Rules and Regulations

of the Personnel Management System

City of St. Petersburg

Issued June 2015 and Revised March 2017 and January 2019
INTRODUCTION

This handbook is a summary of the City of St. Petersburg Personnel Management System’s Rules and Regulations (Rules and Regulations). The authority of the policies and provisions found here is contained within the St. Petersburg City Charter.

The Rules and Regulations have been developed in the interest of providing employees with information on the opportunities, responsibilities and obligations associated with employment by the City of St. Petersburg. They are intended to allow all City personnel to pursue their employment under fair and equitable conditions.

A copy of the Personnel Management System Rules and Regulations is being provided to each employee. All employees have the responsibility to read, understand, and abide by the provisions herein explained. I urge you to take the time to review, in particular, the Code of Ethics (Section 9), the internal reporting policy for Discrimination, Harassment, or other Inappropriate Behavior (Section 10), and the Code of Conduct (Section 7). Departmental supervisory staff and the Human Resources department’s staff can answer any questions that may arise concerning the Personnel Management System Rules and Regulations.

Without question, employees are the Sunshine City’s most valuable assets. Therefore, the City is fully committed to providing workplaces as well as services free of abusive and discriminatory physical or verbal conduct, including sexual harassment, and other forms of illegal discrimination. Employees who believe they may be victims of illegal discrimination and other forms of disparate treatment may seek relief through the City's internal reporting and investigation process, which is outlined for you in Section 10 of this handbook.

Serving the citizens of St. Petersburg through City employment is both an honor and a serious responsibility. Providing the most effective and efficient service to the public is our mission, which is included on the next page; providing that kind of service will be greatly enhanced by the cooperation of all employees in abiding by the provisions of the Personnel Management System Rules and Regulations.

Rick Kriseman
Mayor
City of St. Petersburg

VISION
St. Petersburg will be a city of opportunity where the sun shines on all who come to live, work and play. We will be an innovative, creative and competitive community that honors our past while pursuing our future.

VALUES
- Accountable servant leadership that puts people and their well-being first.
- Empowerment that fosters ownership and the realization of every opportunity’s potential.
- Transparent access to the information that informs decisions.
- Celebration of diversity and respect for the value that it brings.
- Inclusive practices that promote equality and justice.
- Responsive processes that produce sustainable outcomes that build a seamless city.
APPLICATION

These Rules and Regulations of the Personnel Management System reflect additions, modifications and clarifications implemented since the February 2011 edition of the Rules and Regulations. The 2011 edition and all previous editions of this document are superseded.

Additional provisions may also be contained in the City's Administrative Policies, individual departmental regulations, collective bargaining agreements and policy memoranda issued by the Mayor or the Human Resources Director.

Special Notes:

1. Personal pronouns used in these Rules and Regulations are to be interpreted to include both genders. They are used merely for convenience and are not to be considered as any adverse reflection on either gender. When communication is directed toward either gender separately, words such as he and she and male and female will be used.

2. When the Rules and Regulations refer to a certain number of days within which to comply or when referring to a deadline, etc. the word days should be construed to mean calendar days, unless otherwise specified.

3. These Rules and Regulations are not an employment contract. Nothing contained herein is intended to create or become an employment contract between the City and any person for the purposes of employment, promotions, or for the providing of any benefit.

4. Any questions concerning the interpretation and application of these Rules and Regulations shall be referred to the Human Resources Department for resolution.

5. The City retains the right to establish, add, modify, or make exceptions to these Rules and Regulations at its discretion.

6. If any direct conflicts exist between policies and procedures included in the Rules and Regulations and a current City labor agreement, the terms and conditions of the labor agreement shall take precedence for employees in classifications represented by a bargaining agent, whether the rights and benefits are greater or less than those provided in the Rules and Regulations.
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SECTION 1: GENERAL PROVISIONS

Section 1

1-1 Purpose

The purpose of these Rules and Regulations is to implement the policies of the Personnel Management System as established in Chapter 22, Article II of the St. Petersburg City Code. They are intended to serve as a guide to administrative actions affecting City employees. These Rules and Regulations apply to all employees in classified positions. All other employees are designated as exempt and are not covered by these Rules and Regulations except as noted herein or as otherwise determined by management.

1-2 Administration of the Personnel Management System

The Human Resources Director shall be responsible for the administration and maintenance of the City Personnel Management System. Amendments, changes or revisions to the Rules and Regulations shall be promulgated by the Mayor. Upon enactment, any changes or revisions shall be forwarded to City Council, all City departments, and others as appropriate.

1-3 General Terms Used in the Personnel Management System

1. **Active Pay Status** - A status in which an employee receives pay from the City of St. Petersburg for working regularly scheduled work hours or while on paid leave.

2. **Anniversary Date of Classification** - The date an employee begins employment in a classification and the same month and day in following years of uninterrupted employment in that classification.

3. **Anniversary Date of Employment** - The date an employee begins employment and the same month and day in the following years of uninterrupted employment.

4. **Civil Service Board** - A Board composed of citizens of St. Petersburg appointed by City Council. The Board shall hear and review appeals filed by classified employees who have been dismissed, demoted (other than in layoff situations) or suspended in excess of fifteen (15) calendar days.

5. **Classification** - A job category comprising a group of related positions sufficiently similar in general duties and responsibilities to be given the same title and pay range.

6. **Classified Status** - An employment status given to a full-time employee who has successfully completed an initial probationary period and is filling a classified position.

7. **Classified Position** - A full-time authorized position which is not designated as exempt.

8. **Demotion** - A change in an employee's classification to one which has a lower maximum rate of pay.
SECTION 1: GENERAL PROVISIONS

9. **Exempt Status** - An employment status given to employees who are not classified, such as elected and appointed officials including, but not limited to, the Mayor, Councilmembers, Deputy Mayor, Chief of Staff and/or Administrators; designated Secretaries, Aides, Clerks and other office staff of the Mayor and Administrators; the City Clerk; Attorneys and employees in the Legal Department; employees designated as management; probationary employees prior to attaining classified status; part-time and temporary employees; any person reemployed who previously retired from the City; and other classifications as determined by management. Exempt employees of the City serve at the discretion of the Mayor and do not have grievance and appeal rights under the City Grievance Procedure or any negotiated grievance and appeal procedure.

10. **Full-time** - Appointment to a position that generally requires a working schedule of forty (40) hours or more a week. Any exceptions to this definition will be noted in the applicable rules herein or in City Administrative Policy.

11. **Job Description** - A written description of the essential characteristics and duties of a classification. Responsibilities, examples of tasks, desirable knowledge, skills and abilities, and qualifications needed to perform the work are included in a job description.

12. **Layoff** - A reduction of employees due to lack of work, funds, or other causes not pertaining to employee performance.

13. **Layoff List** - A list of employees who have either been demoted or separated from employment due to a layoff.

14. **Overtime** - Work hours paid at a premium rate for hours in excess of forty (40) hours in any one work week. Holiday hours will be counted as work time for the purpose of determining hours in excess of forty (40) hours. Exceptions such as Fire Department employees will be as otherwise noted in the applicable labor agreement.

15. **Part-Time** - Appointment to an exempt position that generally requires a working schedule of thirty-two (32) work hours or fewer per week, but may work more hours for a short duration when necessary to meet unusual contingencies. Except as noted herein (including the exception that employees who work at least 30 hours per week on a regular basis may be eligible for group insurance) or in an applicable labor agreement, part-time employees are not eligible for City benefits or appeal procedures.

16. **Pay Range** - The minimum to maximum wage or salary rates which are assigned to a particular classification.


18. **Position** - A group of job duties and responsibilities requiring the full-time or part-time employment of one (1) person. A position relates to the duties assigned and not to the employee performing those duties.
SECTION 1: GENERAL PROVISIONS

19. **Probationary Employee** - A full-time employee, upon initial employment, serving a trial working period. An employee is classified after successful completion of the initial probationary period. Another probationary period is required for employees promoted, demoted or transferred.

20. **Professional Employee** - A classified employee who performs work which requires advanced learning, generally acquired through a college education, and involves the exercise of independent judgment and discretion.

21. **Promotion** - A change in an employee's classification to one which has a higher maximum pay rate.

22. **Recall** - An offer of reinstatement to employees who have bumped back to other positions or to former employees who are on a layoff list.

23. **Re-employment** - Hiring a former employee as a new employee.

24. **Reinstatement** - An action returning a former employee to City service without loss of continuous employment status.

25. **Retirement** - The act of separating from City employment for the purpose of receiving pension benefits upon fulfilling eligibility criteria of the applicable retirement system.

26. **Suspension** - A disciplinary absence from work without pay as directed by management.

27. **Temporary Employee** - An exempt employee appointed for a special project, program, grant or other work for a designated period of time.

28. **Termination of Employment** - Disciplinary separation from City employment.

1-4 **Personnel Records and Reports**

A. The Human Resources Department shall establish and maintain comprehensive personnel records of all employees. Files maintained by the Human Resources Department are the official personnel records for all employees. Departments may also maintain files on their employees.

B. Employees may inspect their personnel records during the normal office hours of the Human Resources Department and may include in their files a written and signed refutation of any material contained in the file considered by the employee to be detrimental.

C. All personnel records and reports shall be maintained in accordance with the provisions of the Florida Public Records Act.
SECTION 1: GENERAL PROVISIONS

D. All personnel records and reports containing medical information of an employee shall be maintained in a separate file. Inspection and copying of such records shall be limited in accordance with the provisions of the Americans with Disabilities Act, The Family and Medical Leave Act and the Florida Public Records Act.
SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

Section 2

2-1 General Policy

There shall be no discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, religion, marital status, gender, age, national origin, disability, sexual orientation, genetic information, or any protected categories except where age and physical condition constitute a bona fide occupational qualification. Gender, referenced throughout these Rules and Regulations, includes but is not limited to sex, pregnancy, childbirth, medical conditions related to pregnancy or childbirth, and gender-related self-identity which can be shown by evidence including, but not limited to, medical history, care or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity or any other evidence that the gender-related identity is sincerely held.

As part of the commitment of the City to the principles of equality of opportunity, the Human Resources Department will continue efforts to reach and maintain the goals of the City's Affirmative Action Plan as permitted by law.

2-2 Recruitment and Examination Announcements

Recruitment notices shall be issued by the Human Resources Department for the purpose of posting in the Employment Office and in other appropriate places. The announcement shall specify the title and salary of the position, the general qualifications necessary or desirable for the performance of the work, the place and manner of making application, a closing date for receipt of applications, if applicable, and other essential information.

2-3 Employment Application Form

A. Applications for employment and other forms, documents and processes including, but not limited to, those in electronic format shall be established by the Human Resources Department. Information requested shall relate to the applicant's training, experience, and other pertinent facts. The City shall also require such proof of age, education, experience, licensure, and other claims as may be appropriate.

B. Regardless of method of delivery, applications and related documents shall not be considered if not received by the Human Resources Department by the announced closing date and time, unless there is an exception made by the Human Resources Director or designee.

C. Applicants, including City employees, applying for posted City positions are required to provide correct, current and complete information in all application submissions, including applications, resumes and related documents, whether in electronic or paper form.
SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

2-4 Disqualification for Employment

A. The City shall reject an applicant who does not possess the minimum qualifications required for a position as stated on the job announcement or who fails to pass a scored examination that has a minimum passing score.

B. Any applicant who fails to provide correct, current and complete information as required or requested on an application, resume or other related documents whether in electronic or paper form, may be disqualified.

C. Failure to meet the physical requirements necessary to perform the essential functions, with or without a reasonable accommodation, for a particular job as determined by the City's designated physician will result in disqualification. Failure to provide necessary information to the City’s physician or failure to cooperate with the physician’s evaluation of fitness for duty will also result in disqualification.

D. Failure to pass or failure or refusal to participate in a controlled drug screen pursuant to Section 2-10 will result in disqualification.

E. Fraudulent conduct, false statements and/or omissions of information made by an applicant, or by others on behalf of the applicant with the applicant's knowledge, during an examination, or in any application, resume or related documents shall be cause for the disqualification of such applicant from an examination, removal of the applicant's name from all eligibility lists and applicant pools, or termination from City employment, if currently employed. Applicants who are disqualified or terminated under these conditions are prohibited from City employment or re-employment for five (5) years.

2-5 Screening Applicants

A. The hiring department is responsible to retrieve the electronic application information from the online system. Hard copy application forms, resumes and other applicant information submitted to Human Resources will be forwarded to the hiring department.

B. All screening methods will be designed to fairly and impartially assess the experience and qualifications of an applicant to perform the duties of the position. Screening methods may consist of one or more of the following:

1. Review and evaluation of education, training and experience;
2. Performance in present and prior positions (reference checks);
3. Length of time in present position;
4. Written examination or assessment;
5. Oral examination or assessment;
6. Interviews;
SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

7. Performance examination or assessment;
8. Drug screen;
9. Medical or fitness examination; and/or
10. Any other applicable criteria which will fairly assess the abilities of individuals to perform the duties required for the position.

2-6 Eligibility Lists (Examinations and Assessments)

When a competitive process includes screening tools that result in a score, such as a written examination or assessment, the following provisions shall apply (otherwise refer to Section 2-7 for instructions on evaluating applicants):

A. Examinations and assessments may be used in conjunction with traditional interviews to validate applicants' knowledge, skills and abilities. The hiring department must advise the Human Resources Department in advance if an examination or assessment is planned, and whether all applicants, or only a short list of the most qualified applicants, will participate.

B. To ensure that Veterans' Preference is given in the appointment, promotion and re-employment processes in accordance with applicable laws, the Human Resources Department shall screen all applicants requesting Veterans' Preference and provide a list of qualified veterans to the hiring department. Qualified veterans, as well as their qualified spouses and family members, who meet the established minimum job qualifications as published in the job announcement shall be included in any initial assessment or examination. Qualified individuals who achieve a passing score on any examination or assessment shall have the mandated Veterans' Preference points added to their final score prior to determining position on any eligibility list.

C. The selected screening tool must be reviewed and approved by Human Resources before use. A screening tool may be administered by Human Resources or by the hiring department, whichever is most efficient.

D. Written examination generally refers to a timed, written exercise administered at a pre-determined date, time and place to all interested applicants. The hiring department, in cooperation with Human Resources, develops job related test questions and answers for an examination.

E. Assessment generally refers to one or more exercises administered to a short list of only the most qualified applicants who are selected by the hiring department from the larger pool of applications and resumes. The department shall review applications and ensure that only applicants who meet the established minimum qualifications, as published in the applicable job announcement, are included on this short list.
F. Assessments may require applicants to respond in written or oral form, or with a documented demonstration of skills. The hiring department, in cooperation with Human Resources, determines a set of exercises, such as job related questions and/or tasks. A rating system is then determined and assigned for correct answers or acceptable responses. Depending on the exercises involved, the candidates chosen to participate in an assessment may be scheduled individually or as a group.

G. An oral examination is one form of assessment where a predetermined scoring system is used to evaluate the candidates' oral responses to job related questions or scenarios. Scores are determined when details of a candidate's response are evaluated against a pre-established checklist of acceptable responses. Oral examinations may be administered and scored in an interview setting; or through an audio recording.

H. Examinations and assessments may have several phases with predetermined passing scores for each phase. Candidates who fail any one phase may be disqualified from further participation.

I. For purposes of this section, the use of a "rank order" by an interview panelist in order to individually make hiring recommendations to the hiring manager is not by itself considered an examination or assessment score.

J. The hiring department shall not assign a numeric value to applicants if the criteria for examinations or assessments as outlined in this section are not met.

K. The hiring department is responsible to contact the short list of applicants to schedule assessments, tests or interviews. For some vacancies, applicants will be given specific instructions to register for tests or assessments directly with the Human Resources Department before a specified deadline.

L. An applicant who achieves a passing score on a scored examination or assessment shall be ranked on the eligibility list for that position, according to the applicant’s score.

M. From the eligibility list, the Human Resources Department shall certify to the requesting department five (5) names of persons for each vacancy, in descending score order. Names of all persons who are tied for the fifth (last) place on the list shall also be placed on the certification list sent to the hiring department for consideration in filling the vacancy (or vacancies). The department shall review those person’s applications and ensure that only those who meet the established minimum qualifications, as published in the applicable job announcement, are considered further.

N. The rank order of a certification list does not necessarily determine the order in which the listed persons may receive job offers. In addition to the rank order, the hiring department may consider results of other screening factors, such as
interviews, experience and overall qualifications related to the position, in order to determine which persons will receive job offers.

Any determination that a person who is eligible to receive Veteran’s Preference is not qualified to advance to a subsequent step in the selection process shall be reviewed at a higher level of management with authority to overturn the initial determination if deemed incorrect. Regardless, a person who is qualified to receive Veterans' Preference shall be hired or promoted above others who are equally qualified or less qualified (based on the factors advertised or considered in the selection process, including examination and assessment scores). If an applicant who is not eligible for preference is promoted or hired above a preference-eligible applicant, the hiring department is required to document and justify the decision to hire a non-preferred applicant over the preferred applicant.

O. If the eligibility list does not contain a minimum of five (5) names for each vacancy, all names on the list shall be certified or the position may be opened for recruitment at the request of the hiring department director.

P. An eligibility list shall be valid for use by a hiring department for a period of six (6) months; and shall also be used during the six (6) month period to fill subsequent vacancies that occur in the department. The Human Resources Director or designee may approve an extension of an eligibility list beyond the six (6) month period. In no event will an eligibility list be in effect for more than two (2) years.

Any applicant who is qualified to receive Veterans' Preference shall not be removed from an eligibility list unless the hiring department is able to show that the veteran has failed to meet the established minimum qualifications as published in the applicable job announcement. Any determination that a veteran is not qualified to advance to a subsequent step in the selection process shall receive a review at a higher level of management with authority to overturn the initial determination if deemed incorrect.

Q. The hiring department may, after review of information and/or conducting interviews, determine that one or more of the candidates on the original certification list have failed to meet the established minimum qualifications as published in the applicable job announcement or are otherwise not suitable for the position in question. With the approval of the Human Resources Director or designee, the hiring department may request one-for-one replacement names of persons from the eligibility list to be certified to the department. Any request for such replacement certifications shall include documentation from the hiring department director explaining why the initial candidates were not acceptable.

R. The applicants' examination or assessment scores are in effect for six (6) months. Should an applicant who has already been examined or assessed subsequently apply for the same or similar job title where the screening process includes the same examination or assessment, the applicant will not be permitted to participate in the
subsequent examination or assessment unless six (6) months has lapsed. The applicant's earlier score will be used instead.

2-7 Applicant Pool Evaluation

A. When the screening process does not include scores, the hiring department is responsible to establish a short list of the most qualified applicants from the applicant pool as measured against the established minimum and desirable qualifications published in the job announcement and based on a review of education, training, and experience reflected on the applications/resumes. To ensure that Veterans' Preference is given in the appointment, promotion and re-employment processes in accordance with applicable laws, the Human Resources Department shall screen all applicants requesting Veterans’ Preference and provide a list of qualified veterans to the hiring department. Qualified veterans, as well as their qualified spouses and family members, who meet the established minimum job qualifications as published in the job announcement shall be interviewed by the hiring department.

Any determination that a person who is eligible to receive Veterans' Preference is not qualified to advance to a subsequent step in the selection process shall be reviewed at a higher level of management with authority to overturn the initial determination if deemed incorrect. Regardless, a person who is qualified to receive Veterans' Preference shall be hired or promoted above others who are equally qualified or less qualified (based on the factors advertised or considered in the selection process, including examination and assessment scores). If an applicant who is not eligible for preference is promoted or hired above a preference eligible applicant, the hiring department is required to document and justify the decision to hire a non-preferred applicant over the preferred applicant.

B. An applicant pool shall be in effect for use by the hiring department for a period of six (6) months; and shall also be used during the six (6) month period to fill subsequent vacancies that may occur in the department. The Human Resources Director or designee may approve an extension beyond that date. In no event shall an applicant pool be in effect for more than two (2) years.

C. For applicant pools less than six (6) months old, the hiring department director or designee may request approval from the Human Resources Director or designee to re-open recruitment for the position. Any request for such action shall include documentation explaining why the initial applicants were not acceptable. Re-opening for recruitment is generally warranted when the applicant pool contains fewer than five (5) qualified applicants for each vacancy; or the department has reviewed all applicants, short-listed the applicants who meet the minimum qualifications, interviewed the short-listed applicants, and determined that fewer than five (5) are suitable for any one vacancy in question.
SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

2-8 Selection Process Additional Details

A. When a department receives approval to fill a vacancy, the department shall advise
the Human Resources Department of the selection criteria to be included in the job
announcement and the screening method to be used to evaluate the applicants.

B. Instead of or in addition to posting a position for recruitment, a hiring department
may request access to a current applicant eligibility list or applicant pool that may
have been established for a previous vacancy for the same position in another work
group or department.

C. When an applicant is contacted by the hiring department or Human Resources for
an interview, assessment or other recruiting activity and the applicant does not
respond within three (3) business days from the date of notification by telephone,
or e-mail, or within five (5) business days from the date notification was sent via
U.S. mail, the applicant may be disqualified from further consideration for the
position. In addition, when an applicant on a certification list fails to respond or is
no longer interested in that position, the department may request that a replacement
name be certified to the list.

D. A department director may request that the posting for recruitment be limited to
City employees only. If the hiring department uses a pre-existing applicant pool or
eligibility list instead of posting, the director may request approval from the Human
Resources Director or designee to limit applicants under consideration to City
employees only.

E. A department director may request approval from the Human Resources Director
or designee to limit recruitment or certification to employees within the hiring
department under the following circumstances:

   1. When positions require specific licenses, certifications, training or
      experience acquired by working in the department; or

   2. When a position in a work group is being reclassified and the number of
      employees in the department is remaining constant, the competitive
      application process for the reclassified position may be restricted to the
      existing employees in that work group or department.

F. If an eligibility list has already been established and a subsequent vacancy for the
same position requires specific skills/knowledge that were not detailed in the
original posting, department directors may request approval from the Human
Resources Director or designee to limit certification from this eligibility list to
applicants who possess the specific skills or knowledge. If this results in a
certification list of fewer than five (5) applicants, the department director may
request that the position be opened for recruitment and posting to reflect the
appropriate qualifications.
SECTION 2: APPLICATION FOR EMPLOYMENT PROVISIONS

G. The hiring department shall be responsible to notify the applicants who are interviewed or assessed by the department of the final hiring decision. The department shall return all pre-employment related documents including interview notes, and assessments and examination documentation to the Human Resources Department for record storage.

H. A current City employee shall suffer no loss of pay for participation in examinations, assessments, interviews, pre-employment paperwork or drug/medical testing associated with applying or qualifying for classified service positions with the City if these events are scheduled while the employee is on duty. The Human Resources Department will attempt to minimize disruption to the employee’s current department when scheduling these events and will attempt to schedule them during non-working hours when possible.

I. When filling part-time and temporary positions, some aspects of the selection process may be waived with prior approval from Human Resources.

2-9 Pre-employment Medical Examinations

An applicant selected for employment, including but not limited to full-time, part-time, or temporary employment, and those employees being promoted, transferred, demoted, re-employed, recalled, or reinstated, may be required to pass a medical examination prior to appointment to a position. Each time a current employee is scheduled to move to another position, the employee may be subject to subsequent medical examinations. Medical examinations shall be performed and evaluated by the City's designated physician.

2-10 Pre-employment Controlled Substances Screening

A. An applicant selected for employment, including full-time, part-time, or temporary employment, and those individuals being promoted, transferred, demoted, re-employed, recalled, or reinstated, pursuant to Florida Drug Free Workplace laws or federal Department of Transportation regulations or policies may be required to pass a pre-employment controlled substances screening prior to appointment to a position. Classifications for which screening is typically required include positions involving public safety and/or the direct supervision of children; positions where motor vehicle or heavy equipment operation is a component of the job; positions where use of power tools and equipment is a component of the job; and positions requiring commercial drivers' licenses (CDLs). Individuals who report for assignment pending receipt of screening results are still considered applicants for purposes of this section.

B. Applicants who refuse to test, pursuant to the City's Drug Free Workplace policy, and applicants testing positive for specified drugs will not be eligible for employment. If an applicant is a current City employee, the applicant/employee will not be eligible for promotion, transfer or demotion to the position to the position applied for and will be subject to further sanctions, as addressed elsewhere.
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in the Rules and Regulations. An applicant who is not a current City employee will remain ineligible for employment with the City for five (5) years following the date of the positive test or refusal to test.

2-11 Background Investigations

All applicants who receive a conditional job offer for initial employment will be required to undergo background investigations which may include, but are not limited to, criminal records, credit reports and motor vehicle records. Current City employees transferring, promoting, or demoting into certain positions within the City may also be required to undergo similar background investigations. Specific additional requirements may apply to Police and Fire Department positions. Criminal history will be researched and considered in accordance with applicable state and federal law.

2-12 Re-employment of Separated Employees

A. Employees who have been terminated from City employment for disciplinary reasons, have resigned in lieu of termination for violation of the Code of Conduct, did not resign in good standing pursuant to Section 5-15, or who have resigned under conditions described in Section 2-12(B) are ineligible for re-employment for five (5) years from the date of termination. Exceptions to the five (5) year waiting period must be approved by the Human Resources Director.

B. A five (5) year waiting period will be required when an employee voluntarily resigns either upon notification of being selected for a drug screen or within sixty (60) days of receiving a non-negative drug screen result. Employees who experience separation from employment due to layoff, bumping or other elimination of their positions are also subject to the five (5) year waiting period if separation occurs within sixty (60) days of a non-negative drug screen result. The five (5) year waiting period may be waived by the Human Resources Director in a case in which an eligible employee successfully completes a City supervised drug abuse treatment program and return to duty drug screen, provided the subsequent separation from employment was non-disciplinary and the employee's performance record was satisfactory.

C. Except for those situations falling under paragraph 2-12 (B), employees who voluntarily resign from City employment are not eligible for re-employment for six (6) months from the date of separation unless approved by the Human Resources Director or designee. Employees terminated during their probationary period for a non-disciplinary inability to perform the duties of their position are ineligible for re-employment for six (6) months, unless approved by the Human Resources Director or designee or as otherwise addressed specifically in these Rules and Regulations or an applicable labor agreement.

D. Employees who separate from City service due to layoff, end of a temporary position, non-disciplinary separation for medical reasons, or whose employment is
terminated because work is no longer available, may be eligible for re-employment with no waiting period.

E. Notwithstanding the preceding, an employee may become permanently ineligible for re-employment as the result of independent action such as a settlement agreement or an arbitration decision.

2-13 Employment of Relatives (Nepotism)

A City employee may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement in or to a City position any immediate family member over whom that employee exercises jurisdiction or control. For purposes of this section, immediate family member is defined as: father, mother, spouse, son, daughter, brother, sister, aunt, uncle, first cousin, nephew, niece, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister, grandparents, grandchildren, domestic partner (committed domestic relationship) or other members of the employee's household. For purposes of this section, having authority or control over budgets alone shall not be sufficient to constitute authority or control over the family member’s work.
SECTION 3: EMPLOYMENT PROVISIONS

Section 3

3-1 Probationary Period

A. All entrance or promotional appointments to classified service positions shall be in a probationary status. This trial working period shall be utilized to closely observe an employee's performance in an effort to secure the most effective adjustment to the position. An exempt status employee does not serve a probationary period.

B. Duration of Probationary Period

1. A probationary period for an employee in most classified service positions shall be six (6) months for entrance and promotional appointments. In the event the employee accepts another position within the City before an initial entrance probation is satisfactorily completed, the initial probationary period starts over at the time the employee begins working in the new position. A probationary period may, at management's discretion, be extended for three (3) months to allow for additional observation of an employee whose job performance is considered marginal and who may otherwise not successfully pass the probationary period. Extensions of this nature shall be shown on an employee's performance evaluation form and discussed with the employee prior to the expiration of the probationary period. Additionally, the employee must be advised that the probationary period is being extended prior to the expiration of the normal probationary period. A final performance evaluation form shall be completed and forwarded to the Human Resources Department prior to completion of the probationary period indicating whether the employee is to be classified, terminated or demoted. The department is also responsible for initiating the corresponding personnel action effecting the change.

2. Professional and supervisory positions carry a probationary period of one (1) year. There are also exceptions to the six (6) month duration of a probationary period for some police and fire classifications. Other exceptions may be approved by the Human Resources Department for classifications which require special training, licenses and certifications.

3. An employee who transfers to another department in the same classification shall be required to complete a three (3) month probationary period unless noted otherwise in a labor agreement or as described in Section 4-5, paragraph C-1.

4. Cumulative absences of thirty (30) calendar days or more, time spent on light duty and any suspensions from scheduled work shall be added to a probationary period. Departments are responsible for computing, adjusting and documenting adjusted probationary periods.
5. A part-time or temporary employee appointed to fill a full-time classified service position in the same classification, and with the department director's approval, may serve an adjusted probationary period which reflects the time completed in part-time or temporary employment.

3-2 Termination or Demotion of a Probationary Employee

A. A probationary employee who has never attained classified status in any classification may be terminated or demoted at the discretion of the employee’s department director. Grievance and appeal procedures for discipline, demotion, or termination of employment are not available to an employee who has never attained classified status in any classification.

B. A classified employee serving a probationary period as a result of a promotion or transfer who is found to be unable or unwilling to perform the duties of the position shall be returned to their prior position if it is vacant, or the employee may be transferred to a vacant position with the same job classification as the prior position, subject to approval of the concerned department director(s). If there is no job vacancy or a transfer is not approved, the employee will be terminated and placed on the eligibility list for the employee's prior classification, if one exists, for a period of six (6) months. If no eligibility list exists, the employee will have their name kept on file for vacancies in the employee's prior classification for a period of six (6) months. A classified employee may appeal a termination or demotion action directly to the Civil Service Board if the employee feels that the action was not taken in accordance with this policy or may utilize the appeal procedure contained in a labor agreement, if applicable.

3-3 Classified Status

Classified status results from satisfactorily completing the probationary period in a specific classification. Once an employee passes the initial probationary period, the employee becomes a classified employee and receives all applicable benefits and rights as provided by the Rules and Regulations of the Personnel Management System.

3-4 Exempt Status

Exempt status is a term used to designate the condition of employment of City employees who have not passed an initial probationary period and/or who are not in a classified service position. Employees who are in an exempt status are employed at the discretion of the Mayor, and as such, the City Grievance and Appeal procedures do not apply. Exempt status categories of employment are as follows:

A. Temporary

A person who is employed in a position established for special projects, grant-funded programs, or for work of a transitory nature, is designated temporary. Full-time temporary employees who are employed for a period in excess of six (6)
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months are eligible for City benefits except for the City Grievance and Appeal Procedures.

B. Part-time

A person who is employed on a part-time basis is generally assigned to a regular work schedule of thirty-two (32) hours or fewer each week, but may be required to work more hours for a short duration when necessary to meet unusual needs. Part-time employees are not eligible for City benefits or appeal procedures except as noted herein (including the exception that employees who work at least 30 hours per week on a regular basis may be eligible for group medical insurance) or in an applicable labor agreement.

C. Management

A management employee is a person employed in a position designated in the City's management classification and pay plan.

D. Other Exempt Employment

Other employment positions may also be designated as exempt, including but not limited to initial probationary employees, personnel employed in the Legal Department, the Office of City Council, the Mayor's Office, and personnel who have retired under an applicable pension plan and are re-employed by the City.

3-5 Emergency Duty Assignments

If civil emergency conditions are declared by the Mayor, an employee may be assigned to perform any duties to fulfill the mission of the City. Civil emergency conditions include but are not limited to riots, civil disorders, floods, hurricane conditions, tornadoes or similar catastrophes. In accordance with the provisions of Administrative Policy #080200, City Employee Disaster Preparedness Responsibilities, department directors shall review applicable disaster operational plans annually and designate each of their employees to one of the following categories:

A. **Emergency Critical Personnel**: Employees who must be immediately available to their departments before, during, and after a disaster.

B. **Emergency Essential Personnel**: Employees who will be allowed to go home before the storm, but are required to report for work as soon as conditions permit (i.e. winds subside, roads are sufficiently clear for safe passage, etc.)

C. **Non-Emergency Essential Personnel**: Employees who will be allowed to go home prior to the disaster and who will not be required to report for work until advised to do so; employees in this category must monitor local radio/TV for instructions and must make reasonable efforts to contact their departments to ascertain when and where to report for work.
SECTION 3: EMPLOYMENT PROVISIONS

3-6 Employee Performance Evaluations

A. General Provisions

The employee performance evaluation is designed to examine, review and document an employee's work performance. Each employee shall be given a copy of the evaluation prepared by the employee's supervisor and shall have the opportunity to discuss it with the supervisor.

B. Intent of Performance Evaluation

The performance evaluation will indicate to an employee how past performance over the rating period has been evaluated by the immediate supervisor, and may serve as the basis for establishing performance goals and discussing how an employee's performance can be improved to meet these goals. The performance evaluation may be used in estimating an employee's potential for advancement or for documenting unsatisfactory job performance.

C. Frequency of Performance Evaluations

The concerned department shall ensure the completion of a performance evaluation every three (3) months during the probationary period for an employee in a classified service position upon initial entrance, transfer, promotion, or demotion. In those cases where the probationary period is one (1) year, the interim evaluations may be every six (6) months at the discretion of the department director. A classified employee shall receive regular annual ratings thereafter based upon the date of classification. Exempt employees who are not filling management positions (e.g., temporary and part-time) may receive performance evaluations at the discretion of the department director.

D. Performance Evaluation Rating Procedure

The immediate supervisor most directly familiar with an employee's performance during the evaluation period shall be responsible for obtaining the appropriate evaluation form and completing the evaluation unless otherwise assigned by the department director. If an employee has had more than one (1) supervisor during the rating period, all concerned supervisors may contribute to the evaluation at the department director's discretion. An employee should sign and date the completed evaluation form indicating that the employee has discussed and received a copy. The signature does not mean the employee agrees with the supervisor's evaluation. If the employee refuses to sign the form, it should be so indicated by the supervisor in the space provided for the employee's signature.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

Section 4

4-1 Classification Provisions

A. Purpose of the Classification Plan

The classification plan provides for a systematic arrangement of classified and exempt positions. The plan groups related positions into classifications with similar ranges of duties, levels of responsibility, and nature of work performed. Two (2) or more classifications that are similar in type of work, but differ significantly as to the levels of responsibility and difficulty, may be grouped as a classification series.

B. Classification Plan Administration and Maintenance

The Human Resources Department shall be responsible for establishing, administering, reviewing and revising the classification plan. No person shall be appointed to a position in the City under a title not approved by the Human Resources Department. Surveys and studies shall be conducted of new or proposed positions for assignment to the proper classification. Job audits are conducted to analyze officially assigned duties and responsibilities, and when appropriate, positions shall be reclassified.

C. Job Descriptions

Job descriptions shall be developed and maintained for each classification describing the general duties, responsibilities of, and qualifications for the classification. Job descriptions are not to be considered as restrictive, but are intended to indicate the kinds of duties and tasks that are generally assigned to the respective classifications. Job descriptions shall not be held to exclude those duties and responsibilities which are not specifically mentioned, and the phrase "performs related work as assigned" shall be liberally interpreted. Therefore, all job descriptions are to be interpreted in a broad sense, and are not intended to be construed as limiting or modifying the authority of management to assign, direct and evaluate the work of any employee.

4-2 Position Reclassification (Job Audit)

A. Positions may be reclassified when evidence supports the fact that officially assigned duties and responsibilities of a continuing nature are not consistent with the position's current classification. A department director may request or an employee may request through the supervisor and department director, a review of a position by forwarding a formal request to the Classification and Compensation Division of the Human Resources Department. Based upon the information received from the department and/or the employee, Human Resources will determine whether a classification study is warranted. Classification studies may result in a position upgrade, downgrade, lateral reclassification or confirmation that the position is currently classified appropriately.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

B. Whenever an employee affected by a job audit or classification study determination feels that the position has been classified incorrectly, an appeal of the determination may be made to the Human Resources Director for review. Decisions of the Human Resources Director are final and not subject to grievance or further administrative appeal.

4-3 Result of Reclassification

A. Reclassification to a New or Revised Classification

When an employee is reclassified as a result of the establishment of a new or revised classification of a similar nature, the employee will retain their present classification status and anniversary date. Reclassification to a classification of a dissimilar nature will result in a new date of classification. Exceptions to this policy must have the approval of the Human Resources Director.

B. Reclassification to a Higher Pay Grade

Should an employee be reclassified to a classification with a higher maximum rate of pay, such change shall be considered a promotion.

C. Reclassification to the Same Pay Grade

Should a position be reclassified to an existing classification with the same pay grade, an incumbent shall receive a change in classification title and shall maintain the same pay and date of classification.

D. Reclassification to a Lower Pay Grade

An employee reclassified to a classification with a lower maximum pay shall be treated in accordance with demotion procedures, as defined in Section 4-5 (B).

E. Pay Range Adjustment

Should a job audit or salary study result in a determination that the employee is classified correctly, but that the pay range assignment for the classification warrants adjustment, the employee's rate of pay will not be adjusted unless it falls outside of the new range assignment. In the event the employee's pay is less than or exceeds the specified pay range minimum or maximum, the employee's pay will be adjusted to fall within the range (that is, increased to minimum if less; or reduced to maximum if greater). The Human Resources Director may approve exceptions to this policy.

4-4 Pay Provisions

A. Purpose of the Pay Plans
The classified service and management pay plans shall be implemented, maintained, and administered by the Human Resources Department. The plans shall provide the basis of compensation for all employees.

The Classified Service Pay Plan shall include:

1. Tables of basic pay rates.
2. Schedules of pay grades for each title in the classification plan consisting of the minimum and the maximum hourly rate, and/or annual salary and any applicable pay steps.
3. A description of applicable pay progression, pay differential, and other compensation policies.

B. Amendment of the Pay Plans

Amendments to the pay plans shall be considered when changes in responsibilities of work, living costs, availability of labor supply, prevailing rates of pay, the City's financial condition, or other pertinent economic consideration warrant such action.

C. Pay Rates for New Appointees

Entrance appointments to classified service positions generally shall be made at the minimum pay rate of the assigned pay range or as specified in the applicable labor agreement. The following pay rate policies apply to entrance appointments for all classified service positions, including and in addition to promotions to or within supervisory, professional, and management classifications.

Department directors have the authority to offer starting salaries for new hires that are higher than the minimum pay rate consistent with the person’s qualifications and/or salary requirements and the market value of the position as follows:

1. Within the first quartile of the range;
2. Up to the midpoint of the applicable salary range with prior authorization from the Staffing and Development Manager; or
3. In excess of the midpoint with prior authorization from the appropriate Administrator and the Human Resources Director.

4-5 Personnel Actions

A. Promotion

An employee may be selected for promotion to a classification with a higher maximum rate of pay. Upon promotion, the employee’s pay grade, hourly or annual pay rate, and classification date will be adjusted.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

1. Pay Grade and Rate

An employee shall be placed in the pay grade established for the classification to which the promotion was made and, unless specified otherwise below, shall receive either the minimum pay rate of the new range or a five (5) percent increase to the current rate of pay, whichever is greater.

Unless otherwise specified in a labor agreement, if an employee, who is receiving a promotion, has a voluntary demotion in his/her employment history, the promoting department can evaluate that employee’s pay to determine an appropriate pay increase between the minimum rate of pay for the position and the five percent (5%) increase. The intent of this provision is so that an employee is not provided a pay increase that would raise his/her pay above others who have similar or more classification seniority and had not taken a demotion.

An employee promoted within three (3) to six (6) months of qualifying for a progression increase, which is defined as a pay increase that progresses an employee through a pay band and is not a general cost of living increase, may, at the discretion of the department director, receive up to an additional two (2) percent pay increase. If the employee is less than three (3) months from qualifying for a progression increase, the employee may receive up to an additional three (3) percent pay increase. Any such pay increase shall be computed and added to any other promotional increase.

Employees promoted to or within supervisory, professional and management classifications may be compensated as if they were a new appointee as specified in Section 4-4 (C), unless otherwise specified in an applicable labor agreement.

2. Classification Date and Probationary Period

A promotion shall establish a new classification date and probationary period. An employee promoted to a classification in which the employee previously served in an uninterrupted employment period shall be granted credit for prior service in that classification when determining the employee’s classification seniority but shall serve a complete probationary period.

3. Date of Promotion

All promotions shall be effective on Mondays at the beginning of a payroll period. The effective date of promotion within the same department or involved departments in the same payroll group shall coincide with the employee's departmental payroll period beginning date. The effective date of promotions involving departments in different payroll groups should be coordinated with the Records staff in the Human Resources Department to ensure proper processing.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

B. Demotion

1. Effect of Demotion on Pay

Upon demotion to a classification with a lower maximum rate of pay, the following will apply regarding the demoted employee’s pay grade, pay rate, classification date and probationary period.

a. Demotion shall not result in a pay increase.

b. Pay shall not exceed the maximum rate of the pay grade designated for the lower classification.

c. An employee demoted for disciplinary reasons shall receive the pay rate in the lower range which would place the employee in the same relative position the employee had progressed from the minimum of the pay range assigned to the higher classification.

d. An employee demoted to a previously held position due to failure to satisfactorily complete a probationary period for a promotional position shall be placed in the lower pay range at the point where the employee would have been had the promotion not occurred.

e. An employee demoted for other non-disciplinary reasons to a lower classification shall retain their current pay rate or the maximum of the pay range assigned to the classification, whichever is lower, unless the employee had not become classified in the position from which being demoted. If this results in a pay rate that falls between steps, the employee should retain the current rate of pay as specified above then progress to the higher step that is closest to the employee’s current pay upon the employee’s next anniversary date.

f. The Human Resources Director may approve administrative exceptions to the demotion pay policy upon the submission of a written request from a department director detailing any extenuating circumstances.

2. Effect of Demotion on Employee Status

When an employee is demoted to a classification previously held, the employee will be returned to their prior status (classified, probationary, etc.) in that classification. An employee demoted and returned to probationary status in the previously held position must complete the remainder of the probationary period which had not been completed prior to the employee leaving the prior job.

3. Effect of Demotion on Classification Date
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

An employee who is demoted to a classification held previously shall have the classification date adjusted to reflect all prior time served in that classification. The date of the demotion will be the effective classification date for all other demotions.

4. Demotion Approvals and Appeal

All demotions and resulting adjustments in an employee's pay rate shall receive the prior review and approval of the Human Resources Department. A classified employee demoted involuntarily other than through the layoff procedure may appeal the action directly to the Civil Service Board or utilize a labor agreement appeals procedure if applicable.

5. Exceptions to Demotion Policy

Exceptions to the demotion policy concerning adjusted classification dates are included in Section 5-14 of the Rules and Regulations or an applicable labor agreement.

C. Transfers

A classified employee may be transferred in accordance with the following provisions:

1. Transfer in the Same Classification

An employee may be transferred within the same classification without change in pay grade, employment date, or classification date. If the transfer is initiated by the City, the employee shall serve no probationary period. Where the transfer was initiated by the employee, the employee shall serve a three (3) month probationary period unless otherwise determined by an applicable labor agreement. If, during or after such a probationary period, the employee is found to be unsuitable for the position, the employee may return to the position held prior to the transfer subject to the approval of the concerned department director and provided the prior position is vacant. If no vacancy exists, the employee will be terminated and will be eligible for reinstatement if selected for re-employment within a period of six months.

2. Transfer to a Classification with the Same Pay Grade

When an employee accepts a lateral transfer to a different classification having the same pay range as the present classification, the employee will be assigned a new classification date. An employee who laterally transfers shall maintain the current pay rate in the pay range. An employee accepting a transfer to a new classification must fulfill the appropriate probationary period.

If the employee is in a merit progression plan and is within three (3) to six (6) months of qualifying for an annual merit increase before being
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

transferred, the employee can at the discretion of the department director receive up to an additional two (2) percent merit increase. If the employee has less than three (3) months before qualifying for the annual merit increase, the employee can receive up to an additional three (3) percent merit increase.

3. Exempt Status to Classified Police and Fire Classifications

Transfers of exempt status employees back to classified Police and Fire classifications previously held shall be at the discretion of the Police Chief or Fire Chief. If approved for reassignment, the employee will be returned to the classification held immediately prior to entry to the exempt service at a rate of pay not to exceed that which the employee would have attained had the employee progressed normally within that classification.

4. The Human Resources Director may approve administrative exceptions to the transfer pay policy upon the submission of a written request from a department director detailing any extenuating circumstances.

D. Temporary Assignments to a Classification with a Higher Pay Grade

An employee temporarily assigned to fill in for an absent employee in a classification with a higher pay grade may be eligible to receive a temporary promotion to that classification if such assignment is in excess of thirty (30) calendar days. Those employees assigned to an acting supervisor position for more than ninety (90) calendar days shall receive a temporary promotion to the supervisory position upon the ninetieth (90) day of the assignment. All such temporary promotions must have the prior approval of the employee's department director and the Human Resources Department. An employee receiving a temporary promotion shall have the rate of pay and classification date adjusted in accordance with procedures for promotion (Section 4-5 (A)). At the end of the temporary assignment, the employee shall return to the former classification and pay rate, and the classification date will be adjusted to reflect the time working in a different classification. Approval for temporary promotions in excess of six (6) months must be granted in advance by the Human Resources Director or designee.

E. Part-time or Temporary Assignments to a Full-Time Classified Position

Employees in part-time or temporary positions, when selected to fill a full-time classified position, shall be considered entrance appointments for pay purposes, as described in Section 4-4 (C).

4-6 Overtime/Compensatory Time

Overtime hours are hours worked, which for the purpose of calculating overtime will include holiday hours unless otherwise provided in a labor agreement, in excess of a forty (40)-hour per week work schedule and must be authorized in advance by an employee's supervisor before compensation will be approved.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

A. Unless otherwise specified by a labor agreement, eligible employees will be paid for overtime hours worked at the premium pay rate of time and one-half the regular rate for all authorized time actually worked in excess of forty (40) hours a week (12:00 a.m. Monday to 12:00 a.m. the immediately following Monday). The employee's regular rate is the actual average hourly rate during the work week including any compensation received for eligible wage differentials such as shift differential, acting supervisor pay, etc. All hours actually worked up to forty (40) in a work week will be compensated at straight time rates. Overtime is payable in increments of tenths of an hour.

Employees meeting the criteria as defined by the Fair Labor Standards Act (FLSA) for exemption from the overtime provisions of that Act are not eligible for pay for hours worked in excess of forty (40) per week. Professional employees in classified service positions may be allowed to take compensatory time for the additional hours worked, on an hour for hour basis, in accordance with departmental and City guidelines or any applicable labor agreement.

B. Standby time, annual leave, illness leave, bereavement leave, jury duty, military leave and other absences from work while on active pay status will not be counted as time actually worked for purposes of determining whether overtime has been worked in excess of forty (40) hours per week.

C. An employee shall be required to work overtime when assigned unless excused by the employee’s supervisor. An employee scheduled to work overtime who fails to fulfill their assignment for reported medical reasons may be required to substantiate their medical absence with a doctor's statement, and is ineligible for payment of annual or illness leave for scheduled overtime hours not worked.

D. When an employee is assigned to work overtime in excess of five (5) consecutive hours immediately before or after the regular shift hours, the immediate supervisor will schedule a paid meal period of one-half hour during the overtime assignment. All meal periods of this nature are to be included within the overtime assignment unless the employee's job duties require the employee’s constant attention and availability, in which case the meal period may be scheduled at the end of the overtime assignment.

E. An employee eligible for overtime compensation will not be required to use annual leave or suffer a reduction in the employee’s normal work hours during the week to preclude payment of overtime worked.

F. Department directors have the authority to determine if they wish to permit the use of compensatory time within their department or sections within the department. If permitted, it is suggested that the compensatory time be used within one hundred and eighty (180) days from the date earned, however, the department may require that compensatory time be taken within a shorter time frame unless otherwise stated in an applicable labor agreement.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

Employees in departments or sections which permit the use of compensatory time may request the use of compensatory time off instead of receiving overtime pay for hours actually worked which are or would otherwise be in excess of forty (40) hours during the work week. Compensatory time may be taken as time off on an hour-for-hour basis during the week in which overtime hours would have otherwise been worked or taken off at time and one half off (i.e., one and one half (1½) hours off for each hour worked) if taken during a later week.

Accrued compensatory time balances should generally not exceed forty (40) hours.

Compensatory time off in lieu of overtime pay, when employees are overtime eligible, must be mutually acceptable to both the employee and the employee's supervisor.

Employees in professional classifications who are authorized by the department director to utilize compensatory time must use compensatory time on an hour for hour basis. Professional employees exempt from the overtime provisions of the FLSA will receive no payment for compensatory time earned, but not used, upon transfer, promotion, demotion, or separation from employment with the City.

Compensatory time off should be requested in advance of the time to be taken off work.

If an overtime eligible employee who has earned compensatory time is transferred, promoted or demoted to a department or section which does not permit the use of compensatory time, then the employee shall be paid for all compensatory time accrued prior to moving to the new department.

G. Employees are prohibited from coming to work early and leaving late for purposes of conducting work, or working through lunch periods or bringing work home, unless specifically authorized by their supervisor.

4-7 Call-Back Pay

Call-back pay is provided to compensate an eligible employee who is contacted off duty and required to return to work immediately on an unscheduled basis due to an urgent or emergency situation. In order to receive any call-back pay or any other pay for time spent performing work while off duty, employees must be contacted off duty by an authorized supervisor or manager and directed to perform the work required. Unless otherwise stated herein, pay will not be approved for work performed in response to calls for service from other than an authorized supervisor or manager. Eligibility for call-back pay is as follows:

A. An employee who is contacted off duty and is required to return to work on an unscheduled basis prior to that employee’s next regularly scheduled shift shall be eligible for call-back pay. An employee who is contacted when not at work and offered, on a voluntary basis, the opportunity to work additional hours is not eligible for call-back pay but may be eligible for overtime premium pay.
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B. An employee eligible for call-back pay shall be paid for the actual hours worked, plus one (1) hour call-back inconvenience bonus at the employee’s straight time hourly pay rate. Such employee will receive a minimum guarantee of four (4) hours compensation which will include time worked and the inconvenience bonus.

Professional employees called back to work will receive pay for a minimum of four (4) hours regardless of hours actually worked, but do not receive the one (1) hour inconvenience bonus. See paragraph H. below for the policy on call-back pay for individuals contacted off duty to resolve problems from an offsite location.

C. An employee who returns to work three (3) hours or less prior to the regularly scheduled starting time shall be paid for the actual time worked plus one (1) hour inconvenience pay at the straight time hourly rate.

D. An employee may receive the call-back inconvenience pay no more than twice in a twenty-four (24) hour period. If the employee is called back to work more than two (2) times in a twenty-four (24) hour period, the employee shall be paid at the applicable rate from the time of the third or more notice to the time the employee returns home and shall not be eligible for an additional call-back pay or the call-back inconvenience bonus.

E. All hours actually worked on a call-back assignment shall be counted toward computing weekly overtime eligibility for eligible employees.

F. An employee who is on duty and is assigned to return to work on a scheduled basis later shall be ineligible for call-back and inconvenience pay, but may be eligible for overtime pay.

G. An employee who has not left the premises and is required to continue working after completion of the scheduled shift shall be ineligible for call-back pay, but may be eligible for overtime pay.

H. Call-back pay policies in cases when an individual is contacted while off duty to perform job responsibilities which do not require reporting to the work site are as follows:

1. When an employee is contacted while off duty and is able to address the problem from the off-site location, the employee shall receive payment for actual time worked, subject to a minimum of one (1) hour. Departments are responsible for determining the reasonableness of time claimed in situations where the employee was not logged on to a computer or telecommunications system for the entire time spent working.

2. When an individual is contacted off duty and must return home in order to perform the work, the employee shall receive payment for actual time worked (not including time in transit), subject to a minimum of four (4) hours.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

3. Departments may authorize compensatory time for eligible employees who request it in lieu of paying the call-back pay.

4. Professional employees are not eligible to receive call-back pay more than two (2) times within a twenty-four (24) hour period.

5. In the event an employee is called by someone other than an authorized supervisor or manager, and that employee spends at least six (6) minutes total time in one calendar day responding to calls received and/or working on callers’ issues, the employee shall be compensated based upon the actual time worked, provided that time is documented by the employee in a log format which lists the call(s) received, the individual(s) who placed the call, and time frame(s) spent addressing the issue(s).

6. Responding to calls from persons other than an authorized supervisor or manager will not entitle the person responding to the call to any inconvenience bonus and may warrant disciplinary action if the employee was directed not to conduct any work while off-duty.

4-8 Standby Pay

A. In order to provide coverage for services during off duty hours, it may be necessary to assign and schedule an employee to standby duty. A standby assignment is made by a department supervisor who requires an employee to be available for work in the event an urgent situation arises on the employee's off duty time.

B. The department will initially seek volunteers for standby assignments whenever possible, consistent with the equitable distribution of standby time within a work area, classification, and shift, and in consideration of the employee's knowledge, skill, and ability. In the event volunteers are not available, employees will be required to take the assignment in order to maintain effective service to the community.

C. If an employee on standby duty is unavailable or otherwise fails to respond to a call to work, the employee will forfeit the entire standby pay and may be subject to disciplinary action.

D. An employee assigned to standby duty is guaranteed standby pay of a minimum of two (2) hours pay at the employee’s regular straight time rate for each eight (8) hours of standby time assigned and fulfilled.

E. An employee who is called to work while on standby duty will be paid for the actual time worked with a minimum guarantee of one (1) hour of pay for each call to return to work. This compensation is in addition to the standby pay of two (2) hours for each eight (8) hours assigned. For pay purposes, actual time worked starts at the time of notice and ends when the employee returns home.
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

F. When an employee is contacted while on standby and is able to address the problem without having to return to work, the employee shall receive payment for actual time worked, subject to a minimum of one (1) hour. Departments are responsible for determining the reasonableness of time claimed in situations where the employee was not logged on to a computer or telecommunications system for the entire time spent working.

G. Return to work assignments from standby duty do not qualify an employee for call back pay.

H. Standby time and non-work time included in the one (1) hour minimum guarantee shall not count as hours worked for the purpose of computing overtime pay.

4-9 Inclement Weather Pay

A. When a full-time employee (other than those on a task completion basis) arrives at the check-in location and, in the supervisor's opinion, the employee is unable to perform the assigned duties due to inclement weather conditions, the employee may be required to remain in the department for a minimum of two (2) hours. If the department feels that the inclement weather conditions are likely to continue, the employee may be excused for the remainder of the day. The employee shall receive pay for at least three (3) hours for that day to include all waiting time plus an additional one (1) hour of bonus pay.

B. If the inclement weather begins after an employee has started to work and the supervisor determines that work must be stopped, the employee may be kept up to two (2) hours waiting time at the department's discretion. If the department determines that weather conditions will not sufficiently improve, the employee may be excused for the remainder of the day and shall be paid for time worked and any waiting time, plus a one (1) hour bonus.

C. An employee who is eligible for inclement weather pay may utilize accrued annual leave to receive full pay for the day.

D. Any bonus time authorized by the department shall be paid at the employee's straight time rate.

E. Total time paid will be a minimum guarantee of three (3) hours but with a maximum not to exceed the normal work hours scheduled for that day.

F. If severe weather conditions exist, the Mayor or assigned designee may declare that some department operations be closed. In accordance with Administrative Policy #080300, Pay Provisions for Emergency Conditions, the following will apply:

In the event that the Mayor determines that it is prudent to close down non-essential City facilities and services due to emergency conditions, only those employees designated as emergency-critical will report for or remain on duty. All other employees will be relieved from duty until such time as the Mayor determines that
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

the emergency conditions no longer exist and/or the department resumes normal operations. Those employees designated as emergency-critical will be compensated on their regular basis for all hours on duty. For most employees paid on an hourly basis, this would result in the payment of overtime for hours worked in excess of forty (40) in a work week. Those employees in this category designated as FLSA-exempt will be compensated on the basis of their regularly scheduled hours, unless otherwise amended by Executive Order of the Mayor. In addition, all employees designated as emergency-critical will receive additional annual leave hours on an hour-for-hour basis for up to the first twenty-four (24) hours of regularly-scheduled time which they work from the time those employees not designated as emergency-critical in their department are relieved from duty. Employees designated as emergency-critical who are called to duty on their regularly scheduled off duty day shall be credited with one-half (½) hour of annual leave for each hour actually worked that day.

Those employees not designated as emergency-critical will be granted administrative leave with pay for up to twenty-four (24) hours of regularly-scheduled time from the point when they are relieved from duty. Employees not designated as emergency critical but who perform work with the permission or under the direction of their supervisor, shall be paid for hours worked in lieu of administrative leave. If emergency conditions extend beyond this time, overtime-eligible employees will be required to utilize accrued annual leave in order to receive regular pay, or be coded as leave without pay. FLSA-exempt employees will be required to utilize accrued annual leave in order to receive regular pay if a balance of such leave is available; if no such balance is available after the 24-hour period specified above, FLSA-exempt employees will receive administrative leave with pay up to a total of forty (40) hours (inclusive of the initial 24-hour period) and then will be shown as leave without pay (pay code 091) for any remaining time missed.

Employees who are on previously-approved leave of any nature (annual leave, illness leave, bereavement leave, etc.) at such time as those employees not designated as emergency-critical are relieved from duty will not be authorized to use administrative leave with pay as an alternative to the leave previously approved. However, if employees request leave in advance of the storm based upon the storm's approach for reasons related to storm preparedness (school closings, living in evacuation zones, etc.), those employees will be credited for administrative leave for that time if they otherwise would have been relieved of duty.

Authorization to utilize administrative leave with pay will cease as of the time an employee's department resumes operations beyond those directly related to emergency conditions. It is the responsibility of each employee not designated as emergency-critical to maintain contact with the department or to monitor media coverage for the purposes of reporting to work at the appropriate time. An employee who fails to report, or who is unable to report, at the appropriate time will be charged for annual leave or leave without pay for the period between when the department resumed normal operations and the time the employee reports for work.
Upon implementation of the City's Disaster Operations Plan, FLSA-exempt employees, regardless of emergency designation, may be authorized to receive payment on an hour-for-hour basis for any hours worked over 40 in the course of a week which are attributable to emergency conditions, subject to declaration of an Executive Order by the Mayor authorizing such payment. The Mayor, by the Executive Order, may limit authorization for such additional payment to certain FLSA-exempt employees or classes of FLSA-exempt employees (for example, all employees below the level of department director, all employees classified as professional, etc.). Approval for such payment will remain in effect until such time as the Mayor rescinds the Executive Order or it expires, if an expiration date is specified at the time the Order is issued. The Executive Order may be issued prior to, in conjunction with, or after any declaration of a state or local emergency. FLSA-exempt personnel shall not work beyond their regularly-scheduled hours unless authorized by the appropriate administrative supervisor. In the absence of other authorization, if an employee is either late in reporting for work or is unable to report due to adverse weather conditions, the employee may utilize accrued annual leave or leave without pay for hours not worked during the scheduled shift. Leave used for this purpose will be considered scheduled leave. Normal departmental reporting procedures are to be followed in these cases unless changed by the department director or designee.

G. The provisions of this section do not apply to overtime hours which may have been scheduled.

### 4-10 Shift Differential

Full or part-time employees who are assigned to a continuous shift of at least eight (8) hours starting between 1:00 p.m. and 4:00 a.m. shall be eligible to be paid a shift differential for all hours worked during that shift. An employee who works a normal day shift and works beyond the regularly scheduled hours is ineligible to receive shift differential. Shift differential shall not be paid on any annual leave, illness leave or other non-work hours, but will be utilized in the determination of the employee's regular hourly rate for overtime payment calculations, if applicable.

The amount of the shift differential is stipulated in the Pay Plan or applicable labor agreement.

### 4-11 Acting Supervisor Pay

A. Acting supervisor status is a pay status for assignments in a supervisory classification lasting fewer than ninety (90) calendar days, and is not considered a classification status for the purposes of benefit accrual or other considerations based upon classification. If an acting supervisor assignment lasts more than ninety (90) calendar days, that acting supervisor shall be given a temporary promotion as outlined in Section 4-5(D).
SECTION 4: CLASSIFICATION AND PAY PROVISIONS

B. An employee who is selected, assigned and actually works in an acting supervisory capacity for a classified service supervisor for a minimum of one (1) complete shift of at least eight (8) hours shall be considered to be in an acting supervisor status and paid at the hourly rate of pay as if actually promoted.

C. Acting supervisor assignments shall be made on the basis of qualifications for such assignment in the judgment of departmental management.

D. A classified service employee who is temporarily assigned to serve in the capacity of a management position for three (3) or more consecutive work days will be compensated with one (1) additional hour of straight time pay for each complete day served in that capacity.

E. Exceptions to this policy may be contained in the labor agreements.

4-12 Pay

A. Issuance of Pay

In the absence of unusual circumstances precluding normal payroll processing, an employee shall receive direct deposit of pay into the employee’s account by the end of the day on the Thursday afternoon after completion of the payroll period. Employees who are separated from employment will receive a final payment for all hours worked during their final pay period; a payout of unused annual leave; and if eligible, a payout of the appropriate percentage of unused illness leave. Payouts are contingent upon the return of all City property to the department. The final payment shall be issued in accordance with normal payroll processing procedures.

B. Incorrect Pay (Under or Overpayments)

1. Underpayment

If an employee is paid less than the compensation to which the employee is entitled or has been overcharged for coverage in an employee benefit plan, the City shall correct the situation by paying any funds due to the employee in the next payroll after the proper determination and corrective calculations have been made and processed.

2. Overpayment

If an employee has been compensated above the appropriate pay rate, or has not paid the proper deduction for coverage in an employee benefit plan, financial restitution is due the City. Generally, such restitution shall be made immediately by personal check to the City or by payroll deduction from the next payroll after the proper determination has been made. At the employee's option, restitution may be accomplished through payroll deduction over the same period of time as the employee received the overpayment.
Section 5

5-1 Departmental Rules

Each Department may promulgate and implement departmental rules based upon operational needs and requirements as a supplement to the Personnel Management System Rules and Regulations. Copies of these departmental rules shall be forwarded to the Labor Relations section of the Human Resources Department for review prior to publishing or implementing.

5-2 Hours of Work

Full-time employees shall normally be scheduled to work forty (40) hours per week except where other provisions are specifically made. Work schedules for employees will be established by each department in accordance with operational needs.

Each employee shall be at work by the employee’s designated starting time in accordance with established departmental policy. All departments shall maintain accurate daily attendance records of its employees which shall include the types of and specific reasons for each absence. For more information regarding variable or ‘flex time’ scheduling, refer to Administrative Policy #060406, Work Schedules.

5-3 Pecuniary Interest

No public 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 or subject to approval by the City Council.

5-4 General Appearance, Work Attire, and City Uniforms

Reasonable standards of personal dress, appearance and hygiene during working hours are appropriate for all supervisors to establish and enforce provided they are consistent with the City’s rules, policies and labor agreements if applicable. Personal appearance should be evaluated based upon the type of work, the work environment, and the amount of public contact required by the job. Designated uniforms or work clothes shall be worn as required by departmental policy. City uniforms or insignia shall not be worn outside of work hours without permission of the department director or designee and shall not under any circumstances be worn while engaged in outside employment. No clothing or other adornment such as jewelry, buttons, or pins, may be worn by employees during work hours that has slogans, graphic illustrations, or other references to alcohol or tobacco products, any form of gambling, or any type of sexual connotation.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

5-5 Double Employment

No City employee may engage in or have employment involving more than one full-time position with the City of St. Petersburg. Double employment for part-time employees must receive prior approval from the Human Resources Department.

5-6 Outside Employment

A. Subject to the policy guidelines contained in the Administrative Policies, eligible employees may engage in outside employment during off-duty hours when such employment does not, in any way, interfere or create a potential conflict of interest with their City employment. An employee who wishes to engage in any outside employment, including self-employment, shall provide information concerning the proposed employment on a Request For Outside Employment form and submit it to the department director for approval, prior to engaging in outside employment. Employees shall inform their department director when the type or scope of any previously approved outside employment changes. The Request for Outside Employment form should be forwarded to Human Resources for review and for filing in the employee's personnel file. Requests for outside employment must be renewed annually or whenever there is a change in the employee's City duties or the secondary employment position or duties.

B. An employee who wishes to engage in outside employment shall make arrangements to be relieved from outside employment duties if and when called for duty by the City.

C. All injuries sustained while engaged in outside employment must be reported to the employee's supervisor prior to the next scheduled working day. An employee may not use City workers' compensation benefits or accumulated illness leave for sickness or injury sustained while engaged in outside employment.

5-7 Participation in Employee Organizations

A. City employees have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization.

B. Eligible City employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances. Employees shall have the right to refrain from exercising the right to be represented by a union, and membership in a union or employee organization is not required for public employment in the State of Florida.

C. Employees who are covered under a labor agreement shall also be subject to the Rules and Regulations of the Personnel Management System. If any direct conflicts occur between the labor agreement and the Rules and Regulations of the Personnel Management System, the labor agreement shall take precedence. The labor
agreement shall be the governing document in all cases even though the rights or benefits may be greater or lesser than provided for in the Rules and Regulations.

D. Any employee wishing additional information concerning provisions governing participation in employee organizations may consult the Labor Relations Division of the Human Resources Department or Florida Statutes Chapter 447, Part II.

5-8 City Equipment

The personal use of any City equipment, such as typewriters, tape recorders, cameras, tools, computers, copiers, cell phones, pagers, machinery, etc., shall be prohibited unless otherwise approved in advance by the concerned department management. Employees are to follow the direction provided in Administrative Policy #070500, Acceptable Usage of Information Technology Systems, regarding the use of any City information technology system or e-mail for receipt or sending of personal mail.

Any and all City equipment, including electronic communications systems such as e-mail and voice mail, is the property of the City and is subject to monitoring at any time, with or without notice, at the sole discretion of management. (See Section 5-20, Searches on City Property.)

5-9 Address and Telephone Number

Each employee shall provide the department with a current street address and contact information phone number. This information shall be kept current by the employee in the employee's personnel record and/or database on the appropriate form or information system. The employee shall also maintain on a current basis the name, address and telephone number of the person(s) to contact in case of emergency.

5-10 Political Activity

No City employee shall take any active part in political campaigns or other political activities during duty hours. In accordance with Florida Statutes, as amended, employees are prohibited from engaging in certain types of political activities while either on or off duty. Employees, in their private capacities, may express their opinions on any political candidate or issue and/or participate in campaigns during their off-duty hours; however, they are prohibited from using their official authority or influence from their City position for the purpose of aiding or interfering with an election or nomination, or coercing or influencing another person's vote or affecting the result thereof. Employees or managers having questions concerning political activities should consult the City Legal Department.

Nothing herein shall be construed to prohibit an employee's right to file a complaint of workplace discrimination or harassment, to raise a concern regarding workplace safety, to report to appropriate authorities the misuse or theft of City assets, or to engage in casual workplace discussions on social or political topics, so long as such discussions do not, in the judgment of management, interfere with the orderly, peaceful, and efficient performance of assigned duties or with the valid exercise of authority of management.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

5-11 Solicitation of Contributions, Memberships, or Business

A. The solicitation of contributions, memberships, or business among employees of the City shall not be permitted on City property during the employee's working time except for those charity drives, U.S. Savings Bond drives, and promotions specifically authorized by the Mayor.

B. Employee organizations, their members, agents, representatives, or persons acting on their behalf are prohibited from soliciting employees during working hours. This section shall not be construed to prohibit solicitation by employee organizations during the employee's lunch period or in such areas not specifically devoted to the performance of the employee's official duties.

5-12 Statements or Production of Documents by City Employees to Attorneys, Law Firms, or Others Concerning Employees or City Business

An employee may be requested or subpoenaed to make a statement or to produce documents to an investigator, an attorney or a law firm. These statements or production of documents may be concerned with an actual or contemplated legal action against the City. Should an employee receive either a request to make a statement or be subpoenaed for testimony or to produce documents, the employee shall discuss the matter first with the department director, and, before making any oral or written statements or producing any documents, the entire matter shall be discussed with the Risk Management section and the City Legal Department.

5-13 Use of City Vehicles or Privately Owned Vehicles on City Business

A. It is necessary for some employees to have City owned vehicles at their disposal in order to carry out their official duties. When so assigned, under no circumstances is the vehicle to be used for personal business or pleasure unless otherwise expressly provided or permitted by departmental policy. No City vehicle shall be used to transport non-employees without prior supervisory approval.

B. An employee driving a City vehicle, or a personal vehicle for City business, shall possess a valid Florida driver's license appropriate for the type of vehicle or equipment being operated. An employee who operates a vehicle on behalf of the City has a responsibility to immediately report the loss or suspension of a driver's license to the supervisor.

C. For those City vehicles assigned to an employee on a 24-hour basis, off-street parking should be provided when the vehicle is taken to a place of residence unless otherwise approved in advance by the employee's department director or supervisor. Before a City vehicle can be driven to and from work, an employee shall obtain approval from the department director.

D. If a City vehicle is involved in an accident, the employee shall immediately notify the Police Department and the employee's department director or designee.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

E. An employee operating a City vehicle or a personal vehicle in the performance of duties is required to drive safely and comply with all traffic laws of the State of Florida Department of Transportation, including the use of seat belts when the vehicle is so equipped. All employees riding as passengers are also expected to use seat belts at all times. Employees operating vehicles containing non-employees will be held responsible for ensuring such non-employees use a seat belt(s) and abide by all applicable vehicle laws and policies.

F. Employees who are in classifications or positions that require the use of their personal vehicle to carry out assigned duties and who qualify for "dedicated" vehicle and mileage allowances are responsible for maintaining automobile liability, property damage, and personal injury insurance coverage requirements in accordance with provisions contained in the Administrative Policies.

5-14 Seniority, Layoff, and Recall Procedures

By authority and direction of the Mayor, an employee or employees may be laid off when necessary due to a shortage of funds, lack of work, the abolishment of a position, or other substantive changes in job duties or the organization, or for related reasons which are outside the employee's control and do not reflect upon the service of employees. The duties performed by any employee laid off may be reassigned to other employees in appropriate classifications.

A. Types of Seniority

1. City Seniority

   City seniority shall be defined as the length of time since an employee's most recent date of employment or re-employment with the City except in cases where an employee has been laid off and accepts a position in another job classification and the placement occurs during the nine (9) month recall period. In those layoff situations when the employee is hired into another job classification during the recall period, the employee will suffer no loss of City seniority but will incur a loss of job classification seniority if the placement is into a classification or classification series not previously held by the involved employee. City seniority shall be used for purposes of computing annual leave accrual, service awards, and other matters based upon the total length of continuous employment.

2. Classification Seniority

   Classification seniority shall be defined as the length of time served as a full-time employee in a classification, regardless of the department in which the seniority was earned. Classification seniority shall be used in conjunction with the current pay plan and Administrative Policies for the purposes of pay progression and other matters based upon length of service in a classification.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

3. Seniority Adjustment
   a. City and classification seniority shall continue to accrue during all types of paid leave except for leaves of absence or suspensions without pay which are in excess of thirty (30) consecutive calendar days. Such absences shall cause the seniority dates to be adjusted for an equivalent amount of time.
   b. An employee having a minimum of five (5) years of continuous City seniority shall suffer no loss of City or classification seniority while on a medical leave of absence without pay due to the employee's illness for a period not to exceed three (3) months.

4. Loss of Seniority
   An employee shall lose City and classification seniority as a result of the following:
   a. Resignation
   b. Termination
   c. Layoff without reinstatement within nine (9) months, unless a longer layoff period is otherwise governed by the terms of a collective bargaining agreement.
   d. Failure to return from military leave within the time limits prescribed by law.

5. Seniority Records
   It shall be the responsibility of the Human Resources Department to establish and maintain classification and City seniority records of employees.

B. Layoff Procedures

1. Application
   a. Classified Status Employees

   The layoff procedures described herein shall apply to employees who have passed an initial probationary period and have attained classified status in classifications not represented by a labor agreement. When a layoff becomes necessary, classified employees in an affected classification shall be laid off in accordance with the procedures described in this section. The layoff procedures for
employees in classifications represented by a labor agreement are contained in the applicable agreement.

b. Exempt Status Employees

Employees in exempt status (management, temporary, part-time, initial probationary, and others so designated) are "at will" employees and are not covered by the layoff procedure since employment in this status is at the discretion of the Mayor. Exempt status employees may be discharged as necessary for any reason including, but not limited to, efficiency, economy, or operational requirements. Employees in exempt status who are separated from employment are not entitled to be placed on a recall list.

2. Layoff Criteria

When a reduction in force is approved by the Mayor and the affected position is identified, the classified employee in that position will only have the option to bump into another position within that same classification in the department on the basis of length of time in the classification, except as otherwise provided in any labor contract. In the event two (2) or more employees have the same amount of seniority in the affected classification, City seniority will be the determining factor and the least senior employee will be laid off first. In the event two (2) or more employees have the same classification and City seniority, the employee with the lowest identification number will be deemed to be the senior employee, unless one is eligible to receive Veterans' Preference, in accordance with applicable state or federal statutes.

3. Bump Back Procedures

a. Classified employees whose positions are eliminated or who are bumped out of their current position due to a layoff shall be eligible to bump back and transfer within their current department to any classification previously held, including their current classification, based on their classification seniority. Retention in a prior classification will be competitive with other employees currently in or eligible to bump back into that classification within the department with the most senior employees retaining their positions. If an eligible employee bumps back to a previously held position, classification seniority in that position will include only the time spent in that classification, unless otherwise specified below.
b. When bumping down a classification series, (i.e., Accountant III, Accountant II, Accountant I), an employee's classification seniority in the higher classification(s) within the series will be added to the employee's seniority accrued in the lower classification(s) previously held in determining whether the combined seniority will allow the employee to be retained. An employee who is eligible for a lower classification in a classification series and also another previously held position will be placed in the job in the higher pay range unless approved otherwise by the Human Resources Director.

c. Classified employees shall be eligible to bump back within a classification series within the department, to a classification not previously held. Retention within such a position will be competitive with other employees currently in or eligible to bump back into that classification, with the most senior employees qualifying to fill available positions.

d. If a reduction in force is necessary, classified employees with the least amount of seniority in the affected classification within the department shall be laid off and placed on a recall list, unless they bump back and are eligible to be retained in another classification.

e. When determining assignments in cases where two (2) or more employees are eligible to bump into or within a classification, the most senior employee will bump the least senior employee with the next most senior employee bumping the next least senior employee, etc.

f. Employees affected by a layoff who are placed in a lower classification shall receive their current pay rate not to exceed the maximum pay rate for the lower classification. Any action taken in connection with the layoff procedures shall not result in an increase in the pay rate for any employee.

g. All layoff placements shall be made in accordance with these provisions provided the employee is able and qualified to perform the essential functions with or without accommodation of the position at the time of placement and provided the employee possesses the necessary licenses and certifications required for the specific position.

h. Employees who are eligible to be retained but do not wish to be placed in a classification for which they are eligible may voluntarily accept the layoff resulting in removal from the payroll. Such employees shall indicate their request in writing to their department director at least two (2) weeks prior to the layoff date, unless otherwise provided by the Human Resources Director.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

4. Transfer Procedures

A classified employee subject to layoff shall be eligible to apply, interview, and be competitively selected for promotion or demotion to position vacancies throughout the City prior to actual layoff.

Classified employees whose positions are being eliminated due to a layoff may be placed without competitive selection in available vacant positions of the same classification in another department.

C. Recall, Reinstatement and Re-employment Procedures

1. Classified employees who are laid off or have accepted another position as a result of the elimination of their former position shall have preference for recall and reinstatement within the department, in classifications from which they were initially laid off over other applicants for a period of nine (9) months from the layoff date unless a different period is specified in an applicable labor agreement. Reinstatement will be without loss of prior seniority, and the employee's illness leave account will be restored to the status prior to the layoff less any payout received upon layoff. If the layoff absence was in excess of thirty (30) calendar days, City and classification seniority dates shall be adjusted, upon reinstatement, to account for the time on layoff status.

2. An employee reinstated to a prior classification within nine (9) months from the date of layoff or the period as stated in the labor agreement, shall receive the same pay rate earned at the time of layoff, and any general wage increase applicable for the classification.

3. An employee hired into a job classification other than the prior classification within nine (9) months from the date of layoff or the period as stated in the labor agreement, shall retain the City seniority date which was in effect at the time of layoff.

4. An employee on layoff status who is not recalled and reinstated by the City within nine (9) months from the date of layoff will be ineligible for reinstatement of prior seniority or benefits in the event of re-employment by the City at a later date.

The City reserves the right to require a fitness for duty examination prior to any recalled employee being placed back on the active payroll.

5-15 Resignation

A. Resignation is the voluntary separation of an employee from employment accomplished by serving a written or oral notice expressing a decision to end employment with the City. Such a written or oral notice shall be deemed to be
accepted immediately. An employee who wishes to leave in good standing shall notify their immediate supervisor at least two (2) weeks before leaving.

B. An employee who has served notification of resignation either verbally or in writing shall not be allowed to rescind the resignation except with the written approval of the department director.

C. An employee who resigns from employment shall not be eligible for re-employment for six (6) months following the employee’s date of separation, unless approved by the Human Resources Department. However, as noted in Section 2-10, an employee who resigns within two (2) weeks of a positive test result for the use of controlled substances, or one who resigns immediately upon notice of having to report for such a test, shall not be eligible for re-employment for five (5) years.

5-16 Alternate Employment/Non-Disciplinary Separation

A. General

An employee may be given an opportunity to seek alternate employment and/or given a non-disciplinary separation from employment when the employee is unable to perform the essential functions of the job with or without reasonable accommodation. Prior to making any determination regarding the affected employee, the department director, or designee, shall require that the employee provide updated medical information, including a completed Essential Job Functions form, and the director, or designee, shall have a discussion with the employee about the prognosis and ability to perform the essential functions of the job, including regular and prompt attendance, with or without reasonable accommodation.

If after evaluating the information and discussing the situation with the employee the department cannot provide, or the employee does not accept, reasonable accommodation(s) which would allow the employee to perform the essential job functions, the department director may submit a memorandum to the Human Resources Director indicating the information received regarding the restrictions and how those restrictions prevent the employee from performing the essential job functions. The department director shall also indicate what efforts were made to identify reasonable accommodations; what accommodations were suggested by the employee; and, why any potential accommodations were rejected by the department as a hardship. The Human Resources Director will determine if the available medical information and the department's "undue hardship" rationale are sufficient; if not, an independent medical and/or vocational evaluation may be arranged to further explore the potential for an accommodation. If no reasonable accommodation(s) is possible, the employee may be offered the opportunity to search for alternate employment or given a non-disciplinary separation according to the provisions below.
B. On-Duty Injuries

When an employee incurs an on-duty injury and is still unable to perform the essential job functions eighteen (18) months after the date of the injury (this time frame includes time off, time on light duty, and periods when the employee has returned to work and then taken time off again for the same injury) or if prior to that time frame an employee has reached maximum medical improvement (MMI) as defined in the Florida Statutes and is unable to perform the essential job functions, department management may give the employee a non-disciplinary separation from employment.

If, within three months of reaching the 18-month limit stated above, the information received from the physician authorized by the workers’ compensation adjuster indicates the employee may not be able to perform the essential job functions in the foreseeable future, but the employee may be able to perform other work, the employee may seek assistance from the Human Resources Department with finding alternate employment subject to the approval of the department director and Human Resources Director, unless otherwise provided for in an applicable labor agreement.

C. Off-Duty Injury/Illness

Employees who are injured or have an illness that is not job-related, and are unable to perform their essential job functions with or without a reasonable accommodation may be separated from employment and/or may seek assistance with finding alternate employment following any applicable job-protected leave, such as is afforded by law under the Family and Medical Leave Act, regardless of how much paid leave the employee has accrued, unless otherwise prohibited by law or provided for in an applicable labor agreement.

D. Alternate Employment

1. If a physician and/or vocational rehabilitation counselor determines that the employee is restricted in such a manner that the employee can no longer perform the essential functions of the job, but may be able to perform other jobs within the City, the department director may send a request to the Human Resources Director for the employee to be given assistance with finding alternate employment within the city. If approved, a Human Resources representative will meet with the employee and, over a ninety (90)-day period, assist the employee with seeking positions that may be suitable considering the employee’s skills and/or restrictions. The ninety (90)-day period shall be consecutive calendar days from the time the employee is notified in writing regarding the opportunity to seek alternate employment. Although the Human Resources Department does not have a vocational rehabilitation program, where deemed necessary by the Human Resources Director, a vocational rehabilitation counselor may be utilized in the search for alternate employment.
2. The Human Resources representative shall send a list of all job postings which occur during the ninety (90)-day period to the employee for consideration. Employees who are seeking alternate employment should consider applying for any of the job postings for which the employee would be able to perform the essential job functions of the position, either with or without reasonable accommodation. The Human Resources representative will provide assistance to complete and submit the required application forms or materials if needed.

3. If suitable alternate employment has not been obtained by the conclusion of the ninety (90)-day period, the Human Resources representative will notify the Human Resources Director. The Human Resources Director will notify the employee's department director, or designee, that the employee may be given a non-disciplinary separation.

E. Non-Disciplinary Separation

If the employee is given a non-disciplinary separation, the department, if at all possible, shall schedule an exit interview with the employee in order to inform the employee that the separation is non-disciplinary. If the employee should recuperate to the extent that the employee can perform the essential functions of the job within nine (9) months of separation, the employee may contact the Human Resources Department, and the department director may authorize reinstatement upon receipt of acceptable evidence that the employee can satisfactorily perform the job, provided there is a vacancy. The individual may continue to check the City vacancy list and may apply for other open positions within the City as they occur.

5-17 Return of City Property

At the time of separation, all records, books, assets, uniforms, keys, tools, computers, software programs, and other items of City property in an employee's custody shall be returned to the department. A list of returned and/or outstanding items not returned shall be documented by the employee's supervisor. Money or City property due the City because of any shortages shall be collected through appropriate action approved in advance by the Human Resources Department.

5-18 Loss of Driver's License

A. An employee in a classification or position which requires the operation of a motor vehicle must possess and maintain a valid Florida driver's license appropriate for the type of vehicle or equipment being operated. The loss of such license and driving privilege shall subject an employee to the possibility of termination.

B. Employees required to maintain a valid Florida driver's license for business use who lose their driving privileges for whatever reason (e.g., suspension, expiration, or physical loss of driver's license) shall immediately report such loss to their supervisor and shall not be permitted to operate a motor vehicle or motorized equipment on the job until driving privileges are reinstated. If it is determined that
driving privileges cannot be reinstated in a reasonable period of time, generally not to exceed sixty (60) calendar days, disciplinary action to terminate employment shall be administered following such determination, regardless of whether sixty (60) calendar days has elapsed since the loss of driving privileges.

C. Upon timely notification by an employee that the employee has lost driving privileges, the employee’s department shall have the following options:

1. Make a reasonable effort to reassign the employee, on a temporary basis, to appropriate non-driving responsibilities, if available, for a period not to exceed sixty (60) calendar days to provide continuous employment while the employee attempts to reinstate driving privileges.

2. Allow the employee to use any accrued annual leave during the sixty (60)-calendar day period while obtaining reinstatement of driving privileges.

3. Place the employee on a temporary leave of absence without pay not to exceed sixty (60) calendar days.

4. Any exceptions to the above options require the approval of the department director and the Human Resources Department.

D. An employee who fails to have driving privileges reinstated on a permanent or temporary restricted "business purposes only" basis may apply and be considered on a competitive basis for any vacant City position for which the employee is qualified prior to expiration of the sixty (60) calendar day grace period. If the employee does not regain driving privileges by the expiration of the sixty (60) day period and if not selected for a non-driving position within this period, the employee shall be terminated for failure to maintain required job qualifications.

5-19 Drug Free Workplace

The City is interested in maintaining a safe and efficient workforce which provides the citizens with the best service possible. Providing a drug free workplace furthers these goals and is therefore not only desirable from the perspective of the City, but also from the perspective of the employees and citizens of St. Petersburg. The policies and procedures contained in this section are for the purpose of achieving these goals. The City has the authority to require alcohol and drug testing pursuant to Florida Statutes Section 440.102. A separate City policy exists to address alcohol and drug testing pursuant to the Omnibus Transportation Employee Testing Act Of 1991 (OTETA), which applies to employees and/or job applicants who possess a commercial driver's license and who operate a commercial motor vehicle.

A. The City's Drug Free Workplace policies and procedures include testing of job applicants and employees for alcohol and drug use or abuse, as follows:

1. Reasonable Suspicion Testing: An employee will be subject to one or more appropriate medical tests if there is reasonable suspicion on the part of the
employee's immediate supervisor and department director, or designee, that while on duty, the employee is using or is under the influence of alcohol or drugs.

“Reasonable-suspicion” means a belief that an employee is using or has used drugs and/or alcohol in violation of the employer’s policy drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Such facts and inferences may be based upon, but not limited to, the following:

a. Observable phenomena while at work, such as direct observation of drug and/or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug and/or alcohol.

b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.

c. A report of being under the influence of drugs and/or alcohol provided by a reliable and credible source, including a voluntary self-referral/admission.

d. Evidence that an individual has tampered with a drug and/or alcohol test during employment with the current employer.

e. Information that an employee has caused, contributed to, or been involved in an accident while at work.

f. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer’s premises or while operating the employer’s vehicle, machinery, or equipment.

g. Arrest for or conviction of a drug related offense, a reliable report that the employee is the focus of a criminal investigation into drug related offenses, or a reliable report of observed use or possession of illegal substances.

Sworn Police Department employees and employees in safety sensitive positions are subject to one or more appropriate medical tests if there is reasonable suspicion that they are using illegal drugs while either on or off duty.

An employee who is tested will be placed on administrative leave status with pay pending the result of the test(s). If a department sends an employee for reasonable suspicion testing, the department director or designee and any other supervisor or manager who has made relevant observations of the employee shall promptly document the circumstances that formed the basis for the determination that reasonable suspicion existed on the Reasonable
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

Suspicion Determination Form and send the form to the Human Resources Department, Records Office.

2. Job Applicant Testing: For certain classifications, job applicants will be required to undergo a pre-employment drug test prior to being employed, and a refusal to submit to a drug test or a positive confirmed drug test may be used as a basis for refusal to hire the job applicant.

3. Random Testing: Employees may be subject to random alcohol or drug testing where required under applicable state or federal law. Uniformed and management Police Department employees are also subject to random drug testing.

4. Fitness-for-Duty Testing: An employee may be required to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination.

5. Return to Duty and Follow-up Testing: If an employee in the course of employment enters an employee assistance program for alcohol/drug-related problems, or an alcohol and drug rehabilitation program, the employee may be required to undergo one or more alcohol or drug tests as a part of and/or follow-up to such program.

B. Substances for which the City will test include:

<table>
<thead>
<tr>
<th>Substance</th>
<th>Result Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>All liquid medications containing ethyl alcohol (ethanol). Refer to the label for alcohol content. As an example, Vick’s Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, I onamine, Fastine</td>
</tr>
<tr>
<td>Marijuana (THC metabolite)</td>
<td>Opiates (including heroin, codeine, and prescription synthetic opiates)</td>
</tr>
<tr>
<td>Cocaine</td>
<td>Phencyclidine (PCP)</td>
</tr>
</tbody>
</table>

C. Individuals subject to this policy should be aware that test results may be affected by use of certain "over the counter" and prescription substances. Employees and job applicants may confidentially report the use of prescriptions and nonprescription medication to the Medical Review Officer (MRO). The following table of such substances was obtained from the State of Florida Agency for Health Care Administration:

Over The Counter and Prescription Drugs Which Could Alter or Affect Drug Test Results

<table>
<thead>
<tr>
<th>Substance</th>
<th>Result Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcohol</td>
<td>All liquid medications containing ethyl alcohol (ethanol). Refer to the label for alcohol content. As an example, Vick’s Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof)</td>
</tr>
<tr>
<td>Amphetamines</td>
<td>Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, I onamine, Fastine</td>
</tr>
</tbody>
</table>
Cannabinoids

Marinol (Dronabinol, THC) and Marijuana *Note that even though different forms of marijuana may be legal under state law, they are still considered to be illegal drugs pursuant to federal law and may be prohibited per the City’s Drug Free Workplace Policy.

Cocaine

Cocaine HCl topical solution (Roxanne)

Phencyclidine

Not legal by prescription

Methaqualone

Not legal by prescription

Opiates

Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatus AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.

Barbituates

Phenobarbitol, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad, etc.

Benzodiazepines

Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax

Methadone

Dolophine, Metadoxide

Propoxyphene

Darvocet, Darvon N, Dolene, etc.

*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive.

D. The City's procedure for alcohol and drug testing will include the following:

1. For drug testing, a urine specimen will be taken at a medical facility licensed by the State of Florida. The specimen will be sealed and chain of custody procedures followed in transporting the specimen to the testing facility. The testing will be done at the expense of the City by a laboratory licensed by the State of Florida. The initial screening test will be the Enzyme Multiplied Immunoassay Test (EMIT), or a comparable test. In the event the first test is positive, indicating the presence of a drug, a Gas Chromatography/Mass Spectrometry test using the initial specimen will be conducted to ensure accurate results.

If the first drug test result is negative, a second test will not be conducted and the employee will be returned to work. If the first test is positive and the second test is negative, the employee will be returned to work. In the event either the first or second test is negative, no disciplinary action related to drug use will be taken, and no record will be placed in an employee's personnel file that the drug testing occurred.

Whenever a collection site person has reason to believe that an employee or job applicant has altered or substituted a urine specimen, a second specimen
shall be collected under direct observation and both specimens shall be tested. Reasons to believe that a specimen has been altered or substituted may include, but are not limited to: unusual color, odor, or presence of foreign objects; excessive foaming when shaken; or an out-of-temperature reading.

2. For alcohol testing, employees may be required to take a breath test, a blood test, or both depending upon whether or not their position requires that they hold a commercial driver's license (CDL) subjecting them to the Department of Transportation's OTETA regulations.

Employees who hold a CDL will receive a breath test administered by the City's contracted medical providers. If that breath test result is 0.02 g/dL or greater, the employee shall receive a confirmation breath test. If the confirmation breath test result is between 0.02 and 0.039 g/dL, the employee will be removed from safety sensitive duties for a 24-hour period and subject to discipline pursuant to the City's Code of Conduct. If the confirmation test result is 0.04 g/dL or greater, a positive result will be reported, and the employee will be subject to appropriate discipline pursuant to the City's Code of Conduct, and the return-to-duty process as required by OTETA. Refer to the City's Alcohol and Drug Testing Policy Pursuant to OTETA for additional details.

Employees who are not required to hold a CDL shall first receive a breath test administered by the City's contracted medical providers, and if the confirmed breath test result is 0.02 g/dL or greater, the employee shall immediately receive a blood test and be placed on administrative leave for the remainder of that work shift. If the confirmed blood test result is between 0.02 g/dL and 0.039 g/dL, the administrative leave should be changed to unscheduled, unpaid leave, and the employee may be subject to discipline pursuant to the City's Code of Conduct. If the confirmed blood test is 0.04 g/dL or greater, a positive result will be reported, the administrative leave should be changed to unscheduled unpaid leave, and the employee may be subject to discipline pursuant to the City's Code of Conduct which may include mandatory participation in alcohol/drug abuse counseling and follow up testing. If the non-CDL employee's confirmed breath alcohol test is 0.02 g/dL or greater, and the confirmed blood test result is less than 0.02 g/dL, the result from the blood test will prevail, the employee will not be subject to discipline related to the testing results, and no record will be placed in the employee's personnel file that the testing occurred.

3. An employee or job applicant who receives a positive confirmed alcohol or drug test result may confidentially contest or explain the result to the MRO within twenty-four (24) hours of receipt of results by the MRO. The MRO will make three (3) attempts to contact the affected individual during this time period in order to schedule a discussion. If the affected individual
cannot be contacted, declines to speak with the MRO, or if the explanation or challenge is unsatisfactory, the positive test result will be communicated by the MRO to the City. The employee or job applicant shall be notified by the City in writing of a positive confirmed test result within five (5) working days from the confirmation by the MRO.

4. The employee or job applicant may submit a challenge or explanation of the positive result to the City within five (5) working days after receiving the City’s notice of a positive confirmed test result as to why the result does not constitute a violation of the City's policy. If the challenge or explanation is unsatisfactory to the City, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with a report of the positive result, shall be provided to the employee or job applicant. A copy of this documentation shall also be retained by the City in a confidential file for at least one (1) year.

E. An initial probationary employee who receives a positive confirmed alcohol or drug test result will be terminated. An employee who is beyond the probationary period and who receives a positive confirmed alcohol or drug test result will receive discipline pursuant to the City's Code of Conduct, up to and including termination.

F. If an employee, in a position that includes safety sensitive duties or special risks (as defined by Florida Statutes §440.102, §112.0455, or 49 CFR Part 382.107, whichever is applicable), is eligible for continued employment and enters into a program for substance abuse or is receiving alcohol or drug treatment or rehabilitation, that employee shall immediately be reassigned to another position that does not have safety sensitive duties or special risks, or be placed on leave pending successful completion of the City-approved program. For salary continuation while on leave, the employee may use accumulated annual leave or illness leave, and the employee may be eligible and qualify for FMLA leave due to a serious health condition. Time spent on light or alternative duty, and/or leave time, whether paid or unpaid, shall not generally exceed sixty (60) consecutive calendar days, unless otherwise required by law or permitted under these Rules and Regulations or an applicable labor agreement.

G. In recognition of the importance of having a drug free work force worthy of the respect and trust of the public, the following shall be the policy for employees who have engaged in unlawful or improper conduct related to the use, possession, or sale of drugs:

1. Employees who sell illegal drugs, either on or off duty, shall be terminated from employment.

2. Employees who are in possession of or using an illegal drug or are consuming alcohol while on duty, including meal and rest periods, shall be terminated from employment.
3. Employees who report to work under the influence of an illegal drug or alcohol shall be disciplined in accordance with this policy and the City's Code of Conduct, although other misconduct occurring at the same time may result in more severe discipline, depending upon the nature of the misconduct.

4. Employees who use or are in possession of an illegal drug or drug paraphernalia while off duty, and said possession constitutes a felony, shall be terminated.

5. Employees who use or are in possession of an illegal drug or drug paraphernalia while off duty, and said possession constitutes a misdemeanor, shall be disciplined for the first offense in accordance with the City's Code of Conduct and terminated for the second offense, unless a nexus exists between the employee's position and the drug possession, in which case the employee shall be terminated for the first offense.

H. An employee shall notify the department director or designee of any criminal drug statute arrest, notice to appear, charge or conviction no later than five (5) calendar days after such arrest, notice to appear, charge or conviction.

I. Self-Referral/Admission

Employees are encouraged to seek assistance for drug or alcohol use or abuse. While employees are not required to declare their intent to seek such assistance, should an employee choose to confide their intent to a supervisor, manager, director or a Human Resources representative, assistance will be provided. In addition to this section, refer to Sections S. and T. of this policy for further assistance.

Before applying this section, it must first be determined if the employee, prior to declaring such intent to seek assistance:

- violated the Code of Conduct for being under the influence of drugs or alcohol while on duty;
- violated the Code of Conduct with offenses that might have been the result of drug or alcohol use;
- previously received a formal referral to the Employee Assistance Program or other treatment program for substance or alcohol use;
- held a position that includes safety sensitive duties or special risks; and/or
- had been given notice to report to a drug testing site.

1. If none of the above conditions applies, a classified employee who voluntarily admits intent to seek treatment for drug or alcohol use shall receive a
voluntary referral to the Employee Assistance Program and shall not receive discipline for seeking such treatment.

If a classified, non-safety sensitive employee voluntarily admits intent to seek treatment for drug or alcohol use prior to being directed to report to the testing site, but not prior to violating the Code of Conduct for being under the influence or other violations that may result from such use (e.g. attendance-related issues), the employee shall receive a formal referral to the Employee Assistance Program and discipline for the related misconduct.

2. A classified employee who is in a position that includes safety sensitive duties or special risks, and who voluntarily admits the need and intent to seek treatment for drug or alcohol use:

- prior to performing safety sensitive duties;
- prior to being directed to report to the testing site; and
- prior to violating the Code of Conduct for being under the influence or other violations that may result from such use;

shall receive a formal referral to the Employee Assistance Program (Substance Abuse Professional). The employee shall also be removed from safety sensitive duties and/or duties with special risks as outlined in paragraph F. above and must successfully complete the program as determined by the Substance Abuse Professional and undergo a return to duty drug/alcohol test with a negative result prior to returning to safety sensitive duties. The employee may also be subject to follow up testing in accordance with this policy and/or the Substance Abuse Professional’s recommendations. An employee in this situation who holds a CDL will be subject to all applicable DOT rules including the requirement that self-referral/admission must be treated as a positive test with DOT mandated participation in a treatment program administered by a DOT-approved Substance Abuse Professional, regardless of whether or not a test result is positive.

J. An employee who makes a self-referral/admission under this policy may be sent for drug and/or alcohol testing if there is reasonable suspicion that the employee is under the influence while at work, however the employee who self-refers for the first time under Section I - 1. or 2. above and who tests positive for alcohol or marijuana subsequent and proximate to the admission will not be disciplined for being under the influence while on duty, provided the employee has never previously been under the influence while on duty, and the employee successfully completes the recommended treatment program. The City retains the right, however, to discipline employees for other related offenses that may have been committed.

An employee who receives a subsequent positive confirmed drug or alcohol test result after exercising the one-time option of self-referral/admission shall be subject
to discipline, including termination. An employee in this situation who holds a CDL shall also be subject to all applicable DOT rules. Exempt employees serve at the discretion of the Mayor and are subject to termination for any reason, including receiving a positive confirmed alcohol or drug test result.

K. Any employee who has tested positive for marijuana or alcohol shall be subject to a return to duty test and unannounced testing on duty for a period of one (1) year from the completion of the program if such testing is not part of the program. Additional follow-up testing beyond one (1) year shall be conducted when prescribed by the treatment program. For drug tests, return to duty and follow up testing shall be conducted under direct observation. In the event the Employee Assistance Program does not provide the required treatment program or is no longer offered, the employee must seek, either through self-referral or recommendation of a professional counselor/doctor or counseling service, the assistance of any medical facility or agency licensed to provide a comprehensive rehabilitative program for individuals with substance use problems. An employee in this situation who holds a CDL shall be subject to all applicable DOT rules including the requirement that the treatment program be administered by a DOT approved Substance Abuse Professional.

L. Police Department employees are required to conform to the standards of that department due to the sensitive nature and potential liability incurred by employees' use of any drugs on or off duty, or being under the influence of alcohol while on duty. Additional information about standards expected of Police Department employees and consequences for violating those standards can be found in applicable labor agreements, the City’s Rules and Regulations of the Personnel Management System and Police Department General Orders.

M. Regardless of whether the employee admits to using or being under the influence of drugs or alcohol prior to testing and seeks assistance for alcohol or drug abuse, failure or refusal to submit to the appropriate test(s) will be cause for disciplinary action against the employee for insubordination and may cause the employee to forfeit eligibility for medical and indemnity benefits.

A job applicant who refuses to test shall be subject to consequences that will generally include rescission of the job offer and ineligibility for employment with the City for five (5) years from the date of the refusal to test.

A refusal to test includes, but is not limited to, any of the following:

1. The employee fails to appear for a test within a reasonable period of time, as determined by the City, after being directed to do so.

2. The job applicant or employee fails to remain at the testing site until the testing process is complete. The testing process may include, but is not limited to, shy bladder protocol and re-collection for out-of-temperature
initial specimens. For job applicants, leaving the site prior to the initiation of the testing process is not deemed to have refused the test.

3. The job applicant or employee declines to take an additional alcohol or drug test or declines a mandated direct observation collection when directed to do so by the City or collector.

4. The job applicant or employee fails to cooperate with any part of the testing process (such as washing hands when directed); behaves in a confrontational way; or otherwise disrupts the testing process.

5. The job applicant or employee provides a specimen that is verified by the MRO as adulterated or substituted.

N. Other Drug Test Results - In addition to positive or negative drug test results, an MRO may report to the City that a drug test result is dilute (either positive or negative), substituted, adulterated, invalid, cancelled, or constitutes a refusal to test.

1. For **job applicants** who have one of these other test results:
   
a. If the MRO reports that a positive test result was dilute, or that the test result was substituted, adulterated, invalid, or has characteristics which constitute a refusal to test, the job applicant will not be hired, or if the job applicant was hired on a provisional basis, employment will be immediately terminated.

   b. If the MRO determines that the characteristics of a negative dilute result require a re-collection under direct observation, the MRO will so direct the job applicant. If the MRO does not so direct, but the result is still a negative dilute, the City will direct the job applicant to take another test under direct observation. If the job applicant is required to hold a CDL, the applicant will be subject to re-collection procedures under DOT rules, including any determination to re-collect under direct observation.

   c. If the re-collection/re-test is reported by the MRO to the City as a negative dilute result, the job applicant will not be hired, or if the job applicant was hired on a provisional basis, employment will be immediately terminated. Under DOT rules governing CDL holders, the MRO may order a third test. In this case, if the result is negative dilute, the job applicant will not be hired, or provisional employment will be immediately terminated.

   d. If the MRO reports a cancelled test result, the City will direct the job applicant to take another test under direct observation, and may direct that the initial specimen be sent to another lab for further testing.
2. For **employees** who have one of these other test results:
   
a. If the MRO reports that a positive test result was dilute, it shall be considered a positive test result and the employee shall be subject to discipline in accordance with the City's Code of Conduct up to and including termination.

b. If the MRO determines that the characteristics of a negative dilute result require a re-collection under direct observation, the MRO will so direct the employee. If the MRO does not so direct, but the result is still a negative dilute, the City will direct the employee to take another test under direct observation. If the employee is required to hold a CDL, the employee will be subject to re-collection procedures under DOT rules, including any determination to re-collect under direct observation.

c. If the re-collection/re-test is reported by the MRO to the City as a negative dilute result, it shall be treated as a negative test result.

d. If the MRO determines that a positive test result was dilute, or that the test result was substituted, adulterated, invalid, or has characteristics which constitute a refusal to test, the employee will be subject to discipline in accordance with the City's Code of Conduct up to and including termination.

e. If the MRO reports a cancelled test result, the City will either direct the employee to take another test under direct observation or direct that the specimen be sent to another lab for further testing.

O. Additional information on drug free workplace policies related to employees may be found in the applicable labor agreements. An employee or job applicant may also have the right to contest alcohol or drug test results, procedures or policies to an appropriate court or administrative agency or to the Public Employees Relations Commission under any applicable collective bargaining agreement or contract.

P. Under Florida Statutes Section 440.102(3)(a)(9), the employee or job applicant is responsible to notify the testing laboratory of any administrative or civil actions brought pursuant to that Section.

Q. Confidentiality Statement: Any information, including alcohol and drug test results, written or otherwise, received or produced as a result of the City's drug/alcohol-testing program is confidential and exempt from the provisions of Florida Statutes Section 119.07(1) and Art. I, Section 24(a) of the Constitution of the State of Florida, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Section 440.102. Release of any information concerning alcohol or drug test results obtained pursuant to Section 440.102 requires written consent signed voluntarily
by the person tested, except where such release is compelled by a hearing officer or a court of competent jurisdiction pursuant to an appeal taken under this section, or where deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding.

R. Employee Assistance Program (EAP)

The City's Employee Assistance Program (EAP) is available to help with a variety of life challenges, including alcohol and drug abuse and dependency. The program offers confidential diagnostic, counseling, and referral services, and some may be available at no cost to the employee. In addition to substance abuse, the EAP also provides counseling for marriage and family issues, crises intervention, child and adolescent difficulties, and other areas of potential personal concern. For further information regarding the Employee Assistance Program, please call Human Resources at 727-893-7481. To arrange for a confidential appointment, contact the EAP counselor referral service directly (contact information can be found on the City’s Intranet).

S. Substance Abuse Professional (SAP)

The following names, addresses and phone numbers of local Substance Abuse Professionals (SAP) are provided pursuant to Florida Statutes Section 440.102(3)(a)(7). The City does not endorse or recommend any particular SAP and/or substance abuse treatment program, and the employee may choose any qualified SAP. The employee will be responsible to pay for any substance abuse treatment program and SAP costs that are incurred.

<table>
<thead>
<tr>
<th>John Clare, LMHC</th>
<th>Cynthia Holland, LCSW</th>
<th>Maurice Lelii, LMHC</th>
</tr>
</thead>
<tbody>
<tr>
<td>12360 66th Street N.</td>
<td>10875 Park Blvd.</td>
<td>11590 Seminole Blvd.</td>
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<tr>
<td>Largo, FL 33773</td>
<td>Seminole, FL 33772</td>
<td>Largo, FL 33778</td>
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<tr>
<td>727-282-2883</td>
<td>727-391-4050</td>
<td>727-710-8163</td>
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</tbody>
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T. The City will follow and direct the medical facility to follow the appropriate standards in the Florida Statute Chapter 440, the Code of Federal Regulations Title 49, Part 40 and the Department of Health and Human Services Mandatory Guidelines and any other applicable laws, guidelines or standards regulating the collection, re-collection, laboratory testing and determination of alcohol and drug test results for both CDL and non-CDL employees. For non-CDL testing, split specimens and DOT chain of custody forms will not be used, however, a non-DOT chain of custody protocol will still be followed.

The City will also follow all applicable state and federal laws, guidelines and standards when addressing any matters not outlined within this drug free workplace policy.
U. Employees are encouraged to take responsibility for keeping a safe workplace. All employees can be involved in promoting a safe working environment when they:

- Stay alert to potential safety or service problems;
- Support fellow employees in seeking help for alcohol and drug abuse and dependency;
- Use the Employee Assistance Program; and
- Report dangerous behavior and potential safety or service problems to a supervisor

5-20 Searches On City Property

The City reserves the right, whenever a manager or department director has reasonable suspicion, to believe an employee has brought onto City premises alcohol, illegal drugs or controlled substances; or any other illegal or prohibited item, weapon, or stolen property; or has misused City equipment; to search City property including, but not limited to work locations, desks, file or storage cabinets, computer files (including software, hardware, e-mail, voice mail, and Internet activity), lockers (locked or unlocked), City vehicles and private vehicles parked on City property or being used for City business and all other City equipment.

On a case by case basis, employees may be requested to display personal property for visual inspection. Failure to comply with a search or visual inspection request from supervisory or security personnel shall be grounds for discipline. Searches of an employee's personal property, such as purses or briefcases or lunch containers, shall take place only in the employee's presence unless an emergency condition exists which would endanger the employee or others.

The City shall take appropriate disciplinary action in cases where prohibited items or activities are uncovered, regardless of how such item(s) or activity has been discovered whether accidentally or in the process of an inspection.

5-21 Employee Arrest or Charge

Employees must inform their department director within five (5) calendar days of any criminal arrest, charge, or notice to appear including, but not limited to a violation of probation. Failure to do so shall result in disciplinary action.

5-22 Smoking

A. There shall be no smoking in any City buildings meeting the definition of an "enclosed indoor workplace" as defined by the Florida Clean Indoor Air Act. The Act defines an enclosed indoor workplace as any place (i) where one or more persons engages in work, (ii) which is more than 50% covered from above by a
physical barrier that excludes rain, and (iii) which has more than 50% of the combined surface area of its sides covered by closed physical barriers.

B. Smoking is permitted in designated smoking areas adjacent to or in the proximity of a City building in a non-enclosed area. The authority to designate such a smoking area is assigned to designated Building Managers.

C. Unenclosed outdoor areas designated for smoking shall not include general break areas, or areas in close proximity to building entrances or exits which are commonly used by the public.

D. Smoking is prohibited in City vehicles whenever such vehicles are occupied by more than one person. Where possible, smoking shall be restricted to designated vehicles.

5-23 Workplace Violence - Prevention and Intervention Policy

It is the policy of the City of St. Petersburg to provide workplace environments, facilities, and programs which are safe, secure, and free from threats, harassment, intimidation, abusive behavior and physical violence. The City of St. Petersburg is committed to a policy of early intervention, counseling, referral programs, training, and, if necessary, disciplinary action up to and including termination of employment to respond to City employees who may engage in prohibited violent/threatening behavior either on or off duty.

The City is committed to working with employees who are the victims or potential victims of workplace, domestic, and other forms of violence. The City will assist these employees through the Employee Assistance Program (EAP) in finding appropriate advisors to assist in developing personal safety plans, legal assistance, and counseling with regard to the steps to take in order to end abusive or dangerous and threatening relationships. The City has also adopted a domestic violence leave policy in accordance with Florida Statutes §741.313 as outlined in Section 6-9 of these Rules and Regulations.

A. Employee Responsibilities

All City employees are responsible for adhering to the behavioral standards and requirements of this policy and for promoting and maintaining a safe and secure work environment. Each employee has a responsibility to report known or suspected incidents of prohibited violent or threatening behavior to the appropriate law enforcement agency or through the department's lines of organization dependent upon the level of the emergency involved.

The City will provide appropriate support and assistance to employees who are the victims of domestic or other forms of violence. However, nothing in this policy should be interpreted in such a way as to cause an employee to substitute the City's efforts for the employee’s own safety precautions. Likewise, nothing in this policy should be interpreted as a guarantee by the City of any employee's safety. Further, if an employee refuses to cooperate with supervision and ignores recommended Employee Assistance Program referrals, fails to cooperate with law enforcement,
or denies the existence of any problem with violence, City managers and supervisors will not be held accountable for any consequences of the employee's personal decision. An employee's failure to cooperate with the recommendations of management will not prevent management in the department from making any and all required reports to appropriate law enforcement in order to ensure the safety of co-workers and City facilities.

B. Supervisory and Management Responsibilities

It is the responsibility of all managers, supervisors, and crew leaders to promptly refer any violations of this policy to the appropriate manager or department director and to take corrective action in accordance with the City's Rules and Regulations of the Personnel Management System.

When, in the best judgment of the manager or supervisor, intervention into a potentially violent or threatening situation will cause no escalation of the potential for physical harm, the manager or supervisor should attempt to defuse, separate, and/or resolve a conflict in the workplace. In making the decision as to whether or not to intervene, the manager or supervisor must exercise extreme caution. In most cases when violence has been threatened or has occurred, contacting law enforcement is the best response.

Managers and supervisors shall be responsive to any employee who has been or may be a victim of workplace or other forms of violence. As appropriate, managers and supervisors shall refer employees to the Employee Assistance Program (EAP) for counseling. Some of the warning signs of domestic abuse are obvious bruises, repeated fractures, sprains, or other injuries, frequent personal phone calls that leave the employee upset, avoiding phone calls from the spouse, or excessive absenteeism.

Managers and supervisors are to report and document any actual or alleged act of prohibited violent or threatening behavior through their lines of organization. As quickly as possible, managers and supervisors shall arrange with the appropriate law enforcement agency to remove potentially dangerous individuals from the workplace. In addition, managers and supervisors are to take appropriate security precautions in employee termination situations.

C. Policy Application

This policy will apply to all persons involved in the City's operation, including but not limited to City personnel, contract and temporary workers, and anyone else on City property. Violations of this policy by any individual on City property, by any individual acting as a representative of the City while not on City property, or by any individual not on City property when those actions affect the public interest, employee safety, or the City's business interests will be followed by legal action, as appropriate. Violations of this policy by an employee will lead to disciplinary action.
as provided in the Rules and Regulations of the Personnel Management System and may lead to legal action or criminal prosecution.

The City, upon receiving credible information, reserves the right to review incidents and take employment action, when appropriate, in cases when prohibited violent or threatening behavior has been committed by City employees who are off duty.

D. Definitions and Terms

Concealed Weapon - Any weapon or firearm carried on or about a person in such a manner as to conceal the item from the ordinary sight of another person. Examples include but are not limited to: metallic knuckles, sling shot, baton, tear gas gun, chemical weapon or device, knives, and firearms. (See also the definition of weapon below).

Employee - Any regular or temporary employee performing duties defined and directed under the scope of employment by the City of St. Petersburg.

Imminent Danger - A situation in which danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the harm can be prevented through intervention.

Weapon - Any firearm, device, sharp edged instrument, vehicle, equipment, object, or instrument capable of doing bodily harm and which is utilized in a threatening manner thereby putting a person in fear of danger.

Workplace - Any location, permanent or temporary, where an employee performs work-related functions or duties. These may include buildings and the surrounding perimeter, vehicles, parking areas, job sites, or areas of travel between job locations.

E. Prohibited Behavior

Prohibited behavior includes but is not limited to the following listed acts or behavior:

• Any act of violent criminal behavior as defined in Florida Statutes. These acts would include, but are not limited to: homicide, forcible sex offenses, obscene phone calls, robbery, reckless endangerment, harassment and disorderly conduct, aggravated assault, battery, stalking, arson, verbal or physical threats of violence, weapons violations, malicious damage to property, and destructive device violations.

• Any verbally threatening, provoking, harassing or intimidating behavior, or verbal abuse occurring from or in the workplace or through electronic communications which results in physical harm or the fear of harm. This includes, but it not limited to, verbal intimidation, direct or indirect threats, swearing or shouting resulting in provocation or fear. Such behavior will be judged from the perspective of the victim using a reasonable person standard.
SECTION 5: MISCELLANEOUS RULES AND EMPLOYMENT CONDITIONS

- Any act of violence, threats, or stalking committed by an employee resulting from a personal or domestic relationship perpetrated by an employee during on or off duty periods. These may be issues of domestic violence between legally married or estranged parties, non-married partners, family members, or other significant personal relations, and include violence resulting from abusive behavior that is either physical, sexual, or psychological which is intended to establish and maintain control over another individual.

Examples

- Threatening to harm an individual or an individual’s family, friends, associates, or their property.
- Making harassing or threatening telephone calls, letters, or other forms of written or electronic communications.
- Harassing surveillance, also known as "stalking," the willful, malicious and repeated following of another person and making a credible threat with intent to place the other person in reasonable fear of danger.
- Intimidating or attempting to coerce an employee to do wrongful acts that would affect the business interests of the City.
- The intentional destruction or threat of destruction of property owned, operated, or controlled by the City.
- Hitting or shoving an individual.
- Sexual assault, attempted rape or rape.

F. Reporting Procedures

All occurrences or potential occurrences of prohibited violent or threatening behavior shall be taken seriously. Situations of imminent danger or the threat of imminent danger, whether on or off duty, must be reported directly to law enforcement through 911 emergency call procedures. The reporting employee, through the employee’s supervisor or manager, shall also notify the Human Resources Director, the Labor Relations Manager, and/or the Risk Manager. The involved department director(s) and the Human Resources Director or their designees shall ensure that potential victims receive the appropriate assistance regarding their safety and security, and appropriate referrals.

All City employees shall immediately notify a supervisor or department manager of any actual or potential prohibited violent or threatening behavior of which they have been a victim, have witnessed, or have knowledge about. Factual information about the witnessed behavior, including the nature and type of prohibited violent or threatening behavior, any observed or potential weapons, person(s) involved, time,
locations, witness information, and any other relevant information should be reported to a supervisor, manager or law enforcement if appropriate.

Any employee report of suspected violations of this policy shall be handled on a confidential basis during the investigation of the reported violation, unless there is a specific need to know by other individuals. Employees, who are a victim, a witness or who report acts of prohibited violent or threatening behavior shall not be retaliated against in the workplace.

Any manager, supervisor, or employee who:

- knowingly provides false information accusing another employee of a prohibited violent or threatening behavior,
- knowingly provides information which is nonfactual in an investigation or inquiry involving a prohibited violent or threatening behavior,
- fails to cooperate with or is obstructive to an investigation of a prohibited violent or threatening incident, or
- maliciously spreads or conveys false information to others regarding such incidents, shall be subject to disciplinary action up to and including termination of employment.

G. Prohibition of Weapons

Employees are not permitted or authorized to carry or have in their possession any weapon during and in the course of the employee’s official duties for the City, except as provided in Florida Statutes §790.251 and/or where such possession of a weapon is a necessary and approved requirement of the employee’s job.

H. On Duty Incidents

When a City employee commits prohibited violent or threatening behavior, including verbal or physical threats, while on duty, immediate steps will be taken by management to ensure the safety of fellow employees and the public. These steps include the actions outlined under the above Reporting Procedures section. As noted above, situations of imminent danger must be reported directly to law enforcement through the 9-911 emergency call procedure.

In on duty cases as well as off duty cases, the employee's behavior will be judged within the context of the Code of Conduct of the Rules and Regulations of the Personnel Management System. Management will follow the progressive discipline procedures outlined within the Code of Conduct in these cases and the employee may be subject to immediate termination of employment for violation of a Group III offense if it is determined the conduct warrants such action.
I. Off Duty Arrests/Notices to Appear/Convictions

When the City has knowledge a City employee has been arrested off duty, issued a notice to appear, or issued an injunction for any prohibited violent or threatening behavior, an evaluation of the reported occurrence will be completed by the appropriate department director and the Human Resources Director, or their designees. The City Attorney's office will be advised and consulted as necessary. These evaluations will consider:

- The seriousness of the alleged incident or crime,
- The totality of circumstances surrounding the incident,
- The employee's job responsibilities, job location, and potential interaction with employees and the public, and
- The future potential for conflict that may arise.

Following the evaluation of the nature and seriousness of the incident, the City will apply disciplinary action in accordance with the Code of Conduct of the Rules and Regulations of the Personnel Management System. Employees will be subject to termination of employment under the following conditions:

- If it is determined that the employee poses an unreasonable risk to the safety and security of City employees, facilities, programs, and/or the community.
- If the employee's presence in the workplace impedes the ability of the City to conduct governmental business in an environment of community trust and confidence.
- If the incident warrants a Group III offense under the City’s Code of Conduct, including causing the employee to reach chronic offender status.

In cases with less serious circumstances, disciplinary action will be taken in accordance with the Code of Conduct of the Rules and Regulations of the Personnel Management System and that may involve a mandatory referral to the Employee Assistance Program.

J. Protective Injunctions and Restraining Orders

Any employee who applies for and obtains a protective injunction or restraining order that lists City facilities or property as protected areas must provide a copy of the granted order to the department director so that appropriate actions may be taken to protect the employee and co-workers in the work environment. While the City will make a reasonable effort to assist an employee in the enforcement of the terms of any protective order, employees must understand they have the primary responsibility for their own safety. Nothing in this policy should be interpreted in such a way as to cause an employee to substitute the City's efforts for the
employee’s own safety precautions. Likewise, nothing in this policy should be interpreted as a guarantee by the City of any employee's safety.

Any employee who is issued a temporary or permanent injunction for any prohibited violent or threatening behavior shall within one (1) work day notify the supervisor of such occurrence and the terms and conditions of said injunction or order.

K. Post Incident Response and Debriefing

Employee debriefing will be conducted ideally within twenty-four (24) to seventy-two (72) hours of any incident in which the department director has determined employees in the workplace require either debriefing or counseling. The Human Resources Director will coordinate with the department director, the EAP counselor, and appropriate personnel of the Police Department to arrange for group debriefings for employees at the work site. Individual follow-up debriefings and counseling will be conducted as deemed appropriate.
Section 6

6-1 Annual Leave

A. Purpose of Annual Leave

The purpose of annual leave is to provide full-time and eligible part-time employees with an opportunity to be absent from work for approved reasons without loss of pay or benefits. Part-time employees who are regularly scheduled to work at least twenty (20) hours per week on a year-round basis are eligible to accrue annual leave, beginning at the seventh month of employment, at the same rate per hours worked as full-time employees. The types of leave from work for which annual leave may be authorized are:

1. Vacation Leave
   - Rest and relaxation

2. Personal Leave
   - Absences for medical appointments and illnesses or injuries which are not covered under illness leave provisions
   - To attend to the illness or injury of family members
   - Court appearances of a personal nature
   - Funerals of friends or relatives when not covered under the bereavement leave benefit
   - Nationally recognized religious holidays associated with the employee's religious faith not covered under the holiday benefit
   - Other approved reasons not covered above

3. Emergency Leave

   Subject to supervisory approval, an unscheduled leave may be requested with short notice because of a critical situation which could not have reasonably been foreseen in advance by an employee.

B. Annual Leave, Accrual Rate, and Maximum Accrual

1. Annual leave is accrual based on the number of regularly scheduled hours an employee remains on active pay status and length of service. Leave accrual for full-time employees begins on the date of employment. Accrual for eligible part-time employees begins at the seventh month of employment.
SECTION 6: EMPLOYEE BENEFIT PROGRAMS

2. Eligible employees shall accrue annual leave based upon the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Accrued per Year Per 2080 Hours*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Employment through 5 years</td>
<td>120 hours</td>
</tr>
<tr>
<td>Beginning 6th year of employment</td>
<td>128 hours</td>
</tr>
<tr>
<td>Beginning 7th year of employment</td>
<td>136 hours</td>
</tr>
<tr>
<td>Beginning 8th year of employment</td>
<td>144 hours</td>
</tr>
<tr>
<td>Beginning 9th year of employment</td>
<td>152 hours</td>
</tr>
<tr>
<td>Beginning 10th year of employment</td>
<td>160 hours</td>
</tr>
<tr>
<td>Beginning 12th year of employment</td>
<td>168 hours</td>
</tr>
<tr>
<td>Beginning 13th year of employment</td>
<td>176 hours</td>
</tr>
<tr>
<td>Beginning 14th year of employment</td>
<td>184 hours</td>
</tr>
<tr>
<td>Beginning 18th year of employment</td>
<td>192 hours</td>
</tr>
<tr>
<td>Beginning 20th year of employment</td>
<td>200 hours</td>
</tr>
</tbody>
</table>

*Numbers may vary slightly due to system rounding

3. The maximum number of annual leave hours which may be accumulated shall be twice an employee's annual accrual.

C. Scheduled and Unscheduled Absences from Work

1. A scheduled absence is an absence from work which is planned by an employee and approved in advance by the department. Advance notice is generally twenty-four (24) hours, or according to departmental guidelines.

2. An unscheduled absence is one that, while not scheduled in advance, may be approved as an emergency leave request with short notice. Any unscheduled absence, whether for a full or partial day, or for an emergency, does not relieve an employee from rules herein governing regular and prompt attendance.

D. Notification Procedures

1. An employee who is unable to report to work shall personally notify the employee’s immediate supervisor, or the department director's designee, prior to the start of the scheduled reporting time as required by departmental regulations. Such notification shall include the type of leave requested and the expected length of the absence. The employee is not required to reveal the specific nature of an illness or injury, except as required under Section 6-2(C)(4). This procedure shall be followed for each day an employee is unable to work unless specific prior approval waiving this requirement is granted by the department director or designee.
SECTION 6: EMPLOYEE BENEFIT PROGRAMS

2. Unusual circumstances may prevent an employee from personally notifying the department of an absence from work, in which case notification may be made by another person in accordance with departmental reporting requirements. If an employee is not able to personally notify the department, or make alternative arrangements to notify the department of their absence, but can substantiate valid reasons for the failure to properly report an absence to the satisfaction of the employee’s department director, annual leave may be authorized for the absence.

E. General Provisions

1. Annual leave may be used in increments of tenths (0.10) of an hour.

2. Requests for annual leave shall be made in advance, and shall be responded to in a timely manner and in accordance with departmental policy. In cases of an emergency, the department may waive this requirement and approve unscheduled leave. Certain requests for annual leave may qualify and be covered by the Family and Medical Leave Act (FMLA) of 1993, as amended (See Section 6-3). When an employee requests leave, if such leave is covered by the FMLA, it will be applied towards the twelve (12) weeks of leave per year which must be granted by the City. The "year" is defined as the twelve (12) months immediately prior to the requested leave.

3. Annual leave may not be taken during the initial six (6) months of employment or re-employment except for absences with documented medical reasons related to the employee's own health, the funeral of an individual not included in the bereavement leave policy, or other documented family emergencies.

4. An employee shall not be granted annual leave for hours not accrued. An employee shall not be granted time off without pay if the employee has more than forty (40) accrued annual leave hours in their account or unless the leave without pay is in excess of thirty (30) days, or prior approval has been given by the department director and the Human Resources Director.

5. The scheduling and use of annual leave for vacation or personal reasons shall be approved in advance in accordance with departmental regulations. Factors and criteria to be considered in approving annual leave requests may vary based upon departmental requirements.

6. The nature of an employee's job and operational requirements may cause the department to limit the scheduling of annual leave for vacation purposes during certain periods of the year. The department may require the use of annual leave for vacation purposes in amounts of forty (40) or more consecutive hours.
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7. Employees will not be eligible for any advancement of pay, including annual leave pay, unless otherwise authorized by the Human Resources Director or through a labor agreement.

8. An employee with a minimum of six (6) months of continuous employment shall be compensated for all unused annual leave hours at the employee’s basic straight time pay rate upon separation from employment.

9. Employees granted annual leave for medical reasons shall comply with the provisions relating to medical absences as provided in Section 6-2, Illness Leave.

10. When a full-time or part-time employee who is eligible to accrue annual leave is transferred to a non-regular part-time status in which the employee is ineligible to accrue annual leave, the employee’s accumulated annual leave shall be paid off at the employee’s current pay rate prior to the transfer.

F. Management Annual Leave Program

Management employees are covered by the provisions of the annual leave program and will accrue an additional forty (40) hours of annual leave each year over the schedule of leave accruals in Section 6-1 (B)(2). Management employees may utilize annual leave as accrued without any initial waiting period.

6-2 Illness Leave

A. Purpose of Illness Leave

The purpose of the illness leave program is to provide a full-time employee with basic salary continuation during temporary periods of illness or injury during which the employee is medically incapacitated and unable to perform the job assignments, including medical, dental and vision appointments.

B. Illness Leave Accrual Rate

Eligible employees accrue four (4) hours of illness leave for each eighty (80) regularly scheduled hours on active pay status. Classified and eligible exempt employees may accrue a maximum leave balance of 1,500 hours, unless otherwise specified in a labor agreement.

C. Notification Procedures

1. a. An employee medically incapacitated and unable to work shall personally notify the immediate supervisor, department director or designee before the employee’s scheduled reporting time as required by departmental policy. Such notification shall include the type of leave requested and the expected length of the absence. The employee is not required to reveal
SECTION 6: EMPLOYEE BENEFIT PROGRAMS

the specific nature of an illness or injury, except as required under Section 6-2(C)(4). This procedure shall be followed for each day the employee is unable to work, unless specific prior approval waiving this requirement is granted by the department director or designee.

b. If an employee is out on annual leave and becomes ill, the employee will be allowed to change the leave status to illness leave provided the employee submits confirmation of the incapacity including the applicable dates from a medical provider.

c. Requests for scheduled medical appointments and/or procedures shall be made in advance according to departmental policy, and employees should make reasonable efforts to schedule appointments and/or procedures to minimize disruptions of departmental operations. Requests made in advance shall be responded to in a timely manner in accordance with departmental policy.

2. If unusual circumstances prevent an employee from personally notifying the department of an absence due to illness, notification may be made by another person in accordance with departmental policy. If an employee is not able to personally notify the department, or make alternative arrangements to notify the department of the absence, but can substantiate valid reasons for the failure to report an absence to the satisfaction of the employee’s department director or designee, illness leave may be authorized in accordance with applicable illness leave policies.

3. Certain requests for illness leave, including for medical appointments, may qualify and be covered by the Family and Medical Leave Act (FMLA) of 1993, as amended. When an employee requests leave, if such leave is covered by the Act, it will be applied towards the twelve (12) weeks of leave per year which must be granted by the City. The "year" is defined as the twelve (12) months immediately prior to the requested leave. See Section 6-3 for more information regarding the Family and Medical Leave Act.

4. It is of utmost importance that employees be responsible in preventing the spread of contagious disease in the workplace. Therefore, an employee who has been determined to have or be a carrier of communicable disease is responsible to know and comply with the standard of care recommended by a licensed medical provider to protect fellow employees and the public from spread of the disease in the workplace, which may include but is not limited to, making a disclosure and/or not returning to the workplace. For purposes of this paragraph, communicable disease is defined by the Florida Administrative Code Chapter 64D-3.

D. General Provisions

1. Illness leave may be used in increments of tenths (0.10) of an hour.
2. An employee shall not be granted illness leave for hours not accrued.

3. Unless the department specifically waives the requirement, or unless required to submit a report more frequently as specified in paragraph 4 below, an employee who requests scheduled or unscheduled illness leave for an absence of more than three (3) consecutive days shall be required to submit an illness/injury report in order to qualify for paid illness leave and/or to receive authorization to return to duty.

4. Use of illness leave for medical reasons will not relieve an employee of attendance obligations and shall not excuse excessive absenteeism as defined in the Code of Conduct of the Rules and Regulations of the Personnel Management System. The City reserves the right in all cases of reported illness to require an employee to furnish the illness/injury report or other sufficient medical documentation to verify the need for leave.

An employee who utilizes excessive illness leave for reported illnesses or injuries, develops a pattern of absences, or is otherwise frequently absent from duty for stated medical reasons, may at the department's discretion, be required to document future absences for medical reasons with an illness/injury report or other sufficient medical documentation verifying the need for illness leave for up to eighteen months following notice of this excessive leave. Failing to provide satisfactory medical documentation in a timely manner may result in discipline for misconduct, being charged with illness leave without pay, and/or review of an employee's fitness for duty. Employees who qualify for leave pursuant to the FMLA may also be required to submit documentation to verify the need for leave as noted in this section provided the requirement complies with all FMLA provisions.

The City also reserves the right to require an employee to be examined by a physician and/or mental health provider and to receive a report from the designated provider during periods of extended absences to verify the need for leave or establish fitness for duty pursuant to paragraph 6 below.

5. Only reports signed by physicians as defined in the Florida Workers' Compensation Law, Florida Statutes Chapter 440 or health care providers as defined by the Family and Medical Leave Act shall be accepted for paid leave benefits. These include, but may not be limited to, medical doctors, osteopaths, chiropractors, podiatrists, optometrists, dentists, and psychologists who work under the direct supervision of psychiatrists.

6. An employee returning to work after an illness or injury may be required at the department's discretion to provide a completed fitness-for-duty form from the employee’s physician or health care provider certifying the employee’s medical fitness to return to work. In cases where a physician's certification is required, the department shall reserve the right to require an employee to be examined and receive a report from a physician designated
by the City prior to authorizing the employee to return to work. In such cases, an appointment for an examination will be scheduled by the Human Resources Department and paid for by the City. The concerned department may provide the designated physician with an Essential Job Function Form describing in detail the essential functions of the employee's position.

7. Employees granted illness leave shall assist in promoting their recuperation by remaining at either their own residence or other specific location approved in advance by the employee’s attending physician and department director, or designee. An employee authorized to be absent from work for medical reasons shall not engage in any recreational or personal work activities except upon receiving prior approval from the attending physician, if applicable, and department director, or designee.

8. An employee shall not use paid illness leave for an illness or injury sustained while engaged in outside employment activities.

9. Illness leave shall not be utilized for child care purposes or to attend to the medical needs of family members or others. Illness leave may be used by the pregnant employee for maternity purposes including physician appointments, both preceding and following childbirth and when the employee has been determined by her physician to be medically unfit for work.

10. When a full-time employee is transferred to part-time status, the employee’s illness leave account balance shall be eliminated.

E. Payment of Illness Leave Upon Separation from Employment

Upon separation from employment for either normal (age and length of service according to the applicable pension plan) or disability retirement; the death of an employee who would otherwise be eligible for normal retirement; non-disciplinary separation due to the inability to perform the essential job functions as a result of an injury, disability or illness; or layoff from employment, an employee or survivor(s) shall receive payment at the employee’s straight time pay rate for a portion of the employee’s unused illness leave hours. A classified service employee may receive twenty-five percent (25%) of the accrued hours in their illness leave account up to a maximum of three hundred seventy-five (375) hours, unless otherwise designated in a labor agreement. An employee who has been laid off and received payoff for illness leave shall, if reinstated, begin with a balance of hours in an illness leave account equal to the portion of the hours which were not paid.

F. Management Illness Leave Program

Management employees are covered by the provisions of the illness leave program and shall accrue eight (8) hours of illness leave for each one hundred twenty-four (124) regularly scheduled hours on active pay status up to a maximum of 1,500 hours. Upon separation from employment for either normal (age and length of
service) or disability retirement; the death of an employee who would otherwise be eligible for normal retirement; non-disciplinary separation due to the inability to perform the essential job functions as a result of an injury, disability or illness; a management employee or survivor(s) shall receive payment at their straight time pay rate for a portion of their unused illness leave hours. A management employee may receive twenty-five percent (25%) of the accrued hours in the employee’s illness leave account up to a maximum of three hundred seventy-five (375) hours.

G. Illness Leave Hours Converted to Personal Leave

The following shall apply to any and all illness leave hours that are converted to or are reclassified as personal leave:

1. Personal leave hours will be scheduled and authorized in accordance with the provisions for annual leave;

2. Personal leave hours shall not be considered work time;

3. Personal leave hours shall not be donated or transferred to other employees or any other bank or pool of hours; and

4. Unused personal leave hours shall not be paid out upon separation from employment.

6-3 Family and Medical Leave Act Provisions

A. Eligibility and Duration

1. All full-time and part-time employees who have been employed by the City for at least twelve (12) months, consecutive or otherwise, and who have worked a minimum of 1,250 hours during the twelve (12)-month period preceding the commencement of the leave, are eligible for the equivalent of up to twelve (12) unpaid, or substituted accrued paid, weeks of leave each year for the reasons listed in (a) through (e) below.

   a. The birth of a child.

   b. Placement with the employee of a child through adoption or foster care.

   c. Care for the employee's spouse as defined in Section A2, son or daughter (generally under eighteen (18) years of age), or parent (excluding in-laws) with a serious health condition.

   d. A serious health condition, including a Workers’ Compensation related illness or injury that makes the employee unable to perform the requisite job functions.
e. Any qualifying exigency arising out of the fact that the employee’s spouse, son or daughter (no age restriction), or parent (excluding in-laws) is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces (including the National Guard and Reserves).

Typically, the twelve (12) weeks is four hundred eighty (480) hours for full-time employees. Fire service employees who work alternate schedules will have a different number of hours for the twelve (12)-week equivalent hours. The equivalent number of protected leave hours for part-time employees is pro-rated based upon the average hours worked in the twelve (12) weeks prior to the leave.

Additionally, all full-time and part-time employees who have been employed by the City for at least twelve (12) months, consecutive or otherwise, and who have worked a minimum of 1,250 hours during the twelve (12)-month period preceding the commencement of the leave may be eligible for twenty-six (26) weeks of leave during a single twelve (12)-month period for the reason listed in (f) below.

f. To care for a covered service member with a serious injury or illness if the employee is the spouse, son or daughter (no age restriction), parent (excluding in-laws), or next of kin of the covered service member.

2. Definitions and Terms

**Covered Active Duty** – Duty during the deployment of the member of the Armed Forces (including the National Guard or Reserves) to a foreign country.

**Covered Service Member** - A member of the Armed Forces (including the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is on the temporary disability retired list, for a serious injury or illness; or a covered veteran who is undergoing medical treatment, recuperation, therapy for a serious injury or illness and who was a member of the Armed Forces (including the National Guard or Reserves) and who was discharged or released under conditions other than dishonorable any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

**Next of Kin** - The nearest blood relative other than the covered service member’s spouse, parent, son, or daughter, in the following order of priority: a) a person who is designated, in writing, to be the service member’s nearest blood relative for purposes of FMLA military caregiver
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leave; b) blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions; c) brothers and sisters; d) grandparents; e) aunts and uncles; and f) first cousins. If no person is designated next of kin, and there are multiple family members with the same level of relationship to the service member, all of those family members are considered the next of kin and may be eligible to take FMLA leave, consecutively or simultaneously.

Qualifying Exigency - Includes a) short-notice deployment (called seven (7) or less days prior to the date of deployment); b) military events and related activities; c) childcare and school activities; d) financial and legal arrangements; e) counseling; f) rest and recuperation; e) post-deployment activities; f) parental care; and g) additional activities provided the employer and employee agree that the activities qualify as an exigency arising out of the military member’s covered active duty or call to covered active duty.

Serious Health Condition - An illness, injury, impairment or physical or mental condition that involves inpatient care defined as an overnight stay in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider including: a) a period of incapacity for more than three (3) consecutive calendar days and any subsequent treatment or period of incapacity that involves continuing treatment; b) pregnancy or prenatal care; c) chronic conditions that require periodic visits at least twice per year, continues over an extended period of time, and may cause episodic rather than a continuing period of incapacity; d) permanent or long-term conditions; or e) conditions requiring multiple treatments.

Serious Injury or Illness (applies to A(1)(f) above) – An injury or illness incurred by a member of the Armed Forces (including a member of the National Guard or Reserves) in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; a qualifying injury or illness that was incurred by a covered veteran of the Armed Forces (including the National Guard or Reserves) or was aggravated by service in the line of duty and that manifested itself before or after the member became a veteran; or a serious illness or injury incurred by a covered veteran as otherwise defined in the FMLA §825.127(c).

3. Requests for FMLA protected leave shall be made on a Leave Request Form at least thirty (30) calendar days prior to the commencement of leave if the leave is foreseeable or as soon as practicable by submitting a leave request form to the appropriate supervisor. Employees should make a reasonable effort to schedule appointments for planned medical treatment so as not to unduly disrupt departmental operations.
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4. Requests for FMLA leave must be supported by proper certification documentation within fifteen (15) calendar days of receiving a Notice of Eligibility from the supervisor. This required documentation shall be obtained at the employee's expense, and varies depending on the type of leave requested. Failure to provide the certification within the time frame may result in the denial of leave, and/or may result in a waiver of FMLA rights. In the case of certification of a serious health condition, a second or third opinion may be requested at the City's expense, but the City shall not be responsible for the employee's time or incidental expenses related to obtaining a second or third opinion.

5. FMLA protected leave taken for the reasons listed in A-1(c-f) above may be taken on an intermittent or reduced work week basis. Intermittent leave or a reduced work week for the birth or placement of a child (A-1(a-b)) must be approved by the department director.

   At the option of the department director, an employee requesting an intermittent or reduced work schedule type of leave that is foreseeable based on planned medical treatment for a serious health condition, or is approved for intermittent leave for the birth or placement of a child, may be temporarily transferred to another position which more easily accommodates the leave, provided the position has equivalent pay and benefits.

6. An employee on leave for any FMLA covered reasons shall be required to utilize all accrued annual leave, illness leave (for the employee's serious health condition), and any other accrued paid leave prior to being placed on an unpaid leave status, unless another provision herein or in an applicable labor agreement prohibits use of such paid leave. In no event however, will the employee's annual leave account be reduced below forty (40) hours unless otherwise requested by the employee.

7. Absences for a serious health condition, including appointments for treatment or ongoing follow-up appointments with a health care provider, which qualify under the FMLA will count toward the twelve (12) weeks per year provided by this Act.

8. No annual leave, illness leave, or holiday time or any type of seniority, except as noted otherwise in this section, will be accrued or earned by an employee for the time the employee is on an FMLA-qualifying leave of absence without pay.

9. When an employee is on an unpaid leave of absence for thirty (30) days or more, the department should process a workflow order to change the employee from an active status to a leave of absence status in Oracle.
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10. No adverse employment action can result from an employee’s request for or use of FMLA protected leave. Discipline will not be issued for taking such FMLA protected leave and performance evaluations may not be adversely affected as a result of an employee’s use of such leave.

11. Group health and life insurance coverage for an enrolled employee and eligible enrolled dependents will be continued during FMLA protected leave as set forth in B-2 below.

12. A summary of the FMLA and forms used to administer this type of leave may be found on the City’s intranet and ‘U’ drive.

B. Employee’s Responsibility While on FMLA-Qualifying Leave

1. An employee on a leave of absence shall contact the supervisor every thirty (30) days, unless another schedule has been established, to advise the supervisor as to the leave status. The employee should also keep the department advised of any change in current address and telephone number, if applicable.

2. In accordance with the provisions of Section 6-4(D), an employee who is granted a leave of absence must notify and make arrangements with the Benefits Administration Division of the Human Resources Department prior to the effective date of the leave and advise as to whether the employee wishes to continue or discontinue any form of group insurance coverage. If an employee is using paid leave, the insurance will automatically continue and premiums will be deducted from the employee’s paycheck. If an employee is taking unpaid leave or if the pay does not cover the premiums, the employee must make arrangements with the Benefits Administration Division for payment of the premiums in order for insurance coverage to continue.

3. Unless otherwise documented on the FMLA forms, while an employee is taking leave during an FMLA-approved absence, the employee is still responsible for complying with all applicable City and departmental rules, regulations and policies.

C. Return from an FMLA-Qualifying Leave of Absence

1. An employee who returns to work within the twelve (12) or twenty-six (26)-week leave entitlement will be returned to the same position, or, if circumstances have changed so as to make that impossible or unreasonable as determined by the Human Resources Director, to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

2. An employee who has utilized the twelve (12) or twenty-six (26)-week leave entitlement and is granted an extension that is not covered by the
FMLA, shall be permitted to return to work provided the employee’s position is vacant, and the employee is able to perform the essential functions of the job with or without accommodation. If a vacancy does not exist, the City shall make a reasonable effort to transfer the employee within thirty (30) calendar days to a position for which the employee is qualified. If no transfer is accomplished, the employee shall be given a non-disciplinary separation and shall be eligible for reinstatement to that job classification for a period of nine (9) months, if a vacancy becomes available, unless otherwise specified in a labor agreement.

3. An employee wishing to return to work from a leave of absence prior to the expected return date shall be required to provide the department director with at least two (2)-days’ notice prior to the requested return date. If applicable and requested by the supervisor, the employee shall also provide a completed fitness for duty form from the employee’s health care provider certifying that the employee is fit for duty and able to resume all of the essential functions of the employee’s position, including regular attendance. The City has the right to request a second or third examination, at the City’s expense, prior to approving the employee’s return to work. The City shall not be responsible for the employee’s time and incidental expenses for these examinations.

4. If health insurance is canceled during an approved FMLA leave of absence, it may be reinstated upon the employee's return to work.

5. In accordance with regulations of the Family and Medical Leave Act, when an employee is granted leave for documented medical reasons and subsequently provides unequivocal medical notice that the employee will not be able to return to work due to the inability to perform the essential job functions, the employee will be separated from employment with the City. Such separations from service shall be considered non-disciplinary separations, and the employee’s entitlement to continued leave under the FMLA as well as the illness leave provisions will cease at that time.

6-4 Parental Leave

A. Purpose of Parental Leave

The purpose of the parental leave program is to provide a full-time employee with base salary continuation for the first six (6) weeks following the birth, adoption, or foster care intake of the employee’s child. The parental leave program is available to both male and female employees and is limited to one six (6)-week period per rolling year.
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B. General Provisions

1. Eligible employees will be paid at their base hourly rates of pay. Employees who become eligible for pay increases during the leave period will receive their increases as scheduled.

2. For persons who are eligible for leave under the FMLA, parental leave shall count against the employee’s FMLA leave entitlement.

3. Eligible employees shall notify their supervisors with as much advance notice as possible under the circumstances. Department management may request verification of the birth, adoption, or foster care intake at any time prior to, or during, parental leave.

4. Employees shall not be eligible for prepayment of pay unless otherwise eligible through a labor agreement.

5. Seniority and other leave will continue to accrue during this parental leave period.

6. Intermittent parental leave is available throughout the six (6)-week period and may be used in increments of tenths of an hour. Under no circumstances will the six (6)-week period be extended.

C. Nursing Mothers

1. The City will support nursing mothers who are returning to work by providing a space when requested for expressing milk that is shielded from view, lockable, and free from any intrusion from co-workers and the public. The location provided must be functional as a space for expressing breast milk. If the space is not dedicated to the nursing mothers’ use, it must be available when needed in order to meet the statutory requirement. The space may not be a restroom, locker room or other shared space.

2. Any employee may express breast milk during regularly scheduled break periods (paid or unpaid), and the City will provide a reasonable amount of unpaid break time to nursing mothers to express milk in addition to any paid breaks or unpaid lunch periods allotted to similarly-situated employees.

3. Nursing mothers should contact their supervisor(s) or the Human Resources Department, Labor Relations Division for assistance with coordinating the time and location for the nursing breaks.

4. Upon an employee’s request, departments will provide a space for a nursing mother to express milk.
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6-5 Leave of Absence Without Pay (Non-FMLA Qualifying Leave of Absence)

A. Duration and Approval

1. An employee serving an initial probationary period may be granted a leave of absence without pay not to exceed thirty (30) calendar days. Such absence may only be extended upon approval by the Human Resources Director but the probationary period shall be extended to allow for any approved absence.

2. A full-time employee may request a leave of absence without pay for up to thirty (30) calendar days or for a specified duration in excess of thirty (30) consecutive calendar days. When possible, such leave should be scheduled at least thirty (30) calendar days in advance. The request for leave must be approved by the employee's department director and the Human Resources Director.

3. Unless approved otherwise by the department director and the Human Resources Director due to extenuating circumstances, an employee granted a leave of absence shall be required to utilize accrued annual leave prior to being placed on unpaid leave status. The employee will be allowed to maintain a balance of forty (40) hours annual leave, if requested.

4. Requests for an extension to and authorized leave of absence must be made in writing and approved by the employee's department director and the Human Resources Director.

5. No illness leave, annual leave or holiday time or any type of seniority except as noted otherwise in this section, will be earned or accrued by an employee for the time that the employee is on a leave of absence without pay. The time will also not be credited for pension purposes unless otherwise authorized in the pension plan.

6. When an employee is on an unpaid leave of absence for thirty (30) days or more, the department should process a workflow order to change the employee from an active status to a leave of absence status in Oracle.

B. Employee's Responsibility While on Leave

1. An employee granted a leave of absence shall contact the department director at least once every thirty (30) days to advise of the current leave status and intent to return to work, unless other reporting arrangements have been approved in advance.

2. An employee on a leave of absence shall keep the department director or designee advised of any change in their current address and telephone number.
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3. An employee who wishes to accept either part or full-time outside employment while on an authorized leave of absence is required to notify their department in writing prior to accepting such employment.

4. An employee who fails to comply with the above requirements may be removed from leave of absence status, in which case the employee must return to work or be separated from employment.

5. An employee who is granted a leave of absence must notify and make arrangements with the Benefits Division of the Human Resources Department, prior to the effective date of such leave, and advise whether the employee wishes to continue or discontinue any form of group insurance coverage.

C. Return from Leave of Absence

1. An employee who wishes to return to work before the requested leave period has expired shall provide the department with at least two (2) weeks' notice prior to returning.

2. An employee shall be returned to their former classification if the leave is ninety (90) days or less, unless circumstances have so changed as to make it impossible or unreasonable to do so as determined by the Human Resources Director.

3. An employee granted a leave of absence in excess of ninety (90) days shall be permitted to return to work provided a vacancy exists in the employee’s prior position. If such vacancy does not exist, the City may, subject to the approval of the concerned department director, transfer the employee within thirty (30) calendar days to a position for which the employee is able to perform the essential functions of the job, provided a vacancy exists. If no transfer is accomplished, the employee shall be terminated and be eligible for re-employment or reinstatement to the prior classification for a period of nine (9) months, if a vacancy exists.

4. An employee reinstated to the prior classification from a leave without pay status shall be eligible to receive the prior rate of pay in addition to any general pay increases applicable to the employee’s classification.

5. A leave of absence without pay in excess of thirty (30) consecutive calendar days will result in a corresponding adjustment of the employee's employment anniversary date and classification date; however, an employee who has been employed full-time for a minimum of five (5) consecutive years shall suffer no loss of either City or classification seniority while on an unpaid leave of absence for the employee’s own medical condition for a period not to exceed twelve (12) months.
D. Group Insurance Coverage

1. Group health and life insurance coverage for an enrolled employee and eligible enrolled dependents may be continued as follows:
   a. For a maximum of twelve (12) months for a medical leave of absence related to the employee’s own health condition; or
   b. For a maximum of six (6) months for other leaves of absence.

2. An employee shall notify the Benefits Division of the Human Resources Department in advance of the employee’s leave of absence to advise whether the employee wishes to retain or discontinue group insurance coverage while on leave.

3. An employee who wishes to continue insurance coverage shall make payments to the Benefits Division either on a monthly basis or a lump sum payment in advance equal to the authorized length of the employee’s leave of absence.

4. If a request to discontinue health and additional life insurance has been completed, coverage will be terminated on the last day of the month for which coverage has been paid.

5. If an employee's payments are not made after sixty (60) calendar days after the agreed upon payment date, coverage will be canceled as of the last day for which coverage has been paid.

6. If health insurance is canceled during an approved non-FMLA leave of absence, it may be reinstated upon the employee's return to work, with evidence of insurability.

7. If authorized leave exceeds six (6) months for unpaid leaves other than for a medical leave, or twelve (12) months for a medical leave of absence, upon return, insurance may be reinstated after the completion of a waiting period of ninety (90) days.

6-6 Accident Prevention and Safety

The City maintains an aggressive, comprehensive City-wide safety program. All aspects of the working environment and work associated activities are to receive proper attention. The development of safe working conditions, practices, habits and safety-conscious thinking are the principal objectives of the program. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense, and improper and dangerous use of equipment are all operational problems which can be greatly improved by the conscientious efforts of all employees.
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A. Safety Equipment Devices

The City will provide proper and necessary safety equipment and devices for an employee engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, shall be used.

B. Reimbursement for Industrial Safety Lenses and Safety Shoes

1. An employee purchasing industrial safety lenses or safety shoes in compliance with established safety standards will be partially reimbursed for that purchase upon submission of proof of purchase and a reimbursement request form. The department authorizing such reimbursement must indicate that the item was in need of replacement and is required in the performance of the employee's duties to maintain proper safety standards.

2. Employees required to purchase safety lenses with safety frames will be reimbursed up to one hundred and twenty five dollars ($125.00) no more frequently than once every two (2) fiscal years. An employee will be reimbursed a maximum of seventy five dollars ($75.00) for single vision lenses or one hundred dollars ($100.00) for bifocal or "no line" industrial safety lenses no more frequently than once during a fiscal year.

3. Employees required to wear safety shoes will be reimbursed for the cost of the shoes up to eighty five dollars ($85.00) for a pair of safety shoes twice during a fiscal year. Reimbursement for safety shoes may be approved no more frequently than twice a fiscal year, however, the employee may elect to exercise the benefit once during the fiscal year which would allow the employee to be reimbursed for the cost of safety shoes up to one hundred and fifty dollars ($150.00) in that year.

4. No reimbursement will be made for glasses or shoes which meet minimum FDA requirements, but fail to comply with OSHA/ANSI or ASTM standards. In order to ensure receipt of proper lenses, the reimbursement form should be shown to the optometrist before ordering glasses. Variations as to the amount and frequency of reimbursement may exist in applicable labor agreements.

C. Incident Reports

As an integral part of the City's overall safety program, a comprehensive reporting system has been implemented. These reports, which are located on the City’s Intranet, are required to report work-related accidents and/or incidents. There may be dual reporting requirements when an incident/accident also involves a work-related injury (refer to reporting instructions on the City’s Intranet for current procedures).
D. Incident and/or Accident Reporting Procedures (No Vehicle Involved)

Any incident and/or allegation of damage to property or injury to an individual that is related to the City or its employees should be reported to Risk Management. If the incident and/or allegation does not involve a Motor Vehicle Accident, an Accident/Incident Report should be completed and sent to the Risk Management Office within three (3) work days of the incident/allegation or of learning of the incident and/or allegation.

E. Vehicle Accident Reporting Procedures

1. In the case of any City-owned vehicle involved in a motor vehicle accident, an employee operating such vehicle will immediately notify the Police Department and the employee’s supervisor who will be dispatched to the accident scene when determined appropriate. In the event the employee’s supervisor is not available, another supervisor from the employee’s department should be dispatched by the department director.

2. The department director of an employee involved in the motor vehicle accident will ensure that a Motor Vehicle Accident Report, which is located on the City’s Intranet, is completed with copies forwarded to the Risk Management Office within three (3) work days of the time the accident occurred. If an employee is injured in the accident, a Report of Injury to an Employee, which is also found on the City’s Intranet, must be completed on the day of the accident and immediately submitted per the reporting instructions.

3. Employees utilizing their personal vehicle while on City business shall immediately report any accident to their supervisor.

4. In case of serious injury or fatality, the Police Chief; City Attorney; and the Human Resources Director, or designees, shall be notified immediately.

5. In addition, if an employee is fatally injured, the employee's department director and immediate supervisor will personally contact the family or next of kin at the earliest appropriate time after consulting with the Human Resources Director, Police Chief and the City Attorney, or designees.

F. On-the-Job Injuries

1. All on-the-job injuries or illnesses must be reported immediately to the supervisor regardless of whether medical treatment is needed. The City of St. Petersburg reserves the right to investigate any claim to determine compensability. If any injury/accident is questionable, the supervisor must contact the workers' compensation adjuster immediately.
The following procedures are to be followed upon first notice of an on-the-job injury. Forms mentioned with instructions are available on the City's Intranet.

a. Employees shall report any on duty injury/accident to the supervisor in charge and assist, if possible, in determining if medical treatment is necessary.

b. If medical treatment is necessary, the injured employee is to report to or be taken to the treatment facility selected by the workers’ compensation adjuster for treatment. A current list of authorized facilities is located on the City’s Intranet on the Workers’ Compensation page. The only exception for an injured employee to be treated at another facility would be in the case where the employee is transported via ambulance to the nearest medical facility due to a severe trauma injury at the discretion of the emergency services personnel.

c. The Report of an Injury to an Employee form must be completed, signed and dated by the employee and the employee’s supervisor. The supervisor should immediately submit this form as per the instructions on the Intranet within twenty-four (24) hours of the injury even if all signatures have not yet been secured. The original form should be forwarded to the manager and director for their review and signatures. The completed original report should then be forwarded to the address indicated on the Intranet.

d. Within three (3) days of the report of the injury, the supervisor is to give the employee the memorandum titled "Workers' Compensation and Family and Medical Leave Act," a copy of the brochure, "Important Workers' Compensation Information for Florida's Workers," and a Notice of Eligibility and Rights and Responsibilities form for FMLA and On-Duty Injuries. The employee is to sign for receipt of the memorandum and these documents.

e. The injured employee must keep the supervisor and the assigned workers’ compensation adjuster informed of all visits for medical treatment pertaining to the on duty injury. All follow-up treatment will be at the same clinic that provided the initial care unless specifically authorized otherwise by the workers’ compensation adjuster or unless the employee’s initial visit was to an unauthorized location in which case the employee and supervisor should contact the workers’ compensation adjuster to get a referral to an authorized location.
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f. Any initial care not in accordance with the workers’ compensation policies and procedures or not specifically authorized by the workers’ compensation adjuster and any follow-up care not specifically authorized by the workers’ compensation adjuster will be considered unauthorized and at the employee’s expense. This may not preclude the employee from submitting the expense for coverage by the employee’s health insurance.

g. The injured employee is required to obtain a Medical Disposition/Treatment Plan Report from the treating physician or facility following each appointment for medical treatment. This form is to be turned in to the supervisor immediately following the visit. The supervisor shall review the report to determine if work is available within any medical restrictions which have been noted by the physician. The supervisor should then forward those medical records to the assigned workers’ compensation adjuster.

h. An employee authorized to be absent from work for medical reasons shall not engage in any recreational or personal work activities, or recuperate in another location other than the employee’s residence, except with prior approval from the attending physician and department director, or designee. Approval will be required in advance of any such requests and must include the address and telephone number of the alternate location if applicable.

G. Workers’ Compensation for Injured Employees

1. The workers’ compensation adjuster will have the primary responsibility for workers' compensation compliance, case management, and management of the temporarily restricted 'light' duty program for on duty illnesses or injuries.

2. Payment of workers' compensation to an employee incapacitated because of an injury arising out of and in the course of performing job duties will be governed by the State of Florida Workers’ Compensation Law (Florida Statutes Chapter 440). Any and all periods of disability, as defined by Florida Statutes Chapter 440, must be documented in writing by a physician authorized by the workers’ compensation adjuster.

3. The employee will be paid for the complete shift on the day of the on duty injury if disability results, or for that part of the day spent receiving medical treatment.

4. If an injured employee cannot return to work on the next shift or normal workday as determined by a workers’ compensation authorized physician, the injury will be considered a disability, with the disability starting
immediately following the day of the injury, whether it be a weekday, weekend, or holiday. Disability shall be counted by calendar days.

5. Absences resulting from injuries covered by Workers’ Compensation may also qualify under the Family and Medical Leave Act (FMLA). If such leave is covered by FMLA, the absences will count against the employee's FMLA leave entitlement.

6. The statutory benefits of the Florida Workers’ Compensation Law do not allow for compensation during the first seven (7) calendar days of disability. However, if the injury results in disability of more than twenty-one (21) calendar days, compensation shall be allowed from the commencement of the disability.

7. In cases where the disability is more than seven (7) days, the workers’ compensation adjuster will issue any compensation due under the Workers' Compensation Statute by the fourteenth (14th) day of disability.

8. An employee who sustains a workers' compensation covered lost-time injury may request to apply accrued illness leave hours or accrued annual leave hours from the employee’s account in order to obtain full base pay while absent from duty for medical reasons related to the injury. In no case shall the amount of paid workers' compensation and the amount of paid illness or annual leave or other pay hours be more than an employee's net base pay for that period. Net base pay is defined as salary received after it has been reduced by normal federal withholding taxes for Social Security and income tax.

9. Annual and illness leave accruals shall continue for up to a maximum of fifty-two (52) weeks from the date of injury for an employee who is receiving workers' compensation benefits.

10. Continuation of group life, health, and ancillary insurance for an employee on workers' compensation shall be in accordance with Section 6-4(D).

11. A decision involving possible separation of employment based on the physical inability to perform job duties for a full-time, classified employee injured as a result of a job-related accident and who qualified for treatment under the Workers’ Compensation program will not be made by management until at least eighteen (18) months after the date of the injury, or the date the employee reached the status of maximum medical improvement (MMI) as defined in the Florida Statutes governing Workers' Compensation, whichever occurs first. This time frame includes time off, time on light duty and periods where the employee works intermittently. Under those circumstances, the employee may be evaluated for participation in the Alternate Employment Program (AEP) subject to approval of the department director and Human Resources Director or unless otherwise provided for in a labor agreement.
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H. On Duty Injury Benefit

1. Where used in this section, the terms base pay and net base pay shall mean the following:

   a. Base pay is an employee’s straight time hourly rate times the employee’s basic work week hours which is normally forty (40) hours for most employees.

   b. Net base pay is an employee's base pay after deductions for normal federal withholding taxes including Social Security and income tax.

2. A full-time employee in a classified position who experiences a disability resulting from a compensable injury while acting within the scope of City employment, and in which contributory negligence is not found, may receive a supplementary benefit for up to twelve (12) calendar weeks in the amount of the difference between the employee’s net base pay and the applicable workers' compensation benefit. An employee's eligibility for this benefit shall be determined by the department director and shall be indicated on the Report of an Injury to an Employee form. Payments made by the City during this period shall not be charged against an employee's accumulated illness leave or annual leave.

3. The on duty benefit shall begin the first scheduled work shift following the date of injury. The amount of on duty injury pay shall be the employee’s net base pay up to the time workers’ compensation benefits begin. When workers’ compensation wage benefits begin, the on duty injury pay shall be the difference between the workers' compensation wage benefits and the employee's net base pay rate. In the event a disability extends beyond twenty-one (21) calendar days, the amount of on duty injury pay paid by the employer the first seven (7) calendar days shall be adjusted to equal the employee's base pay, less the workers’ compensation wage benefits and injury pay received during the first week. In no event shall the amount of workers’ compensation and on duty injury pay exceed the employee's net base pay per pay period.

4. In the event a disability extends beyond twelve (12) calendar weeks, the department director may request extensions of the on duty injury benefit in additional twelve (12) week increments. This request shall be made to the Human Resources Director, who will weigh the merits of the case and approve or disapprove the request for the extension. The on duty injury benefit may not be provided beyond one (1) year unless extenuating circumstances so indicate; in such cases, benefits may only be approved by the Mayor or designee. Variances to granting extensions may be found in an applicable labor agreement.
5. Prior to the Human Resources Director's decision, an employee may elect to use any illness leave or annual leave to make up the difference between the employee’s net base pay and the workers' compensation wage benefit. When illness leave or annual leave is requested and used by an employee who is off work due to an on-the-job injury and the on duty injury benefit is subsequently authorized, the amount of illness leave or annual leave hours used shall be restored to the appropriate account.

6. An employee who has either exhausted the on duty injury benefit or who is determined ineligible for that benefit shall be able to use illness leave or annual leave to make up the difference between the employee’s net base pay and the workers' compensation benefit. In no case shall the amount of workers' compensation and holiday pay, illness leave or annual leave hours exceed net base pay for the pay period. The amount of such accrued leave granted the employee shall be based upon the employee receiving workers' compensation monies from the first day of disability. If the employee returns to work prior to reaching the fifteenth (15th) calendar day of disability, accrued leave may then be granted to allow the amount that would have been provided under the first seven (7) calendar day’s provision of the Workers' Compensation Law.

6-7 Temporarily Restricted 'Light' Duty Assignments

A. General Provisions

1. Some minor injuries or illnesses may temporarily prohibit the full performance of assigned job duties; however, there may be other duties an employee could safely perform without aggravating the medical condition. When the physician states in writing that temporarily restricted or 'light duty' work is acceptable and identifies the employee's specific physical limitations, the department director has the discretion to assign other bona fide tasks and light duties as the employee's health and medical condition may permit. Light duty assignments in compliance with medically established restrictions shall be performed by an employee so assigned.

2. Light duty assignments are not to be considered new or permanent positions, nor are they to be considered permanent modifications of an employee's essential job duties.

3. In accordance with the Family and Medical Leave Act, employees may decline light duty assignments. However, declining a light duty assignment may affect the employee's eligibility for paid leave and workers' compensation benefits.

4. The City reserves the right to discontinue the modified or light duty assignment at any time.
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5. If at any time it appears that the assignment is interfering with the full recovery of the employee or is a threat to the safety and well-being of the employee, co-workers, or the public, the City shall discontinue the assignment until an evaluation is obtained regarding the employee's ability to continue to work the temporary light duty assignment.

6. The employee will be removed from the light duty assignment and possibly from employment if it is determined by the authorized treating physician that the employee has reached Maximum Medical Improvement (MMI) or the employee has reached the time limitations as established under Sections 6-6 (B) or (C) below, whichever is applicable.

B. Off Duty Injury/Illness

Employees who suffer an off duty illness or injury may be afforded the opportunity to work temporarily restricted 'light' duty provided a physician’s written certification for such an assignment, including the specific medical restrictions and the length of time the restrictions must remain in effect, is received by the department. In cases of off duty illness or injury, opportunities to work temporarily restricted duty will be considered by the department on a case by case basis.

The physician recommending an employee's return to work on light duty status must provide reasonable assurance that the condition will not exceed thirty (30) calendar days. Extension of light duty status beyond thirty (30) calendar days requires the approval of the employee's department. Extension of light duty status beyond ninety (90) calendar days requires the approval of the Human Resources Director.

C. On Duty Injury/Illness

1. Employees who suffer an on duty illness or injury may be afforded the opportunity to work temporarily restricted 'light' duty. In cases of on duty illness or injury, opportunities to work temporarily restricted duty will be contingent on the following:

   a. A physician's certification which includes a description of the employee's physical restrictions or limitations and a release to temporarily restricted or light duty is received by the workers’ compensation adjuster.

   b. The department's ability to temporarily modify the employee's regular duty assignment to accommodate the restrictions or limitations and the availability of suitable light duty work, either in the employee's assigned work area, another area within the employee's department, or another department within the City.

   c. The employee's ability to perform the essential job functions of the light duty assignment with or without reasonable accommodations
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as determined by the workers’ compensation adjuster and the respective departments, including the necessary knowledge, skills and abilities or other qualification requirements for the temporary assignment.

2. The department shall determine if a temporary modification to the employee's regular duty assignment can reasonably be made to accommodate the restrictions or limitations as certified by the physician. If the employee's regular duty assignment may be reasonably modified to accommodate the restrictions or limitations, or if an appropriate light duty assignment is available, the supervisor shall advise the employee of the assignment, the work hours, and any other information pertaining to the assignment.

3. If the department is unable to identify any light duty assignment within the employee's area, the employee’s manager shall consult with other managers within the department and the director to determine if there is any light duty work available within the department.

If a light duty assignment is identified in another section of the department, the employee's supervisor shall notify the employee and the workers’ compensation adjuster of the assignment. The employee shall utilize the Light Duty Assignment Time Sheet to track and report their hours of work.

4. If the employee's department is unable to identify any modified or light duty assignment within the department, the assigned workers' compensation adjuster shall be notified. The Workers' Compensation Office will assist in the temporary placement of the employee into another department which can provide temporary employment within the employee's medical restrictions or limitations. All City departments shall keep the workers’ compensation adjuster informed regarding suitable projects which could be performed on a temporary basis by employees who have temporary medical restrictions and can perform light duty.

Upon availability, the workers’ compensation adjuster will notify the employee of the light duty assignment and provide information pertaining to the assignment. The workers’ compensation adjuster will monitor the status of the employee while assigned to a department outside the employee’s regular department and will notify the employee's regular department of any changes in the employee's work status. The employee will be provided with a Light Duty Assignment Time Sheet. In all instances, employees will be paid in accordance with their assigned classification and by their regular department.
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5. Medical Disposition Reports-Change of Restrictions/Limitations
   a. The employee is required to continue to provide Medical Disposition Reports received from the authorized treating physician to both the supervisor over the temporary assignment and the employee's regular duty supervisor. The employee's regular duty supervisor shall review all reports to determine if there are any changes in the employee's restrictions or limitations that would enable the employee to be placed into a light duty or modified assignment within the employee's regularly assigned area or department.
   b. If the regular duty supervisor is able to place the employee within the employee's regularly assigned area or department, the supervisor shall notify the workers' compensation adjuster who in turn will notify the supervisor over the temporary assignment to coordinate the employee returning to the regular department.

6. Employee Absences
   a. If, while on any modified or light duty assignment, the employee is absent during work hours for medical treatment or a doctor's appointment which is related to the on duty injury/illness, the employee must submit a statement or Medical Disposition Report from the treating physician/facility certifying: 1.) the absence was related to the condition requiring the light duty; and 2.) whether there is any change in the employee's condition which would impact the modified or light duty assignment.
   b. The employee shall notify the supervisor of the temporary assignment as soon as possible in advance of any scheduled appointments associated with the on duty injury/illness. The supervisor of the temporary assignment may contact the workers’ compensation adjuster for verification of the information provided.
   c. All absences while on light duty assignment shall be documented on the Light Duty Assignment Time Sheet.

7. Time Sheets
   a. The Light Duty Assignment Time Sheet shall be utilized if the employee is assigned to an area which is outside of the employee's regular work area.
   b. This time sheet must be personally completed and signed by the employee. The supervisor of the temporary assignment must review and initial the time sheet. After the time sheet has been completed, signed by the employee, and initialed by the temporary duty
supervisor, the time sheet must be forwarded to the workers’ compensation adjuster for review and approval. The workers’ compensation adjuster will fax the time sheet to the employee's regular supervisor for review and to document the hours worked on the employee's regular time sheet. These time sheets shall be submitted on a weekly basis.

8. Compensation

The following will apply to the employee’s pay while working temporarily restricted or light duty:

a. The employee will be paid for the hours worked in accordance with the employee’s regularly assigned classification and by the employee’s regular department.

b. If the employee did not work the number of hours that constitute a regularly scheduled full week, the employee may be eligible for temporary partial disability benefits as determined by the workers’ compensation adjuster.

c. The employee shall be allowed to utilize illness and annual leave to make up the difference to equal the basic take-home salary, if applicable.

9. Length of Assignment

a. The employee will remain in temporarily restricted duty status until returned to regular full duty status or until the lapse of four (4) months in a light duty assignment, whichever comes first. If the employee is still in a light duty status at the end of the four (4) months, the workers’ compensation adjuster will coordinate with the employee's regular department to make a determination regarding the continuation of the temporary duty assignment.

b. The workers’ compensation adjuster will request that the treating physician review the essential job functions of the employee's regular job classification and provide a prognosis as to when it is expected that the employee will be able to return to work and perform the full duties of the employee’s regular job classification.

c. If it appears that the employee will be able to return to full duty in the employee’s current job classification within sixty (60) days or less, the employee will be allowed to continue in the temporary light duty assignment, if such work continues to be available. This assignment, if approved, may continue until the employee is able to return to regular job duties, or until the additional sixty (60)-day period has expired, whichever comes first. Continuation in a light
duty assignment beyond the six (6) month period may be extended if approved by the employee's department director.

10. Inability to Perform in Assignment

a. Any employee who is not able to perform the job functions of the light duty assignment shall notify the regular duty supervisor in writing including an explanation of the reason(s) which support the employee’s objection to working the temporary light duty assignment. The supervisor shall notify the workers’ compensation adjuster and provide a copy of the employee's written explanation.

b. The workers’ compensation adjuster will contact the authorized treatment physician to determine if the employee is capable of performing the light duty assignment.

c. If the physician certifies that the employee can perform the light duty assignment, the employee will be required to report to the assignment. If the physician requires the employee be re-evaluated prior to making a determination, the workers’ compensation adjuster will schedule an appointment and the employee will be placed in a non-work status pending the outcome of this re-evaluation.

d. If the re-evaluation concurs with the physician's original recommendations, the employee must report to the light duty assignment. If the employee fails to report for light duty, the employee's entitlement to workers' compensation benefits may be discontinued.

e. If the employee does not report for light duty and workers' compensation benefits are discontinued, the employee may request authorization for leave in accordance with the Family and Medical Leave Act, the City's Rules and Regulations of the Personnel Management System, and/or the applicable labor agreement.

11. Return to Work

a. The workers’ compensation adjuster will identify employees who attain Maximum Medical Improvement (MMI), the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated based upon reasonable medical probability. At the time an employee is placed at MMI, information regarding any permanent medical restrictions will be obtained from the treating physician and evaluated by the department.

b. If, after the department's evaluation of any permanent medical restrictions, it is determined the restrictions can be accommodated
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and the employee can return to full duty, the employee will return to their regular job assignment.

c. In the event the department determines the employee’s medical restrictions prevent the employee from being able to perform the essential job functions and no reasonable accommodations can be made, the employee may be eligible for placement into the Alternate Employment Program.

6-8 Holidays Observed by the City

The following ten (10) holidays are observed:

- New Year’s Day: January 1
- Martin Luther King Jr. Day: Third Monday in January
- Presidents’ Day: Third Monday in February
- Memorial Day: Last Monday in May
- Independence Day: July 4
- Labor Day: First Monday in September
- Veteran’s Day: November 11
- Thanksgiving Day: Fourth Thursday in November
- Friday After Thanksgiving: Day Following Thanksgiving
- Christmas Day: December 25

The Mayor has the authority to designate holidays. A list of designated holidays will be distributed by the Human Resources Department on an annual basis.

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

B. The Mayor, or designee, will determine when any departmental operations will be closed in observance of a holiday.

C. Operations permitting, employees will be granted time off on holidays. A holiday will either be taken as time off or will be paid as of the day that it is observed.

D. A full-time employee granted a day off on a regularly scheduled work day to observe the holiday shall be paid for the normal schedule of hours for that day. Holiday hours will be counted as work time for the purpose of computing weekly overtime hours.

E. A full-time employee whose regularly scheduled work day falls on a day observed by the City as a holiday and, in fact, works that normal schedule, shall receive an additional eight (8) hours holiday pay for that day.
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F. If a full-time employee is granted a day off to observe a holiday but is required to work due to operational requirements, the full-time employee shall be paid for the normal schedule of hours as holiday pay for that day plus the time actually worked.

G. A full-time employee whose scheduled day off occurs on a holiday shall receive eight (8) hours holiday pay in addition to receiving the normal pay for hours worked during the week.

H. An employee who is scheduled to work on a holiday and reports sick or is otherwise responsible for an unscheduled absence shall receive holiday pay if otherwise eligible and may be required to bring in verification from a physician or other documentation to support the need for leave.

I. An employee on annual leave, illness leave, bereavement leave, paid military leave, jury duty, and other absences from duty on active pay status shall receive holiday pay, if eligible, for the same day that it is observed. An employee cannot receive both holiday pay and other leave pay for the day observed as a holiday.

J. An employee must work a full normal schedule of hours, either on the regularly scheduled working day immediately prior to a holiday or immediately following a holiday or otherwise qualify as specified in paragraph 6-8(I). A new employee who begins work the day after a holiday will not be eligible for holiday pay for that holiday. Employees who separate from employment with the City on a holiday will not be eligible to receive holiday pay for that day.

K. Exceptions to this policy may be found in applicable labor agreements.

6-9 Bereavement Leave

A. Upon approval by the department, a full-time employee shall be granted time off with pay at the employee’s straight time rate, not to exceed forty (40) hours, if needed, to attend the funeral or memorial service (hereinafter service) and/or to attend to the affairs of an immediate family member. The days may be taken prior to and including the day of the service or immediately following, but all days taken for bereavement leave must be taken within thirty (30) calendar days surrounding the date of the service or date of death if no service is held. Full-time employees will be granted time off with pay from their regularly scheduled work hours not to exceed eighty (80) hours within thirty (30) calendar days surrounding the date of the service or date of death if no service is held, and in lieu of any other bereavement leave, to attend a service held outside the State of Florida. Forty (40) hours of bereavement leave will be granted if the employee does not attend the funeral of an immediate family member but requires time to make service arrangements or to attend to the deceased's affairs outside the State of Florida.

B. The employee's immediate family, as applicable to this section, shall be defined as the employee's spouse, father, mother, son, daughter, brother, sister, father-in-law, mother-in-law, grandparents, great-grandparents, grandchildren, stepparents, stepchildren, and spouse's grandparents.
C.  Bereavement leave shall not be charged to annual or illness leave.

D.  Should an employee require additional time other than provided in paragraph A. above, the employee may request the additional time from the department. Upon approval, any additional time used shall be charged to annual leave if the employee has accrued sufficient annual leave time. If no annual leave time is available, the employee must request a leave of absence without pay.

E.  An employee may be required to provide the department with proof of date of death of the immediate family member before bereavement leave pay is approved.

6-10 Domestic Violence Leave

A.  Eligibility and Duration

1.  All full-time and part-time employees employed by the City for at least three (3) months, consecutive or otherwise, are eligible for the equivalent of up to three (3) unpaid, or substituted accrued paid leave, days of leave per year if the employee or a family or household member of the employee is a victim of domestic violence and the leave is used for the reasons listed in a. through e. below. The year shall be interpreted as a rolling twelve-month period such as that in Section 6-3.

   a.  Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence;

   b.  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 or sexual violence;

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

   d.  Make the employee's home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator;

   e.  Seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court related proceedings arising from the act of domestic or sexual violence.

2.  Definitions and Terms

"Domestic Violence" - Any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking,
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kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

"Family or Household Member" - Includes spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

"Sexual Violence" - Any one incident of sexual battery, as defined in Florida Statutes (F.S.) Ch. 794; a lewd or lascivious act, as defined in F.S. Ch. 800, committed upon or in the presence of a person younger than 16 years of age; luring or enticing a child, as defined in F.S. Ch. 787; sexual performance by a child, as defined in F.S. Ch. 827; or any other forcible felony wherein a sexual act is committed or attempted, regardless of whether criminal charges based on the incident were filed, reduced, or dismissed by the state attorney.

B. Notice, Request, and Documentation

1. Requests for domestic violence leave shall be scheduled in advance with appropriate notice to the supervisor, unless impracticable as in cases of imminent danger to the health or safety of the employee, or to the health or safety of the employee's family or household member.

2. Sufficient documentation verifying the need for the leave under these provisions is required to be submitted with the request for leave or within five (5) work days after the date of leave if the leave was taken because of imminent danger to the health or safety of the employee, or to the health or safety of the employee's family or household member.

3. An employee on domestic violence leave shall be required to use all accrued annual leave, illness leave if applicable, and any other type of paid leave an employee has accrued prior to being placed on unpaid leave status.

4. Any personally identifying information contained in records documenting an act of domestic violence or sexual violence submitted to the City are exempt and confidential and not subject to disclosure under Florida Statutes Section 119.07, except that the exemption and confidentiality of the employee's time records and documentation of the request for leave is limited to one year from the date of leave.

5. No adverse action can result from an employee's request for or use of domestic violence leave, and all other policies related to paid and unpaid
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leave, to the extent they do not conflict with this section, shall apply to this type of leave.

6-11 Jury Duty

A. A full-time employee shall suffer no loss of normal pay for time served on jury duty. An employee summoned for jury duty during working hours shall receive straight time pay for the hours the employee is required to be absent from scheduled work hours. In addition, the employee shall retain any jury allowance provided by the court. Leave for employees who work second or third shifts is to be determined by the department director on a case-by-case basis, depending on the hours the employee works, when the employee must be present for jury duty, and the operational needs of the department. Generally, these employees’ shifts would be reduced each day by the same number of hours spent on jury duty for that particular day to allow the employee adequate time off to rest before either reporting to jury duty or work.

B. Time spent on jury duty is the actual time required to report as scheduled in writing until released by the judge or other officer of the court. An employee who performs jury duty for only a portion of the regular scheduled workday shall report to work for the duration of the shift when excused or released by the court.

C. An employee called for jury duty shall promptly notify the immediate supervisor and provide a copy of the court summons so that arrangements may be made in advance for the employee’s absence from work.

D. An employee called for jury duty while on annual leave shall be allowed jury duty pay for that time served in court which corresponds to the employee’s regular workday. Such employee shall have their annual leave hours restored provided satisfactory evidence of the time served on jury duty is presented to the department.

E. In the event a holiday occurs during the period an employee is serving on jury duty, the employee shall receive holiday pay for the holiday rather than jury duty pay.

F. An employee shall provide the department director with proof of jury duty service before compensation is approved, which may include a signed statement from the Court Clerk noting each day spent on jury duty.

6-12 Compensation for Administrative Hearings and Court Attendance

A. Administrative Hearings

1. Appearance on Behalf of the City

In the event an employee is subpoenaed by the City or is directed by management to appear or testify at a deposition or administrative hearing, including but not limited to a grievance, Civil Service Board or arbitration
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hearing, the employee shall be paid for all hours required for the appearance, including off duty hours.

2. Appearance on Behalf of a Grievant or Appellant

In the event an employee is subpoenaed by a grievant or appellant or voluntarily appears or testifies at a deposition or administrative hearing defined as City grievance procedure hearings, including Civil Service Board hearings, and steps in the negotiated grievance process, excluding arbitration, the employee shall be paid for their normal on duty time provided the hearing is held during the employee’s on duty time. An employee attending a hearing during off duty hours will be not be paid by the City for time spent attending such proceeding. An employee who appears at an arbitration hearing on behalf of a grievant shall be ineligible for pay by the City for time spent attending such proceeding, and shall use any accrued annual leave or take leave without pay for such appearances if annual leave is not available.

B. Court Attendance

1. Appearance on Behalf of the City

In the event an employee is subpoenaed by the City or is directed by management to appear or testify at a court proceeding or the employee’s subpoena relates to their duties as a representative of the City of St. Petersburg, the employee shall be paid for all hours required for their appearance, including for depositions in connection with court appearances are covered by this policy. This policy applies to all employees unless otherwise provided for in a labor agreement, except management employees, who shall be paid for the hours required for the appearance up to their normal schedule of hours for that day.

2. Appearance on Behalf of a Grievant or Appellant

In the event an employee is subpoenaed or voluntarily appears or testifies in a court or deposition proceeding on behalf of a grievant or appellant, the employee shall be ineligible for pay by the City for time spent attending such proceedings. An employee shall use any accrued annual leave or take leave without pay for such appearances if annual leave is not available.

C. Subpoena Fees

1. An employee shall retain any subpoena or witness fee if the employee is subpoenaed to appear or testify at a deposition, or administrative or court hearing and is not paid by the City for the total hours of the appearance.
2. An employee shall not retain any subpoena or witness fee if the employee receives pay from the City for the total hours of the appearance, and the employee shall return any subpoena or witness fee to the City.

3. Police Department employees are governed by Florida Statutes regarding subpoena fees and attendance at court hearings and depositions. Pay and benefits for Police Department employees shall be administered in accordance with the Florida Statutes and applicable labor agreements.

4. Police Department employees who are required through a subpoena or directed by management to appear at an administrative hearing shall retain or return subpoena fees in accordance with C-1 and C-2 above.

D. General Provisions

1. An employee required to appear for a deposition, administrative hearing, or a court proceeding shall promptly notify the immediate supervisor and provide such documentation as necessary so that arrangements may be made in advance for the employee’s absence.

2. An employee shall not be eligible for court or administrative hearing pay and any additional pay such as annual or illness leave for the same hours.

3. An employee who is eligible to receive pay in accordance with this policy and who is subpoenaed or directed to appear, in a court or administrative hearing or deposition and appears while on annual leave, shall have those annual leave hours restored if satisfactory evidence of the time served in the court or administrative hearing is presented to the employee’s department.

4. Time spent in depositions, court proceedings or administrative hearings is the actual time required to report as stated on the subpoena or as scheduled, continuing until released by the judge or other administrative officer of the hearing. An employee whose appearance at a deposition, court proceeding, or administrative hearing that requires only a portion of a regular scheduled workday shall report to work when excused or released from the appearance, unless otherwise directed by the supervisor.

5. An employee who appears under the provisions of this section shall be ineligible for call back pay.

6. An employee appearing as a plaintiff, defendant, or witness in a legal action not related to the performance of the employee’s official duties, whether subpoenaed or appearing voluntarily, shall not be eligible for pay under these provisions and shall use annual leave, if available, for the purpose of being paid for those hours absent from work.
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6-13 Policy Regarding Service of a Civil Summons, Complaint or Legal Documents

   A. An employee served with a civil summons, complaint, or other notice naming the employee as a defendant or potential defendant in an action resulting from the employee’s duties as a representative of the City of St. Petersburg, shall immediately inform the Risk Manager and the City Attorney in writing and provide them with a copy of the summons, complaint or other notice. Said notification shall include the precise date, time, and manner of service of the summons or complaint or other document, and shall state whether or not the employee requests and authorizes the City Attorney to represent them in the matter.

   B. The City will defend and protect an employee from liability incurred in the line of duty, under certain circumstances as established by law or other official documents of the City, in accordance with the interpretation of the City Attorney.

   C. An employee or officer of the City who is contacted or questioned by any person, other than by City police officers, the City Risk Management division or designee, or persons authorized by the City Attorney's office or supervisory personnel, concerning matters which are the subject of any civil lawsuit or any claim whatsoever against the City, its officers, agents, or employees, shall refuse to provide any information to such person, and shall immediately notify Risk Management and the City Attorney's office before making any statement whatsoever to such person. This includes lawyers and investigators who are seeking information regarding any claim against the City or any lawsuit that potentially involves the City.

   D. These procedures shall be followed when an employee is served with a civil summons, complaint or other legal document:

      1. Upon receipt of a civil summons or complaint naming an employee as defendant, the employee shall provide the information required by this policy as set forth in paragraph A. above and forward that information through supervisory channels to the City Attorney within forty-eight (48) hours. A copy of the summons or complaint shall be attached.

      2. Upon receipt of a letter or other notice that a summons or legal action is contemplated, a memorandum including the information required by the policy set forth in paragraph A. above shall be immediately forwarded to Risk Management with a copy to the City Attorney which includes a copy of the letter or other notice attached.

6-14 United States Military Leave

Employees who leave work for the purpose of serving in the U.S. military are provided with all of the protections and rights afforded to them under federal and state laws. Additionally, an employee who is a member of, applies to be a member of, performs, has performed, applies to perform or has an obligation to perform service in a uniformed service shall not be denied employment, reemployment,
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retention, promotion, or any other benefit of employment on the basis of that membership, application for membership, performance of service, application for service, or obligation. Discrimination and retaliation against employees or job applicants because of their past, current or future military service or obligation is prohibited, and discouraging an employee from enlisting in or participating in said military service may be punishable as a crime pursuant to Florida Statutes. In general, this policy applies to all employees, with some exceptions as provided by law.

A. Military Training

In accordance with Florida Statutes, Section 115.07, as amended, and applicable federal law, an employee who is a commissioned reserve officer, a reserve enlisted person in the United States military or naval service, or a member of the National Guard, shall be entitled to a leave of absence without loss of annual leave, pay, certain benefits, time or evaluation rating for such time as the employee is ordered to training for a period not to exceed 240 working hours in any one (1) fiscal year unless otherwise provided by law. The fiscal year is defined as October 1 through September 30. Leaves of absence beyond the aforementioned two-hundred forty (240) working hours for military training shall be without pay and shall be granted without loss of time, certain benefits or evaluation rating.

B. Active Military Service

In accordance with Florida Statutes Chapters 115 and 250, as amended, an employee who is a member of a reserve component of the Armed Forces of the United States or the National Guard who is ordered to perform active military service, including active duty training, or called to active state duty for a named event, declared disaster or operation pursuant to Florida Statutes Chapters 250 or 252, will be granted a leave of absence without loss of annual leave, certain benefits, time or evaluation rating and will receive military leave pay for normally scheduled hours of work for a period of thirty (30) calendar days following each activation.

Continued military duty beyond the thirty (30) calendar days immediately following activation will be without pay for this period of time unless the Governor of the State and/or Mayor or designee authorizes payment of supplemental military pay. Any such supplemental pay, when authorized, will be used to provide the employee a net monthly pay equivalent to the employee’s base net City pay, inclusive of the employee’s base military pay. Such supplemental pay will only be paid upon receipt of appropriate documentation of pay received from the military. Regardless of pay status, an employee who is called to active military service shall continue to receive certain benefits as required by federal and state laws.

A member of the military called to active duty shall be permitted to substitute paid annual or personal leave or compensatory time accrued for leave during active duty service, but shall not be required to use such paid leave.
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C. Leave Request Requirements

An employee shall be required to submit an order or statement from the appropriate military commander with a formal request for military leave to the department director or designee at least two (2) weeks in advance of the date the employee is to report for training or service or as soon as possible if orders are not given to the employee at least two weeks in advance of duty.

D. Induction or Enlistment into Military Service

An employee who enlists in military service shall be eligible for reinstatement to City employment provided the employee complies with the required notice procedures and time limitations. All monetary payouts due the employee (i.e., annual leave, etc.) shall be paid at the time of leaving City employment to enlist in the military.

E. Reinstatement from Military Service

1. Upon termination from active military service, an employee who wishes to return to City employment shall contact the department director in writing in a timely manner according to the time limits specified by USERRA. An employee shall not be considered eligible for reinstatement by the City if the employee received a dishonorable military discharge or if the employee’s cumulative period of service exceeded five (5) years as specified by USERRA. An employee requesting reinstatement with the City may be required to submit to a medical examination, at City expense, to determine if the employee is physically and mentally capable of performing the essential duties of the former position.

2. An employee returning to City employment shall be reinstated at the salary the employee would have received, including any general wage adjustments or applicable automatic step increases, had the employee remained continuously employed by the City instead of entering the armed services. The employee's date of hire and classification shall remain unchanged.

3. If the position vacated by an employee who entered the military service is reclassified or re-titled during the period of military service, the employee shall be reinstated in the new or revised position, unless the employee is not capable of satisfactorily performing the duties of the position. If the employee’s former position has been abolished, or if the employee is incapable of satisfactorily performing the duties, the employee shall be reinstated in a position as nearly comparable as possible in salary and duties to the position the employee vacated.

4. An employee returning to City employment following active duty shall not be terminated except for cause for a period of time determined by applicable federal or state laws.
6:15 Leave of Absence for Criminal Proceedings

An employee is required to immediately notify the department director whenever the employee is arrested, issued a notice to appear, and/or charged with a criminal offense. If an employee is arrested for and/or charged with an alleged violation of a federal or state statute, county or municipal ordinance, or an order of a court, the concerned department director shall investigate as necessary for the purpose of determining whether to take disciplinary action and/or whether to place the employee on a leave of absence for judicial proceedings. The investigation, review and action options shall be coordinated with the Human Resources Department. The decision to place an employee on leave of absence is discretionary with the department director and subject to review by the Human Resources Director, whose decision shall be final and not subject to appeal through the grievance process.

A. Depending upon the circumstances, it may be appropriate to take some form of disciplinary action prior to and independent of the disposition of charges through the judicial process. In some cases, disciplinary action may depend upon final judicial disposition.

B. In regard to a leave of absence for judicial proceedings, the following shall apply:

1. Employee is Incarcerated

   An employee incarcerated while awaiting disposition of a charge may be placed on a leave of absence for judicial proceedings without pay during any period of incarceration occurring prior to the disposition of the charge.

2. Employee is Not Incarcerated

   a. An employee not incarcerated while awaiting disposition of a charge may be permitted to work if the department director determines that allowing an employee to work will not adversely impact departmental operations.

   b. An employee not incarcerated while awaiting disposition of a charge may be placed on a leave of absence for judicial proceedings without pay due to the need to safeguard the well-being of other employees and the City in general, if so determined by the department director.


   a. The utilization of the administrative leave without pay for judicial proceedings is not a disciplinary action.

   b. A leave of absence for judicial proceedings shall be for six (6) months or less, with an extension of up to an additional six (6) months, if necessary, upon request by the employee and approval of
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the employee's department director and the Human Resources Director.

c. At the time of disposition of the charge(s) by the appropriate authority, the City reserves the right to review the situation for possible disciplinary action up to and including termination of employment.

4. Specific Procedures

a. When a department director becomes aware that an employee within the department has been arrested or issued a notice to appear for and/or charged with an alleged violation of a statute or ordinance, or a court order, the department director shall immediately contact the Human Resources Director and advise of all facts relative to the situation as they are known at that time. Upon review of all available information, the decision to place an employee on a leave of absence will be made by the department director, subject to review and final decision by the Human Resources Director.

b. In accordance with Section 6-14 (B)(2)(b), an employee not incarcerated may be placed on a leave of absence without pay by the Human Resources Director and the department director if any of the following or similar conditions are present:

1. Fellow employees reasonably refuse or object to continue to work with the charged employee.

2. The charges adversely affect the employee's relationship to the employee’s job.

3. The charges adversely affect the employee's effectiveness on the job.

4. There is reason to believe that the confidence of the citizens of St. Petersburg in the City's ability to provide services would be adversely affected by allowing the charged employee to continue working.

5. The nature of the charge is such that, if true, there would be a legitimate cause to fear for the safety of fellow employees or members of the public with whom the charged employee interacts. The City shall consider such evidence as is available relating to the merits of the charges.

c. An employee must use accrued annual leave prior to taking a leave of absence without pay for judicial proceedings.
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d. Group insurance benefits will be provided in accordance with Section 6-4 (D).

5. Return from Leave of Absence for Judicial Proceedings

Upon judicial disposition of all charges, an employee on a leave of absence for judicial proceedings may submit documentation of the court's disposition to the department director and the Human Resources Director and request to return to work. Decisions to return an employee from a leave of absence for judicial proceedings are discretionary and must have the prior approval of the department director and the Human Resources Director.

6-16 City Bulletin Boards

Bulletin boards are provided by the City and shall be conveniently located in approved areas for the purpose of posting announcements of interest to employees. Department management is responsible for approving all posted announcements and for ensuring that all regulatory requirements related to the posting of information on various state and federal laws are met for their respective work locations. An employee wishing to post material on a bulletin board must submit the material to the department for approval.

6-17 Rest Breaks and Meal Periods

Employees shall generally be provided with fifteen (15) minutes of paid break time for each four (4) hours of work. Break times should not interfere with normal City operations, nor should they interfere with emergent situations that may arise during which employees are required to remain on task. Break times may not be scheduled to extend meal periods or reduce the length of the employee’s shift without the prior approval of the employee’s supervisor. The duration and time of rest breaks and meal periods shall be determined by management to suit individual departmental operational requirements taking into consideration employee needs, and it shall be the responsibility of supervisors to properly enforce these provisions. As a general practice, break periods should be taken at the employee’s assigned work location, however an employee must be completely relieved of all job duties and may leave the assigned work location during unpaid meal periods.

6-18 Credit Union

Membership in the Florida Central Credit Union is available to all employees and family members. Additional information on credit union policies may be obtained at the St. Petersburg Office, 400 16th Street North, St. Petersburg, FL 33705 or at www.floridacentralcu.com

6-19 Group Insurance Program

A. The City offers employees classified as Full-Time Regular or Full-Time Temporary the opportunity to participate in the City’s Group Insurance Program. Employees classified as Part-time who meet the eligibility requirements described in the Policy may also enroll in the City’s Group Medical Plan. If the employee does not choose
to participate in the insurance programs within thirty (30) days of eligibility, the employee may elect to participate during a future announced open enrollment period, subject to the provisions of proof of insurability, if required. See the document “Policy - City of St. Petersburg – Employee Group Insurance Program” (Policy) for details regarding enrollment and the coverage of dependents.

B. Eligible employees are provided with a basic amount of term life and accidental death and dismemberment insurance at no cost, after sixty (60) calendar days of employment. Additional supplemental term life insurance may be obtained at the employee's request and expense. Employees covered by labor agreements with the St. Petersburg Association of Firefighters should refer to the current agreement for information about Term Life and Accidental Death and Dismemberment coverage.

C. Group insurance coverage becomes effective the first day of the month following sixty (60) days of continuous full-time employment or conversion to full-time status. For purposes of satisfying this waiting period, employees with a hire date on or before the fifteenth (15th) day of the month will receive waiting period credit from the first day of the same month. Employees hired after the fifteenth (15th) day of the month begin the waiting period as of the first day of the next month.

D. An employee’s contribution to the group health plan, supplemental life insurance, and ancillary insurance is covered by the Premium Payment Plan, which is governed by Section 125 of the Internal Revenue Code, and will be deducted from the employee’s pay on a before tax basis unless the employee requests that contributions be deducted on an after tax basis. Group insurance during unpaid leaves of absence is addressed in Section 6-4 (D) and in the Policy.

6-20 Vehicle/Mileage Allowance

The City provides a vehicle and/or mileage allowance when the official duties of an employee require the use of a personal vehicle and such use is authorized by the department. The allowance varies depending upon the actual number of miles driven on official City business and whether or not the vehicle is operated on a "dedicated" or "occasional" use basis. Request for Car Allowance and Certificate of Mileage forms are available from the employee's department. Specific mileage rates and eligibility requirements regarding vehicle or mileage allowance and insurance requirements are outlined in the Administrative Policies and in applicable labor agreements.

6-21 Reimbursement for Lost, Stolen or Irreparably Damaged Personal Property Used in the Performance of an Employee's Duties

A. Within reason, the City will reimburse an employee for certain items of personal property lost or damaged beyond repair while properly carrying out assigned duties. Such reimbursement is subject to the following restrictions:

1. For items of necessity (e.g. eyeglasses, hearing aids): Maximum reimbursement of $200.00 for each occurrence.
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2. For all other personal property: Maximum reimbursement of $175.00 for each occurrence.

3. Cash is not generally reimbursable. Exceptions will be considered when cash is taken as part of a criminal action against the employee when the employee is personally threatened. In such cases, reimbursement will be limited to $200.00 for each occurrence.

B. Requests for reimbursement for the loss or damage of personal property shall be submitted within three (3) working days from the date on which the loss or damage occurred.

C. An employee shall not be eligible for reimbursement if the item is provided by or available from the City, or if the employee's negligence contributed to the loss or damage.

D. An employee shall submit a written request to the department director, including a description of the item in question, description of the manner, place and time, if known, that the loss or damage occurred, a statement of the cost of the item and some form of proof of ownership of the item (e.g. receipt, etc.) if possible.

E. If, in the opinion of the department, the request is justified, a Request for Payment form, along with any relevant information, will be submitted to the Finance Department for review, approval and processing.

6-22 Suggestion Awards Plan

All employees are encouraged to participate in the Suggestion Awards Plan for the purpose of developing creative and beneficial ideas which may lead to increased job interest, efficiency, cost savings and improved City operations. Suggestions should be submitted to the employee's department director who will evaluate the suggestion and, if appropriate, forward it to the Employee Recognition Committee. Suggestions will be periodically evaluated, with lump sum cash payment awards made in recognition of those suggestions adopted and implemented. Factors considered in selecting award winning suggestions will include the degree or nature of the benefit, extent of application, cost of adopting the suggestion versus the cost savings, ingenuity of the suggestion, effort involved and completeness of the proposal. Decisions of the Employee Recognition Committee concerning suggestion awards will be forwarded to the Human Resources Director for final approval.

6-23 Service Awards

Employees shall become eligible for service awards after specified years of employment. Additional information on service awards may be obtained from the Human Resources Department.
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**6-24 Pension Plans**

All full-time City employees who meet established membership requirements shall participate in a pension plan for which they are eligible. Details concerning the various City pension plans may be obtained from the Benefits Division of the Human Resources Department.

**6-25 Retirement**

A. Eligibility for retirement based upon age, length of service or disability is set forth in the regulations governing the City's retirement systems.

B. An employee is requested to provide the department with written notice of intent to retire from City employment no earlier than ninety (90) calendar days or later than thirty (30) calendar days prior to the effective date of the retirement. An employee shall be required to file a written application for payment of retirement benefits with the Benefits Division and may request and receive counseling to assist them in preparing for retirement.

C. The retirement systems for uniformed Fire and Police personnel are covered under separate programs.

For further information about retirement, contact the Benefits Administration Division.

**6-26 Reemployment Assistance (Formerly Unemployment Compensation)**

The City of St. Petersburg is currently registered as an employer with the State of Florida. Former employees who file a claim for reemployment assistance and are determined qualified under the Florida Reemployment Assistance Program Law may be eligible to receive reemployment assistance benefits. Any forms or correspondence concerning reemployment assistance received by a department are to be forwarded immediately to the Human Resources Department for processing.
Section 7

7-1 Purpose

The City anticipates that its employees will conduct themselves appropriately, both on and off the job. As a service entity, we must treat our customers in a courteous and respectful manner at all times and our conduct must be consistent with the City's mission statement and values.

We recognize, however, that there will be instances when employees may act in a manner that is not consistent with the City's and the Department's expectations as described in both the City's Code of Conduct and individual department rules and policies. To address these situations, a disciplinary process has been developed to enable supervisors to resolve issues related to unacceptable performance and misconduct. The City's goals in establishing such a process are both to ensure that employees understand the potential consequences of inappropriate behavior and to assist them in recognizing the severity of such consequences, with the hope that disciplinary sanctions, if required, will encourage the individual to personally resolve whatever concerns exist with respect to either inadequate performance or personal misconduct.

7-2 Policy

A. It is the policy of the City that discipline should be used to encourage appropriate standards of behavior and promote proper employee conduct. When circumstances permit, department directors are to pursue a philosophy of "progressive discipline" whereby employees receive increasingly severe levels of discipline for each successive instance of related misconduct. This will provide an employee an opportunity to modify and correct the behavior and/or work deficiencies.

B. Informal Counseling

1. Depending upon the circumstances of the case, a supervisor may choose to use informal counseling rather than formal disciplinary action to advise an employee of work deficiencies and/or misconduct.

2. It is recommended that appropriate notes or other records concerning the time and nature of an informal counseling session be maintained by the supervisor within the department to document the substance of the counseling and expected improvement.

C. The City's Code of Conduct provides that certain offenses are of such a serious nature that the use of progressive discipline is generally not advisable, and that immediate termination from employment is recommended upon the first offense. Termination from employment is also a necessary action when progressive discipline has failed to achieve satisfactory improvement in an employee's conduct and/or job performance.
7-3 Disciplinary Actions

A. Management should inform an employee promptly and specifically whenever performance, work habits or personal conduct fall below an acceptable level. In coordination with the concerned department director, it is the responsibility of the employee's supervisor to investigate the facts and evaluate the evidence of misconduct or work deficiency. In most cases, an investigation should include discussing the matter with the employee(s) involved. A decision to administer a disciplinary action of any kind should be based upon a complete review of relevant facts.

B. Disciplinary actions include:

1. Written Reprimand
   a. The employee's immediate supervisor or other management employee initiates an Employee Notice with the approval of the concerned department director or designee.
   b. To document a written reprimand, an Employee Notice form shall be issued specifically defining the nature of the infraction under either the Code of Conduct, Rules and Regulations, and/or the appropriate departmental rule(s). The Employee Notice form should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, and any rules violated. The consequence of continued misconduct or unacceptable performance should also be noted in the section addressing improvement plan and expectations or final remarks.

2. Suspension
   a. An employee may be suspended by management for reasons provided either in the Code of Conduct, Rules and Regulations, and/or the appropriate departmental rules. Suspensions may be for a variable number of work days as determined by management based upon the nature, severity and/or number of occurrences of misconduct committed. Suspensions may be for greater than, or less than, the number of days recommended in the groups of offenses in the Code of Conduct. Suspensions of more than one (1) shift shall be issued on a consecutive workday basis. Suspension for two (2) or more offenses shall be cumulative and shall not be served concurrently. Suspension days should be scheduled without undue delay. An employee on suspension shall not be eligible to work overtime during the payroll period in which the suspension is served unless such restriction is waived by the concerned department director to meet unusual operational needs.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

In situations where the department determines a suspension is not the best course of action (e.g., the problem is attendance-related), the suspension may be waived or in the alternative, restitution or suspension of privileges may be imposed, but any variations from a suspension must be approved in advance by the Labor Relations Manager. A waived suspension or alternative discipline should be noted on the Employee Notice.

b. A suspension shall be documented with an Employee Notice form. The total number of consecutive workdays, including the beginning and ending dates of the suspension, shall be listed in the remarks section of the Employee Notice form.

3. Demotion

a. In some situations, an employee's conduct may be of such a nature that the appropriate course of action is to demote the employee. It is within management's discretion to determine when a demotion, as opposed to termination, is appropriate.

b. An Employee Notice form shall document the demotion. The effective date of the demotion and the position to which the employee is being demoted shall be listed in the remarks section of the Employee Notice.

C. Due Process in Disciplinary Action

1. Classified employees are entitled to due process prior to significant disciplinary action. A significant disciplinary action is defined as any formal discipline wherein the penalty imposed is more severe than a suspension without pay of two (2) work days, or one (1) shift in the Fire Department. The department director, or designee, is responsible for providing pre-disciplinary due process in those cases when it is required. This consists of the following:

a. The employee must be given effective notice of the charges which may include, but is not limited to, verbally informing the employee about the charges being considered by management or in writing by giving the employee an unsigned draft of the Employee Notice that lists the Code of Conduct violations and describes the misconduct. The employee should be provided sufficient time to review the charges and the evidence before the employee responds. If the charges and evidence are straightforward and relatively simple, one (1) hour or two (2) hours should be ample time for this review. If the charges and evidence are more complex, or the evidence consists of lengthy written information, such as an investigative report, the employee may be granted as much as a day for this review.
b. The employee must be given evidence pertaining to each of the charges. If, for example, management is contemplating charging the employee with more than one Code of Conduct violation, then the employee should be informed about the evidence supporting each particular charge.

c. The employee must be given the opportunity to explain the employee’s side of the story and rebut the charges through a meeting with the employee prior to taking any disciplinary action. If requested, the employee will be allowed to have a representative present at the meeting. The representative is there only to observe and to provide advice to the employee and is not permitted to argue the employee's case, to make the employee's statements, to answer questions for the employee, nor to challenge the questions asked of the employee.

d. In certain circumstances pre-disciplinary due process is not possible. If management has reason to believe the employee may be a threat to themselves, other employees, or the public, then the employee may be removed from the worksite immediately. Also, if the employee is not available due to absence or for some other reason, the department should attempt to contact the employee to give the employee the opportunity for the due process meeting as set forth above. If management is not able to provide a pre-disciplinary hearing to an employee due to these circumstances, the employee will still have access to post-disciplinary due process procedures (i.e., grievance procedures), which will satisfy any due process requirements in these circumstances.

D. Professional and Supervisory Employees

Classified service non-union employees who hold professional and/or supervisory positions will not be disciplined using the same progressive discipline system. Rather, the following procedures shall apply:

1. Informal Counseling

Depending upon the circumstances of the case, a professional or supervisory employee whose performance or conduct is not acceptable may be informally counseled when a problem is first noted. Appropriate notes concerning the time and nature of informal counseling and expected improvement shall be retained by the supervisor.

2. Written Reprimand

Using the Employee Notice form, a professional or supervisory employee will be put on notice that performance or conduct is not acceptable. Such notice will include a description of the problem and will reference the
applicable Code of Conduct rule(s) contained in Section 7-5 or the applicable departmental rule.

For problems which are defined as Group I level offenses, professional and supervisory employees should receive at least two (2) employee notices before termination is considered. For Group II level offenses, professional and supervisory employees should receive at least one (1) Employee Notice before termination is considered. Serious infractions, defined as Group III offenses, may result in termination of employment for the first offense. These guidelines are a guide only; each case must be considered on its own merits. In cases where the misconduct is less than a Group III offense, an Employee Notice should normally include warning when termination of employment will be the next step if improvement in performance does not occur or further misconduct occurs.

If the department director or designee determines that termination of employment is warranted, the termination notice shall be reviewed by the Human Resources Director or designee prior to issuance, and the employee shall be given an opportunity for a pre-termination hearing using the due process procedures described in Section 7-3(C).

Demotion may be considered as an option in lieu of termination.

7-4 Application of Disciplinary Measures

A. Employees are expected to abide by the City Code of Conduct and all established departmental policies, and may be disciplined for violation of either City or departmental rules and regulations.

B. In recognition of the fact that employee disciplinary and work records differ, and that each instance of misconduct may vary in some respects from similar actions, the City retains the right to treat each disciplinary occurrence on an individual basis without creating a precedent for resolving other cases of misconduct which may arise in the future.

C. Every possible act of misconduct cannot be specifically identified in the Rules and Regulations. As such, Code of Conduct offenses are to be interpreted broadly. Explanations more closely describing the specific act of misconduct may be provided by the department director. Illustrative examples given in any rule are not intended to restrict the regulation, and do not limit the general application of the rule. If a specific instance of misconduct is not appropriately represented by an established rule in the Code of Conduct, the department director may describe the misconduct and take appropriate disciplinary action. The disciplinary procedures are not to be construed as a limitation upon the retained management rights of the City, but are considered guidance to assist management in the determination of an appropriate type and level of discipline to administer.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

D. An employee shall be given documented notice of the misconduct or work deficiencies which should include notice of the consequences of further misconduct or deficiencies, or the lack of immediate corrective action. The department is responsible for informing the employee of any grievance and appeal rights by so noting on the Employee Notice form. Documentation of all formal disciplinary actions shall be included in the employee's official personnel record in the Human Resources Department.

E. The employee's signature is requested on the form to acknowledge receipt, and does not indicate agreement with the provisions of the disciplinary action. If the employee refuses to sign, it should be so indicated by management on the form in the area reserved for the employee's signature.

F. When imposing disciplinary measures on a current charge, supervisors will not take into consideration prior infractions of the City or departmental rules and regulations which occurred more than eighteen (18) months previously. However, within the context of progressive discipline, the final action of dismissal from employment cannot be considered corrective or rehabilitative in nature since the employment relationship is terminated. In such instances where progressive discipline has failed to achieve an employee's compliance with expected standards of behavior, and a decision to dismiss the employee is under consideration, it is appropriate to review the employee’s entire employment record with the City.

G. An employee may be dismissed as a chronic offender of the Code of Conduct or departmental rules when the employee has been issued three (3) disciplinary actions for the same or related misconduct resulting in an Employee Notice within an eighteen (18)-month period or four (4) disciplinary actions for unrelated acts of misconduct resulting in an Employee Notice within an eighteen (18)-month period. The eighteen (18)-month period will begin and continue on a rolling cycle from the date of the Employee Notice (“Date of the Report”) to the time the next misconduct occurs (“Date and Time of Misconduct”). If the misconduct occurs within that eighteen (18)-month period, but management does not learn of the misconduct until a later date, the chronic offender principle shall still apply if the date of the first Employee Notice is within eighteen (18) months of the subsequent misconduct, regardless of when management learned of the misconduct and/or regardless of when the subsequent Employee Notice is issued. For example, an employee who committed a Group I offense which falls within the work-related category would receive an Employee Notice for the first offense, an Employee Notice and a two (2)-day suspension for the second offense and could be terminated for the third offense, presuming all three (3) infractions fell within an eighteen (18)-month period. Likewise, an employee who committed a work-related offense, then an attendance-related offense, then another work-related offense would not be terminated for the third offense, but could be terminated for the fourth offense if within the eighteen (18)-month time frame.

H. As a uniform guideline, these procedures provide recommended progressive disciplinary actions for continued misconduct of the same or generally related
nature; however, the recommended disciplinary action may be modified by management, including either lesser or more severe discipline, when extenuating circumstances are found to exist. Additionally, the recommended guideline for progressive action is based on violation of a single rule. When an employee has violated more than one (1) rule, more severe discipline may be taken.

I. An employee may also be placed on administrative leave, either paid or unpaid, during an investigation into violations of the Code of Conduct and/or for purposes of removing the employee from the workplace for the benefit of the employee, co-workers and/or general public while a determination regarding disciplinary action is being considered.

7-5 Code of Conduct

A. For purposes of this Code of Conduct, offenses are grouped into one (1) of three (3) general categories:

1. Attendance-Related Misconduct

   Attendance-related offenses generally refer to absenteeism, tardiness, and all other activities resulting in time away from the employee’s assigned work location. The standards of three (3) times in thirty (30) days or six (6) times in ninety (90) days are provided as guidance, and different departmental guidelines such as in the Police and Fire Departments may take precedence. An employee who continually demonstrates a pattern of absenteeism wherein the number of instances is repeatedly just under this threshold will be deemed in violation of the Code of Conduct rule for excessive or chronic absenteeism or tardiness even though the employee has not met the exact numbers given as guidance in the Code of Conduct. This policy shall also apply in cases where an employee fails to heed the warnings issued by management and subsequent to receiving formal discipline repeats similar attendance-related misconduct within a period of time that is less than the three (3) times in thirty (30) days or six (6) times in ninety (90) days from the date on which formal discipline was issued.

2. Work-Related Misconduct

   Work-related offenses generally refer to neglect of work, mistakes, accidents, and all other activities affecting productivity or job performance.

3. Miscellaneous Misconduct

   All other improper activities may be grouped into a category entitled miscellaneous misconduct. Under the miscellaneous misconduct category, progressive discipline should typically not be applied when an employee commits offenses of a totally unrelated nature.
B. For classified service employees in positions other than professional and/or supervisory, an appropriate level of discipline for related violations of offenses in separate groups (Group I, II and III) shall be determined upon considering the employee's disciplinary record and the circumstances of the employee's current misconduct on a case by case basis. Progressive discipline is applicable for repeat misconduct of the same or of a related nature.

C. Even though any misconduct disrupts the efficient and effective operation of the City and cannot be tolerated, some misconduct is more serious and warrants a more severe level of discipline. The Code of Conduct lists three groups of offenses based upon the overall seriousness and significance of the misconduct. The City has established recommended disciplinary actions for the first, second or third violations of the same or generally similar offense in any particular group. In each group and for each rule, the degree of discipline may vary in consideration of numerous factors which include, but are not limited to, the following areas:

- the nature and seriousness of the misconduct;
- prior warnings and disciplinary actions for offenses of the same or generally similar nature;
- the number of rules violated;
- the employee's length and quality of City employment;
- time intervals between offenses;
- the effectiveness of prior disciplinary actions;
- a demonstrated willingness to improve;
- the employee’s overall work performance; and
- disciplinary actions previously administered to other departmental employees with comparable records for the same or similar offenses.
D. Groups of Offenses

GROUP I OFFENSES AND RECOMMENDED DISCIPLINARY ACTION

FIRST VIOLATION - WRITTEN WARNING (Documented on Employee Notice)
SECOND VIOLATION - EMPLOYEE NOTICE AND A TWO (2) WORK DAY SUSPENSION
THIRD VIOLATION - DISMISSAL*
FOURTH VIOLATION - DISMISSAL**

*Dismissal is recommended if all three (3) infractions are related; i.e., the three (3) infractions are all either work-related or attendance-related offenses. Otherwise, a five (5) day suspension is recommended.

**Dismissal is recommended for the fourth (4th) violation, regardless of whether the infractions are related or not.

WORK-RELATED MISCONDUCT

1. Operating, using, or possessing tools, equipment, or machines to which the employee has not been assigned or performing other than assigned work.
2. Washing up or changing clothes during working hours without specific permission of the supervisor.
3. Productivity or workmanship not up to required standards of performance.
4. Mistake due to carelessness or negligence, incompetence, inefficiency, or engaging in otherwise unprofessional behavior within the Group I level for overall seriousness, nature and significance of the misconduct.
5. Violating a safety rule, including a violation of civil law or ordinance, or otherwise engaging in an unsafe practice.
6. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.
7. Creating or contributing to unsafe and unsanitary workplace conditions, poor personal hygiene, or poor housekeeping in the work area.
8. Conducting personal business during working hours.
9. Failure to properly wear a complete City uniform as provided by the employee's department, or to display proper City identification as required by departmental rules.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

10. Reporting for work or working while unfit for duty, either mentally or physically.

ATTENDANCE-RELATED MISCONDUCT

11. Failure to make a proper leave request or call-off or failure to properly report a late arrival at work to the supervisor or other designated departmental representative within the time required by departmental policy.

12. Taking more than specified time for meals or rest periods.

13. Habitual failure to punch own time card. (Guide: three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period; see section 7-5, A.1.)

14. Tardiness. (Guide: three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period; see section 7-5, A.1.)

15. Chronic absenteeism. (Guide: Three (3) times in any thirty (30) calendar day period, or six (6) times in any ninety (90) calendar day period; see section 7-5, A.1.)

MISCELLANEOUS MISCONDUCT

16. Failure to file and/or keep current the required Request for Outside Employment Form.

17. Failure to pay just debts due or failure to make reasonable provision for future payment of such debts.

18. Failure to report immediately to the department director the loss of a City identification card.

19. Failure to keep the department notified of current address and if any, telephone number.

20. Unauthorized posting or removal of any matter on City bulletin boards or City property at any time.

21. Violation of a City or departmental rule which is considered within the Group I level for overall seriousness, nature and significance of the misconduct. (The department director or designee has the authority to determine whether this violation shall be reported on the Employee Notice as Work-Related, Attendance-Related or Miscellaneous misconduct).
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

GROUP II OFFENSES AND RECOMMENDED DISCIPLINARY ACTION

FIRST VIOLATION - EMPLOYEE NOTICE AND A TWO (2) WORK DAY SUSPENSION

SECOND VIOLATION - DISMISSAL

WORK-RELATED MISCONDUCT

1. Discourtesy to persons with whom the employee comes in contact while in the performance of duties.

2. Provoking or instigating a fight during the work day, including during breaks and meal periods, or any time on City property.

3. Sleeping during working hours unless otherwise provided as in the Fire service.

4. A criminal arrest, notice to appear, charge, or conviction for off-duty possession or sale of illegal drugs or drug paraphernalia at a misdemeanor level. (Note that when said off-duty possession directly impacts an employee's job or certification for the job, the employee may be terminated for the first offense.)

5. Negligence, incompetence, or inefficiency in the performance of duties, or engaging in otherwise unprofessional behavior which is within the Group II level for overall seriousness, nature and significance including any negligence or omission in complying with the Code of Ethics.

6. Participating in pyramid/chain letter organizations, gambling, or engaging in games of chance during working hours.

7. Carelessness which results in the following: a) an injury; b) $4,000 or higher in damage or financial liability connected to the operation of a motor vehicle; or c) $1,000 or higher in damage to or financial liability for all other materials, equipment, tools, or property not connected to the operation of a motor vehicle.

8. Unauthorized distribution of written or printed matter of any description on City premises.

9. Failure to report to Risk Management and/or the Legal Department the receipt of a request for information or subpoena from an attorney, law firm, or court of law in connection with City-related business.

10. Unauthorized vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises.

11. Use or possession of another employee's tools or equipment without the employee's consent, including removing property belonging to or assigned to another from that employee's work area without the employee’s consent.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

12. Failure to report in a timely manner, according to applicable City or Department rules and/or policies, an accident or personal injury in which the employee was involved while on the job.

13. Unauthorized use of City vehicles, equipment, or supplies.

14. Driving a motor vehicle while on duty without a valid State of Florida driver's license appropriate for the type of vehicle operated.

15. Failure to report the loss or suspension of a driver's license or any other license required by the City for the job.

16. Disregarding job duties by neglecting or quitting work, loafing, wasting time, loitering, or temporarily leaving assigned work area during working hours without permission.

17. Reporting to work while under the influence of alcohol or illegal drugs; includes testing positive for misdemeanor level illegal substances.

18. Possession of intoxicating beverages while on duty, including during breaks and/or meal periods.

**ATTENDANCE-RELATED MISCONDUCT**

19. Abuse of annual leave or illness leave privileges.

20. Absent without permission or leave (AWOL).

21. Leaving the job site during regular working hours without permission.

22. Missing a mandatory work-related meeting or appointment, including but not limited to, missing a court or other litigation-related appearance.

**MISCELLANEOUS MISCONDUCT**

23. Unauthorized use of City telephones for charging personal long distance, cell phone, or toll calls to the City.

24. Violation of a City or departmental rule which is considered within the Group II level for overall seriousness, nature and significance of the misconduct. (The department director or designee has the authority to determine whether this violation shall be reported on the Employee Notice as Work-Related, Attendance-Related or Miscellaneous misconduct).
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

GROUP III OFFENSES AND RECOMMENDED DISCIPLINARY ACTION

FIRST VIOLATION - DISMISSAL

WORK-RELATED MISCONDUCT

1. Serious neglect, incompetence, or inefficiency in the performance of assigned duties.

2. Deliberately misusing, destroying, damaging, or causing to be damaged any City property or property of any employee.

3. Falsification, including making false claims, misrepresentations, or omissions, of personnel or other City records including employment applications, criminal history information, medical examination forms, accident records, insurance records, leave records, work records, purchase orders, time sheets, or any other report, record, or application.

4. Making false claims, misrepresentations, or omissions in an attempt to obtain accident benefits, workers' compensation, health insurance or other benefits; to hide or avoid work-related misconduct, or for other personal gain; or failure to repay, in a timely manner, overpayments for which one is not entitled.

5. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions of the supervisory force; which may include the use of abusive language or aggressive behavior directed toward a supervisor.

6. The consumption of alcohol while on duty including break and/or while on lunch periods.

7. The possession or use of illegal controlled substances while on duty including breaks and/or while on lunch periods; includes testing positive for felony level illegal substances and/or testing positive a second time during an employee’s tenure for any substance.

8. A criminal arrest, notice to appear, charge, or conviction for off-duty possession or sale of illegal drugs or drug paraphernalia at a felony level.

9. Receipt from any person of a fee, gift, or other valuable thing in the course of work when the recipient knows or reasonably should know that such fee, gift, or other valuable thing is given or accepted in the hope or expectation of receiving more favorable treatment than is accorded other persons; or any violation of the Code of Ethics.

10. Deliberately hitting, shoving, striking, or physically abusing any person at any time, except in self-defense.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

11. Knowingly concealing a communicable disease as defined by the Florida Administrative Code Chapter 64D-3 and/or failing to comply with a standard of care recommended by the employee’s medical provider when such failure may endanger the health of other employees or the public.

12. Concerted curtailment or 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, sit-down, stand-in, slowdown, sick-out, refusal to return to work at the assigned time for the scheduled shift, or participation in a strike or any concerted activity against the City as defined in Florida Statutes.

13. Participation in prohibited political activity in violation of Florida Statutes.

14. Failure to obtain and/or maintain licenses, certifications, or other qualifications required for an employee's job.

15. Threatening, intimidating, or coercing fellow employees, supervisors, or the public at any time, including the use of abusive, foul, or obscene language.

16. Publishing or uttering false or malicious statements concerning any employee, the City or its operations, or making accusations against any employee when the offending employee knows or reasonably should know the statements or accusations are false or malicious.

17. Refusal to attend or give testimony in City related investigations or during other administrative processes including, but not limited to, refusing to attend or testify at grievance or appeal hearings when subpoenaed or directed to attend.

ATTENDANCE-RELATED MISCONDUCT

18. Knowingly punching the time card of another employee, having one's time card punched by another employee, or unauthorized altering of a time card or related payroll records.

19. Being absent from duty for a period of two (2) consecutive working days without proper authorization.

20. Failure to return from an authorized leave of absence within two (2) working days from scheduled date of return.

21. Where the operations are continuous, leaving the assigned post at the end of the scheduled shift prior to being relieved by the supervisor or the relieving employee on the incoming shift.
SECTION 7: CODE OF CONDUCT AND DISCIPLINARY PROVISIONS

MISCELLANEOUS MISCONDUCT

22. Unauthorized possession or use of firearms, explosives, or weapons as defined in Section 5 of these Rules and Regulations while on City property.

23. Permitting another person to use your City identification card, or using another person's identification card, or altering a City identification card.

24. Use or attempted use of political influence or bribery to secure an advantage of any manner, including the use of real or perceived City authority to obtain any personal benefit or advantage.

25. Theft or removal from City locations without proper authorization any City property or property of any employee.

26. Unlawful or improper conduct either on or off the job, which an employee knows or reasonably should know could negatively affect the employee's relationship to the job, fellow workers, reputation, or goodwill in the community.

27. Conviction or guilt of a felony or a misdemeanor of the first or second degree as defined by Florida Statutes, or federal criminal law, or any violation of a City rule, policy and/or ordinance involving moral turpitude, irrespective of the initiation or results of a criminal proceeding(s), while either on or off the job.

28. Harassing, discriminatory, or inappropriate behavior of a verbal and/or physical nature which denigrates or shows hostility or aversion toward an individual or group as outlined in Section 10 of the Rules and Regulations regardless of whether or not the behavior was intended to harm or otherwise offend anyone. This behavior can manifest in various ways including, but not limited to, slurs; epithets; jokes; negative stereotyping; labeling or calling names; or displays of written or graphic material such as photographs or cartoons.

29. Failure to notify the City of any criminal arrest, notice to appear, charge, or conviction within five (5) calendar days of such events regardless of whether or not the employee was taken into custody by law enforcement personnel.

30. Chronic offender of the Code of Conduct. (Guide: three (3) violations of any departmental or City rule or regulation which are all of one type, either work-related or attendance-related, or four (4) violations of any type, which occur within an eighteen (18)-month period and result in an Employee Notice being issued.)

31. Violation of a City or departmental rule which is considered within the Group III level for overall seriousness, nature, and significance of the misconduct. (The department director or designee has the authority to determine whether this violation shall be reported on the Employee Notice as Work-Related, Attendance-Related or Miscellaneous misconduct).
Section 8

8-1 Policy

A. The City grievance and appeal procedures are established to provide the opportunity for full-time classified employees to present a grievance and seek resolution of the subject matter of the grievance. Both supervisors and employees are encouraged to make every reasonable effort to resolve grievances on an informal basis. The formal grievance and appeal procedures are established in recognition that there will be grievances which may only be resolved after an appeal and review.

B. Only full-time classified employees may utilize the formal grievance and appeal procedure. Grievances involving termination of employment, suspension in excess of fifteen (15) calendar days, or involuntary demotion for discipline may be appealed by filing directly with the Civil Service Board or through the appeal procedure provided within an applicable labor agreement in a timely manner (see Section 8-7).

C. Classified employees who are in classifications represented by a labor agreement may utilize either the negotiated grievance procedure or the City grievance procedure, but not both.

D. Non-disciplinary grievances involving the interpretation or application of an applicable labor agreement shall be filed utilizing the grievance procedure contained in the appropriate labor agreement.

E. Exempt employees may informally discuss problems or concerns with their supervisors up to and including the department director.

F. Complaints concerning discrimination or sexual harassment are to be referred to the Human Resources Department for investigation. Appendix "A" to this section includes copies of the grievance forms used in the City's appeal procedures.

8-2 Grievance Definition

A grievance is defined as a complaint of an adverse action taken against a classified employee as a result of management interpretation or application of the Rules and Regulations of the City and/or various departmental rules or regulations which results in the issuance of an Employee Notice.

8-3 General Provisions

A. Procedures under the grievance process are specifically intended to be informal to allow an employee to tell his or her side of the story without need of a representative. However, an employee shall have the right to be represented by any person or legal counsel at the employee’s expense. A grievant, and a City employee who represents a grievant, shall be granted a reasonable amount of time to process
SECTION 8: GRIEVANCE AND APPEAL PROCEDURES

a grievance without loss of pay. Grievance forms shall be made available in the administrative office of each department.

B. A reasonable number of City witnesses with direct knowledge of the grievance may voluntarily testify on behalf of a grievant at a grievance hearing and suffer no loss of regular pay. The number of grievant witnesses shall generally be limited to four (4) with direct knowledge of the grievance. Requests for appearance of witnesses shall be submitted at the time of filing the grievance form at each step.

C. A grievance not submitted within the time limits as prescribed for each step shall be considered untimely and null and void. A grievance not appealed to the next step within the prescribed time limits shall be considered settled on the basis of the recommended resolution provided at the prior step. A grievance not implemented or answered by management within the prescribed time limits shall entitle the employee to appeal the grievance to the next step in the procedure.

D. The specified time limits for grievance appeals and responses may be extended as necessary by management for reasons such as illness, vacations, business trips, emergencies, or other unusual circumstances. If the time limits are extended, the grievant shall be so advised.

E. A response time limit which would fall on an employee's day off shall be automatically extended to the employee's next following scheduled workday. If a grievant's appeal time falls on a day off, the appeal shall be filed on the next following scheduled workday. A suspension day shall count the same as a duty day for time frame purposes.

F. Employees are expected to follow all lawful written and verbal directives of supervisors and management. Compliance with such directives will not in any way prejudice the employee's right to file a grievance within the specified time limits nor shall compliance affect the ultimate resolution of the grievance. No employee or group of employees may refuse to follow directions of the supervisory force pending the outcome of a grievance. Failure to follow orders is grounds for a charge of insubordination and may result in disciplinary action or dismissal.

G. Witnesses who are City employees shall be paid in accordance with Section 6-11 of these Rules and Regulations.

H. For the purpose of this grievance procedure, the working day shall be defined as the normal City office work shift, Monday through Friday.

8-4 Step Grievance Procedure

A. Informal Grievance Step

Within seven (7) calendar days from the occurrence of the incident from which the grievance arose, the employee may explain and discuss the grievance orally with the immediate supervisor. In an effort to achieve a prompt and satisfactory adjustment, the immediate supervisor shall, within four (4) calendar days of the
initial discussion with the employee, make a decision in an attempt to resolve the grievance, and verbally notify the employee.

B. Formal Grievance and Appeal Procedures

1. STEP I - Department Director Meeting
   a. Within fifteen (15) calendar days after the occurrence of the incident from which the grievance arose, or within five (5) calendar days of receipt of the informal answer, whichever is least, the employee may submit a written grievance to the department director on the appropriate Step I City Grievance Procedure form [See Appendix "A" to this Section.] The department director, or designee, will schedule and hold a meeting with the employee within fifteen (15) calendar days after receipt of the grievance form to discuss and seek a resolution of the grievance.

   b. The department director or designee shall give their written answer to the employee within five (5) calendar days after the meeting.

   c. A sworn Police Department employee who is covered under the Law Enforcement and Correctional Officer Bill of Rights may choose to have a Complaint Review Board if the original complaint was initiated by a person(s) outside of the Police Department. A City procedure grievance, if subsequently filed, shall be filed directly at the Step II level within five (5) calendar days after receipt of the final department decision.

2. STEP II - Labor Relations
   a. If the grievance is not resolved by the decision of the department director or designee, the employee may appeal to the Labor Relations Manager within five (5) calendar days of receipt of the department director's written answer in Step I utilizing the appropriate Step II City Grievance Procedure form. [See Appendix "A" to this Section.] This appeal shall be forwarded to the Labor Relations Manager, City of St. Petersburg, Human Resources Department, P.O. Box 2842, St. Petersburg, FL 33731, or the appeal may be personally delivered to the Labor Relations Division of the Human Resources Department.

   b. Upon receipt of an appeal, the Labor Relations Manager, or designee, will schedule a hearing to be held within fifteen (15) calendar days. At the hearing of such appeals, technical rules of evidence shall not apply.

   c. The employee and concerned department director will be notified in writing of the recommendation of the Labor Relations Hearing Officer within fifteen (15) calendar days after the hearing.
d. If the hearing officer recommends a course of action different than that already taken by the department, the department director shall notify the grievant and the hearing officer within seven (7) calendar days after receipt of the recommendation, whether the director accepts or rejects the recommendation.

e. If the grievance is not resolved at Step 2, either the employee or the department director may request within five (5) calendar days after notification of the department director's decision (if applicable per paragraph d. above) or within ten (10) calendar days of the Labor Relations Hearing Officer’s response, whichever is later, that the City Administrator or designee review the record in regard to the grievance. Any such request for review shall be forwarded to the Labor Relations Manager for processing.

f. The City Administrator, or designee, will weigh information relevant to the grievance along with the advisory opinion and recommendation of the Labor Relations Hearing Officer. Within fifteen (15) calendar days thereafter, the City Administrator, or designee, will notify the employee and the concerned department director of the decision. The City Administrator’s decision is final and binding.

8-5 Grievance and Appeal Records Retention and Disposition

A. Upon receipt, a copy of all City grievance forms filed shall be forwarded to the Labor Relations Division of the Human Resources Department. A copy of the department director's answer to the grievance at Step I will also be forwarded to the Labor Relations Manager.

B. The grievance records, notes, correspondence, recommendations and actions shall be maintained in the Labor Relations Division of the Human Resources Department.

C. Grievance files shall be maintained by the Labor Relations Division of the Human Resources Department and the concerned department separately from the employee's personnel file.

D. In cases when a decision to modify any disciplinary action is made prior to the final step of any of the grievance procedures, a copy of the decision must be sent to the Labor Relations Division. The Labor Relations representative will coordinate with the department, Employee Records and Payroll to ensure the employee's official personnel file contains the correct information and to initiate the payment of any applicable back pay.

8-6 Exceptions from the Step Grievance Procedure

A. Grievances concerning dismissals, involuntary demotions and suspensions in excess of fifteen (15) calendar days shall be filed with the Secretary of the Civil
Service Board within fifteen (15) calendar days of notification of management's action in accordance with Section 8-7.

B. Grievances concerning alleged discrimination shall be processed by the Human Resources Department.

C. A grievance will be considered to be inappropriately filed whenever the Rules and Regulations provide for an alternative procedure. In addition, grievances filed concerning increases or reductions in the work force, promotional examinations and appointments, certification lists, classification or reclassification of positions, job description content, performance evaluations, merit increases and other matters that are within the scope of management responsibilities for the organization and operations of City government shall be inappropriate for grievance processing.

D. Exceptions from the step grievance procedure shall not be construed to deny or in any manner diminish an employee's recourse to other remedies available through legal action.

8-7 Civil Service Board

A. Structure

The Civil Service Board is composed of citizens appointed by the City Council. No person shall be appointed to the Board who holds any salaried office or employment in the City government nor shall any member be eligible for municipal employment while serving on the Board.

B. Duties

It shall be the duty of the Civil Service Board to hear and review grievances submitted by classified employees resulting from employer action of involuntary demotion (except those which are the result of a layoff situation), termination of employment or suspension in excess of fifteen (15) calendar days. The Civil Service Board will meet within a reasonable period of time and continue until a decision has been rendered on the grievance. During such review, the grievant and the department shall have the right to be heard publicly, be represented, and to present evidence. The concerned department director, or designee, shall be present at the hearing to give the department position and/or to assist counsel during the presentation. At the hearing of such grievances, technical rules of evidence shall not apply. The Board shall, within seven (7) calendar days of the conclusion of the hearing, forward its decision to the grievant, the department, and the Mayor.

C. Authority

1. The Board shall have the power to administer oaths, issue subpoenas, receive relevant evidence, compel the production of books and records, including transcripts relevant to the hearing, and question witnesses.
SECTION 8: GRIEVANCE AND APPEAL PROCEDURES

2. The Board is a fact finding body whose purpose is to review each case to determine if just cause existed with respect to the action taken by management. If cause is found by the Board, then the disciplinary action imposed by management will be upheld. The Board does not have the authority to modify the action imposed.

3. Decisions of the Board shall be final and binding on the City to implement within fifteen (15) calendar days after receiving the written decision of the Civil Service Board.

D. Appeal Procedures

1. Grievances may be filed with the Civil Service Board by submitting a letter requesting a hearing, addressed to the Secretary of the Civil Service Board, Human Resources Department, City of St. Petersburg, P. O. Box 2842, St. Petersburg, FL 33731. Grievances must be filed with the Secretary of the Civil Service Board within fifteen (15) calendar days from the date on which the employee received notification of management's action. Upon receipt of a grievance, the Secretary of the Civil Service Board shall schedule a hearing. At the employee's request, and at the discretion of the Board, a hearing that has previously been scheduled may be rescheduled due to unusual circumstances. A continuance will not be granted beyond six (6) months from the date the original appeal was filed except for highly unusual circumstances such as a medical emergency. In the event a hearing is rescheduled at the grievant's request and the grievant is subsequently reinstated as a result of the hearing, the City shall only be liable for any back pay, if applicable, from the day following the grievant's termination of employment to the day the hearing was originally scheduled.

2. Requests for subpoenas must be submitted in writing to the Secretary of the Civil Service Board at least ten (10) calendar days prior to a hearing. Six (6) witness subpoenas will be issued without charge to the grievant. The grievant may subpoena in excess of six (6) witnesses at the grievant's expense. The grievant is responsible for serving subpoenas to any individuals not in the City's employ. When it is necessary to subpoena witnesses, the subpoena will be processed by the Acting Secretary of the Board.

3. Evidence introduced at Civil Service Board hearings shall be preserved and the records and files shall be maintained by the Secretary.
SECTION 9: CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES

Section 9

9-1 General

City employees and officers must act in a completely trustworthy manner and avoid even the appearance of a conflict of interest if they are to gain and keep public confidence. In addition, Florida Statutes Section 112.313 establishes a mandatory Code of Conduct for public employees and officers. Employees should contact the Legal Department if they have any questions whatsoever about the propriety of any contemplated action prior to such action being undertaken.

9-2 Policy

A. No City officer or employee shall solicit or accept anything of value to the recipient such as a gift (including holiday gifts), favors, loans, rewards, promises of future employment, preferred service, benefit, or concession that would reasonably tend to improperly influence the employee in the discharge of their official duties or give the appearance of improperly influencing the employee.

B. No City officer or employee shall use or attempt to use their position, or any property or resource under their care or trust, or perform their duties to secure special privileges, benefits, or exemptions for themselves or others, except as may be provided by policy and/or law.

C. No City officer or employee shall accept employment or engage in any business or professional activity which the employee might reasonably expect would require or induce the employee to disclose confidential information acquired by the employee by reason of their official position.

D. No City officer or employee shall disclose or use information not available to members of the general public and gained by reason of that employee’s or officer’s official position for personal gain or benefit or the personal gain or benefit of any other person or business entity.

E. No City officer or employee shall transact, or solicit to transact, any business in their official capacity with any business entity of which either the employee, or the employee’s spouse or child is an officer, director, agent, or member, or in which either the employee, or the employee’s spouse or child owns a financial interest, or otherwise has any material interest therein, nor shall a City officer or employee, acting in a private capacity, transact or solicit to transact any business with the City or its various departments.

F. No City officer or employee shall have personal investments in any enterprise which would reasonably create a conflict between the employee’s private interests and the public interest.
G. No City officer or employee, or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such officer or employee knows or, with the exercise of reasonable judgment should know, that it was given to influence a vote or other action in which the officer or employee was expected to participate in his or her official capacity.

H. No City officer or employee shall have or hold any employment or contractual relationship with any business entity or agency which is subject to the regulation of any part of the City in which the employee has authority or responsibility.

I. No City officer or employee shall have or hold any employment or contractual relationship that will create any nature of conflict between the employee’s or officer’s personal interests and the performance of City duties, or that would in any way impede the full and faithful discharge of those City duties.

J. No City officer or employee shall have any interest, financial or otherwise, in any business transaction or professional activity which is in conflict with the proper discharge of duties in the public interest.

K. Certain City officers and employees are required to file financial disclosure forms under state law. Where required, officers and employees are required to file such disclosure forms in a timely and accurate manner.

L. Any administrative management employee whose spouse, child, or other member of the employee’s immediate household is employed in an occupation related to the employee's City position, or is employed in an occupation subject to regulation by the City (other than obtaining an occupational license) shall file with the Human Resources Department a Disclosure of Family Member Employment Form at the time of appointment to the management position, or when the family member becomes employed. Following review by Human Resources, a copy of the form will be forwarded to the Purchasing, Engineering or Finance Departments, as applicable, for their review and files.

M. Any employee who is uncertain about the propriety of either accepting an offered gift or entering into a contemplated business investment or relationship should contact the Legal Department for guidance. Alternatively, employees may document the full circumstances of the action being contemplated and request a formal opinion from the State of Florida Commission on Ethics in Tallahassee, Florida. In such cases, copies of the request and resulting opinion(s) should be provided to the employee's department director and the Human Resources Director prior to engaging in the activity in question.
SECTION 10: INTERNAL COMPLAINTS RELATED TO DISCRIMINATION, HARASSMENT, OR OTHER INAPPROPRIATE BEHAVIOR

Section 10

10-1 General

The City of St. Petersburg is committed to providing workplaces that are free of discrimination and harassment, as well as other inappropriate behavior that is directed toward any of its employees. This policy defines the behavior considered inappropriate by the City because of its discriminatory or harassing nature and outlines the procedure through which employees who believe they have been subjected to discriminatory, harassing, or inappropriate conduct can seek redress.

10-2 Policy

The City of St. Petersburg is committed to providing workplaces free from discrimination, harassment, and related inappropriate behavior. The City will not condone or tolerate any behavior that is discriminatory, harassing, or otherwise inappropriate when such behavior is based on an individual's or group's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, or other protected category.

Employees shall not engage in conduct which violates this policy at any time, either toward fellow employees or members of the public with whom an employee comes into contact by virtue of City employment. All administrative management and supervisory personnel are expected to abide by the City's commitment to equal opportunity and treatment under the law and to ensure that this policy is fully implemented and enforced.

10-3 Definitions

A. Discrimination

Discriminatory conduct is generally defined as the treatment of one or more employees in a different manner than other similarly situated employees where the different treatment is based on or related to that employee's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, or other protected category.

B. Harassment/Hostile Work Environment

1. Harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's race, color, national origin, religion, gender, marital status, age, disability, sexual orientation, genetic information, or other protected category.

2. Harassment includes any verbal or physical conduct that denigrates or otherwise shows hostility or aversion toward any individual or group based upon that individual's or group's race, color, religion, gender, national
origin, marital status, age, disability, sexual orientation, genetic information, or other protected category; and that for a reasonable person:

a. has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or

b. has the purpose or effect of unreasonably interfering with an individual's work performance; or

c. otherwise adversely affects an individual's employment opportunities.

Examples of harassment include, but are not limited to:

- Epithets, slurs, jokes, negative stereotyping, unwelcome remarks, or other acts which are degrading, threatening, intimidating, or hostile in nature, that relate to race, color, religion, gender, national origin, marital status, age, disability, sexual orientation, genetic information, or other protected category.

- Any display of written or graphic material such as photographs or cartoons that denigrates or shows hostility or aversion toward an individual or group because of an individual's or group's race, color, religion, gender, national origin, marital status, age, disability, sexual orientation, genetic information, or other protected category.

2. Sexual Harassment

In addition to the conduct outlined above that constitutes harassment, there exists improper conduct specific to sexual harassment. Sexual harassment is generally defined as abusive treatment of an employee by the employer or by a person or persons under the employer's control, which would not occur but for the person's gender, when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

- submission to such conduct by an individual is used as the basis for employment decisions affecting the individual; or

- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or offensive work environment.

Examples of conduct which may constitute sexual harassment may include, but are not limited to:
SECTION 10: INTERNAL COMPLAINTS RELATED TO DISCRIMINATION, HARASSMENT, OR OTHER INAPPROPRIATE BEHAVIOR

- Unwelcome sexual advances, flirtations, or propositions.
- Actual or implied demands for sexual favors in exchange for favorable treatment or to avoid unfavorable treatment.
- Unwelcome jokes or remarks of a sexually oriented nature.
- Verbal abuse of a sexual nature.
- Unwelcome commentary about an individual's body, sexual prowess, attractiveness, or sexual deficiency.
- Any display in the workplace of sexually suggestive objects, pictures, posters, or reading material.
- A coerced sexual act or assault.
- Uninvited physical contact of a sexual nature such as pinching, grabbing, patting, or brushing against another person.
- Uninvited leering, whistling, or gestures of a sexual nature.

3. Inappropriate Behavior

A. Inappropriate behavior under this policy is any verbal or physical conduct that, although may not meet the legal standards of harassment or discrimination, still denigrates or otherwise shows hostility or aversion toward any individual or group based upon that individual's or group's race, color, religion, gender, national origin, marital status, age, disability, sexual orientation, genetic information or other protected category.

B. An example of inappropriate behavior under this policy would be a racially or sexually insensitive statement that offends, intimidates, or denigrates another employee. Although such an isolated statement may not rise to the legal level of harassment, the City still considers such conduct inappropriate and in violation of this policy.

10-4 Procedure for Seeking Redress

A. Any employee who believes that he or she is being or has been discriminated against or harassed should file a complaint with the Human Resources Department in a timely manner.

B. Departmental managers and supervisors are responsible for bringing any allegations or concerns related to potential cases of discrimination, sexual
SECTION 10: INTERNAL COMPLAINTS RELATED TO DISCRIMINATION, HARASSMENT, OR OTHER INAPPROPRIATE BEHAVIOR

harassment, and/or other forms of inappropriate behavior to the immediate attention
of the Human Resources Department.

C. The Human Resources Department shall be responsible for evaluating all
complaints and making the determination whether or not an internal investigation
is warranted. In cases where such an investigation is determined to be warranted,
the Human Resources Department shall be responsible for conducting a prompt,
thorough, and objective investigation.

The Human Resources Department should be contacted at 893-7481 for the purpose
of making arrangements to speak with an appropriate staff member concerning
filing a complaint related to illegal discrimination, sexual harassment, or other
forms of inappropriate behavior.

D. All employees who are questioned during the course of an investigation are
obligated to cooperate in a full and honest manner. No employee shall face any
form of reprisal for making a complaint or for their cooperation with an internal
investigation. Employees who either refuse to cooperate in an internal
investigation, or who intentionally give false information at any point within an
investigation, shall be subject to disciplinary action. Additionally, no employee
shall retaliate against any other employee who has made a complaint or who has
testified or assisted in an investigation. Employees shall report any suspected
retaliation to the Human Resources Director or the Labor Relations Manager.

E. Once an internal investigation has been concluded, the Human Resources
Department will review its findings with the department director and other
appropriate senior staff, including a representative of the Legal Department. The
department director will ultimately determine what remedial action, if any, is to be
taken. A written report containing final findings will be generated at the conclusion
of the investigation and review, with a copy provided to the complainant.
Individuals against whom allegations were raised will likewise be entitled to
receive a copy of the final report.

F. Once an investigation has been concluded, it shall be the responsibility of the
department director at-interest to implement the remedial actions, if any, which
were determined by the review panel to be appropriate. Where the department
director has been the subject of the allegation or investigation, the City
Administrator shall appoint an alternative management person to oversee the
implementation of remedial actions. The Human Resources Department should be
contacted by the complainant or other affected parties if they at any point feel that
either retaliation is taking place or the inappropriate behavior is continuing.

G. Investigations of harassment or discrimination are to be conducted in a confidential
manner, respecting the rights and dignity of all parties concerned. Pursuant to the
Florida Public Records Act and City policy, all records related to an investigation
SECTION 10: INTERNAL COMPLAINTS RELATED TO DISCRIMINATION, HARASSMENT, OR OTHER INAPPROPRIATE BEHAVIOR

are confidential and exempt from public records disclosure until the final report is released. Managers should not discuss knowledge they may have gained during an investigation with employees or persons not associated with the investigation.

H. Nothing contained in this policy should be read to prohibit an employee from filing a complaint in any other legal manner such as with the Equal Employment Opportunity Commission, the Florida Commission on Human Relations, or a private legal action. In addition, nothing in this policy is intended to supersede any rights an employee may have pursuant to applicable laws such as the Police Officers Bill of Rights or applicable collective bargaining agreements.
CITY OF ST. PETERSBURG
GRIEVANCE PROCEDURE
STEP I
(Department Director)

Grievance # ___________________ (Labor Relations Assigns)

To: ___________________________________________ Department Director Date: __________

From (Print Name): ____________________________ Employee#: ____________________________

Title/Classification: ____________________________

Signature of Grievant: ____________________________ (Form must be signed by grievant)

Received by: ____________________________ Date: ____________________________

(After received, the original is kept by the department and copies of the signed/received form are provided to the grievant and to Labor Relations)

Statement of the Grievance

Date of the Incident: ____________________________

Date of Informal Response (if applicable): ____________________________

(A grievance must be filed within fifteen (15) calendar days of the date of the incident or within five (5) calendar days of the receipt of the response from the informal hearing, if applicable, whichever is the least.)

Statement of the Grievance (please be specific): ____________________________________________

Remedy Sought from this Appeal: ____________________________________________

If you discussed this matter with your immediate supervisor, what was the answer given?

__________________________________________________________

Step I Response

Date of Hearing: ____________________________

Department Director’s (or designee’s) Response: (Use additional page(s) as needed. Include brief remarks on background information, the position argued by each side, an analysis of the facts, and the decision reached)

__________________________________________________________

__________________________________________________________

__________________________________________________________

Signature of Decision Maker: ____________________________ Date: ____________________________

Title: ____________________________

Distribution for Response: Original to grievant and a copy to Labor Relations organization

Appendix A

Form Revision Date 6/15
CITY OF ST. PETERSBURG
GRIEVANCE PROCEDURE
STEP II
(Labor Relations)

Grievance # _________________

To: Labor Relations Manager Date: 
From (Print Name): ___________________________ Employee#: 
Title/Classification: ____________________________________________
Signature of Grievant: ___________________________________________ (Form must be signed by grievant)
Received by: ___________________________ Date: ___________________________

(After received, the original is kept by Labor Relations and copies of the signed/received form are provided to the grievant and to the department)

Statement of the Grievance

Date of the Incident: ___________________________
Date Step I Response Received: ___________________________

(An appeal to Labor Relations must be made within five (5) calendar days of receipt of the response to the Step I grievance hearing)

Statement of the Grievance: (The statement of the grievance must not be significantly different from the subject addressed at Step I of the grievance procedure)

______________________________________________________________
______________________________________________________________
______________________________________________________________
______________________________________________________________

Remedy Sought from this Appeal: 

______________________________________________________________
______________________________________________________________
______________________________________________________________
______________________________________________________________

Step II Response

Date of Hearing: ___________________________
Labor Relations Response: (Use additional page(s) as needed; include background information, the positions argued in the case by each side, an analysis of the facts, and the decision reached)

______________________________________________________________
______________________________________________________________
______________________________________________________________
______________________________________________________________

Hearing Officer Signature: ___________________________ Date: ___________________________

Distribution for Response: Original to grievant and a copy to the Director of the department(s) at interest

Appendix A Form Revision Date 6/15
INDEX

Please note that this index is intended to be a resource and a quick reference to assist the reader in finding major topics of interest. It is not intended to direct the reader to every place in the document where these words appear, nor is it intended to locate every instance where the principles may apply. If you would like additional information about a topic of interest, please consult with a representative from the Human Resources Department, Labor Relations Division.

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