is operationally necessary. The Department Head shall then immediately consult with the City Manager and Administrative Services Director, to determine whether temporary suspension without pay or additional administrative leave is appropriate pending completion of an investigation and a final decision as to the appropriate disciplinary action, if any.
- D. The City Manager will determine if at-will employees will continue administrative leave past the first day and if so, whether it will be with or without pay.

11.03 APPLICATION OF DISCIPLINARY ACTION

- A. Verbal and written warnings for regular full-time employees may be given for any reason listed in Section 11.05, Group I or Group II, or for any other just cause.
- B. Subject to Section 11.02(C), regular full-time employees may be suspended without pay temporarily pending investigation and final determination of possible disciplinary action.
- C. Subject to Sections 1.02(B), (C) and (D), 3.10 (A), 4.05, 11.03(B) and 11.06(A), regular full-time employees who have completed their initial probationary period may be suspended without pay, demoted for disciplinary reasons or terminated for any reason listed in Section 11.05 below, or for any other just cause.

- D. All other employees serve at the will and pleasure of the City Manager and may be subject to discipline, up to and including termination, as he deems appropriate subject only to applicable law.

11.04 NOTICE OF DISCIPLINARY ACTION AND PRE-DISCIPLINARY HEARING OPPORTUNITIES

In all cases of written reprimand, probation, suspension without pay, demotion, any combination of same, or termination, the regular full-time employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file; provided a temporary suspension without pay will be removed from the employee's personnel file if the employee is exonerated and he shall be provided back pay, less interim earnings, and deductions for periods the employee was unable to work because of sickness or personal reasons. Any, such documents removed shall be retained by the Administrative Services Director in a separate file.

11.05 TYPES OF OFFENSES

There are two (2) groups of example offenses for which full-time employees may be disciplined up to and including termination, and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Sections 11.01-11.02 above shall apply. Nothing herein shall be construed to limit disciplinary action to the sample offenses enumerated below, and suspension without pay, demotion or termination may be for any just cause.

This paragraph provides recommended but not mandatory penalties to apply to the specific example offenses listed here; however, the penalty utilized shall be discretionary with the City Manager in all matters of discipline and nothing herein shall require that a particular form of discipline be utilized in any case prior to the utilization of another form of discipline.

GROUP 1 OFFENSES

First Offense – Counseling, Verbal or written reprimand

Second Offense - Up to ten (10) days suspension without pay

Third Offense - Up to and including termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Excessive tardiness and/or absenteeism, which disrupts departmental operation regardless of the reason.
3. Taking more than allowable times for meal or rest periods.

4. Unacceptable, inefficient productivity or competency.
5. Sleeping on the job unless authorized to do so.
6. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability in which case the matter will be dealt with in accordance with applicable law.
7. Violating a safety rule or practice.
8. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the work of others, catcalls, or other disorderly conduct.
9. Failure to report the loss or damage of City equipment or other City property entrusted in the employee's custody.
10. Failure to keep the City and department notified of the employee's current proper address and telephone number.
11. Gambling, lottery or engaging in any other game of chance in any fashion, while on duty or that brings disrepute upon the City.
12. Violation of published City or departmental policies, rules, standard, orders, operating procedures or regulations.
13. Unexcused tardiness or absence.
14. Violation of the Standards of Conduct in Section 3.
15. Not wearing required safety clothing or equipment.

GROUP II OFFENSES

First Offense - Up to and including termination

1. Conviction of a felony.
2. Abuse of leave privileges.
3. Use of official position for personal advantage.
4. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
5. Falsification of personnel, City, or Departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.

6. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
7. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a Supervisor.
8. Use or possession or display of fire arms, explosives, or weapons on or in City property unless authorized.
9. Removal of City property or any other employee's property from City locations without proper authorization, theft of City property or any employee's property.
10. Failure to return at the end of an authorized leave of absence.
11. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
12. Absent without permission or leave (AWOL).
13. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.
14. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment. Police officers transporting controlled substances or alcohol as evidence are excluded from this provision.
15. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
16. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
17. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
18. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
19. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.

20. Provoking or instigating a fight or fighting while on duty.
21. Unauthorized personal use of the City's exempt tax number for any reason.
22. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
23. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
24. Communicating or imparting confidential information either in writing or verbally to any unauthorized person.
25. Refusal to sign an acknowledgment of receipt of disciplinary action.
26. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
27. Failure to immediately report an arrest or conviction of a DUI or DWI to the City when driving a vehicle is or may be required of the employee.
28. Loss of a license or certification required by the City, the State or other governmental entity to perform the job for which the employee is assigned.
29. Failure to return to light duty when assigned to do so.
30. Disclosure of medical information, which violates HIPAA regulations.
31. Failure to immediately report an on-the-job accident or personal injury.

The above list does not include all of the reasons for which an employee may be subject to disciplinary action, but as stated earlier, is intended to provide examples of inappropriate conduct.

11.06 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES

- A. In the event an employee is charged with any crime, the employee may be suspended with or without pay.
- B. At any time, the City Manager shall have the option of taking disciplinary action based on his own investigation without regard to the existence, status or final disposition of the criminal charges.
- C. The City Manager may elect to wait until the criminal proceeding, or a particular phase thereof is concluded before considering disciplinary action. In such a case, the City Manager may take the resolution of the criminal proceeding, or phase thereof, under consideration but shall not be bound thereby and shall make its determination as to the facts and the appropriate disciplinary action, if any.

- D. Under paragraphs B and C above, the City Manager will not consider relevant to the issue of whether the employee engaged in the conduct in question.
- E. If an employee charged with a crime is found not guilty by a judge or jury, and the City Manager determines no disciplinary action is warranted, the employee will be reinstated with back pay and benefits less amounts earned, unemployment compensation and periods of time the employee was unavailable to work or did not make every reasonable effort to find work.

SECTION 12

GRIEVANCE PROCEDURE FOR DISCIPLINARY ACTIONS

12.01 WRITTEN WARNINGS

Appeals of written warnings shall be under PRR Section 13.

12.02 TEMPORARY SUSPENSIONS WITHOUT PAY

Before an employee is temporarily suspended without pay, if the employee is available, the Department Head and Administrative Services Director, will advise the employee of and the reason for the temporary suspension and give the employee the opportunity to explain his position verbally or in writing.

12.03 SUSPENSIONS WITHOUT PAY, DEMOTION AND TERMINATION

A. Pre-Disciplinary Procedure. When a Department Head is considering suspension without pay, other than temporary pending a final decision, demotion or termination of a regular full-time employee who has completed his initial probationary period:

1. The employee shall be given written notice of the reason such disciplinary action is being considered, the names of the witnesses, a summary of the information on which the Department Head relies and an opportunity to present his position either verbally or in writing to the Department Head and Administrative Services Director before the decision is made. Notice shall be complete upon either personally handing it to the employee or mailing it to the employee's address as contained in the City personnel file.
2. The Department Head, with the approval of the City Manager, may suspend the employee without pay immediately pending the ultimate decision, provided the employee shall be given an opportunity to explain his position before the temporary suspension without pay.
3. If after considering all of the evidence, the Department Head and Administrative Services Director decides to demote, terminate, or suspend the employee without pay, with City Manager's approval, the employee shall be notified in writing of the decision and the reasons therefore, and advise the employee of his right to a due process hearing under Section 12.03(B) below.

B. Appeal Procedure.

1. A regular full-time employee who has successfully completed his initial probationary period who is suspended without pay (other than temporarily), demoted for disciplinary reasons or terminated, who wishes to appeal must appeal in writing to the City Manager, or his

designee, within ten (10) working days after notice of his suspension without pay, disciplinary demotion or termination.

2. Upon receipt of a timely appeal, the City Manager shall arrange a hearing at which the Department Head and the Administrative Services Director shall be required to establish just cause by a preponderance of the evidence.
3. Not less than seven (7) calendar days prior to the hearing, to the extent not already provided under paragraph A (1) above, the Department Head and the employee will provide the other with a list of witnesses, except rebuttal witnesses, a brief summary of their anticipated testimony, and a list of all documents, except rebuttal documents, upon which they intend to rely. Copies will be retained by the Administrative Services Director.
4. The employee shall be entitled to be represented by counsel of his choice at his expense and shall have the right to present evidence, examine and cross-examine witnesses and state his position orally or in writing.
5. Proceedings shall be recorded by tape, video or other recorder or by court reporter.
6. The City Manager shall consider the evidence before him and make Findings of Fact and Conclusions of Law, which shall be final and binding on all concerned.

12.04 GENERAL PROVISIONS

- A. The time limits set forth above, may be extended upon written request for reasons considered appropriate by the City Manager, or his designee. Failure of an employee to file an appeal in a timely fashion, unless an extension has been granted in advance, will constitute an automatic abandonment of his appeal.
- B. In the event a grievance is filed which involves two (2) or more employees in the same or similar event, happening or condition, the City Manager may rule that all grieving parties shall be governed by one (1) grievance form and resulting decision. The City Manager or his designee need not rule on each individual grievant case separately when the foregoing conditions are present.

12.05 DELEGATION OF AUTHORITY

At his option, the City Manager may delegate to the City Attorney, to hold the hearing and make the final decision or make recommended Findings of Fact and Conclusions of Law, in which event the City Manager shall be bound by the recommended findings of fact as long as they are supported by probative evidence

in the record, shall not be bound by the conclusions of law, and shall make the final decision for the City. The City shall bear the fee of any substitute for the City Manager, which he delegates.

SECTION 13

EMPLOYEE GRIEVANCE PROCEDURE – WRITTEN WARNINGS AND NON-DISCIPLINARY MATTERS

13.01 PURPOSE

- A. It is the purpose of this grievance procedure to assure employees that written warnings and non-disciplinary problems and complaints arising under the PRR will be considered fairly, rapidly and without reprisal. It is expected that the procedures set forth below will encourage employees to discuss with their Department Heads matters pertaining to conditions of employment as they affect individual employees. In addition, free discussion between employees and Department Heads will lead to better understanding of practices, policies, and procedures, which affect employees. This will serve to identify and eliminate conditions, which may cause misunderstandings and grievances.

13.02 DEFINITION OF A GRIEVANCE

A grievance is a complaint about a written warning on the misapplication or misinterpretation of these rules or applicable Departmental rules and regulations. Discipline except written warnings shall not be considered under this Section, but only under Section 12.

13.03 PROCEDURE

- A. Step one: An employee shall present his complaint to his immediate Supervisor within seven (7) days from the time of occurrence of the problem. The Supervisor shall attempt to resolve the problem within seven (7) days after the complaint is made to him.
- B. Step two: If the employee has not received an answer from the immediate supervisor within seven (7) days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to his Department Head within seven (7) days after the Supervisor's deadline in Step one. If requested the Administrative Services Director will assist those employees who cannot read or write or have a language problem. The Department Head will investigate the grievance and meet with the employee to discuss the grievance within seven (7) days. The Department Head will notify the employee of his decision within seven (7) days following the meeting date.
- C. Step three: If the employee has not received an answer from the Department Head within seven (7) days, or if the employee feels the answer received is not satisfactory, he will put in writing the facts and circumstances of the problem and present the written statement to the City Manager, or his designee, within seven (7) working days after the Department Head's deadline in Step two. Assistance will be provided by, the Administrative

Services Director, if requested, to include those employees who cannot read or write or have a language problem. The City Manager, or his designee, will investigate the grievance and meet with the employee to discuss the grievance within seven (7) working days. The City Manager, or his designee, will notify the employee of his decision.

SECTION 14

HOURS OF WORK AND OVERTIME

14.01 HOURS OF WORK

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. The Department Heads shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.
- C. Unless otherwise provided by a Collective Bargaining Agreement, employees shall be scheduled for an unpaid lunch break of no more than one (1) hour and not less than one-half (1/2) hour.
- D. Meal periods are to be scheduled in a manner to best serve the public.
- E. Meal period's time cannot accumulate or be saved for the purpose of leaving work early.
- F. Employees requesting a longer lunch break must get approval from their Department Head and will not be paid for the time.
- G. Rest breaks are not a right, but a privilege provided when time and circumstances permit, and must be arranged so as not to interfere with City business. Each Department Head/Supervisor may allow employees one break the first half of their work shift and one work break during the second half of their work shift provided that:
- H. No work break shall exceed 15 minutes absence from the employee's workstation.
- I. Unused work breaks may not be accumulated.
- J. Work break time shall not cover late arrival for duty or early departure from duty.
- K. Work break time may not be used in conjunction with regular meal breaks.
- L. No work break will cause unsafe or hazardous conditions to exist solely for the purpose of taking a break at a pre-designated time during the workday.

14.02 REGULAR WORK WEEK OR PERIOD

Except for employees on a Section 7(K) schedule in the Fire and Police Departments or as otherwise provided by a CBA:

- A. The regular workweek for regular full-time employees shall be forty (40) hours in a seven (7) day period. The City Manager may establish the basic work schedule and hours of work best suited to meet the needs of the departments and the City to provide proper service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.
- B. The basic work schedule shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.
- C. Lunch and break periods are scheduled at the discretion of the Department Head or his designee.

14.03 RECORD KEEPING

- A. Responsibility. Each employee shall initiate and maintain an accurate time sheet. Department Heads and supervisors shall initiate and submit accurate records of all hours worked by themselves and each employee under their supervision for each pay period. When electronic time recording measures have been implemented, the provisions of this section may be modified so long as individual accountability for attesting to the accuracy of time keeping is maintained.
- B. Time Sheet Submission. The time Sheet, properly completed and authenticated, will be forwarded to the Payroll Department no later than 10:00 a.m., the first day following the ending date of each pay period. The schedule for submission of time sheets may be modified to allow sufficient processing time when payroll due dates are affected by holidays or emergencies.
- C. Documentation. Documents required to substantiate entries contained on the Time Sheet, i.e., annual/sick leave approvals, medical documentation, etc., shall be submitted with the appropriate time sheet at the time of initial submission.
- D. Time Sheet Amendments. To amend a time sheet already submitted, employees will submit a memo correction to the Payroll Office.

- E. Signature Procedures. Should an employee be unavailable for signature, the time sheet shall be annotated "NOT AVAILABLE FOR SIGNATURE" and signed by the immediate Supervisor. It is the responsibility of **all** employees to sign their Time Sheet before submitting to payroll. Department Heads must sign time sheets prior to submittal to payroll.
- F. Leave Request Procedure. Request for leave of absence with or without pay shall be in writing and shall be approved by the appropriate supervisor and Department Head prior to taking the leave in accordance with the provisions of these rules.
- G. Falsification. Falsification of any time or attendance record shall be cause for immediate dismissal.
- H. Official Payroll Records. The payroll clerk is the custodian of the official payroll records of the City.

14.04 OVERTIME

Except for employees on a Section 7(K) schedule in the Fire and Police Departments:

- A. Non-exempt employees shall be paid at a rate of one and one-half (1½) their regular hourly rate after forty (40) hours in a seven (7) day work period unless they take comp time pursuant to (D) below.
- B. There shall not be any duplication of overtime or premium pay.
- C. Non-exempt employees may be allowed or required to take comp time in lieu of overtime up to the maximums allowed under the FLSA and subject to applicable law. Comp time standing in an employee's comp time account shall be paid in accordance with applicable law upon cessation of employment.
- D. When the Governor of the State of Florida, Mayor of the City of Avon Park or representative of another local jurisdiction officially declares a state of emergency, employees performing essential services may be required to work as deemed necessary by the City Manager or designee.
- E. Pay for time worked during emergency conditions will be as follows:
 - 1. All regular full time employees will be paid time and half for all hours worked in excess of their normal workweek.
- F. Employees on official paid or unpaid leave e.g. vacation, sick leave, family or medical leave, etc. during an emergency, will not be eligible for any

excused absence declared as a result of the emergency or emergency pay during the official leave.

14.05 ASSIGNMENT AND WORKING OVERTIME

- A. Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines. Employees are to work only overtime as authorized but must report all hours worked to ensure compliance with the FLSA regardless of whether the work is authorized or not.
- B. Employees are required to work overtime when assigned unless excused by their Supervisor. An employee desiring to be excused from overtime work assignments shall submit a request to the immediate Supervisor who shall rule on the request, with approval of the Department Head.

14.06 HOURS COUNTED

Full hours of absence due to paid conference/training time will be counted as hours worked for the purpose of determining eligibility for overtime. No other time except actual hours worked shall be counted.

14.07 CALL BACKS

When a non-exempt regular full-time employee who has worked his regular shift or more, is released to go home, leaves the City premises, and is called back to work from home, the employee shall be paid at the applicable hourly rate for two (2) hours, or the actual hours worked, whichever is greater.

14.08 WHITE COLLAR EXEMPTION (FLSA)

Certain employees classified as executive, administrative, professional, or computer professional are exempted from the provisions of the Fair Labor Standards Act (See 29 C.F.R. Part 541) providing they meet the following test.

- A. The employee is paid on a salary basis. To qualify as salary basis, the employee must be paid a predetermined amount on a weekly or less frequent but regular basis and generally will be paid a full salary regardless of the number of days or hours worked in a work week, except an employee need not be paid for any work week in which they perform no work.
- B. Compensatory time accrual: Exempt Employees in this category will be allowed to accrue "hour for hour" rate for additional work performed or assigned by their Department Head. A maximum accrual of 24 hours will be authorized at any given time. This time will not be paid at the time of

separation of employment.

- B2. Compensation cannot be reduced because of variations in the quality or quantity of work performed. Employees will use vacation leave, sick leave or compensatory time to complete a 40-hour work week.
- C. The employee must be paid the full salary for any week in which the employee performs any work, except where a deduction is authorized as set forth below.
- D. Accrued annual leave, compensatory leave, and sick leave credits will be used for any absences. Employees will use vacation leave, sick leave or compensatory time to complete a 40-hour work week.
- G. Permissible Exempt Salary Deductions. There are seven exceptions to the “no pay-docking” rule. Deductions from an exempt employee’s salary may be made in the following circumstances:
 - 1. Absences from work for one or more full days for personal reasons, other than sickness or disability. Use of accrued annual and sick leave credits may be required for these absences.
 - 2. Absence from work for one or more full days due to sickness or, if the employee has accrued sick leave, such absences will be charged against the employee’s accrued leave. If sick leave has been exhausted, a deduction in salary in full day increments will be made.
 - 3. To offset any amount received as payment for jury fees, witness fees, or military pay (except as provided in Section 21.03 A, B, C, or D).
 - 4. Penalties imposed in good faith for violating safety rules of “major significance.” Prior to imposing a salary deduction under this subsection, Department Heads and Supervisors are required to seek the approval of the City Manager and Human Resources Specialist.
 - 5. Unpaid disciplinary suspension of one or more full days imposed in good faith for violations of workplace conduct rules.
 - 6. A proportionate part of an employee’s full salary may be paid for time actually worked in the first and last weeks of employment.
 - 7. Unpaid leave taken pursuant to the Family and Medical Leave Act.

SECTION 15

HOLIDAYS

15.01 LIST OF LEGAL HOLIDAYS/DAYS OBSERVED

- A. The City recognizes the following holidays:

New Year's Day	Veterans Day
Martin Luther King Day	Thanksgiving
Good Friday	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day	Christmas Day
Labor Day	Employee's Birthday

- B. All employees will be granted two additional personal holidays per year which are to be used by December 30th of each year or will be lost. New Hires will not be eligible for the additional two (2) days until they have completed six (6) months of employment.
- C. When a holiday falls on a Saturday or Sunday, the following Monday or the preceding Friday will be declared a holiday for City employees, as determined by the City Manager.
- D. Personal days must be taken a full day at a time and must be approved in advance by the Department Head.
- E. The personal leave day(s) shall be treated as a holiday and therefore is not subject to accrual. All personal days shall be used within the fiscal year, unless Departmental management denies the request due to scheduling problems, in which event the employee shall be compensated for personal days to which he was entitled but could not use at the end of the fiscal year. Personal days shall be requested in writing on the proper leave form prior to the chosen day and are subject to approval by the Department Head.
- F. Employees shall also enjoy special holidays that are observed by the City during the term of this Agreement. Special holidays are defined as non-regularly scheduled holidays established by the City Council to commemorate a special event or occasion not regularly provided to employees.

15.02 REQUIREMENTS TO RECEIVE HOLIDAY COMPENSATION

- A. Subject to Subsection F below, all eligible employees will receive one (1) workday off with pay for each of the holidays.

- B. An employee must be on active pay status and work the normal schedule of hours on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time.
- C. Employees who are on vacation leave or other leave with pay during the holiday will receive holiday compensation. Employees who are required by their Supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday pay. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with sick leave for that day subject to Section 15.03.
- D. Employees scheduled to work on a holiday, and who in fact do work, shall receive pay at the normal straight rate or overtime, whichever applies, for the actual number of hours worked that day, plus a normal day's pay for the holiday provided they meet the eligibility requirements.
- F. An employee whose normal day off from work falls on a holiday shall receive holiday pay at the normal straight rate for the day, provided they meet the eligibility requirements.
- G. The City shall observe those City holidays recognized by the federal government on the same day as observed by the federal government. The City shall observe those City holidays not recognized by the federal government, on the actual day of the holiday. If Christmas Eve falls on a Saturday or Sunday, it will be observed the previous Friday.

15.03 ABSENCE DUE TO SICKNESS

An employee scheduled to work a holiday who fails to work because of sickness or injury shall not receive holiday pay unless (1.) he notifies his Department Head at least one (1) hour before he is scheduled to report for work and (2.) upon request, he presents evidence satisfactory to the Department Head, which may be a medical doctor's excuse, that his absence was due to a bona fide, unforeseen serious illness or injury. The employee who fails to follow this procedure will also be subject to disciplinary action up to and including termination. The Department Head may excuse the first requirement if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

SECTION 16

VACATION

16.01 ELIGIBILITY AND ACCRUAL

All employees who are eligible to accrue vacation leave are eligible to use such leave after one (1) year of employment, or reemployment, with the City. Vacation leave begins to accrue on the day a person begins their employment with the City.

- A. Vacation leave for full-time regular employees is accrued in increments based on years of continuous service.

SERVICE	NORMAL ANNUAL VACATION ACCRUAL
1st through 9th year	80 work hours
10th through 14th year	120 work hours
15th through 19th year	160 work hours
20 years and more	200 work hours

- B. All other employees are not entitled to vacation leave.

16.02 ACCUMULATION

- A. Regular full-time employees may accumulate vacation time up to twice the employee's annual accrual, after which no leave shall be carried forward.
- B. Employees who, as of December 31, have accrued more than twice the annual accrual will lose those hours, if not taken, during the rollover.

16.03 CONDITIONS ON USE

The use of vacation leave is subject to the following conditions:

- (a) Application for vacation leave shall be made in writing on forms provided for that purpose and approved in advance of use by the Department Head. In emergency cases, the Department Head may waive this requirement.
 - (b) Vacation must be approved in writing by the employer at least two (2) weeks before being taken, provided, however, under unusual circumstances a twenty-four (24) hour notice may be approved at the discretion of the Employer. Normally, vacation days will be used consecutively.
 - (c) The nature of an employee's job may require the Department Head to restrict the scheduling of vacations or to modify the guidelines related to the maximum/minimum number of days that can be taken. Any exceptions to the guidelines must be approved in advance by the City Manager.

2. No employee shall be given vacation with pay in excess of the accumulated annual leave balance.

3. Subject to applicable law, vacation leave may not be earned while an employee is on a leave of absence without pay, suspension or other non-pay status.

4. No extra vacation leave is earned for time worked in excess of the employee's standard work period.

5. Vacation checks may be paid in advance, provided the appropriate request for advance payment procedures are followed and the request is approved.

16.04 PAY IN LIEU OF TIME

Payment of vacation time in lieu of actually taking vacation will not be permitted.

16.05 INTERVENING HOLIDAY

Employees who are on vacation leave or other leave with pay during the holiday will receive holiday compensation.

16.06 ADMINISTRATIVE SERVICE EMPLOYEES

The City Manager shall be authorized to establish different terms for use and accrual of vacation leave for employees covered by Section 1.02(B).

16.07 USE OF VACATION

A. Vacation time may not be taken in anything less than one-half (1/2) hour increments.

B. An employee may not take more than their annual accrual of vacation in a calendar year unless approved by the City Manager.

C. Subject to Section 16.03, accrued vacation may be used with prior approval of the Department Head for the following purposes:

1. Approved vacation.

2. Absences for transacting personal business, which cannot be conducted during off duty hours.

3. Religious holidays other than those designated by the City Council as official holidays.

4. For uncompensated approved absences due to medical or dental or optical reasons once paid medical leave has been exhausted.

5. Any approved uncompensated leave of absence, including leaves under the FMLA.
 6. For approved bereavement leave beyond that paid under Section 18.
 7. Employees who become sick on vacation leave may use medical leave for such period of illness (full days only), but may be required to present a doctor's certificate and will be given another vacation day or pay at the option of the City. Such time will be charged to sick leave. The use of sick leave does not alter the planned date of return to work as approved before the leave.
- D. Vacation pay may be used to supplement workers' compensation approved leaves and unpaid military; providing the total compensation received from all sources by the employee, including workers' compensation, shall be no more than forty (40) times the employees straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.

16.08 PAYOFF UNUSED LEAVE HOURS

- A. Employees shall be paid accrued but unused vacation pay upon termination of their employment.
- B. In no event, will an employee be allowed to take vacation in conjunction with termination, i.e., to extend the termination date.
- C. In the event of an employee's death, his beneficiary or estate, in the absence of a designated beneficiary, shall be paid for accrued vacation.
- D. The employee or his heirs shall be entitled to an immediate lump sum payment for all vacation time earned but not taken at the employee's last rate of pay, up to a maximum of twice the employee's annual accrual.
- E. As funds become available, and as part of the City Council budgetary approval process, the City Manager may recommend and budget an annual accumulated leave benefit payout program. In all cases vacation leave payouts will be made at 100% of the face value, and sick leave will be paid at 50% of the face value. The following requirements shall apply:
 - i. In order to participate in this program and receive a pay out, each employee is required to have a minimum of 80 hours of combined leave between vacation, sick and compensatory leave after the pay out is made. This provision is provided to make sure all employees have a minimum leave balance should they have an extended leave of absence.
 - ii. During the active but previous eighteen months, the employee will have taken at least 40 hours of vacation leave or

compensatory leave. This is required to ensure that employees are getting vacation time or leave time away from work.

- iii. If budgeted or funds become allocated by the City, all employees may elect a pay out of up to 100 hours of vacation leave, and up to 100 hours of sick leave per authorized iteration of this program.
- iv. This program may be authorized by the City Manager for multiple iterations of this repeated process as long as funds are available within the active fiscal year, from either budgetary saving sources, or specifically allocated or dedicated program funds.
- v. The program can be evaluated during different times in the fiscal year. The reason evaluations are necessary is to ensure that projected revenues materialize and/or department expenditures are contained prior to the implementation of any leave pay outs.

16.09 SCHEDULING OF VACATION

The Employer shall make reasonable efforts to comply with the desires of employees consistent with the requirements of its operations to give preference by classification to the most senior employees in scheduling vacation requests provided, employees who schedule their vacations ahead of time and have them approved by the Department Head, cannot have their vacation time superseded by more senior employees.

SECTION 17

SICK LEAVE

17.01 SICK LEAVE ACCRUAL AND CONDITIONS

A. Sick leave with pay shall be accrued by all regular full-time employees and will be subject to the following conditions:

1. Regular full-time employees who have satisfactorily completed six (6) months of continuous service shall earn eight (8) hours of sick leave for each month of continuous service, commencing with the first month following the six-month probationary period, with no maximums.
2. Paid sick leave may be accumulated up to a maximum of 1920 hours and may be used for:
 - a. Absence of an hour or more due to non-job-related bona fide sickness or injury of the employee, or the employee's spouse, child or dependent as defined by the FMLA, when it is necessary for an employee to be absent to care for them.
 - b. And for medical, dental, or eye examinations which arrangements cannot be made during his off-duty hours.
3. Employee must be on active status.

B. In order to be granted sick leave with pay, an employee must meet the following conditions:

1. Notify the immediate supervisor not later than one (1) hour prior to the beginning of the scheduled workday of the reason for such employee's absence. This procedure shall be followed for each day the employee is unable to work, unless prior approval by the Department Head or his designee has been given.
2. If required, submit a written request to the Department Head for such sick leave on the form and in the manner prescribed, and submit. If requested by the Department Head or City Manager, a medical certificate signed by a physician satisfactory to the City stating the kind and nature of the sickness or injury of the employee_and describing the period of absence from work that will be necessary. Medical certifications may be required when the Department Head determines an employee may be abusing sick leave. Upon request by the City, the employee must provide a written release from the physician stating that the employee is again able to perform the duties of their position before returning to work.

3. Department Heads, or the City Manager, shall provide Human Resources with a copy of all approved sick leave requests requesting more than three (3) consecutive days or shifts, no later than the next business day after such requests are approved.

17.02 CHARGING

- A. In computing sick leave taken, employees shall be charged one (1) hour sick leave for each hour not worked because of illness. Partial hours will not be charged for less than one-half (1/2) hour.
- B. Paid holidays which occur during paid sick leave shall not be chargeable to sick leave.

17.03 USE

- A. Paid sick leave may be used provided it is approved for the following purposes:
 1. A bona fide sickness, injury or disability off the job.
 2. Medical, dental, optical or chiropractic examination or treatment, which cannot be scheduled during non-duty hours.
 3. Illness of a member of the employee's immediate family defined under the FMLA, which requires the personal care or attention of the employee, or the death of a member of the employee's immediate family as defined in Section 2.
 4. An unpaid leave under the FMLA.
 5. Sick leave may be used to supplement workers' compensation approved leaves; providing the total compensation received from all sources by the employee, including workers' compensation, shall be no more than forty (40) times the employee's straight time hourly rate of pay or the number of hours in their regular straight time schedule for employees on a Section 7(K) schedule.
- B. Use of medical leave for any purpose not specified above, may be considered misconduct and result in disciplinary action.

17.04 SICK LEAVE DONATION

- A. Any employee may donate sick leave to another employee who is in need of additional leave for a personal, debilitating illness or accident, which substantially delays his/her ability to resume duty, so that the employee will continue receiving compensation. Such donation requires the following circumstances:

1. The sick employee has a satisfactory work record, has exhausted his sick leave and all accumulated vacation and is on approved sick leave.
2. The sick employee does not appear to have abused sick leave benefits prior to the current illness.
3. Time may be donated in minimum increments of eight (8) hours by any employee eligible to accrue and use sick leave up to a maximum donation of forty (40) hours per fiscal year per employee executing the donation. This means that donations are capped at 40 hours per fiscal year per employee; however, there may be multiple donations from various employees to the same individual.
4. Donations will be credited to the receiving employee on an hour for hour basis, regardless of differences in the rates of pay between the donating and receiving employees
5. All donations must be pre-approved by the receiving employee's Department Head and the City Manager.
6. The Department Head, or the City Manager, shall provide the Human Resource office, with a copy of all approved sick leave donation requests, no later than the next business day after such requests are approved.

17.05 SICK LEAVE PAYOUT

.A Upon voluntary separation of employment a vested employee with 10+ years of service with the City shall receive one half (1/2) of the accumulated but unused sick leave standing in his account up to a maximum of 480 hours, provided all of the following conditions have been met:

1. The employee shall have been a full-time employee of the City of Avon Park for at least ten (10) years. Accumulated but unused sick leave is not earned until actually taken and therefore, shall only be paid upon voluntary separation from employment, after ten (10) years of service. The City will pay to the employee or his estate, in the event of death, based on the above schedule of the accumulated but unused sick leave standing in his account.
2. The ten (10) years' service of the employee shall have been consecutive and uninterrupted up to the time of his/her separation from City employment, with the exception of time spent in military service, provided the employee has returned to City service within one (1) year of the normal date of honorable discharge or separation or following an extension beyond the normal date of separation.

SECTION 18

BEREAVEMENT LEAVE

18.01 LEAVE

- A. Approved leave in the event of the death of a member of a regular full-time employee's immediate family (as defined in Section 18.02) will be granted as provided below:
1. When a death occurs in the immediate family, that regular full-time employee shall be granted up to five (5) days off without loss of pay or benefits. Up to an additional two (2) days of bereavement leave shall be granted to employees who have to attend a funeral out of state.
 2. The minimum leave under this section shall be four (4) hours.
- B. The employee may be required to provide the Department Head with proof satisfactory to him of death in the employee's immediate family and that the employee attended the funeral before compensation will be approved.

18.02 IMMEDIATE FAMILY

"Immediate family" as cited above shall be defined as:

Spouse, children, parent, brother, sister, In-laws (father, mother, brother, sister, son or daughter only), stepparent, stepchild, stepbrother or sister, grandmother, grandfather and grandchild, and legal guardian.

18.03 CHARGING EXCEPTIONS

Bereavement leave shall not be charged to vacation or to sick leave, except as specifically provided in Section 18.04.

18.04 ADDITIONAL TIME

Should an employee require time in addition to that provided in Section 18.01 of this section the employee may request additional time from the Department Head, or his designee. Upon approval by the Department Head, any additional time used shall be charged to vacation time or sick leave, provided the employee has accrued sufficient time, otherwise the employee shall be considered in a leave without pay status.

SECTION 19

FAMILY MEDICAL LEAVE POLICY

19.01 ELIGIBILITY AND REASONS

Employees who have worked for the City for at least twelve (12) months and at least 1,250 hours during the preceding twelve (12) months may take up to twelve (12) weeks of unpaid leave in a twelve (12) month period, the (12) month period is measured backward from the date the employee first uses FMLA, for the following reasons:

- A. The birth of a son/daughter of an employee and to care for the child;
- B. The placement of a son or daughter with an employee for adoption or foster care (entitlement to leave for birth, placement for adoption or foster care of a son or daughter expires twelve (12) months from the date of the birth or placement of a child);
- C. In order to care for the employee's spouse, son, daughter 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.

Son or daughter means a biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parents, who is: (1.) under eighteen (18) years of age; or (2.) eighteen (18) years of age or older and incapable of self care because of a mental or physical disability.

19.02 SERIOUS HEALTH CONDITION

A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves either: (1.) in-patient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this policy defined to mean the inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery there from), or any subsequent treatment in connection with in-patient care; or (2.) continuing treatment by health care provider.

19.03 INTERMITTENT LEAVE

In the case of unpaid leave for a serious health condition, the leave may be taken intermittently or on a reduced-hours basis only if such leave is medically necessary. 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 that type of leave.

19.04 VERIFICATION

The City will require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one (1) or more of the essential functions of employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member.

In accordance with the DOL rules (Department of Labor), the City may request, at the City's expense, a second or third health care provider's opinion from a healthcare provider of the City's choice for leave taken because of a serious health condition. The City may also require subsequent recertification from the employee's health care provider on a reasonable basis, in accordance with DOL rules, which normally will not be more than every thirty (30) days. No second or third opinion will be required upon recertification.

19.05 CHILDREN

In the case of unpaid leave for the birth or placement of a child, or foster care, intermittent leave or working a reduced number of hours is not permitted unless both the City and employee agree.

19.06 HEALTH INSURANCE PREMIUMS

- A. During family leaves of absence (FMLA), the City will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period; provided the employee continues to pay his share of the premiums.
- B. Should the employee fail to continue to pay his share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. Employees will be advised well in advance of any changes in premiums so they will have ample opportunity to make arrangements to continue to pay their share of the premiums during the FMLA leave. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the City's portion of health insurance premiums during the family leave, unless the employee does not return because of the presence of a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee.

19.07 ACCRUAL

During FMLA leave, accrual of employment benefits, such as vacation pay, sick leave, seniority, etc., shall continue. Pension benefits will be determined in accordance with DOL rules, but employees shall be required to make the pension contributions required, if any, under the City-sponsored pension plan covering them. Employment benefits to which an employee may be entitled on the day on which the Family and Medical Leave of Absence begins will not be lost because of such leave, except for those paid leave days substituted for leave taken under this policy as described above. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.

19.08 RELATIONSHIP TO PAID LEAVE

- A. Employees are required to substitute accrued paid leave for FMLA leave. In this case, paid leave will run concurrently with FMLA leave.
- B. Leave covered by workers' compensation and/or disability coverage will run concurrently with the FMLA leave when the reason for the leave is covered by the FMLA; however, the City will not require nor will it allow the use of paid leave at the same time.

19.09 RETURN FROM FMLA LEAVE

With the exception of certain key employees, employees who return to work from family leave of absence within or on the business day following the expiration of the leave are entitled to return to their job or an equivalent position with equivalent benefits, pay and other terms and conditions of employment. Designation of key employee status and whether such status will affect the employee's right to reinstatement will be made at the time the employee requests leave, or at the commencement of leave, whichever is earlier, or as soon as practicable thereafter if such determination cannot be made at that time.

19.10 REQUEST FOR LEAVE

Request by the employee for family leave must be submitted in writing at least thirty (30) days before the leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If thirty (30) days notice is not practicable, such as a lack of knowledge of approximately when leave will be required to begin, a change in circumstances or a medical emergency, written notice must be given as soon as practicable.

19.11 COUNTING FMLA LEAVE

To the extent allowed by law, in the event an absence is for a reason covered by the FMLA, the City reserves the right to count it as FMLA leave whether the

employee has applied for it or not. When this occurs, the employee will be promptly notified if required by law.

19.12 COORDINATION

Absences due to sickness or injury, whether paid or unpaid, including absences for work-related sickness or injury that are also covered by the FMLA will be considered as FMLA leave.

19.13 EMPLOYEE OBLIGATIONS

During FMLA leave, employees must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements. When the employee gives unequivocal notice of his/her intent not to return to work, the employment relationship will be terminated, and the employee's entitlement to continue leave, maintenance of health benefits, and reemployment will cease.

19.14 MEDICAL EVIDENCE UPON RETURN TO WORK

All employees of the City whose FMLA leave was taken because of the employee's own serious health condition must obtain and present certification from the employee's health care provider that the employee is able to resume work before the employee will be allowed to return to work.

19.15 FAILURE TO COOPERATE

Employee's who fail to provide information to the City as allowed by law, may have their leave delayed and be subject to discipline up to and including discharge as permitted by law.

19.16 MILITARY FAMILY LEAVE ENTITLEMENTS

Military Caregiver Leave: An eligible employee who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness up to a total of **26 workweeks** of **unpaid** leave during a "single 12-month period" to care for the service member. A covered service member is a current member of the Armed forces, including a member of the national Guard or reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness. A serious injury or illness is one that was incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating. The "single 12-month period" for leave to care for a covered service member with a serious injury or illness begins on the first day the employee takes leave for this reason and ends 12 months later, regardless of the 12 month period established by the employer for other types of FMLA leave. An eligible employee is limited to a combined total of 26 workweeks of leave for any FMLA-qualifying reason during the "single 12-

month period.” (Only 12 of the 26 weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

SECTION 20

COURT/WITNESS LEAVE

20.01 WITNESS LEAVE FOR THE CITY

Employees who appear as witnesses on behalf of the City in any judicial or administrative proceeding and are directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

20.02 OTHER COURT-RELATED LEAVE

- A. Subject to Section 20.01, those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay unless they request and are approved for vacation or personal days under Sections 15 or 16.
- B. Unless they are parties in the action, employees subpoenaed by the Highlands County State Attorney's Office as witnesses for the State shall receive their normal pay less any witness fees received from the State under the same conditions as applied to jury duty under Section 20.03(A)-(D).

20.03 JURY LEAVE

The City shall make up the difference between a regular full-time employee's pay for his normal schedule provided the employee:

- A. Advises his Department Head no later than three (3) working days before he is to report for jury duty or when he is first advised, whichever first occurs.
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled workday or shift unless he gets permission from his Department Head not to return.
- C. Provides the City with his check for jury pay.
- D. An employee who attends court or serves jury duty under the conditions described in Section 20.01 above while on vacation leave shall be allowed to reinstate vacation hours served in court providing satisfactory evidence of the time served on such duty is presented to the City.

20.04 RETURN TO WORK

Employees who attend court or any other legal or administrative proceeding for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released.

20.05 REPORTING

An employee subpoenaed to attend court, give a deposition, attend any administrative hearing, or serve jury duty shall promptly notify his immediate supervisor so that arrangements can be made for his absence.

20.06 CONFERENCE, EDUCATIONAL, AND TRAINING LEAVE

If the City's Budget allows, the City Manager may approve an employee to be granted up to one (1) week of leave for classes with pay to attend professional and technical institutes, conferences, training, or other meetings, which contribute to the effectiveness of the employee's service. Such leave or conferences must serve a public job related purpose which would benefit the City. All such leave and travel expenses will be submitted in advanced for approval by the City Manager.

SECTION 21

GENERAL LEAVE WITHOUT PAY

21.01 LEAVE OF ABSENCE WITHOUT PAY

(Other than Family/Medical Leave or in the event that the employee does not qualify for Family/Medical Leave)

- A. A regular full-time employee may be granted leave of absence without pay for a period not to exceed one (1) year (inclusive of FMLA leave) for sickness, disability or other good and sufficient reasons, which are considered to be in the best interest of the City. Such leave shall require the prior approval of the Department Head and the City Manager.
- B. If for any reason the leave of absence without pay is granted, such leave may subsequently be withdrawn and the employee recalled to service if determined to be operationally necessary by the City.
- C. All employees on leave of absence without pay are subject to these rules.
 - 1. Subject to applicable law, leave without pay shall be granted only when the City determines it will not adversely affect the interests of the City.
 - 2. Failure of an employee to return to work upon expiration of approved leave shall result in termination from the City, absent any unforeseen circumstances as determined by the City Manager.
 - 3. An employee granted a leave of absence without pay, and who wishes to return before the leave period has expired, must make a request to return early to his Department Head as soon as possible to discuss the possible return to work.
 - 4. No sick leave, vacation leave, or holiday pay will be accrued or earned by an employee for the time that the employee is on leave without pay.
 - 5. An employee who obtains employment elsewhere, while on authorized leave of absence without pay, will be terminated by the City unless approval has been obtained in advance from the Department Head and the City Manager.
- D. An employee returning from a leave of absence without pay shall be entitled to employment in the same department and position as when the leave began, providing an opening exists. If no vacancies exist, the employee may be offered a lesser position and rate of pay, for which he/she is considered by the City to be qualified. If no such vacancies exist at the time,

the employee may be terminated or the leave extended at the option of the City.

21.02 EFFECT OF LEAVES ON INSURANCE COVERAGE

- A. **Compensable Leave.** The City shall continue the employee's group life and health insurance during compensable leave of absence provided the employee pays his share of the premium.
- B. **Workers' Compensation.** The City shall continue the employee's group life and health insurance during an unpaid leave of absence due to a valid workers' compensation injury or illness, provided the employee pays his share of the premium. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for all premiums paid in his behalf during the injury. Failure to repay the City such premium upon demand or under terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect the premiums by any means allowed by law.
- C. **Other Non-Compensable Leave.** If an employee is on an unpaid leave of any type other than FMLA leave, including sick leave covered by Section 17.01, he shall be responsible to pay the full premium for group life and health insurance beginning the month in which the leave began. The employee shall be entitled to continue coverage for the period of the leave provided he pays the premiums subject to any restrictions imposed by the insurance carrier.

21.03 MILITARY LEAVE

- A. **Florida Statutes provides for leave of absence for employees for active duty training and for military service in the National Guard, Air National Guard or the Reserves of the United States Armed Forces.** These statutes were adopted, "to ensure the state and national security at all times through a strong armed force of qualified mobilization ready personnel." Accordingly, employees are authorized pay and benefits appropriate to their status as provided per Chapter 115 and 250, Florida Statutes.
- B. **Supplemental Pay.** An employee who is a member of the National Guard, Air National Guard or the Reserve of the United States Armed Forces shall upon presentation of a copy of the employee's official order or appropriate military certification substantiating being placed on active duty shall be entitled to Supplemental Pay in accordance with Section 115.14., F.S. during periods of service for the first 30 days of leave of absence in an amount necessary to bring their total salary inclusive of their base military pay, to the level earned at the time they were called to active duty.
- C. **Training.** An employee who is a member of the National Guard, Air National Guard, or the Reserve of the United States Armed Forces, shall upon

presentation of a copy of the employee's official orders or appropriate military certification be entitled to administrative leave without loss of pay during periods in which the employee is engaged in annual field training or other active duty for training exercises. Such leave with pay shall not exceed 17 calendar days in any calendar year. A copy of the official orders or certification shall be filed in the employee's personnel file.

- D. Florida Ordered National Guard Active Duty. An employee who is a member of the Florida National Guard shall be entitled to administrative leave without loss of pay on all days when ordered to active duty by the State. Such leave with pay shall not exceed 30 calendar days at any one time. Leave without pay may be granted for armory drills and/or multiple training assemblies.
- E. Upon termination from active military service, an employee who wishes to return to the City's employment shall contact the City Manager's office in writing, within ninety (90) days from the date of military discharge.

An employee shall not be considered for reinstatement by the City if he received a discharge other than honorable conditions or voluntarily reenlisted in the military service beyond the term of his initial military enlistment. An employee requesting reinstatement with the City shall submit to a medical examination similar to the one utilized for applicants for employment.

An employee returning to the City's employment will start at a salary that he would have received, including all adjustments, had the employee remained continuously in the service of the City, of entering the armed services, except in cases of voluntary enlistment. In cases of voluntary enlistment, the employee will be given credit for prior actual service with the City's office, but no anticipatory benefits will accrue.

If the position vacated by an employee who entered the military service was reclassified or re-titled during his period of military service, the employee will be entitled to be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the essential functions of the position. If the former position has been abolished or if he is incapable of satisfactorily performing the duties, the employee shall be entitled to reinstatement in a position which is the nearest approximation to an equivalent position the person would have been in if continuously employed and if; not available in a position in which the person was employed and the date of commencement of service as nearly comparable as possible in salary as duties to the position he vacated, providing that a vacancy exists.

21.04 DOMESTIC VIOLENCE-RELATED LEAVE

- A. As set forth in this policy, the City will provide eligible employees with up to three (3) working days of unpaid leave in a 12-month period for domestic violence-related reasons.

In calculating the 12-month period under this policy, the City uses a “rolling, backward-looking” method. Under this method, a rolling twelve month period is measured backward from the date the employee uses any leave under this policy, such that each time an employee takes leave under this policy the remaining leave entitlement would be any balance of the 3 days’ of leave which has not been used during the immediately preceding 12 months.

- B. Eligible Employees. To be eligible for leave under this policy, the employee must have been employed by the City for at least three months.

- C. Circumstances Where Domestic Violence-Related Leave is Available. Leave may be taken under the terms of this policy if the employee or a family or household member of the employee is a victim of domestic violence and the leave is necessary to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence;
2. Obtain medical care or mental health counseling, or both, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;
3. Obtain services from a victim-services organization including, but not limited to, a domestic violence shelter or program or a rape crisis center as result of the act of domestic violence;
4. Make the employee’s home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
5. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.

- D. Exhaustion of Paid Leave Required. Prior to receiving leave under this policy, the employee must exhaust any available paid leave.

- F. Notice and Supporting Documentation Required. Except in cases of imminent danger to the health or safety of the employee or a family or household member, advance notice of the need for leave is required.

Where advance notice is required, the employee is required to provide notice to the City as soon as the need for leave becomes known. Where advance notice is not required due to the imminent danger to the health or safety of the employee or a family or household member, the employee must inform the City that the leave was taken pursuant to this policy as soon as he or she returns to work.

Documentation supporting the need for the leave under this policy must be submitted with the request for leave. In cases of imminent danger to the safety of the employee or a family or household member, supporting documentation must be submitted as soon as the employee returns to work.

G. Confidentiality and Prohibition of Retaliation.

1. All information relating to leave under this policy shall be considered confidential and will not be disclosed to any other individuals unless required for legitimate business or otherwise compelled by law.

2. Leave taken or requested under this policy will not result in any adverse action against the employee. Employees who believe they have been subject to retaliation as a result of leave taken or requested under this policy must initiate a complaint in the same manner as required by the City's unlawful harassment and discrimination complaint procedure.

SECTION 22

SEXUAL AND OTHER ILLEGAL OR IMPROPER MISCONDUCT AND HARASSMENT POLICY

22.01 PURPOSE

The purpose of this policy is to make all employees of the City aware that it is the policy of the City that sexual, racial or other forms of illegal or improper harassment and misconduct will not be tolerated.

22.02 STATEMENT OF POLICY

Sexual harassment is included among the prohibitions of Title VII of the Civil Rights Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the City.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of sex based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.

Other forms of harassment in addition to sexual harassment are illegal (such as racial harassment) and/or are improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, religion, national origin, age, marital status or disability.

Sexual misconduct is a course of conduct that causes bodily injury or personal injury arising from that bodily injury, from sexual abuse, sexual molestation, sexual assault, sexual exploitation and/or physical sexual abuse.

Sexual harassment or misconduct, as well as other illegal or improper harassment of our employees by other employees or by persons who are not employed by but do business with the City, will not be tolerated.

In addition, the City will not allow any retaliation against any employee who raises a concern about sexual harassment or misconduct as well as other improper or illegal harassment or participates in an investigation of any of the aforementioned and tells the truth to the best of his knowledge and belief.

22.03 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT

The City considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment or misconduct.

- A. Unwelcome physical assaults or touching of a sexual nature, including:
 - 1. Rape, sexual battery, molestation, or attempts to commit such acts.
 - 2. Intentional physical contact which is sexual in nature such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- B. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his presence is unwelcome.
- C. Job actions related to sexual matters such as:
 - 1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward.
 - 2. Threatening to, or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
- D. Display of sexually related material, such as:
 - 1. Pictures, posters, computer screensavers, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace.
 - 2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

22.04 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT

Derogatory, critical or uncomplimentary jokes, comments, displays, posters, other written materials as well as actions based on age, race, religion, national origin, marital status, or disability are often unwelcome and hurtful to others and can be illegal. Such actions have no place in the work environment at the City and will not be tolerated.

The above examples are not to be considered a comprehensive list of prohibited conduct, but set forth examples of the types of prohibited conduct.

22.05 MAKING COMPLAINTS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT OR RETALIATION

- A. Anyone who has suffered sexual harassment or misconduct or other illegal or improper harassment or retaliation or who has observed such conduct should report it to his immediate Supervisor, his Department Head, Administrative Services Director, City Manager.
- B. All complaints will be investigated expeditiously. Upon completion, and a determination that a complaint is valid, the City will take appropriate remedial action, including discipline up to termination of employment. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.

22.06 BAD FAITH CLAIMS OF SEXUAL HARASSMENT OR MISCONDUCT OR OTHER ILLEGAL OR IMPROPER HARASSMENT

Bad faith claims of sexual harassment or misconduct or other illegal or improper harassment are claims made when the person making the claims knows the claim is false but makes it anyway. Persons who make bad faith claims under this subsection will be subjected to disciplinary action up to and including termination.

22.07 INTERNAL INVESTIGATION PROCEDURE

The following procedure for investigating and resolving claims of sexual harassment or misconduct or other forms of illegal/improper harassment prohibited by this policy.

- A. All employees have been informed as to the policy concerning illegal/improper harassment or misconduct. All incidents, reports or complaints of sexual harassment or misconduct should be filed or reported to the Administrative Services Director immediately. All such complaints, once filed, shall be investigated and handled exclusively by the City Manager, or his designee, in consultation with the City's Attorney and/or the City's Labor Attorney, unless otherwise specifically provided in this procedure. However, an employee disciplined as a result of a finding of sexual harassment or misconduct or filing a willful and intentional bad faith claim of sexual harassment misconduct shall be entitled to file a grievance in accordance with applicable policy or an applicable collective bargaining agreement.
- B. Because of the extremely sensitive nature of these types of problems and the potential "spill-over effect" on the job future and personal lives of all involved, the following procedures are established.
- C. When a complaint of illegal/improper harassment is made against an employee or person doing business with the City:

1. A complaint file will be opened by the Administrative Services Director, which will be separate from the personnel file of the employee involved. Said file will be confidential to the extent allowed by Florida law and will be available only to the City Manager, or his designee, for the specific case, and;
 - a. The City Attorney and City Labor Counsel;
 - b. Investigators, if any (until the investigation is completed) assigned the specific case by the City Manager.
2. Investigators assigned to handling the complaint will not discuss any aspect of the investigation with anyone, except those persons who have access to the file as provided in Paragraph 1 above and then only upon request or as necessary to complete the investigation.
3. The investigators will be charged with the responsibility of gathering information relevant to the complaint. The identity of persons interviewed will remain confidential except to those persons enumerated in Paragraph 1 above unless otherwise directed by the City Manager or required by law.
4. Unless otherwise directed by the City Manager, the investigation will be supervised by the Administrative Services Director, City Attorney and/or the City Labor Counsel.
5. Upon completion of the investigation the investigators will make a verbal report to the City Manager.
 - a. A record of the decision of management will be made in the separate file by the City Manager and the parties will be advised of the decision.
 - b. If the decision involved discipline of any employee other than oral reprimand (e.g., written reprimand, suspension or discharge) a copy of the actual notice of disciplinary action will be placed in the employee's personnel file.

- c. If the person against whom the claim was made is exonerated or no disciplinary action other than oral reprimand is taken, no entry will be made in the personnel file. In such instance, the complaint investigation shall clearly state whether there was no merit to the complaint or that it was insufficiently serious to warrant discipline more severe than oral reprimand. If any oral reprimand was given, the City Manager shall prepare a memo explaining the oral reprimand. The complaint investigation file will not be disclosed to anyone other than as provided in Paragraph 1 above, unless, disclosure is, required by law.

22.08 RETALIATION POLICY

- A. The City is committed to maintaining a culture that promotes the prevention, detection and resolution of instances of conduct that do not conform to law, regulation, policies and procedures of our Standards of Conduct (Section 3).
- B. We understand that employees may not report concerns, if they feel they will be subject to retaliation, retribution, or harassment in reporting such concern. Therefore, a non-retaliation-retribution policy is established to reassure employees who wish to report concerns directly through the chain of supervision or HR Department.
- C. Employees of the City shall have those rights specified in the Whistle-Blower's Act of 1986 (Chapter 112.318(7) of the Florida Statutes). This Act prohibits public employers from retaliation or discrimination against employees engaged in certain whistle-blower activities. However, the Act does not protect employees who knowingly disclose or report false information and disciplinary action may be taken against an employee who knowingly files a false and/or malicious report.
- D. In addition, the Act allows for a public employer to defend its employment actions by showing grounds other than the employee's exercise of rights protected by the Act.
- E. Supervisors, managers or employees are not permitted to engage in retaliation, retribution or any form of harassment directed against an employee who reports a compliance concern. Anyone who is involved in any act of retaliation or retribution against an employee that has reported suspected misconduct in good faith will be subject of disciplinary action.

SECTION 23

PENSION

23.01 SECTION 457 DEFERRED COMPENSATION PLAN (ELIGIBLE EMPLOYEES)

The City maintains a Section 457 Deferred Compensation Plan for eligible employees. Participation is not mandatory. The City will advise as to the mandatory City and employee contribution rates.

23.02 (LOCAL ORDINANCE) PENSION PLAN

The City maintains a Defined Benefit Plan and a Defined Contribution Plan for eligible employees not covered by the Florida Statutes Chapter 175 and Chapter 185 Pension and Disability Plans. Participation by eligible employees is not mandatory.

23.03 DETAILS AND COPIES

Copies of the Summary Plan Description, which includes the requirements for eligibility for each of the plans generally described in Sections 23.01 and 23.02 above have been provided to all eligible employees. Additional copies, as well as a copy of each entire plan, are available in Human Resource. The Summary Plan Description provides details as to eligibility, cost, benefits, and all other related matters.

SECTION 24

PERFORMANCE EVALUATIONS

24.01 THE PERFORMANCE EVALUATION SYSTEM

- A. The process for rating the work performance and work attitude of employees accurately is important to the efficient operation of the City and the job opportunities for employees.
- B. Performance Evaluations are given to evaluate the employee's work attitude, quality, quantity and performance and to assist the employee and management in recognizing strengths and weaknesses and to assist in improving areas identified as weak.
- C. Performance Evaluations will be conducted annually for all employees and on other occasions as determined necessary.

24.02 USE

In addition to assisting employees and management in achieving and maintaining acceptable or better job performance, performance evaluations are considered in determining advancement, disciplinary actions and other job actions.

24.03 MAINTENANCE OF RECORDS

The original copy of completed performance evaluations will be maintained in each employee's personnel file.

SECTION 25

DRUG-FREE WORKPLACE AND ALCOHOL POLICY

25.01 POLICY

The City's Drug-free Workplace Policy is aimed at insuring "0" tolerance to illegal drugs at all times and its Alcohol-Free Policy to "0" tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or the effective operation of City business. In addition, all employees required to have a Commercial Driver's License (CDL) under Chapter 49 CFR Parts 40, 382 and 655 are subject to controlled substance and alcohol testing rules established by the Federal Highway Administration (FHWA) pursuant to the Omnibus Transportation Employee Testing Act of 1991 (revised February 1994), the Federal Motor Carrier Safety Administration (FMCSA) and the Federal Transit Authority (FTA) published regulations prohibiting drug use and alcohol misuse by drivers and transit employees and required regulated agencies to test for these issues. Federal regulations covering these rules include 49 CFR, Parts 29, 40, 382, and 655, Florida Statute 440.112 and regulatory penalties for infractions are in addition to disciplinary action including termination of employment.

25.02 PROHIBITIONS

- A. Illegal controlled substances. The City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty, whether on or off City property. Illegal controlled substances are defined by applicable State and Federal laws.
- B. Alcohol abuse. Employees of the City are prohibited from using or possessing alcohol while on duty; while on City premises; while driving a City vehicle, operating a piece of City equipment, or being transported in City vehicles at any time; reporting to work under the influence of alcohol; or, from otherwise using alcohol in a manner at any time which adversely affects the business interests of the City.

25.03 USE OF LEGAL DRUGS

The use of legal drugs, that is drugs prescribed by licensed physicians for a specific medical purpose, is often necessary. However, such drugs can and often do have a direct impact on the vigilance, judgment and/or coordination of the employee and adversely affect the employee's job performance and the employee's ability to work in a safe and efficient manner. This is particularly true in safety-sensitive assignments involving the operation of motor vehicles and other moving equipment. Therefore an employee, for whom a licensed physician or dentist prescribes a controlled substance, must advise the supervisor immediately in order that an evaluation can be made on the impact, if any, on the safe and efficient operation of the City.

25.04 TESTING

- A. Substances Tested For: Employees will be subject to drug testing for the detection of the following illegal drugs/drug groups, as well as others that may from time to time be declared illegal by state or federal law:

	DRUGS	COMMON NAMES
1.	Amphetamines	Dexedrine, Desozyn
2.	Barbiturates/Sedatives	Seconal, Nembutal, Phenobarbital
3.	Benzodiazepines	Librium, Halcion, Restoril, Valuim
4.	Cannabinoids (marijuana)	Marijuana, Pot, Grass
5.	Cocaine	Coke, Flake, Snow, Crack
6.	Methaqualone	Quaalude
7.	Opiates	Morphine, Tylenol w/Codeine Paregoric
8.	Phencyclidine HCl	PCP, Angel Dust
9.	Synthetic Narcotics	Methadone-Polophine, Methadose Propoxyphene, Darocet, Darvon-N
10.	Alcohol	Liquor, Beer, Booze

- B. Testing for Illegal Controlled Substances – Classes of Employees/Circumstances, Subject to applicable law:

1. Employees in special risk and safety sensitive positions.
 - (a) Special risk and safety sensitive employees include all employees in all classifications of requiring a CDL license, and all police officers authorized to carry a weapon, firefighter EMT's and firefighter Paramedics regardless of their rank. Other employees who are considered special risk or safety sensitive shall be notified of said status in writing.
 - (b) Applicants and employees are subject to testing on the same basis as other employees under Section 25.04(B)(2), except no reasonable suspicion is required for testing such employees for illegal controlled substances for:

- (1) When involved in any accident involving any personal injury that results in a worker's compensation claim or serious damage to property occurs.
- (2) As otherwise allowed or required by law, provided unless required by law, there shall be no random drug testing except in conjunction with rehabilitation under Section 25.08.

2. Non-Safety Sensitive/Special Risk Employees.

- (a) All job applicants shall be subject to pre-employment drug testing as a prerequisite to employment with the City. It is the obligation of the job applicant to notify the approved testing facility of any controlled substances prescribed for the job applicant by a physician or dentist.
- (b) When an employee is involved at any time directly in an equipment or vehicular work-related accident, any accident on-the-job, or in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles at any time where in the opinion of the City Manager the employee was at fault or the employee's conduct contributed to the accident and there is reasonable suspicion to believe the employee was in violation of Section 25.02(A) or (B).
- (c) When reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy. Reasonable suspicion is a belief by two (2) or more supervisors or managers that an employee is using or has used drugs or alcohol in violation of this policy drawn from specific objective and articulated facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:
 - (1) Observable phenomena while at work, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
 - (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance;
 - (3) A report of drug use;
 - (4) Evidence that an individual has tampered with a drug test during his employment with the City;

- (5) Information that an employee has caused, contributed to, or been involved in an accident while at work;
- (6) Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs;
- (7) Frequent absences from work without a satisfactory explanation.

C. Employee Rights – When testing to determine the presence of illegal controlled substances under subparagraphs (1) and (2) above:

1. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
2. All test results will be kept confidential and will only be provided to managerial employees on a need-to-know basis.
3. For tests under Section 25.04(B)(1)(b)(1) and (2), Employer shall meet with and inform an employee that, in the opinion of the Employer, there is a basis for reasonable suspicion and of the Employer's intention to schedule a drug or alcohol screen or test. At said meeting, the Employer shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test.
4. An employee may, upon his request have a representative present at this meeting, however the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee, to submit to testing, may be grounds for disciplinary action including termination of employment.
5. If the employee is in a collective bargaining unit, the representative in subparagraph (4) above may be a Union representative.
6. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of *Florida Statute* 440.102(5) (a) through (o) and (6) for alcohol, a positive result is 0.02, or greater. For drugs, a positive result is in accordance with the detection levels established by HRS guidelines.

7. The common and chemical names of the substances identified in Sub-section A above, a copy of *Florida Statute* 440.102(5) and (6) and a list of local drug rehabilitation programs is available from Human Resources.

25.05 REPORTING AND CONVICTION OF ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol related violation or alleged violation of law not later than the next work day after they become aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate governmental entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, it believes a violation has occurred, it will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

25.06 DISCIPLINE FOR VIOLATION OF POLICY

Employees who violate this policy or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when and as directed; or who, after having taken such examination and/or test are determined to have utilized illegal controlled substance at any time or to have violated the City's Alcohol Abuse Policy, shall be subject to immediate termination; provided, however, if the presence of an illegal controlled substance is established as a result of the test, the employee or job applicant may, within five (5) working days of receipt of written notification of a positive result, request an opportunity to explain the result to the City and/or the medical review officer.

25.07 EMPLOYEE INJURED ON THE JOB

Any employee injured on the job that refuses to submit to a drug test, or has a positive confirmation test, in addition to other provision of the policy, may forfeit his eligibility for all workers' compensation medical and indemnity benefits depending on applicable law.

25.08 EMPLOYEE ASSISTANCE PROGRAM

The City has an Employee Assistance Program (EAP) with one of its missions being to assist employees who voluntarily report drug or alcohol related problems,

which have not yet adversely affected their job or City operations. The City may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment. For further information regarding the EAP, contact Human Resources.

- A. **Employees Who Voluntarily Ask For Help.** Employees, with drug or alcohol related problems, who desire assistance through the EAP may contact the EAP provider on a confidential basis or through Human Resources. If the request is made through Human Resources, City referrals will be made only upon execution by the employee of a release to the EAP provider to keep Human Resource advised as to the employee's attendance and progress in the rehabilitation program. If the employee has a satisfactory performance record and is otherwise qualified to perform his job, the City may grant the employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. Such a leave will be granted only one (1) time. This employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.
- B. **Other Employees.** In the event the City discovers a violation of this drug or alcohol policy, or an alcohol-related problem that adversely affects or may adversely affect the employee's performance or the City business, the City may proceed to discipline the employee up to and including discharge, or at its option, require the employee to undergo approved medical or rehabilitative assistance. The City may grant the employee leave with or without pay to participate in a rehabilitation program, including referral to the City EAP program. Such leave may be granted only one (1) time. Allowing rehabilitation under the City EAP program will be conditioned upon execution of a, consent by the employee to allow the EAP provider, or persons providing medical or rehabilitative assistance to keep Human Resources advised of the employee's attendance and the success of rehabilitation. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance.
- C. **Return to work.** Employees who are granted a leave of absence under paragraph A or B above must successfully complete all EAP, medical and other rehabilitative requirements established by the City within a reasonable amount of time. A successfully rehabilitated employee who has been granted a leave of absence under (A) above shall be returned to his former job provided he successfully completed rehabilitation within the period of his leave. Return is also conditioned on maintaining all certifications required of the job. Employees who successfully complete rehabilitation under B above within the period of his leave will be returned to his former job if vacant, but if not to any vacancy which the City considers him qualified to perform, if any, and if there is none he shall be terminated.
- D. **Re-testing.** Employees allowed to return to work from an illegal controlled

substance problem shall be subject to re-testing any time without notice and must submit to such test as and when directed by the City for one (12) years after they have been free of illegal drugs as determined by the City, or its designee.

25.09 REPORTING VIOLATION OF THE POLICY

- A. Reporting violations. It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report may subject employees to discipline up to and including discharge.
- B. Good faith reports. Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or take action in good faith based on reasonable suspicion or observation shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.
- C. Bad faith claims. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

25.10 COORDINATION WITH HUMAN RESOURCES

All action taken by members of management under this Section 25 must be coordinated through Human Resources to ensure compliance with all applicable laws.

SECTION 26

EDUCATIONAL INCENTIVES AND BENEFITS

26.01 PURPOSE

The purpose is to encourage the City of Avon Park Employees to enhance their skills and knowledge by attending College Courses and/or obtaining a College Degree, and approved courses in vocational, trade or adult extension courses.

26.02 ELIGIBILITY

Is open to all regular full-time employee's who have been employed with the City at least one (1) year, unless the City Manager grants an exception.

26.03 REIMBURSEMENT

Reimbursement will be a maximum of one thousand dollars (\$1,000.00) per academic year (August 1 – July 31) for any approved College Courses that are passed by the employee. Reimbursement is for tuition, fees, and registration only. If an employee, for any reason, fails to achieve a passing grade or drops classes, **no** reimbursement of tuition, fees, or registration will be granted.

The City Manager will have final approval for the Reimbursement.

26.04 PROCESS

- A. The employee may request Tuition Reimbursement by providing the following:
 - 1. Completing the tuition Reimbursement Form.
 - 2. Providing a copy of the receipt of payment for tuition, fees, and registration.
 - 3. Providing a copy of a report card or transcript that displays the course title and passing grade achieved.
- B. Once approved by the City Manager, the Document will be returned to the appropriate Department Head for fiscal processing.

26.05 EMPLOYEE RETENTION AGREEMENT

- A. In applying for and receiving Tuition Reimbursement the employee agrees to remain in the employment of the City of Avon Park for a Period of one (1) year/twelve (12) months from receipt of the last received Tuition Reimbursement.
- B. If the employee fails to comply with this Retention Agreement, the

employee will then be responsible for repaying to the City any Tuition Reimbursement received during the last claimed Academic Year.

26.06 INCENTIVE PAY

When the State or other governmental agency mandates additional pay for a class of employees and funds or reimburses the City for same, the City will provide the incentive pay to those employees who meet and maintain the qualifications to receive the incentive pay. Department Heads are required to advise Human Resources of employees in their Department who are eligible for such pay.

SECTION 27

MISCELLANEOUS

27.01 SMOKING/TOBACCO PRODUCTS

- A. The purpose of this policy is to protect the public health, comfort, and environment for citizens and employees by creating areas in public places and at public meetings that are reasonably free from tobacco smoke, to comply with Florida Statute, the Florida Clean Air Act and problems created by the use of other tobacco products in the workplace.
- B. No person may smoke or use any tobacco product in any City building, facility or vehicle. This includes, but is not limited to, private offices, hallways, rest rooms, conference rooms and break rooms, even with only one (1) occupant.
- C. Smoking is permitted outdoors except for the following conditions:
 - 1. Whenever a safety hazard exists;
 - 2. in any area where smoking is specifically prohibited by Federal, State, County or City Ordinance;
 - 3. In any area posted "No Smoking".
- D. The City Manager shall be responsible for ensuring City wide, implementation of this policy. Department Heads shall be responsible for uniform implementation of this policy in their respective work areas, facilities and buildings.
- E. Violation of this policy shall subject the employee to disciplinary action up to and including termination.
- F. Citizens, clients, contractors and visitors to City facilities shall be expected to comply with this policy. Violators shall be requested to extinguish their smoking material or to leave the building/facility area if they refuse to do so.

27.02 UNEMPLOYMENT COMPENSATION

- A. The City is registered with the Department of Revenue as a liable employer under the Florida Unemployment Compensation Law and you, as employees, are covered by unemployment insurance. **Unemployment taxes, which finance benefits paid to eligible unemployed workers are paid by the employer and, by law, cannot be deducted from employee's wages.**
- B. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive

unemployment compensation benefits. Employees who are terminated for violation of the City Drug Free Workplace Policy may not be entitled to unemployment compensation under Florida law.

27.03 WORKERS' COMPENSATION

- A. The City will pay regular full-time employees on leave covered by the Workers' Compensation Law for the first twenty (20) working days per year at their regular hourly rate for their regular straight time schedule, provided they sign over to the City checks for lost wages received from the workers' comp insurance carrier. After the first twenty (20) working days, if the employee remains on workers' compensation, the employee may use accumulated but unused vacation and sick leave to supplement workers' compensation as provided in Sections 16.07(D) and 17.03(A)(5).
- B. Injury or compensable illness shall be determined to have incurred while on duty, only if such injury is a compensable injury under Florida's Worker's Compensation law. In the event of any dispute or disagreement concerning the interpretation of the entitlement to or amount of compensation, said dispute shall be resolved in accordance with the Florida Worker's Compensation law, and not under any collective bargaining agreement, or this PRR.
- C. The length of disability shall be determined by the Employer's physician, in accordance with worker's compensation laws. Additional payments made by the Employer during the twelve (12) month period shall not be charged against any leave time, which the employee may have accrued.
- D. Sick and vacation accrual shall continue for a maximum of twelve (12) months for employees who are receiving worker's compensation benefits due to a compensable on-the-job injury or compensable illness.
- E. If the employee's claim is later determined by law to be invalid, the employee shall reimburse the City for supplemental compensation received and as to benefits received or accrued, he shall be treated as having been on unpaid leave of absence; provided, he shall not be required to repay accrued vacation or sick leave used to supplement workers' compensation. Failure to repay the City upon demand or under terms agreeable to the City will result in termination of employment, and loss of accumulated sick and vacation leave to the extent necessary to cover the reimbursement. To the extent not fully reimbursed, the City may collect by any means allowed by law.
- F. The "Notice of Injury" form must be submitted following an accident or injury, regardless of severity within twenty-four (24) hours. Failure to submit such form will result in disciplinary action.

27.04 LIGHT DUTY

- A. If an employee is released by his physician for "light duty", return to light duty shall be at the option of the City based on its operational needs. A refusal to accept a light-duty assignment made by the City Manager, or his designee, which the employee is capable of performing, in accordance with applicable law will result in termination of employment.
- B. The employee will be paid his normal hourly rate for light duty work; provided; employees on a Section 7(k) schedule in the Fire Department who are assigned light duty on another schedule shall have their normal hourly rate multiplied by 1.40%.
- C. No sick leave will be charged for those hours worked while on light duty.

27.05 DESKS, LOCKERS, CITY PROPERTY/EQUIPMENT, AND PERSONAL PROPERTY

- A. All personal equipment, clothing, property and belongings, including, but not limited to, car trunks and lunch bags, brought onto the City property or placed in City property, as well as lockers, desks, file cabinets and other City equipment used by employees, are subject to inspection by management at any time if management has any reason to suspect they contain or may contain anything the possession of which would violate a City or department ordinance, rule, procedure or policy, or any Federal, State, or Local law or regulation.
- B. In the event the employee is unavailable or it is deemed necessary to access any item described in Section 27.04(A) above without the employee's presence, the Department Head must request authority to access from the City Manager. If authority is granted, the Administrative Services Director will be present during access of any item described in said Section 27.04(A). The City Manager shall make the determination.

27.06 RECORDS AND REPORTS

Human Resources, is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

- A. All records and material relating to the administration of the City Personnel Management System shall be considered confidential to the extent allowed by law and the property of the City.
- B. Employees should keep their personnel records current. This means immediately notifying Human Resources 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 status change not previously reported, from that which was originally given at the time of

employment. This is the responsibility of the employee and failure to comply may result in loss of employee benefits.

- C. Human Resources should be informed of any special training courses completed by an employee. Copies of diplomas or certificates shall be forwarded to Human Resources to become a permanent part of the employee's personnel file.

27.07 EMPLOYEE TRAINING AND DEVELOPMENT

It is the responsibility of the City Manager in conjunction with Department Heads and Human Resources, to foster and promote in-service training of employees. The purpose of this training is to improve the level of service rendered to the public, the quality of personnel, and to assist employees in preparing themselves for advancement in City service. Department Heads in cooperation with Human Resources will establish standards for training programs, assure that training is carried out as approved, and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs. Human Resources provide assistance to Department Heads in developing and conducting training to meet specific needs of their departments and to assure that employee, supervisory and management training are available to all Departments.

27.08 DEDUCTIONS

Federal withholding, Social Security and pensions are deducted from paychecks in accordance with law and City ordinance. Voluntary deductions authorized by the City Manager, are made only upon written authorization of the employee and approval by Human Resources and by the Finance Department. Any employee, who believes that an improper pay deduction was made within the previous ninety (90) days, may contact the Administrative Services Director who will investigate the complaint. If the deduction is found to be improper, the City will reimburse the employee.

27.09 CELLULAR AND DESK PHONES

The purpose of this policy is to provide a set of guidelines governing the use of cellular telephones and desk telephones by the City of Avon Park employees and to provide guidelines, criteria and conditions for reimbursement to the City for personal calls. This policy is to provide a set of guidelines concerning employees' personal cellular phones while at work.

CELLULAR PHONE POLICY

- A. Cellular telephones are the property of the City of Avon Park and are to be used for official business only. Personal use of an assigned cellular phone shall be occasional or for emergencies.

- B. Individuals to whom cellular telephones are assigned are responsible for the security and maintenance of the phones and must promptly report any damage or theft to their appropriate supervisor or department head.
- C. Cellular telephones may not be used to defame, harass, intimidate or threaten any other person.
- D. City issued cellular telephone bills are not private or secure. The City has the right to monitor telephone bills and usage to determine if misuse or abuse exists.
- E. Cell phones use, for personal business, is the responsibility of the employee's department, along with monitoring cell phone use and reimbursements for compliance with this policy.
 - 1. Documented review of monthly charges.
 - (a) If personal usage (local calls) does not cause the packaged minutes to be exceeded, no reimbursement is necessary.
 - (b) If personal usage causes the packaged minutes to be exceeded, then the personal usage is assessed at the rate of the excess-minute rate. This reimbursement will be applied to the amount of personal use of the amount of excess minute's usage.
 - (c) If personal usage is long-distance, the long-distance charges shall be reimbursed to the City.
 - 2. Periodic review of billing options. The department shall periodically review the choice of billing options, considering:
 - (a) The demonstrated need for cellular telephone for each specific user.
 - (b) The most economical billing option for each specific user.
 - (c) Documented review of personal use and business use that is reconciled on a monthly basis

DESK PHONE POLICY

- A. It is the policy of the City of Avon Park that all city telephones are to be used for business purposes only. Employees are expected to exercise reasonable discretion in using City desk phones for personal use. Excessive incoming or outgoing personal calls during the workday can interfere with employee productivity and be distracting to others. Employees should make personal calls during non-work times and ensure that friends and family members are aware of the City's policy.

- B. Employees are required to reimburse the City for any personal long distance calls. City issued desk telephone bills are not private or secure. The City has the right to monitor telephone bills and usage to determine if misuse of abuse exists.
- C. Desk phones may not be used to defame, harass, intimidate or threaten any other person.

PERSONAL CELLULAR PHONE POLICY

- A. While at work employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of City phones. Excessive personal calls during the workday, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees should make personal calls during non-work times and ensure that friends and family members are aware of this policy.
- B. On occasion it is understood that personal calls will be made or received during work hours. Flexibility will be provided for special situations and in circumstances demanding immediate attention so long as the employee discusses it with supervisory staff.
- C. Personal cellular phones should be placed on silent mode or vibrate mode so as to not disrupt business operations.
- D. The City will not be liable for the loss, theft, or damage of personal cellular phones brought into the workplace.

POLICY VIOLATIONS

Violation of these policies may lead to suspension or loss of service or privileges and may lead to more serious sanctions including disciplinary action or termination.

27.10 COMPUTER PROCEDURES AND E-MAIL

It is the purpose of this policy to establish guidelines and standards for the use of City owned computing equipment, software, data, electronic mail and the Internet. This Policy has two main sections – Computer Procedures and E-Mail. Contained in the sections following are policies, guidelines, standards, and other material that must be understood by the computer user. It is fully expected that the material contained herein will be revised and supplemented as new products and services are introduced and understanding evolves on how best to accommodate information processing needs for City business.

- A. Definitions:

Hardware – Physical equipment used for processing or data communications.

Software – Programs, programming languages, instructions, or routines, which are used to perform work on a computer.

DATA – Information such as records, images, e-mail, or other textual material stored or on accessible through a computer whether that data resides on City computers or is accessible through the Internet or other on-line services through the use of City computers.

B. Computer Procedures:

The first and foremost rule for using these technologies is:

Don't say, do, write, view, or acquire anything that you wouldn't be proud to have everyone in the world learn about if the electronic records are laid bare.

C. Inappropriate Conduct:

Rules prohibiting theft or vandalism apply to software and data as well as to physical equipment. Conduct which violates the City's property rights with respect to computing resources includes:

1. Copying City owned or licensed software or data to another computer system for personal or external use;
2. Attempting to modify City owned or licensed software without approval from the City Manager or Finance Director;
3. Attempting access to Operating System prompts, and/or executing Operating Systems commands without approval from the City Manager or Finance Director;
4. Attempting to damage or disrupt operation of computing equipment, data communications equipment, or data communications lines;
5. Attempting to intentionally access or modify data files, databases, directories, or software without proper authorization;
6. Using City computing resources for purposes other than those intended by the City department granting access to these resources, including:
 - a. Allowing access to them by unauthorized persons;
 - b. Using City resources for external purposes or personal gain.

7. Invading the privacy of an individual by using electronic means to ascertain confidential information;
8. Copying or altering another user's software or data without permission from that user;
9. Knowingly accepting or using software or data which has been obtained by illegal means;
10. Abusing or harassing another user through electronic means;
11. Using the City's computing facilities in the commission of a crime;
12. Viewing, transmitting, retrieving, saving or printing any files which may be deemed as sexually explicit.

D. I.D. and Passwords:

The City's computer systems require that each user have a unique identity, referred to as a "User ID", protected by a "Password", to gain access to the system. The computer identity is used to represent a user in various system activities, to provide access to certain software and data based on his duties and purpose for requiring such access. As such, this computer identity is another instrument of identification and its unauthorized use constitutes forgery or misrepresentation.

1. Conduct which involves misuse of computer identities includes:
 - a. Allowing another individual to use the identity and password;
 - b. Using another individual's computer identity and password even if the individual has neglected to safeguard his or her computer identity.

E. Reporting Violations:

Abuses of City computing resources should be brought to the attention of the appropriate departmental manager. If this is not possible, report such abuses to the City Manager or Finance Director.

The City may elect to take steps under the City's disciplinary process in accordance with this personnel policy, the collective bargaining agreements, or other appropriate remedies. Any referral may be accompanied by a temporary suspension of computing privileges awaiting

the outcome of the disciplinary process or investigation.

F. Acquisition and Use of Computers

The City recognizes the computer as a productivity tool with potentially unlimited capabilities. Individual departments, however, may experience differing degrees of improvement resulting from automation. Justification of needs, therefore, is essential. Simply put, justifiable uses for computers in the typical office setting are those uses that effectively solve a customer service problem involving productivity or information availability.

1. The following uses for a computer are recommended and promoted by the City Manager or Finance Director:
 - a. To increase productivity;
 - b. To improve an existing service;
 - c. To offer a new service;
 - d. To reduce costs; and/or
 - e. To provide for the utilization of more efficient and cost effective techniques, procedures, and methodologies.
2. The general criteria used to determine whether a computer system will be approved for a user location are outlined below:
 - a. There must be one or more application needs and the resulting service improvements must be identifiable. Computers will not be placed on the premise of unspecified or uncertain benefits.
 - b. The application must be capable of being technically supported by the City Manager or Finance Director. The City Manager or Finance Director will evaluate the user's specific needs to determine the most appropriate software solution for the user.
 - c. Applications requiring large files or City wide use may not be appropriate for personal computers. Any such applications should be carefully evaluated since some other form(s) of processing may better serve the user department's needs.
 - d. All computer hardware, software and services must be approved by the City Manager or Finance Director. Approval is needed as part of the annual budget or as adjustments to that approved budget.

G. Training

Proper training is crucial to the success of any computer system. Consequently, prior to the installation of computer facilities at user locations, it is imperative that users become thoroughly familiar with selected equipment and standard products. Therefore, training or certification is mandatory. Specific training on standard products will be provided as needs arise.

H. Installation

The City Manager or Finance Director assists users in determining network decisions (locations) for the computer system. The City Manager or Finance Director and Information Systems Consultant, will provide installation and testing of the equipment and software. All installs and service calls are accompanied by a Computer Maintenance Request Work Order, which must be signed by the employee or Department Head. Once the computer, printers, etc., have been installed, the equipment should not be moved (or switched out). The City Manager or Finance Director will assist in scheduling all electrical or environmental work to be done prior to installation.

I. Care and Maintenance

Users must insure that their computers are not exposed to extremes of heat or cold, dust, smoke, or other potential contaminants. Drinks and food should be kept away from the equipment or storage media. Diskettes are particularly sensitive to heat, water, or magnets; care should be exercised in handling them. The City Manager or Finance Director shall be advised of any malfunctions arising with the equipment.

J. Restrictions

Computer capabilities create a special environment which certain restrictions must be observed. The following apply to all user departments within the City.

1. Authorized Use: Computer resources are provided for City business only. Personal and other non-City uses are not authorized.
2. Only software purchased/acquired by the City is to be operated on computers owned by the City. Only the City Manager or Finance Director is authorized to install software.
3. Offsite Use: Since computers are purchased for specific departmental needs, they are not to be transported from their approved locations unless the move is associated with the proper

conduct of City business. This restriction is applicable to data, data media, programs, documentation and equipment.

4. Development Software Ownership: Any software developed by the City is the property of the City and shall not be sold or given to anyone without written consent.
5. Copyright Protection: Through the purchase/acquisition of hardware and software, the City automatically comes under provisions of the copyright laws. These laws to which all computer users must adhere are found directly on the equipment or in accompanying software manuals. These laws generally prohibit the copying of programs for use on other computer installations.

K. Security Concerns

The placement of a microcomputer system in a user area and the portability of the equipment and associated data media create special user concerns, as outlined below:

1. The user must insure that all equipment is located in a secure area where the opportunities for theft are minimized.
2. The user must insure that only authorized personnel have access to the computer system and only legitimate items of City business are processed.
3. Local data files must be safeguarded from unauthorized access.
4. The ability to load a large amount of data on an easily transported media (diskette) makes it imperative that confidential data be carefully controlled and safeguarded.
5. Users are required to Virus Scan any files introduced to the system via floppy disk or downloads from the Internet.

L. Component Disposal

When a user department no longer has use for any hardware or software components of a computer system, the components should be transferred to the City Manager or Finance Director through the appropriate property transfer process. All removals of computer equipment must be documented.

E-MAIL POLICIES

The City provides electronic mail to employees for business purposes. All electronic messages are the property of the City and therefore are not considered private. The City provides access to its electronic mail system to external users, such as consultants, temporary employees, special task force members and others as deemed necessary to conduct City business. External users will only be given access to the City's electronic mail system if they agree to abide by all applicable rules.

A. Prohibited Use of E-Mail

The following uses of the City's Electronic Mail System are prohibited:

1. Use of the electronic mail system to send chain letters.
2. Use of the electronic mail system to send copies of documents in violation of copyright laws.
3. Use of the electronic mail system to compromise the integrity of the City and its business in any way.
4. Use of the electric mail system for "moonlighting", job searches, or the advertisements of personal business.
5. Use of the electronic mail system to send messages containing offensive, abusive, threatening or other language inappropriate for the organization.
6. Use of the electronic mail system to send messages that violate the City's Sexual Harassment Policy or any other policy set forth in the City Personnel Policies.

B. Access Violations

It is a violation of the City's policy for any user, including the supporting staff to use the electronic mail and computer systems for purposes of satisfying idle curiosity about the affairs of others, with no substantial business purpose for obtaining access to the files or communications of others. Anyone found to have engaged in such practices would be subject to disciplinary action, which could result in termination of systems access, termination of employment and/or criminal prosecution, if appropriate.

C. Monitoring of Electronic Mail

All electronic mail messages are the property of the City. The City reserves the right to access messages whenever there is a legitimate purpose to do

so or under the following circumstances:

1. Upon leaving the employ of the City for any reason a user's mail may be accessed for the purpose of saving those messages that pertain to City business. This access will be granted only upon written notification for the Department Head to the City Manager or Finance Director. These files may be subject for transfer to another user if necessary to conduct City business;
2. If required by law to do so;
3. In the course of an audit or investigation triggered by indications of impropriety or as necessary to locate substantive information;
4. When necessary to investigate a possible violation of a City policy or a breach of the security of the electronic mail system;
5. In the event there is reasonable suspicion that a user has committed or is committing a crime against the City or for which the City could be held liable.

D. Disclosure of Mail Accessed by Monitoring

The contents of electronic mail, properly obtained for legitimate business purposes may be disclosed by the organization without the permission of the user. However, any internal disclosure without the consent of the employee who sent the message shall be limited to those employees who have need for access to the information or in the course of an investigation.

The City will disclose any electronic mail message to law enforcement officials if legally required. The City Manager or Finance Director will review any requests to provide the contents of electronic mail without the consent of a sender or recipient.

E-MAILS ARE PUBLIC RECORDS AND MAY BE REQUESTED BY PRIVATE CITIZENS.

E. Disciplinary Actions

Anyone found in violation of this policy will be subject to disciplinary action, which could result in termination of system access, termination of employment and/or criminal prosecution, if appropriate.

27.11 CITY VEHICLES

- A. The City may, in its sole and absolute discretion, allow employees to utilize City owned or leased vehicles in order to carry out official duties. The assignment of a City owned vehicle is a privilege, not a right, which may be

modified, conditioned or revoked at any time with or without notice. When so assigned, City owned vehicles are to be used only for conducting official City business and for no other purpose. Under no circumstances is the vehicle to be used for personal business or pleasure.

- B. An employee driving a City owned or leased vehicle, or a personal vehicle for City business, shall have in his/her possession a valid Florida driver's license or chauffeur's license.
- C. No employee shall operate a City owned or leased vehicle, or a personal vehicle for City business, when any physical or mental impairment limits the employee's ability to drive. This prohibition includes, but is not limited to, circumstances in which the employee is unable to operate a vehicle safely or legally because of injury, illness, medication or while under the influence of drugs or alcohol.
- D. City owned or leased vehicles, or personal vehicles used for City business, must be operated in accordance with all applicable laws, including, but not limited to, traffic and parking laws and applicable speed limits. Seat belts must be used by all vehicle occupants at all times. Each employee shall be personally responsible for any fines or penalties incurred as a result of driving or parking violations while operating a City owned or leased vehicle, or personal vehicle for City business.
- E. Any accident involving a City owned or leased vehicle, or personal vehicles used for City business, which results in property damage and/or personal injury shall be reported without delay to the operator's immediate supervisor **and to the Risk Manager**, regardless of whether such accident occurs during or after regular duty hours. Prior to leaving the scene of an accident, the employee shall report the accident to the law enforcement agency with jurisdiction over the accident scene, unless the enforcement agency has responded to the accident or the employee is injured to the extent that a report cannot be made.
- F. No smoking is permitted in any City vehicle.
- G. Any employee finding it necessary to drive a vehicle during non-working hours on a one-time basis must request and be granted approval from the department head prior to such use.
- H. Vehicles that need to leave the City should only do so with the approval of a trip request by the Department Head.
- I. Transportation of family members is not authorized.
- J. Employees who have a vehicle assigned to them may use the vehicle to go to lunch, but discretion on the part of the employee must be exercised.

Unnecessarily long trips home to lunch or to a restaurant, tying up the employee and using the vehicle more than might be necessary would not be in the best interest of the City.

- K. If a meeting is to be attended by an employee, the vehicle should be driven straight to and from the meeting.
- L. Employees who are assigned a City owned or leased vehicle and operate the vehicle to and from work shall be responsible for the tax liability for the value of this benefit. The "value" for tax reporting purposes is \$1.50 to and from work up to \$3.00 per working day, as established by the Internal Revenue Service (IRS).
- M. **IRS approved vehicles that are taken home are only allowed to be taken within ten (10) radius miles of the City of Avon Park City limits. An employee who takes home an approved City vehicle, but lives outside of the ten (10) mile radius, will be subject to the \$3.00 a day benefit.**
- N. City owned or leased vehicles and personal vehicles used for City business must be maintained in good working order at all times. An employee who observes an apparent safety or equipment defect regarding vehicle equipment in a City owned or leased vehicle must report it to a supervisor immediately. If the vehicle is unsafe, it shall not be driven further until repairs are made to the vehicle.
- O. Employees shall assume any and all risk of loss for personal items in City owned or leased vehicles. Employees should avoid bringing personal items in City owned or leased vehicles. The City will not be responsible for the loss or theft of any personal items from City owned or leased vehicles or personal vehicles used for City business.
- P. The City reserves the right to search or inspect City owned or leased vehicles at any time at the City's election. Employees should have no expectations of privacy in the use of a City owned or leased vehicle.
- Q. When City owned vehicles are used to perform a necessary task during non-scheduled hours, discretion must be exercised by the employee. The fact the vehicle is out on non-working hours appears very suspicious to some people. If the vehicle is observed at some suspicious place such as a grocery store, shopping center, or parking in front of a lounge, the public would understandably assume something is very much out of order. All employees shall keep themselves aware of circumstances that could put themselves, their department or the City in an embarrassing situation.
- R. Employees who violate any provision of this policy may lose the use of a take home vehicle and/or may be disciplined.

- S. Private Vehicles: Use of private vehicles is permissible, who have approval from the Department Head and City Manager. Employees who are authorized to use private vehicles on City business must obtain and carry proof of insurance. Our insurance requires automobile liability coverage at \$100,000 per person, \$200,000 per occurrence of bodily injury and \$50,000 property damage. This proof should be in the form of a certificate of insurance or a copy of the declaration page of the insurance policy. The employee's liability coverage is considered as primary coverage, or first payor, and the City's insurance coverage is considered as excess, or secondary, in case of a claim or suit.

27.12 SAFETY

- A. All Department Heads and Supervisors are to take all reasonable steps to ensure that City employees work in an environment free from hazards and dangerous conditions which they observe or which, with the exercise of reasonable diligence, they should have observed. They also are responsible to enforce all City, Departmental, State, Local and Federal laws relating to safety applicable to their area of responsibility.
- B. All employees are required to abide by all applicable City, Departmental, State, Local and Federal safety laws and regulations applicable to their area of responsibility.
- C. All employees should report to their Department Head or Supervisor, any condition, equipment or practice they consider unsafe.
- D. Employees who are required to wear safety equipment and clothing provided by the City must do so. Failure to do so will justify immediate termination.

SECTION 29

GROUP HEALTH INSURANCE

29.01 HEALTH INSURANCE

- A. The City Manager and Human Resources strive to promote satisfactory and helpful working conditions that are conducive to high morale, greater efficiency and low rate of turnover in City service. The City shall provide health insurance selected by the City to include dependent coverage at the option of the employee. In the event that more than one (1) plan is offered, the Employer shall pay the individual premium cost for the lowest plan offered. To be eligible for employee insurance, an employee must be classified regular full-time.
- B. The provision of insurance coverage's and laws are too numerous to detail herein. Each employee should discuss with Human Resources the insurance currently provided in whole, or in part by the City. The City will from time to time, negotiate, approve, execute and renew group insurance contracts that provide coverage for City employees. Coverage and eligibility for benefits shall be determined exclusively by the policy in effect.

29.02 DEPENDENT COVERAGE

The employee shall have the choice of plans offered by the Employer and shall be responsible for the premium cost for dependent coverage not paid by the Employer.

29.03 LIFE INSURANCE

- A. The Employer will provide life insurance coverage for regular full-time employees in the following amounts:

Regular employees	\$25,000.00
Department Heads	\$40,000.00
City Manager	\$50,000.00

- B. This coverage will be in addition to any life insurance required by state law, if any, for a particular classification or group of employees.

29.04 RETIREES

Upon retirement under a City sponsored retirement plan, a retiree shall be allowed to continue participation in the City Group Medical Insurance Plan for himself and his dependents at his own cost under conditions acceptable to the City as to payment, subject to the terms of the Plan and applicable law.

29.05 BENEFITS PROGRAM

- A. An employee may elect **not** to participate in the City Group Medical Insurance Plan upon proof acceptable to the City that the employee is covered by another health plan.
- B. An employee wishing to opt out of the City Group Medical Insurance Plan shall complete the forms and supply proof of other coverage with Human Resources.
- C. It is the obligation of the employee to advise the City in writing immediately in the event the employee no longer has other Group Medical Insurance.

29.6 EXTENSION OF MEDICAL BENEFITS

- A. COBRA – Employees terminating employment with the City may elect to continue health care coverage by paying the established rates. When an employee is terminated or hours are reduced, extended coverage will be made available for a period of not less than 18 months. In the case of divorce, separation or death, the extension period of 36 months will be made available.
- B. Election of Coverage – Employees, beneficiaries and other eligible dependents must request election of continued health insurance coverage within 60 days following the occurrence of a qualifying event or notification that extended health coverage is available. The Human Resources Department shall provide written notice of a qualifying event or eligibility date to eligible persons in this category within the timeframes established by law. Eligible persons requesting coverage must contact the Human Resources Department to arrange payment for coverage.

30.0 SAFETY COMMITTEE

The Administrative Services Director will establish a safety committee. The committee will consist of the Administrative Services Director, one mid level management supervisor to be selected by the City Manager, the Human Resources Specialist, and one employee representative for each Collective Bargaining Unit or City recognized employee organization. The Collective Bargaining Unit may nominate an employee to serve in this capacity. All appointments will be for a 24 month period of service. All committee members shall be City employees. The committee will meet during work hours. At a minimum, the committee will meet twice per year or sooner as deemed necessary by the Administrative Services Director. A Council member may be appointed by the City Council.