

# **CITY OF PUNTA GORDA**



## **PERSONNEL RULES AND REGULATIONS**

## **WELCOME!**

The City of Punta Gorda is proud of the exceptional delivery of quality services to the citizens of the City. The City takes great pride in the levels of services provided and recognizes that City Employees contribute greatly to a successful mission. This document should be used to ensure that you are familiar with the City's rules and regulations, certain elements of its benefits program, and City organizational information. Should you have any questions please contact your supervisor or the Human Resources Division.

### **CITY OF PUNTA GORDA MISSION STATEMENT**

**“To enhance Punta Gorda’s identity as a vibrant waterfront community, unique in character and history, and one of the most desirable places to live, work and visit.”**

### **GOALS**

- Financial Sustainability
- Economic Sustainability
- Social Sustainability
- Environmental Sustainability

### **EQUAL OPPORTUNITY EMPLOYER**

It is the policy of the City of Punta Gorda to recognize and fulfill its commitment to the community in the area of Equal Employment Opportunity through an affirmative action plan, which will increase both the quantity of minorities employed and the level of responsibility of jobs held by minorities employed and females within the City government. The City will not knowingly permit discrimination in hiring, promotion, or other conditions of employment with regard to race, color, creed, religion, national origin, ethnicity, age, sex, gender, pregnancy, sexual orientation, gender identity, genetic information, marital status, veteran status or disability. Those charged with the daily administration of this policy will be responsible for guarding against under-utilization of minorities and females within the organization and will work toward the eventual goal of full representation of minorities and females at all levels in the organization.

Gregory Murray  
City Manager

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## **SECTION 1: GENERAL PROVISIONS**

### **1.1 FORWARD**

- A. The purpose of these Personnel Rules and Regulations (hereafter referred to as “PRR” or “Rules”) is to establish procedures which will serve as a guide to administrative actions covering most personnel actions which will arise. The final interpretation and application of these Rules shall be made by the City of Punta Gorda (hereinafter “City”), or its designee, unless the law provides otherwise. The City Manager reserves the right to amend, alter, modify, delete and add to these Rules as it deems appropriate to serve the best interest of the residents and citizens of Punta Gorda, Florida subject to any bargaining obligation the City may have with any certified bargaining agent.
- B. This manual contains general statements of City policy. It should not be read as creating a property right in employment or in a particular position, or as forming an express or implied contract or promise that the policies discussed in it will be applied in all cases.

### **1.2 POSITIONS COVERED**

Unless a specific Section or Subsection provides otherwise, the provisions of these Rules shall be applicable to all employees except:

- A. Elected officials;
- B. Persons hired as independent contractors on a contractual fee, or retainer basis;
- C. Temporary, part-time, or casual employees;
- D. Persons employed under the provisions of certain government programs or grants.

**Provided, however, the sections or subsections with an asterisk (\*) beside them apply to all employees.**

For persons and employees covered by these Rules, continued employment, discipline and position placement shall be at the will and pleasure of the City under such terms and conditions as are determined by the City, or its designee, unless the law or a collective bargaining agreement provides otherwise.

### **1.3 CITY ORGANIZATION**

- A. The City of Punta Gorda is governed by a City Council composed of five members elected by the residents of the City for two-year terms. Members of the Council select a City Mayor and Vice Mayor. The Council is the policy making body. It reviews all City activities and establishes goals for the development, growth, health, and welfare of the community.
- B. The City Manager is the chief administrative officer of the City. He is appointed by the City Council to carry out policies and manage the activities of the various departments. Each of the City departments is administered by a Department Director, who is responsible to the City Manager. The City Clerk is responsible to the City Council.

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#### **1.4 OVERALL EMPLOYMENT POLICY**

The overall employment policy of the City shall include:

- A. There shall be no illegal discrimination in employment, employment opportunities or job actions on the basis of race, color, creed, religion, national origin, ethnicity, age, sex, gender, pregnancy, sexual orientation, gender identity, genetic information, marital status, veteran status or disability unless one or more of the above constitute a bona fide occupational qualification within the meaning of the law. No job applicant or present employee will be illegally discriminated against or given preference because of any of the above characteristics, unless otherwise required by law.
- B. Legally Recognized Disabilities
  - 1. Persons with legally recognized disabilities will be given full consideration for employment and opportunities for advancement in all departments and divisions. The City will offer to such persons a reasonable accommodation that does not create an undue hardship on the City with respect to the essential functions of the job, provided the person is otherwise qualified to perform the job.
  - 2. Employees or applicants with such a disability or disabilities who believe they need reasonable accommodation to fulfill one or more of the essential functions of their job or the job they seek are encouraged to so advise their Department Director and Human Resources.

#### **1.5 COLLECTIVE BARGAINING AGREEMENT**

Where these Rules or departmental rules and regulations are in conflict with the express terms of the Collective Bargaining Agreement (CBA), the terms of the CBA shall take precedence.

#### **1.6 PRIOR MEMOS, POLICIES AND REGULATIONS**

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

#### **1.7 DEPARTMENTAL RULES, REGULATIONS AND PROCEDURES**

With the City Manager's approval, and subject to applicable law, Department Directors may establish operating policies and procedures to meet specific operational needs of their Department. Any Departmental rule, regulation or procedure inconsistent with these PRR shall be invalid unless specifically approved as an exception by the City Manager.

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## **SECTION 2: DEFINITION OF TERMS**

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

**City Manager** – The City Manager of the City of Punta Gorda, or his designee for a particular assignment or responsibility.

**Council** – The City Council of Punta Gorda, Florida, or its designee.

**Casual Employee** – An at-will employee hired on a day-to-day or hour-to-hour basis to perform a specific task.

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

**Collective Bargaining Agreement** (also referred to as “CBA”) – An agreement between an employee organization and the Council, negotiated and ratified as required by the Public Employees Relations Act.

**Compensation Plan** – The official schedule of pay assigning rates of pay to each position classification.

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

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

**Demotion** – Permanent reassignment of an employee to a lower level job classification for a disciplinary reason.

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

**Dismissal or Termination** – Involuntary separation from City employment.

**Exempt Employee** – An employee exempt from the minimum wage and/or overtime under the Fair Labor Standards Act.

**FLSA** – The Fair Labor Standards Act.

**FMLA** – Family Medical Leave Act.

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

**Insubordination** – The refusal to perform work when and as assigned, failure to obey a direct legal order and/or any other act or acts of disrespect or disregard of proper managerial authority.

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

**Promotion** – Permanent assignment of an employee to a higher level job classification.

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

**Regular Full-Time Employees** – Employees who have successfully completed their initial evaluation period and are designated as regular full-time employees by the City.

**Part-Time Employees** – Employees who are assigned to work an average schedule of less than 30 hours per week.

**Temporary Employees** – Any employee appointed for a special project or other work of a temporary or transitory nature.

**Transfer** – The permanent reassignment of an employee from one position to another.

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

**Work Week or Work Period** – The number of hours regularly scheduled to be worked during any seven (7) consecutive days or other work period allowed by the Fair Labor Standards Act and adopted by the Council for an employee or group of employees.

**Working Time** – Working time shall be all the time employees perform actual work for the City.

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## **SECTION 3: STANDARDS OF CONDUCT**

### **3.1 POLICY**

- A. To an unusual extent and in a special way, employees in the City organization are “Good Will Ambassadors”. Such status involves a degree of duty and obligation regarding public and private conduct, which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City, its programs, and policies.
- B. All employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.
- C. It is the policy of the City to expect from employees compliance with these PRR, State Statutes, Federal Regulations and departmental rules in the performance of duties, as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct, departmental rules, or the PRR shall be subject to disciplinary action.

### **3.2 CONFLICT OF INTEREST**

- A. Employees in a position to influence actions and decisions of the City or a member of the managerial staff shall refrain from relationships which may adversely affect the exercise of their independent judgment in dealing with suppliers of goods or services and other persons not employed by the City.
- B. Employees shall not accept loans, advances, gifts, gratuities, or favors from a supplier, bidder, or other person doing business with the City.
- C. An employee shall not use his position with the City to obtain or attempt to obtain any special preferences, favors, privileges or exemptions for himself or for any other person.
- D. No employee shall disclose confidential information gained by reason of his official position with the City except in and as a part of his normal duties as a City employee; nor shall such employee use such confidential information not available to the public for personal gain or benefit.
- E. When an employee has or anticipates creating a business relationship with another person, partnership, firm, corporation or other business entity which does or seeks to do business with the City, or any division thereof, the employee shall advise the Department Head in writing as soon as that relationship is known and the Department Head shall report same to the City Manager. Failure to so advise the Department Head may result in immediate termination.
- F. The City Manager will determine whether there is a conflict of interest or a potential conflict of interest and resolve the matter as he deems in the best interest of the City

### **3.3 POLITICAL ACTIVITY**

- A. Employees may engage in political activities during their non-duty time so long as their activities do not interfere with the operation of City business.
- B. Employees shall not wear or display political badges, buttons or stickers when on duty, riding in or on City equipment or when in a City uniform.
- C. Employees shall comply with all state and local laws involving political activity.
- D. Employees may run for elective office or be appointed to non-elective office other than those involving the City of Punta Gorda so long as the position in no way interferes with their work as a City employee.

### **3.4 EMPLOYMENT OF RELATIVES**

- A. The City does not automatically prohibit members of the same family from working for the City. Each situation involving employment of a relative must be reviewed on its own individual merits. As a general guideline, however, employees should know that the City will not allow the employment of relatives in any situation where the City Manager determines a conflict of interest exists or where there is a substantial likelihood that a conflict of interest will arise, such as a relative working under the direct supervision of another, one relative being responsible for the job performance evaluation of another, one relative being directly involved in job actions with regard to another, or one employee being in possession of confidential information about another employee.
- B. It is the obligation of all affected employees to immediately advise their Department Head if a change in his situation occurs or is anticipated that will result in his becoming related to another employee so the effect, if any, of the relationship on City operations may be fully explored and appropriate action taken.

### **3.5 EMPLOYEE RELATIONSHIPS**

Supervisor/subordinate consensual romantic relationships are strictly prohibited where the relationship affects or could reasonably be anticipated to affect efficient and harmonious operations. If a supervisor/subordinate consensual romantic relationship develops, the two employees must decide which will attempt to transfer to a different position to eliminate the supervisor/ subordinate relationship. If all transfer efforts fail, the employees will decide which of the two will tender his and/or her resignation.

### **3.6 OUTSIDE EMPLOYMENT**

- A. Subject to paragraphs B-D below, employees are discouraged but not prohibited from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment which interferes or tends to interfere with the interest of the City or the duties for which the employee is responsible as a City employee.
- B. Employees who have other jobs, or who seek to have other jobs, must immediately obtain approval from their Department Head.
- C. If in the judgment of the Department Head, the employee's other employment causes or may cause absences, tardiness, or otherwise interferes or may interfere with the



operations of the City or his responsibility as an employee of the City, including but not limited to availability for scheduled and unscheduled overtime and/or call-ins, the employee may be required to quit the other job or leave City employment.

- D. If permission to engage in other employment is granted, it may be withdrawn at any time if in the opinion of the Department Head the responsibilities of the job are inconsistent with the employee's responsibilities as an employee of the City. The determination of the Department Head shall be subject to review under Section 12 or 13 depending on whether disciplinary action is involved.

### **3.7 RELEASE OF INFORMATION**

- A. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Unless release of information concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to reveal information pertaining to personnel records and other City business and shall direct such inquiries to the Department Head. Employees shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- C. Unless release of information concerning personnel records or the operations of City business is a normal part of their duties, or unless under subpoena, employees will not release and if asked will courteously decline to reveal information pertaining to personnel records and other City business and shall direct such inquiries to the Department Head.

### **3.8 SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees of the City are prohibited from conducting or promoting private business for gain during duty hours or within any City building or on City property.
- C. Employees are prohibited from soliciting for any reason or distributing literature of any kind during time they or the person they seek to solicit are being paid to perform actual work, subject to D below. The prohibition does not apply when all employees involved are on paid breaks or lunch breaks unless the activity interferes with operations. Such solicitation includes solicitations on behalf of or in opposition to a labor organization.
- D. Employees are prohibited from distributing literature of any kind during hours they are being paid to perform actual work or in any area where employees are engaged in work at any time.
- E. The solicitation and distribution prohibitions set forth in paragraphs C and D above shall not apply to solicitation and/or distribution by the City or its managerial staff, when such is part of the normal operation of City business.

### **3.9 EMPLOYEES' PERSONAL LIFE AND DEBTS**

Employees shall manage their personal life, including their financial obligations, in such a manner

that it will not interfere with the efficient operation of City business or the performance of their own job responsibilities.

### **3.10 USE OF CITY PROPERTY**

The City provides employees with necessary job equipment, material and vehicles to carry out the job assigned to them. When employees are assigned any such equipment, it becomes their responsibility to exercise reasonable care in its use to preserve the life of the equipment and to observe all safety precautions. Personal use of vehicles, material, supplies, tools, or other equipment or property is prohibited unless authorized by the City Manager. Designated employees may be authorized to use an assigned City vehicle to commute to and from work upon recommendation of their Department Head and approval of the City Manager. No unauthorized persons are to be permitted to operate or be a passenger in a City vehicle including family members.

### **3.11 DRESS CODE AND APPEARANCE**

- A. Employees shall take care to present a neat, orderly and presentable appearance to the public. As the nature of the City's work varies greatly, it is recognized that what is appropriate for an employee in one department may not be appropriate for another. Hair styles, facial hair, make-up, cosmetics, jewelry, and similar appearance factors will be displayed in a manner which does not interfere with the safety or productivity of the employee or their co-workers.
- B. Determination of any employee's specific dress and appearance is a supervisory responsibility. Any such dress or appearance standards prescribed must be relevant to the work to be accomplished.

### **3.12 PERSONAL BUSINESS**

Any personal mail should be sent directly to your home address, not to the City of Punta Gorda. All personal calls should be kept to an absolute minimum. If any emergency situation should arise, notify your friends and relatives to contact Human Resources and their message will be sent to you or your immediate supervisor promptly.

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## **SECTION 4: TYPES AND TERMS OF EMPLOYMENT**

### **4.1 BASIS OF EMPLOYMENT**

Employees are employed by the City as either regular full-time, part-time, temporary, or casual employees.

### **4.2 PARTICIPATION IN BENEFITS**

Regular full-time employees shall receive full fringe benefits. Other classifications of employees do not receive any fringe benefit other than their wage, unless required by law or otherwise specifically provided in these PRR.

### **4.3 TERM OF EMPLOYMENT**

Employees of the City are not employed for any definite period of time.

### **4.4 INITIAL EVALUATION PERIOD**

- A. All regular full-time employees shall serve an initial evaluation period as follows:
  - 1. Police Officers One year
  - 2. Dispatchers (Emergency Telecommunicators) One year
  - 3. Treat Plant Operator Trainees One year, up to two years
  - 4. All other classifications Six months
- B. Upon successful completion of said period, continued employment shall be at the will and pleasure of the employee or the City.
- C. When an employee is initially hired in a position which has a formal training program or requires certification or licensing, the initial evaluation period shall be as set forth in paragraph A; the period of a training program; or successful certification or licensing, whichever is longer.

### **4.5 PROMOTIONAL OR POSITION TRANSFER EVALUATION PERIOD**

- A. Employees promoted to a higher level job classification; OR, who transfer from one division/department to another without being promoted to a higher classification, shall serve an evaluation period of six months, except where a license or certification is a prerequisite to holding a job, the evaluation period shall continue until the license or certification is obtained; or as specified in 4.4.A above.
- B. During the evaluation period, if in the opinion of the Department Head the employee cannot satisfactorily perform the duties of the higher position but has otherwise performed satisfactorily:
  - 1. If the position from which he was promoted has not been filled, he will be returned to his former position;
  - 2. If the job from which he was promoted has been filled, the employee may compete for any vacancy in the City for which the Department Head or City Manager considers him to be qualified to perform all the duties and his wage rate will be established as if he had been transferred under Section 7.2.

## **SECTION 5: HIRING PROCEDURES**

### **5.1 VACANCIES**

All persons inquiring about employment should be directed to Human Resources where they will be required to complete the standard application form. Assistance will be provided for those persons who cannot read or write or who have a language problem.

### **5.2 TESTING**

At its option, the City may use valid written or oral examination and performance tests to assist in the selection process.

### **5.3 DRUG TESTING**

The City will require submission to and successful passing of testing for the use of illegal controlled substances as a condition for consideration for employment with the City.

### **5.4 DISABILITY AND MEDICAL EXAMINATIONS**

- A. At the option of the City, applicants may be required to take a medical examination after they have been offered employment.
- B. Employees may be required to take a medical and/or psychological examination at any time by the City for reasons connected with their job (e.g., an accident on the job).
- C. Applicants and employees who are directed to take a medical examination under paragraphs A or B above and who refuse to do so will be automatically terminated.

### **5.5 JOB OPPORTUNITIES FOR NON-EMPLOYEE**

When there is a vacancy that the City Manager has decided not to fill under Section 8, of the Personnel Rules and Regulations, job opportunities shall be advertised or otherwise made known so as to encourage all qualified persons to apply for consideration.

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## **SECTION 6: TYPES OF SEPARATIONS**

### **6.1 TYPES OF SEPARATIONS**

- A. Separations and/or terminations from positions in the City service are designated as one of the following types.
  - 1. Resignation
  - 2. Retirement
  - 3. Disability
  - 4. Death
  - 5. Reduction in force (layoff)
  - 6. Dismissal or discharge
  - 7. End of assignment
- B. Personnel forms shall show the reason for the separation and the last day and hour worked. The effective date of the separation shall be the last day on which the employee is present for duty.

### **6.2 RESIGNATION**

- A. An employee wishing to leave the City in good standing shall file a written resignation with his/her supervisor stating the date and reasons for resignation. Such notice must be given at least two weeks prior to the date of separation. Employees who give such notice may be considered for reemployment.
- B. Unauthorized absences or absences determined by the Department Head to be unexcused for a period of two (2) consecutive days or more shall be treated as a resignation without notice and the employee will be automatically terminated.

### **6.3 RETIREMENT**

- A. Employees of the City who participate in a City pension plan may retire from the City with retirement benefits as defined by the pension plan in which they participate and may continue to participate in the City Group Medical, Dental and Life Insurance plans, if and as they exist, so long as they pay the full cost as and when directed by Human Resources.
- B. Employees who do not participate in a City Pension Plan are eligible to participate in the City Group Medical, Dental and Life Insurance plans, as and if they exist, on the same basis as retirees under 6.3.A above if they have:
  - 1. Reached normal or early retirement age, as defined in an applicable City pension plan for their position upon retirement and
  - 2. Achieved the number of years of service required to be vested in the applicable City pension plan for their position upon retirement.
  - 3. The retiree is responsible for the payment of all insurance.

- C. After leaving office, City Council Members are eligible to participate in the City Group Medical, Dental and Life Insurance plans, as and if they exist, on the same basis as retirees under 6.3.A above, provided that the Council Member:
  - 1. Is of normal or early retirement age, as defined in the City's pension plan;
  - 2. Is responsible for the payment of all insurance.

**6.4 DEATH**

All compensation and benefits due to a deceased employee, if any, shall be paid to the employee's legal representative as determined by law.

**6.5 REDUCTION IN FORCE (LAYOFF)**

Reductions in force shall be in accord with Section 9.

**6.6 DISMISSAL OR DISCHARGE\***

Temporary, part-time, casual, probationary and regular full-time employees are subject to dismissal from City employment pursuant to Section 1.2 and/or 11.3.

**6.7 RETURN OF PROPERTY AND FINANCIAL OBLIGATIONS\***

- A. At the time of separation from employment, the employee shall return all records, books, assets (including Section 6.7.B below), uniforms, keys, tools and other items of City property to his department. Failure to return these items in usable condition shall result in the maximum deduction allowed by law from the employee's final paycheck. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.
- B. From time to time, the City may pay for or reimburse employees for licensures or certifications that will enhance City operations. The City views such payments and reimbursements as investments in non-tangible assets from which the City expects to derive a benefit. At the time of separation from employment, the employee shall be responsible for reimbursing the City for any such licensures or certifications that were paid by the City on behalf of the employee within the period two years preceding the separation date. Any balance due over and above the amount deducted from the employee's paycheck may be collected by the City through appropriate legal action.
- C. All outstanding voluntary debts to the City incurred by the employee, such as the cost of non-compensatory training, shortages of leave, expense accounts, and other standing debts due to the City will be deducted from the employee's final paycheck.
- D. All deductions under paragraphs A and B above shall be subject to applicable state and federal law.

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## **SECTION 7: TRANSFERS AND WORK OUT OF CLASSIFICATION**

### **7.1 TEMPORARY TRANSFERS/WORK OUT OF CLASSIFICATION**

- A. Employees who are assigned all the responsibilities of a higher classified job for more than three (3) consecutive working days shall be paid his regular rate plus five percent (5%) or the minimum of the pay grade, whichever is higher, beginning the fourth (4<sup>th</sup>) consecutive day retroactive to the first day.
- B. An employee who temporarily works in a lower paid job classification shall receive the rate of pay for his regular job classification.

### **7.2 PERMANENT TRANSFERS**

- A. An employee may be permanently transferred from one job classification or department to another job classification or department:
  - 1. At the employee's request if, in the opinion of the Department Head, it is in the City's best interest;
  - 2. By the Department Head for operational or efficiency reasons;
  - 3. By the Department Head for disciplinary reasons under Section 11;
  - 4. In all cases involving more than one (1) department, both Department Heads must agree to the transfer, unless in a particular case, the City Manager decides otherwise.
- B. An employee permanently transferred shall have his rate of pay established as follows:
  - 1. If to a job in the same pay grade, the wage rate shall remain the same as before the transfer;
  - 2. If to a job in a higher pay grade, the wage rate shall be adjusted as if it were a promotion under Section 8.7;
  - 3. If to a job in a lower pay grade, the wage rate shall be adjusted as if it were a demotion under Section 8.8.

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## **SECTION 8: PROMOTIONS/DEMOTIONS**

### **8.1 POSTING**

Except when determined operationally necessary or efficient by the City Manager all full-time vacancies within the City will be posted for a minimum of five (5) working days. Such vacancies may be posted internally only to City employees; or concurrently, externally to the public, at the discretion of the Department Head.

### **8.2 APPLICATION**

Employees who wish to be considered for the vacancy: (1) must have been in their current job at least six (6) continuous months, OR as otherwise specified in Section 4.4; and, (2) must apply by completing a promotional request form and turning it into Human Resources during the posting period. While selection is being made, the Department Head may utilize any employee or other person he wishes to perform the work.

### **8.3 POOL OF QUALIFIED APPLICANTS**

The Department Head, in consultation with Human Resources, will determine which of the applicants, if any, that applied for the job, meet the minimum qualifications for the job.

### **8.4 INTERVIEW**

In determining whom to promote from applicants determined to be sufficiently qualified under 8.3 above, the Department Head shall give first consideration to employees within the Department and then to all City employees based on the following factors:

1. Qualifications and ability to perform the job.
2. The employee's past work related experience with the City and elsewhere.
3. The employee's past performance record with the City.

### **8.5 NO SUFFICIENTLY QUALIFIED APPLICANTS**

If the Department Head determines that none of the applicants who were interviewed under 8.4 are sufficiently well-qualified for the job, the City may fill the position in any manner it wishes.

### **8.6 WAGE RATE UPON PROMOTION**

A promoted employee shall receive the minimum rate for the job to which he was promoted, based on the following percentage formula, whichever is greater, but not more than the maximum rate for the job into which he was promoted.

1. An increase in one (1) pay grade = five percent (5%) wage increase;
2. An increase in two (2) pay grades = six percent (6%) wage increase;
3. An increase in three (3) pay grades = seven percent (7%) wage increase;
4. An increase in four (4) pay grades or more = eight percent (8%) wage increase.

### **8.7 DEMOTION**

A demoted employee's pay rate shall be set within the range of the job into which he is demoted. The City Manager reserves the right to set the pay rate outside the range.



## **SECTION 9: SENIORITY LAYOFF AND RECALL**

### **9.1 ACCRUAL**

City, departmental and job classification seniority shall continue to accrue during all types of compensable leave approved by the City. Approved leaves of absences without pay of thirty (30) or more consecutive days shall not count towards the accrual of classification or departmental seniority unless the law requires otherwise.

### **9.2 LOSS OF SENIORITY**

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

1. Discharge
2. Retirement
3. Voluntary resignation
4. Layoff or non-work status exceeding one (1) year
5. Failure to report to the Department Head the intention to return to work within three (3) calendar days of receipt of a recall notice
6. Failure to report from military leave within the time limits prescribed by law or any other leave unless an extension has been approved in advance by management

### **9.3 LAYOFF SELECTION**

- A. In the event the City decides to lay off employees within a department, the City will first lay off those employees employed on a part-time, temporary, or casual basis. If further layoffs are necessary, selection among regular full-time employees shall be based upon:
  1. Ability to perform all of the work available;
  2. Special skills essential to the performance of the available work;
  3. Job performance as reflected by the job evaluations for the past three years or the most recent evaluations available;
  4. Job classification seniority.
- B. When, in the opinion of the Department Head, factors A, B and C are relatively equal among employees, factor D shall be determinative.

### **9.4 PERMANENT LAYOFFS**

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

### **9.5 RECALL**

Except for employees laid off pursuant to Section 9.4 above regular full-time employees who are recalled by the City within twelve (12) months shall have their City service, departmental, and job

classification seniority restored; however, they will not be given credit for the period of the layoff nor shall they receive wages or benefits during the period of the layoff.

**9.6 DECISIONS FINAL**

Decisions made pursuant to this section shall be final and shall not be subject to Section 12 or 13.

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## **SECTION 10: ATTENDANCE/TARDINESS**

### **10.1 PRESENT AND ON TIME**

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

### **10.2 CALL-IN**

Employees are required to call in to a supervisor before they are scheduled to report to work when they are going to be absent or late. Departments may require more advance notice to meet operational needs. Failure to call in before the employee's shift begins or as directed by their Department Head will subject the employee to discipline unless the Department Head is satisfied that the failure to call in was for a reason beyond the employee's control.

### **10.3 VERIFICATION**

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

### **10.4 CONTINUING ABSENCE**

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

### **10.5 PERSON TO CALL**

Call-ins are to be directed to the employee's immediate supervisor; however, in the event the immediate supervisor is not available, the employee must speak with another supervisor or the Department Head.

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## **SECTION 11: DISCIPLINARY ACTION**

### **11.1 GENERAL STATEMENT**

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

### **11.2 FORMS OF DISCIPLINE**

A. The City recognizes the following types of discipline:

1. Verbal warnings.
2. Written reprimands.
3. Suspension without pay.
4. Demotion.
5. Combination of the above.
6. Termination of employment.

The City may also combine a probationary period not to exceed six (6) months with all forms of discipline except termination.

- B. Department Heads will consult with Human Resources in deciding appropriate disciplinary action greater than a verbal warning; however, Department Heads may suspend employees temporarily without pay to the next regular work day of the City Manager (Monday through Friday), if they deem it is operationally necessary. They shall then immediately consult with Human Resources and together they will decide whether to continue a temporary suspension pending completion of the investigation and a final decision as to the appropriate disciplinary action, if any.
- C. Supervisory and managerial employees are expected to set an example for employees in their area of responsibility and to enthusiastically support and carry out the policies, practices and directives of the City Manager and the Council in a courteous and professional manner. Discipline of these employees shall be within the sole discretion of the City Manager.

### **11.3 BASIS FOR DISCIPLINARY ACTION**

Continued employment with the City in any position is at the will and pleasure of the employee and the City, and may be terminated by either without cause. Employees, should also understand they may be disciplined, up to and including termination, for violation of any of the offenses listed in Subsection 11.5 below; for violating departmental rules; for any action or failure to act which in the opinion of the City, or its designee, adversely affects the ability of the employee and/or fellow employees to perform their responsibilities and/or adversely effects the efficient operation of the City government; or, for any other or no reason except one made illegal by applicable law.

#### **11.4 NOTICE OF DISCIPLINARY ACTION / OPPORTUNITY TO RESPOND**

- A. Employees who are disciplined by verbal warning will have the reasons for said warning explained by their supervisor.
- B. Before an employee is demoted or terminated, if he is working, he will be given an opportunity to meet with a representative of Human Resources to explain his position before a final decision is made.
- C. In all cases of written reprimand, suspension without pay, demotion, any combination of same, or termination, the employee will be notified in writing of the action taken and a copy of such notice shall be retained by the City in the employee's personnel file.

#### **11.5 TYPES OF OFFENSES**

There are two (2) groups of sample offenses for which employees may be disciplined up to and including termination of employment and the guidelines for recommended penalties for those examples of unacceptable conduct are set forth below; however, the principles concerning application of discipline to these sample offenses or others as set forth in Subsections 11.1-11.3 above shall apply. Nothing herein shall be construed to require the City to have just cause for any form of disciplinary action, including termination, or to limit disciplinary action to the sample offenses enumerated below.

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

##### **EXAMPLES OF GROUP 1 OFFENSES**

**First Offense** - Written Reprimand

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

**Third Offense** - Up to and including termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than allowable times for meal or rest periods.
3. Unacceptable productivity or competency.
4. Sleeping on the job unless authorized to do so.
5. Reporting to work or working while unfit for duty, either mentally or physically, unless the condition is a legally recognized disability, in which case the matter will be dealt with in accordance with applicable law.
6. Violating a safety rule or practice.
7. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, and distracting the work of others, catcalls, or other disorderly conduct.
8. Failure to report the loss of a City piece of equipment or other City property entrusted in the employee's custody.

9. Failure to keep the City and department notified of the employee's current proper address and telephone number.
10. Gambling, lottery or engaging in any other game of chance while on duty or in any fashion that brings disrepute upon the City.
11. Violation of published City or departmental policies, rules, standards, orders, operating procedures or regulations unless included as a Group II offense.
12. Unexcused tardiness or absence.
13. Failure to possess and maintain a current and valid state motor vehicle operator's license, if driving a vehicle is required by the City as an essential part of the employee's job.
14. Failure to report an on-the-job accident or personal injury.

### **EXAMPLES OF GROUP II OFFENSES**

#### **First Offense - Up to and including termination**

1. Conviction of a felony.
2. Excessive tardiness and/or absenteeism regardless of the reason.
3. Abuses of leave privileges.
4. Use of official position for personal advantage.
5. Deliberately or negligently misusing, destroying, losing or damaging any City property or property of an employee.
6. Falsification of personnel, City, or departmental records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record, or document.
7. Making false claims or intentional misrepresentation in an attempt to obtain sickness or accident benefits, workers' compensation, or any other benefit.
8. Insubordination or the refusal to perform work assigned, or to comply with written or verbal instructions of a supervisor.
9. Use or possession or display of fire arms, explosives, or weapons on or in City property, unless authorized.
10. Removal of City property or any other employee's property from City locations without proper authorization; theft of City property or any employee's property.
11. Failure to return at the end of an authorized leave of absence.
12. Concerted curtailment, restriction of production, or interference with work in or about the City's work stations including, but not limited to, instigating, leading, or participating in any walkout, strike, sit down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
13. Absent without permission or leave (AWOL).

14. Acceptance of a gift, service, or anything of value in the performance of duty or under any other circumstances where the employee knew or should have known it was given with an expectancy of obtaining a service or favored treatment.
15. Possession, use, sale, attempt to sell, or procure illegal controlled substances at any time whether on or off City property or whether on or off duty; and possession, use, sale or attempt to sell or procure alcoholic beverages while on duty, on City property, or while operating or riding in or on City equipment.
16. Refusal to fully and truthfully cooperate in an investigation conducted by or at the direction of the City.
17. On or off the job conduct which adversely affects the ability of the employee to perform his duties and/or adversely affects the efficient operation of the City government or any department, division, or area of City government.
18. Discourteous, insulting, abusive, or inflammatory language or conduct toward the public or co-workers.
19. Improper racial or sexual comments, harassment or acts directed to any City employee or the general public.
20. Threatening, intimidating, coercing, or interfering with fellow employees or supervision at any time.
21. Provoking or instigating a fight or fighting while on duty.
22. Unauthorized personal use of the tax exemption number for any reason.
23. Accepting a bribe or gratuity, committing an illegal act or accepting a gratuity for performing the normal duties as a City employee.
24. Failure to report in writing an offer of a bribe or gratuity to permit an illegal act.
25. Communicating or imparting confidential information either in writing or orally to any unauthorized person.

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

#### **11.6 SUSPENSION PENDING RESOLUTION OF CRIMINAL CHARGES**

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

## **SECTION 12: GRIEVING DISCIPLINARY MATTERS**

### **12.1 PURPOSE**

The grievance procedure is established to provide opportunity to regular, full-time employees who have successfully completed their initial evaluation period to appeal disciplinary actions more serious than a three (3) day suspension without pay under Section 11. Disciplinary actions that are not more than a three (3) day suspension without pay may not be grieved as specified in this Section. The submission of an appeal by an employee in good faith shall in no way adversely affect the employee or his employment with the City.

### **12.2 GENERAL PROVISIONS**

- A. Attorneys will not be allowed to participate in the meetings without permission of the City Manager, unless in a particular case the law requires it.
- B. The time limits of this grievance procedure may be extended for reasons considered appropriate by the Department Head in Step 1 or by the Human Resources Manager in Step 2. Failure of an employee to file an appeal in a timely fashion will constitute an automatic abandonment of the grievance.
- C. No employee is to leave his job to participate in a grievance without permission of the immediate supervisor or Department Head. Employees who wish to have employee witnesses appear in their behalf in Step 1 or 2 will make arrangements for them to be away from their jobs through Human Resources.

### **12.3 STEP 1: DEPARTMENT HEAD**

- A. The employee may appeal the discipline in writing to the Department Head within three (3) working days from receipt of Notice of Disciplinary Action. Grievance forms are available through Human Resources.
- B. The appeal shall include:
  - 1. The date the grievance arose.
  - 2. The policy, rule, and/or procedure claimed to have been violated.
  - 3. A statement of the facts as seen by the employee.
  - 4. The relief requested.
- C. The Department Head shall meet with the employee within five (5) working days after receipt of the grievance. The Department Head shall give the employee an opportunity to explain his position, and listen to any witnesses the employee brings to the meeting. The Department Head may require other employee witnesses to be present or may conduct further investigation into the matter on his own. The Department Head shall give a written answer to the employee within five (5) working days after the investigation is completed.
- D. In the event the Department Head does not respond in writing within the time provided in Section 12.3, Step 1(C) above, the grievance will be automatically deemed denied on the sixth day and the time for appealing to Step 2 shall begin at that time.



**12.4 STEP 2: CITY MANAGER**

- A. If the matter is still unresolved to the employee's satisfaction by the decision of the Department Head, the employee may appeal to the City Manager in writing. The appeal must be filed with Human Resources within three (3) working days of the decision of the Department Head in Step 1 or the last day for the decision, whichever first occurs.
- B. The City Manager shall meet with the employee and the Department Head, give the employee an opportunity to explain the employee's position, listen to any witnesses the employee wishes to present, call other witnesses as he deems appropriate and make the final decision for the City.

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## **SECTION 13: GRIEVING NON-DISCIPLINARY MATTERS**

### **13.1 POLICY**

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

### **13.2 DEFINITION OF A GRIEVANCE**

A grievance under this Section is defined as a complaint about the misapplication or misinterpretation of these PRR or applicable departmental rules and regulations. Complaint forms are available at Human Resources. Disciplinary matters shall not be considered under this Section but only under Section 12.

### **13.3 PROCEDURE**

- A. Step One: An employee shall present his complaint to his immediate supervisor within three (3) working days from the time of occurrence of the problem. The supervisor shall attempt to resolve the problem within five (5) working days after the complaint is made to him.
- B. Step Two: If the employee has not received an answer from the immediate supervisor within five (5) working days, or if the employee feels the answer received is not satisfactory, he will commit to writing the facts and circumstances of the problem and present the written statement to his Department Head within five (5) working days after the supervisor's deadline in Step One. Assistance will be provided by Human Resources, if requested, including for those employees who cannot read or write or have a language problem. The Department Head will discuss the grievance with the employee, if he is working, within five (5) working days. The Department Head will notify the employee of his decision within five (5) days following the meeting date.
- C. Step Three: If the employee is not satisfied with the resolution of his Complaint in Step Two above, within five (5) working days of Notice of the Department Head's decision or the due date for the decision, whichever first occurs, the employee will notify Human Resources in writing that he desires to appeal to the City Manager. Timely appeals will be referred by Human Resources (copy to the Department Head) to the City Manager who will make the final decision.

### **13.4 TIME LIMITS**

Requests for an extension of time shall be directed to Human Resources in writing. Human Resources will notify the employee and Department Head as to whether a request has been granted or denied.

## **SECTION 14: HOURS OF WORK AND OVERTIME**

### **14.1 HOURS OF WORK**

- A. The City shall establish the hours of work in accordance with the operational needs of the City.
- B. Department Heads shall schedule the work as necessary to provide full service, but should attempt to avoid overtime work except where operationally necessary.

### **14.2 BREAKS**

- A. Meal Break – Except for sworn Police Department and certified Fire Department employees, it is the policy of the City of Punta Gorda to provide an unpaid meal break daily, for all full-time, non-exempt employees. The length may vary from thirty minutes to one hour depending on needs of the Department. Additionally, if a part-time employee works five (5) hours or more, a thirty-minute unpaid meal break is provided.
- B. Breaks – According to Federal and State Wage and Hour laws, breaks are not required to be provided by an employer. However, the City of Punta Gorda recognizes the need to get away from the work area occasionally and thus offers a short break from work under the following conditions:
  - 1. The Department Head determines whether it is possible to provide a break in the morning and/or afternoon.
  - 2. If a break is granted, it should be no longer than fifteen (15) minutes in length and is compensable.

### **14.3 REGULAR WORK WEEK OR PERIOD**

- A. Except for sworn Police Department and certified Fire Department employees, the regular work week shall be forty (40) hours in a seven (7) day period.
- B. Except for Departments that operate twenty-four (24) hours a day, seven (7) days a week, the basic work schedule shall be from Monday through Friday of each week unless otherwise specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments. When the City Manager deems it necessary, work schedules may be established in all departments other than on the basic Monday through Friday schedule.
- C. Lunch periods are scheduled at the discretion of the Department Head or designee.

### **14.4 OVERTIME**

- A. Non-exempt employees are to report all hours worked. Non-exempt employees should not begin work before the beginning of their schedule or after the end of their schedule without permission; however, if they do perform work before or beyond their schedule, they are to report it as hours worked on their time sheet or record. Overtime will be authorized or directed only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines.

- B. All non-exempt hourly employees, except employees exempted by Section 7(K) of the Fair Labor Standards Act in the Police and the Fire Departments, shall be paid time and one-half their regular hourly rate of pay for all hours worked in excess of forty (40) in a work week.
- C. For purposes of overtime computation, only time actually worked shall be considered as time worked in determining eligibility for overtime.
- D. Employees shall be required to work overtime when assigned unless excused by their supervisor. An employee desiring to be excused from overtime work assignments for good and sufficient reasons shall submit a request to the immediate supervisor.

#### **14.5 COMP TIME**

- A. The Department Head and a non-exempt employee can agree that the employee will take Comp Time off from work in lieu of overtime pay subject to the following:
  - 1. The maximum Comp Time an employee can accrue is twenty-five (25) hours, unless specified elsewhere by a bargaining unit contract.
  - 2. Comp Time will be accumulated based on the actual hours worked, but will be taken on the basis of one and one half (1½) hours for each hour earned.
  - 3. Comp Time may be used for uncompensated absences due to medical reasons only when paid sick leave and sick leave escrow has been exhausted.
  - 4. The employee wishing to take Comp Time shall obtain prior approval from the Department Head, which approval will be granted except for operational reasons.
  - 5. Upon termination, unused Comp Time will be paid at one and one-half (1½) the employee's straight time rate at the time of termination, and will be paid at the same time as the employee's final paycheck.
- B. Departments are responsible for documenting Comp Time accrual and usage.

#### **14.6 GUARANTEE**

The above sections do not guarantee or place a limitation on the number of hours to be worked in any one day or the number of days per week.

#### **14.7 CALL OUTS**

When a non-exempt full-time employee who has worked his regular eight (8) hours or more, is released to go home, leaves the City premises, and is called back to work from home, the employee shall be paid time and one half (1 1/2) his normal hourly rate for a minimum of two (2) hours in addition to stand-by pay if the employee was on "stand-by" duty at the time, provided the employee performs all the work assigned.

#### **14.8 STAND-BY**

- A. Non-exempt employees who are placed on stand-by shall be paid one (1) hour at time and one-half (1-1/2) their regular hourly rate for every 24 hours or fraction thereof they are assigned to be on stand-by.
- B. Employees on call shall be available by telephone or beeper and must respond to the call in person or by telephone as soon as possible but not later than fifteen (15)

minutes after the call is made. The employee shall physically respond to the location at which the employee is told to report as soon as possible in accordance with departmental policy.

- C. Stand-by for Police and Fire Departments shall be in accordance with departmental policy.

#### **14.9 PYRAMIDING**

There shall be no pyramiding of overtime and any other premium pay.

#### **14.10 TIME CHANGE**

Employees assigned to shift work on those days that daylight savings time is adjusted will work either one hour less or one hour more than their regular scheduled work period. Those employees will be compensated as follows:

- A. If the time change results in the employee working one hour less than the regularly scheduled shift, such employee shall be allowed to work an additional hour to complete the regular work day.
- B. If the time change results in the employee working one hour more than the regularly scheduled shift, such employees shall be compensated for that hour at their regular rate of pay including overtime, if appropriate.

#### **14.11 SHIFT DIFFERENTIAL PAY POLICY**

- A. The purpose of this policy is to establish the rules and standardize the guidelines for the administration of shift pay differentials.
- B. In order to provide effective service to the citizens of the City of Punta Gorda, it has been determined that some operations of the City must continue on a 24-hour, 365 days per year basis. So that employees may be compensated fairly for working the necessary shift configurations associated with such services, the City may from time to time establish premium pay, or shift differentials, for some departments who are required to work non-standard shifts, as defined below. Nothing in this policy shall be construed as establishing a property right for the employees of the City of Punta Gorda, and this policy may be discontinued at the discretion of the City Manager. The provisions of this policy shall not apply to employees in bargaining units unless such provisions have been adopted as part of any employment agreement negotiated between the bargaining unit(s) and the City.

#### **C. DEFINITIONS**

For purposes of this policy, the following definitions shall apply.

1. *Evening Shift* – A work schedule that encompasses roughly the time period from three o'clock in the afternoon (3:00 pm) until eleven o'clock at night (11:00 pm). Adjustments to this work schedule and exact hour configuration may be made by the Director as operationally necessary, but shall not exceed a period of eight (8) hours.
2. *Midnight Shift* – A work schedule that encompasses roughly the time period from eleven o'clock in the evening (11:00 pm) until seven o'clock in the morning (7:00

am). Adjustments to this work schedule and exact hour configuration may be made by the Director as operationally necessary, but shall not exceed a period of eight (8) hours.

3. *Shift Differential Pay* – A wage premium that is applied to the hours worked by employees who are assigned to shift work. This premium may be adjusted from time to time by the City Manager, provided that funds are available to make such adjustments. Shift Differential Pay shall not be included in computations for overtime.
4. *Shift Work* – a work schedule that encompasses the time periods from three o'clock in the afternoon until eleven o'clock in the evening; and from eleven o'clock in the evening to seven o'clock the following morning. Individuals who are assigned to these work schedules are referred to as Shift Workers. Adjustments to these work schedules and hour configurations may be made by the Director as operationally necessary, but shall not exceed a period of eight (8) hours.

## B. ELIGIBILITY

### 1. Eligible Employees and Work Units

Only non-exempt employees in those work units (Departments, Divisions, etc.) that are required to maintain around-the-clock or multiple shift operations such that employees are regularly assigned to one or more of the above listed shift work schedules are eligible to receive a shift differential. Non-exempt employees who are assigned to work units that may be required to respond to emergency call-outs shall be compensated according to the provisions of Section 14.7 of the City's Personnel Rules and Regulations (PRR).

### 2. Sick Leave, Vacation Leave, and Paid Holidays

In order to receive shift differential pay, an employee must actually work the shift to which they have been assigned. Employees who are on sick leave or vacation leave shall not be eligible to receive shift differential pay. Employees who do shift work on a regular paid holiday shall be compensated according to the provisions of Section 15.2 of the City's PRR and shall also receive the shift differential pay applicable to that particular work schedule. Shift workers who are not scheduled to work the paid holiday shall not be eligible to receive shift differential pay.

### 3. Overlapping Shift Work

Any non-exempt employee, who is assigned to a work unit that is eligible for shift differential pay, and who is required to work an extended shift such that it overlaps into a shift where differential pay applies, or that has a higher shift differential, shall receive the shift differential for the hours worked during that shift.

- a. An employee who works the midnight shift, and is required to continue their shift into the "normal" day shift shall not keep their shift differential for the time worked on the day shift.

- b. An employee, who is assigned to the evening shift, and is required to report early, shall not receive shift differential pay for the hours worked during the day shift.
- c. Time worked in all instances of overlapping shifts must be at least one hour in duration in order for the provisions to apply.

#### **14.12 PREMIUM PAY FOR LANGUAGE TRANSLATION SERVICES**

From time to time, the City may need to interact with customers or others whose primary language is not English, and who may require language translation services. In such cases, in compliance with applicable statutes or laws, the City will make an effort to provide translation services utilizing City employees, where possible, who have demonstrated the requisite language skills; have indicated in writing their willingness to provide such services; and are designated by the City as translation service providers. For purposes of this policy, the term “translation services” will refer to those instances in which the employee is called in from their regular duties and is acting as a third party in order to facilitate communication. The City will maintain a list of employees who are authorized to provide translation services.

When an employee provides translation services as specified above, he/she will be authorized by their Supervisor to receive premium pay in the amount of half of their regular base hourly pay (including shift differential) in addition to their base hourly pay for each occasion/incident that they provide such services, with a minimum of one hour of half pay per occasion/incident. If the employee is required to return to a City facility after hours to provide language translation services, such time will be considered call out time and compensated according to Section 14.7 of this PRR.

#### **14.13 FLEX TIME**

Flex Time is defined as an exchange of regularly scheduled work hours for hours worked that are not regularly scheduled, i.e. allowing a non-exempt employee to leave early one day due to overtime on a previous day; or, allowing an employee to work through lunch in order to leave early for a doctor’s appointment. Subject to operational and budgetary constraints, Flex Time may be granted. Flex Time must be exercised within the same work week in which it was taken. All Flex Time arrangements are at the sole discretion of the Department Head or the City Manager.

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## **SECTION 15: HOLIDAYS**

### **15.1 DAYS OBSERVED**

- A. The City recognizes the eleven (11) holidays enumerated below. The days such holidays shall be celebrated may be changed by the City Council for operational reasons. Notice of a change will be given as far in advance as practicable.

<b><u>Holiday</u></b>	<b><u>Normal Day Celebrated</u></b>
New Years Day	January 1 <sup>st</sup>
Martin Luther King Day	As designated
President's Day	As designated
Memorial Day	Last Monday in May
Independence Day	July 4 <sup>th</sup>
Labor Day	First Monday in September
Veteran's Day	November 11 <sup>th</sup>
Thanksgiving Day	Fourth Thursday in November
Day after Thanksgiving	Fourth Friday in November
Christmas	December 24, 25

- B. Subject to City Manager approval, when a holiday falls on a Saturday, the preceding Friday shall be observed as the official holiday. When a holiday falls on a Sunday, the following Monday shall be observed as the official holiday.
- C. The City Manager may determine that any department or operation will be open for business on a holiday.

### **15.2 WORK ON A HOLIDAY**

Non-exempt employees who are required to work on a holiday shall receive time and one-half (1 1/2) or Comp Time for hours worked on the holiday at the discretion of the City, plus any holiday pay to which they are entitled.

### **15.3 ELIGIBILITY FOR HOLIDAY PAY**

To be eligible for holiday pay, the employee must work or be on paid leave for his scheduled workday or shift immediately preceding and after the holiday.

### **15.4 HOLIDAY PAY**

Non-exempt regular full-time employees who meet the eligibility requirements shall be paid holiday pay at straight time hourly rate of pay times their normal scheduled hours.

### **15.5 ABSENCE DUE TO SICKNESS**

An employee scheduled to work a holiday who fails to work because of illness or injury shall not receive sick leave pay unless (1) he notifies his Department Head at least one (1) hour before he is scheduled to report for work and (2) upon request, he presents evidence satisfactory to the Department Head, which may be a medical doctor's report, that his absence was due to a bona



fide, unforeseen serious illness or injury. An employee who fails to follow this procedure will also be subject to immediate termination. The Department Head may excuse the first requirement, if he is convinced that failure to notify as required was for a reason clearly beyond the employee's control.

**15.6 HOLIDAY ON A LEAVE DAY**

- A. When a holiday falls within an employee's scheduled vacation and the employee meets the eligibility requirements for holiday pay, the employee shall receive holiday pay and that time will not be charged to vacation.
- B. Otherwise, if a holiday falls during a leave of absence with or without pay, the employee shall receive no holiday pay.

**15.7 SHIFT EMPLOYEES**

For shift employees, the actual day of the holiday, such as Christmas, December 25<sup>th</sup> shall be the day for which overtime will be paid for those who qualify and work on that day. Non-shift employees shall be paid overtime for hours worked on the day observed as the holiday if they qualify and work on that day.

**15.8 ACCOMMODATION**

The City recognizes that some employees may wish to observe, as periods of worship or commemoration, certain days which are not included in the City's holiday schedule. Accordingly, an employee who would like to take the day off for such reasons may be permitted to do so if the employee's absence from work will not result in an undue hardship on the conduct of the City's business and if prior approval has been obtained from the employee's supervisor. Employees may use accumulated days of paid vacation or comp time on such occasions, or they may take such time off as unpaid, excused absence.

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## **SECTION 16: VACATION**

### **16.1 ELIGIBILITY AND RATE OF EARNING**

- A. The amount of vacation each regular full-time employee will accrue with pay is determined by the rates set forth below. The vacation policy is based on an employee's length of continuous service.
- B. Vacation leave is calculated from the first day of employment, and employees are eligible to use it as it is earned.

<b><u>Continuous Years of Service</u></b>	<b><u>Annual rate of accrual</u></b>
0 but less than 5 years	80 hrs. (10 days) .833 days per month
Upon completion of 5 years, but less than 10 years	120 hrs. (15 days) 1.25 days per month
Upon completion of 10 years, but less than 15 years	144 hrs. (18 days) 1.50 days per month
Upon completion of 15 years and higher	168 hrs. (21 days) 1.75 days per month

**Fire Department and Police Department employees' vacation accrual rates are determined by contract.**

- C. The total number of hours of accrued vacation that may be carried forward from fiscal year to fiscal year may not exceed 120 hours, regardless of accrual rates and length of service. Upon termination, employees will be paid for all accrued but unused vacation hours at the employee's effective rate of pay at the time of separation.
- D. Annual leave shall be earned, charged, and paid in days or hours.

### **16.2 REQUEST FOR LEAVE**

- A. Annual leave may be taken only after approval by the appropriate Department Head or designee.
- B. Annual leave may be used only as earned and will not be advanced.
- C. Vacation times should be requested as far in advance as possible but no less than five (5) working days in advance of the time requested or in accordance with department policy.
- D. Supervisors are responsible for ensuring adequate staffing levels and should attempt, when possible, to solve vacation schedule conflicts with the employees involved. If this cannot be done, the length of City service will be the determining factor in deciding vacation time approval, except that once vacation is approved, it will not be changed because a senior employee later asks for the same dates.

- E. Department Head Vacation Policy. All requests for time off should be sent via E-mail to City Manager's office with:
  - 1. Dates of time off requested.
  - 2. Indication of availability while on vacation in an emergency.
  - 3. Person who will be in charge of the department in the Director's/Manager's absence. If approved, a response will be sent back to the Department Head and he or she will be responsible for ensuring the approved "time off" is scheduled appropriately for Departmental operations.

**16.3 USE**

- A. Accrued vacation may be used with prior approval of the Department Head for the following purposes:
  - 1. Approved vacation;
  - 2. Absences for transacting personal business which cannot be conducted during off-duty hours;
  - 3. Religious holidays other than those designated by the City as official holidays;
  - 4. For uncompensated approved absences due to medical reasons once paid sick leave and sick leave escrow have been exhausted;
  - 5. Any approved uncompensated leave of absence.
- B. Unused but earned vacation may also be used in one (1) hour increments to supplement leaves approved for sick leave, Worker's Compensation, funeral leave and leaves under the Family Medical Leave Act, providing the total compensation received from all sources by the employee shall be no more than forty (40) times the employee's straight time hourly rate of pay for all net compensation received.

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## **SECTION 17: SICK LEAVE**

### **17.1 ELIGIBILITY AND RATE OF EARNING**

- A. Regular full-time employees are eligible under paragraphs 17.2 and 17.3 for paid sick leave for absences due to sickness or injury, provided they present evidence, including a medical doctor's report, if requested, satisfactory to their Department Head to establish their absence was due to a bona fide sickness or injury. Regular full-time employees shall accrue eight (8) hours per month of paid sick leave, provided the employee is not on unpaid status more than seven (7) working days in a month.
- B. Sick leave is calculated from the first day of employment, and employees are eligible to use it as it is earned.

### **17.2 REQUEST FOR LEAVE**

To be eligible to receive pay for sick leave, the employee shall notify his immediate supervisor or Department Head as soon as possible but not less than one (1) hour prior to or as soon as possible after the time set for beginning the employee's shift or in accordance with department policy. Notice requires the employee to actually speak to the Supervisor or Department Head. Leaving a message or e-mail, or by any other means is not acceptable. The Department Head may waive this provision if the employee submits evidence satisfactory to the Department Head that it was impossible to give such notification.

### **17.3 RETURN FROM SICK LEAVE**

At the option of the City, the employee may be required to supply a medical release from a doctor acceptable to the City to return to work from a sick leave whether the leave was with or without pay.

- A. An employee who is released from sick leave and who wishes to return to work shall notify the City. If the leave was less than thirty (30) days, the employee shall be placed in the job he held before the leave and there shall be no adjustment of his anniversary date or City or classification seniority date.
- B. Subject to applicable law, if the leave is longer than thirty (30) days but less than one hundred eighty (180) days, the employee will be given his job or a substantially equivalent job that is vacant, if any, if he is qualified to perform all the essential requirements of the vacant job. If the absence was due to a legally recognized disability, reasonable accommodation that will not cause undue hardship to the City will be offered. Adjustments of his anniversary date, City, departmental and classification seniority dates shall be as provided for other unpaid leaves under Section 9.

### **17.4 USE**

Paid sick leave may be used provided it is approved for the following purposes and will be used in conjunction with unpaid leaves under FMLA.

- A. Bona fide sickness or injury off the job.
- B. Medical, dental, optical or chiropractic examination or treatment which cannot be scheduled during non-duty hours.

- C. Serious illness of a member of the employee’s immediate family (spouse, child, or parent) which requires the personal care or attention of the employee.
- D. Accrued sick leave may be used to supplement worker’s compensation but capped at forty (40) times the employees straight time rate of pay for all net compensation received.
- E. Pursuant to Section 29 of the PRR, sick leave hours may be donated to an employee with a critical or terminal illness who has exhausted all sick and vacation pay provided:
  - 1. No more than 24 hours of the donor’s accrued sick leave may be contributed in a fiscal year;
  - 2. Once donated, the sick leave may solely be used for the reasons set forth in 17.6 (A, B, and C) and in compliance with Section 29 of the PRR;
  - 3. Accrued, but unused sick leave hours may not be donated directly to another employee.

**17.5 ACCRUAL/ESCROW PAY OFF**

- A. There is no limit to the number of hours of sick leave that an employee may accumulate and use for bona fide illness or injury; however, accrued, but unused sick leave hours will not be paid off upon termination of employment.
- B. Full-time regular employees who have completed one year of service may convert a portion of their earned but unused sick leave to vacation hours at the end of each fiscal year provided that such conversion does not result in the employee’s vacation balance exceeding the number of hours that may be carried over as specified elsewhere in this PRR. Annually, vacation hours may be converted to cash based on sick leave usage during the fiscal year according to the following table.

<b><u>Sick Hours Used During Fiscal Year</u></b>	<b><u>Hours That May Be Converted</u></b>
Up to 16 hours (8-hour employees)	16 hours
Up to 20 hours (10-hour employees)	16 hours
Up to 24 hours (12-hour employees)	18 hours
Up to 48 hours (24-hour employees)	24 hours

- C. In addition to A and B of this Section, regardless of the amount of sick leave used in the previous fiscal year, employees may be authorized to convert hours of vacation time to cash annually according to the following table:

<b><u>Minimum Sick Leave Balances That Are Required In Order To Be Eligible</u></b>	<b><u>Hours That May Be Converted To Cash</u></b>
80 hours (8-hour employees)	16 hours
80 hours (10-hour employees)	16 hours

96 hours (12-hour employees)

18 hours

120 hours (24-hour employees)

24 hours

## **17.6 LIGHT DUTY**

If an employee is released by their physician for “light duty” after an absence that is not due to a work-related injury, return to light duty shall be at the sole discretion of the City based on its operational needs. If the absence was the result of a work-related injury, refusal to accept a light-duty assignment the employee is capable of performing in accordance with applicable law, and subject to the provisions of Section 30 of this PRR, may result in termination of employment.

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## **SECTION 18: BEREAVEMENT LEAVE**

### **18.1 GENERAL**

- A. Bereavement: An employee may be granted, upon request, from one to three days (one to five days for out-of-area travel) of bereavement leave with pay, due to death of an immediate family member. Determination as to whether travel qualifies as “out of area” shall be at the discretion of the employee’s Department Head, but shall generally be considered as more than four (4) hours’ travel from Charlotte County by automobile, bus, or train; or out of the state of Florida by air.
- B. “Immediate family” in this section shall mean father, mother, brother, sister, wife, husband, son, daughter, daughter-in-law, son-in-law, father-in-law, mother-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, grandfather, grandmother, grandchildren, foster child or guardian, brother-in-law, and sister-in-law.
- C. The employee may be required to provide the Department Head with proof of death in the immediate family, as defined, before compensation is approved; the employee must attend the funeral service.
- D. If, in the opinion of the Department Head, additional days off are necessary to attend the funeral of a member of the immediate family, accrued annual leave may be used or the employee may be given additional time off without pay. If the employee wishes to attend the funeral of someone outside his immediate family, the employee may use accrued annual leave or be allowed time off without pay but only if the Department Head determines the absence will not affect operations.

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## **SECTION 19: JURY DUTY/COURT WITNESS LEAVE**

### **19.1 WITNESS LEAVE FOR THE CITY**

Employees who appear as witnesses on behalf of the City, or are subpoenaed in any judicial or administrative proceeding as witness for the State of Florida in a criminal proceeding shall not lose pay, based on their normal work schedule, and if directed by the City to testify in any proceeding shall have all such time treated as compensable work time.

### **19.2 OTHER COURT-RELATED LEAVE**

Those employees who become plaintiffs or defendants in personal litigation or who testify or appear on behalf of parties and other persons except the City are not eligible for leave with pay under this section.

### **19.3 JURY LEAVE**

The City shall pay an employee who is on jury duty based on his normal schedule, provided the employee:

- A. Advises his Department Head no later than three (3) working days before he is to report for jury duty or when he is first notified, whichever first occurs;
- B. Returns to duty each day he is released from jury duty when two (2) or more hours remain on his scheduled work day or shift unless he gets permission from his Department Head not to return;
- C. Endorses his check for jury pay over to the City.

### **19.4 RETURN TO WORK**

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

### **19.5 EXPENSES**

- A. Mileage, witness fees and expenses reimbursed other than by the City may be retained by the employee.
- B. Mileage and expenses incurred when acting at the direction of the City shall be handled in accordance with approved departmental policy.

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## **SECTION 20: FAMILY MEDICAL LEAVE POLICY**

### **20.1 ELIGIBILITY AND REASONS**

Employees, who have worked for the City of Punta Gorda for at least twelve (12) months, and for at least 1,250 hours during the preceding twelve (12) months, may:

- A. Take up to twelve (12) weeks of unpaid leave in a twelve (12) month period for the following reasons:
  - 1. The birth of the employee's child and to care for the newborn child;
  - 2. The placement of a child with the employee for adoption or foster care;
  - 3. In order to care for the employee's spouse, child or parent who has a serious health condition;
  - 4. Because of a serious health condition which renders the employee unable to perform the essential functions of the employee's position;
  - 5. Because of a qualifying exigency (as defined below) arising out of the fact that the employee's spouse, child (of any age) or parent is a regular, retired or reservist member of the military on active duty or has been notified of an impending call or order to active duty.
- B. Take up to twenty-six (26) weeks of unpaid leave in a single twelve (12) month period in order to care for the employee's spouse, child (of any age), parent or next of kin who is a military service member who is undergoing medical treatment, recuperation, or therapy, or who is in outpatient status, or who is otherwise on the temporary disability retired list, for a serious injury or illness incurred in the line of duty while on active duty in the Armed Forces.

### **20.2 DEFINITIONS**

The following definitions apply for purposes of this Policy:

- A. Serious Health Condition -- A "serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:
  - 1. Any period of incapacity or treatment connected with inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility; or
  - 2. A period of incapacity requiring absence of **more than** three calendar days from work, school, or other regular daily activities that **also** involves continuing treatment by (or under the supervision of) a health care provider; or
  - 3. Any period of incapacity due to pregnancy, or for prenatal care; or
  - 4. Any period of incapacity (or treatment therefore) due to a chronic serious health condition (e.g., asthma, diabetes, epilepsy, etc.); or
  - 5. A period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, stroke, terminal diseases, etc.); or

6. Any absences to receive multiple treatments (including any period of recovery therefrom) by, or on referral by, a health care provider for a condition that likely would result in incapacity of more than three consecutive days if left untreated (e.g., chemotherapy, physical therapy, dialysis, etc.).

B. Serious injury or illness

An injury or illness incurred by a military service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his or her office, grade, rank or rating.

C. Child

Except as otherwise noted in this policy, a biological, adopted or foster child; a stepchild; a legal ward; or a child of a person standing in loco parentis (in the place of a parent) and who is either under the age of eighteen (18) or, if older than the age of eighteen (18), is incapable of self care because of a mental or physical disability.

D. Parent

A biological, adoptive, step or foster parent, or any other individual who stood in loco parentis (in the place of a parent) to the employee when the employee was a child. Parent does not include parents "in law."

E. Next of Kin

The nearest blood relative other than the service member's spouse, parent or child, in the following order of priority (unless the service member has specifically designated in writing another blood relative as his nearest blood relative for purposes of military caregiver): (1) blood relatives who have been granted legal custody of the service member, (2) brothers and sisters, (3) grandparents, (4) aunts and uncles and (5) first cousins.

F. Qualifying exigency

A "qualifying exigency" includes leave taken for any of the following reasons:

1. To address any issue resulting from an impending call to active duty deployment on less than seven days' notice;
2. To attend military events and related activities (such as a military ceremony, briefing, family support program, etc.);
3. To make arrangements relating to childcare and school activities;
4. To make arrangements relating to the care of the military member's parent who is incapable of self-care;
5. To make financial and legal arrangements;
6. To attend counseling;
7. To spend time with a covered military member who is on a short-term, temporary rest and recuperation leave during the period of deployment;
8. To attend post-deployment activities (such as a military ceremony, event, reintegration briefing, etc.); and,

9. Any other exigency agreed upon by the City and employee.

**20.3 TWELVE MONTH PERIOD / COUNTING FMLA LEAVE**

- A. For leave taken for any of the reasons listed in Section 20.1(A), the twelve (12) month period in which eligible employees may take twelve (12) weeks of leave will be calculated using the calendar year method, that is, January 1 through December 31.
- B. If both spouses work for the City, the combined leave shall not exceed twelve (12) weeks in a twelve (12) month period if the leave is taken for the birth of the employee's child, or to care for the child after birth, for the placement of a child with the employee for adoption or foster care, or to care for the employee's parent with a serious health condition.
- C. If both spouses work for the City the combined leave shall not exceed twenty-six (26) weeks of leave during the single twelve (12) month period described in Section 20.1(B) above if the leave is taken to care for a service member with a serious injury or illness.
- D. To the extent allowed by law, in the event an absence is for a reason covered by this policy, the City reserves the right to count it as FMLA leave whether the employee has requested FMLA leave or not. Leaves covered by workers' compensation and/or a disability plan will also be counted as FMLA leave to the extent the leave qualifies under this policy.

**20.4 INTERMITTENT LEAVE AND REDUCED SCHEDULE BASIS**

- A. In the case of leave based upon a serious health condition or a service member's serious injury or illness, leave may be taken intermittently or on a reduced schedule basis, but only if such leave is medically necessary and the medical need can be best accommodated by intermittent leave or a reduced schedule. If intermittent leave or leave on a reduced-hours basis is required for planned medical treatment, the employee is required to make reasonable efforts to schedule the treatment so as not to unduly disrupt the City operations.
- B. In the case of leave for the birth or placement of a child in adoption or foster care, intermittent leave or working a reduced schedule is not permitted unless the City, in its sole discretion, elects to allow it.
- C. In the case of leave based upon a qualifying exigency, leave may be taken intermittently or on a reduced schedule basis.
- D. If intermittent leave or leave on a reduced hours leave is required or provided, the City may, in its sole discretion, temporarily transfer the employee to another position for which the employee is qualified with equivalent pay and benefits that better accommodates that type of leave.

**20.5 EMPLOYEE NOTICE AND CERTIFICATION REQUIREMENTS**

- A. For leave that is foreseeable, the employee must provide the City with at least thirty (30) days' notice. If the need for leave is not foreseeable, the employee is required to provide the City with as much notice as is practicable once the need for leave becomes

known. Requests for leave should be on approved forms which are available from the human resources department.

- B. The City will require that leave based upon a serious health condition, or a service member's serious injury or illness, be supported by a medical certification from a health care provider. In accordance with applicable regulations, the City may request, at the City's expense, a second opinion from a health care provider of the City's choice (as well as a third opinion if the second opinion conflicts with the first opinion). The City will require that medical certification be submitted showing that a request for intermittent leave or leave on a reduced schedule basis is medically necessary.
- C. The City may require subsequent medical recertification of an ongoing condition from the employee's health care provider every six (6) months in conjunction with an absence, or more often to the extent permitted by applicable law.
- D. The City will require that leave based upon a qualifying exigency also be supported by a certification and supporting documentation, including a copy of the military member's active duty orders or other similar documentation.
- E. Certification forms to be completed under this section are available from the human resources department. If an employee's certification or recertification is deemed by the City to be incomplete, the City will notify the employee of the deficiency and the employee will be provided seven (7) days to cure the deficiency. A failure to complete the certification may result in the denial of leave for the period of time until the completed certification is submitted.
- F. During leaves under this policy, the employee must periodically report on their medical status and intent to return to work. Upon taking such leave, the employee will be advised of the reporting requirements.
- G. For leave taken because of the employee's own serious health condition, the employee is required to furnish a medical certification from his or her health care provider advising that the employee is able to safely resume performing the essential functions of his or her position before the employee will be allowed to return to work.

## **20.6 HEALTH INSURANCE PREMIUMS**

- A. During leaves of absence under this policy, the City will continue to pay its portion of the health insurance premiums and maintain the employee's coverage under the health plan in the same manner as if the employee had been continuously employed during the entire leave period, provided the employee continues to pay his or her share of the premiums.
- B. Should the employee fail to continue to pay his or her share of the premium, notices of proposed insurance cancellation and the opportunity to pay the premium as required by the FMLA will be provided before the cancellation.
- C. The employee will be advised in advance of any changes in premiums so that he or she will have ample opportunity to make arrangements to continue to pay his or her share of the premiums during the FMLA leave.
- D. If the employee does not return to work after the expiration of the leave, the employee will be required to reimburse the City for the City's portion of health insurance

premiums during the family leave as permitted by law, unless the employee does not return due to a serious health condition which prevents the employee from performing his job or circumstances beyond the control of the employee. To avoid required reimbursement, appropriate certification from a health care provider may be required if the employee does not return to work because of a serious health condition.

## **20.7 ACCRUAL**

- A. During any period of leave under this policy during which the employee is substituting paid leave, accrual of employment benefits, such as vacation pay, medical leave, seniority, etc., shall continue. Once the employee has exhausted all types of paid leave, sick and vacation leave accruals shall be subject to Section 21.4 of this PRR.
- B. Pension benefits will be determined in accordance with applicable regulations, but employees will be required to make the pension contributions required, if any, under any City-sponsored pension plan covering them.
- C. Employment benefits to which an employee may be entitled on the day on which the FMLA leave of absence begins will not be lost because of such leave, except for those paid leave days substituted for unpaid leave taken under this policy as described below. Upon return from FMLA leave, employees are entitled to any changes in benefit plans not dependent upon seniority or accrual during the leave period.
- D. Subject to applicable law, employees may be disqualified from bonuses based upon attendance or safety for which they qualified prior to leave because of the taking of FMLA leave.

## **20.8 SUBSTITUTION OF ACCRUED PAID LEAVE**

- A. For unpaid leaves under this policy, the City will require employees to substitute any accrued paid leave (including vacation, sick, personal leave, etc.) that he or she may have. This means that the employee's FMLA leave under this policy will run concurrently with the use of any accrued paid leave. The employee will be notified of the designation when the leave begins.
- B. Where the leave is not unpaid but the employee is not receiving his or her full pay (such as when on workers' compensation leave or leave under a disability plan), accrued paid leave may be used to supplement the employee's pay to bring him or her up to their full salary, to the extent that both the City and the employee agree.

## **20.9 JOB RESTORATION UPON RETURN FROM FMLA LEAVE**

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

## **20.10 FAILURE TO COOPERATE**

Employees who fail to provide information to, or otherwise cooperate with, the City in

administering this policy, or who provide intentionally untruthful information as to the facts upon which the FMLA leave was granted, may have their leave delayed and/or be subject to discipline up to and including discharge as permitted by law.

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## **SECTION 21: GENERAL LEAVE WITHOUT PAY**

### **21.1 GENERAL LEAVE WITHOUT PAY**

- A. Except as required by applicable law, the decision to grant a leave without pay (leave of absence) is a matter of administrative discretion. It shall be the responsibility of each Department Head to weigh each case on its own merits.
- B. Request for leaves of absences must be submitted at least 30 days prior to the start of the desired leave, or as soon as possible, and must be approved by the Department Head and Human Resources.
- C. Full-time employees with six or more months of services may request an unpaid leave of absence by submitting their request in writing to their department director. Requests should include the following:
  - 1. Reason for leave
  - 2. Anticipated length of leave
- D. Unpaid leaves of absence for more than 30 days will not be granted without the approval of the City Manager, unless such leave is required by law.

### **21.2 EXTENSION**

Employees on leave shall report for duty at the end of the leave unless they have obtained a written extension from the City Manager or have been notified not to return.

### **21.3 RETURN TO WORK**

- A. An employee who is on approved unpaid leave other than sick or FMLA leave for no more than fourteen (14) days shall be returned to his former position.
- B. When the leave is more than fourteen (14) days but does not exceed sixty (60) days the employee shall be returned to his former position or another position, if one is vacant, for which, in the opinion of the Department Head, he is qualified to perform all of the duties; otherwise, he shall be laid off. Failure to return to work at the expiration of the approved leave shall result in termination.

### **21.4 ACCRUAL OF BENEFITS (SUBJECT TO SECTION 20)**

- A. Sick leave and vacation leave will not be earned by employees who are on leave without pay for seven (7) consecutive days or longer. Accrual for longevity benefits will cease during an unpaid leave of absence of more than thirty (30) days.
- B. Performance review and resulting increases will be delayed the same amount of time an employee is away from work on a leave of absence greater than 30 days.
- C. Group life, dental and medical insurance may be continued while on leave in accordance with the provisions contained in the insurance contracts. However, the employee is responsible for paying the premiums including the portion normally paid by the City.
- D. Credited service for retirement benefits will be governed by the applicable retirement plan.

## **21.5 OTHER EMPLOYMENT**

Employees on leave of any kind without pay, including unpaid medical leave, shall not accept employment elsewhere. Violators will be subject to termination.

## **21.6 CONFERENCE LEAVE**

When deemed in the best interest of the City, an employee may be granted leave with pay to attend professional and technical institutes, conferences, or other such meetings which may contribute to the effectiveness of the employee's service to the City. All such leave and travel expenses will be subject to the approval of the Department Head in accordance with policies developed by the City in accordance with State and City law.

## **21.7 ADMINISTRATIVE LEAVE**

Administrative and supervisory personnel who do not earn or accrue overtime may be granted reasonable time off without loss of pay, to conduct personal business which cannot be conducted during off-duty time.

## **21.8 MILITARY LEAVE**

All full-time employees of the City who are members of the Florida National Guard or members of other reserve components of the armed forces of the United States will be granted time off with pay (in addition to vacation or sick leave) for a period not to exceed the maximum time required by applicable law for annual training duty or when called to active military service. Employees must submit a copy of the written order from the appropriate military commander prior to such leave being authorized. Otherwise, absences for military duty will be handled in accordance with applicable law.

## **21.9 TERMINATION**

Any employee who notifies the City that he or she will not return from a leave of absence will be terminated, upon receipt of such notice.

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## **SECTION 22: HARASSMENT POLICY**

### **22.1 PURPOSE**

The purpose of this policy is to make all employees of the City of Punta Gorda aware that it is the policy of the City of Punta Gorda that harassment based on sex, race, color, national origin, disability, religion, age, marital status, veteran status, or any other legally-protected basis will not be tolerated.

### **22.2 STATEMENT OF POLICY**

- A. Sexual harassment is included among the prohibitions of Title VII of the Civil Right Act of 1964, which prohibits sex discrimination in employment, and is prohibited by the City of Punta Gorda.
- B. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical acts of a sex based nature, where submission to such conduct is made a term or condition of employment, or an employment decision is based on an individual's acceptance or rejection of such conduct, or such conduct unduly interferes with an individual's work performance or creates an intimidating, hostile, or offensive working environment. Sexual harassment involves not only members of the opposite sex but also of the same sex.
- C. Other forms of harassment in addition to sexual harassment are illegal (such as racial harassment) and/or improper and will not be tolerated. Such harassment involves unwelcome language or actions involving race, color, religion, national origin, marital status, veteran status, age, or disability.
- D. In addition, the City will not allow any retaliation against any employee who raises a concern about improper or illegal harassment or truthfully participates in an investigation involving improper or illegal harassment.
- E. Employees at all times shall treat other workers respectfully and with dignity, in a manner so as not to offend the sensibilities of a co-worker.

### **22.3 EXAMPLES OF PROHIBITED SEXUALLY RELATED CONDUCT**

- A. The City of Punta Gorda considers the following conduct to be examples of conduct, which violates its prohibition of sexual harassment.
- B. Unwelcome physical assaults or touching of a sexual nature, including:
  - 1. Rape, sexual battery, molestation, or attempts to commit such acts;
  - 2. Intentional physical contact which is sexual in nature, such as touching, pinching, patting, grabbing, rubbing, hugging, or poking another employee's body.
- C. Unwelcome sexual advances, propositions, and other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of an employee who has indicated in any way that such conduct in his or her presence is unwelcome.
- D. Job actions related to sexual matters such as:

1. Preferential treatment for submitting to sexual activity, including soliciting or attempting to solicit an employee to engage in sexual activity for compensation or reward;
  2. Threatening to or actually making an employee's job more difficult, or taking away any benefit or privilege to entice an employee to submit sexually.
- E. Display of sexually related material, such as:
1. Pictures, posters, calendars, graffiti, objects, promotional material, reading or other material of a sexually suggestive or sexually demeaning nature is not permitted in the workplace;
  2. Reading or otherwise publicizing in the work environment materials that are sexually revealing, pornographic, or sexually demeaning.

#### **22.4 EXAMPLES OF OTHER ILLEGAL OR IMPROPER HARASSMENT**

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

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

#### **22.5 MAKING COMPLAINTS OF HARASSMENT OR RETALIATION**

- A. Anyone who has suffered sexual or other illegal or improper harassment or retaliation or who has observed such conduct must report it to his or her supervisor, Human Resources, or the City Manager. Employees are not expected to report complaints to the person they believe is harassing them or discriminating or retaliating against them. However, in such cases, employees are required to report such conduct to another employee identified above. If the employee reports the alleged harassment to his or her immediate supervisor and, notwithstanding that report, the harassment continues to occur or the immediate supervisor does not take prompt remedial action, the employee is required to immediately report the harassment to either the Human Resources Director, or the City Manager. Supervisors who receive a report of harassment are required to immediately notify the Human Resources Director and will be subject to disciplinary action if they fail to do so. Employees who witness impermissible discrimination, harassment, or retaliation and fail to report it will be subject to disciplinary action, up to and including termination.
- B. All complaints will be handled in a timely manner, as directed by the Human Resources Department and/or the City Manager. Upon a determination that a complaint is valid, the City will take appropriate remedial action, including discipline up to termination of employment. Appropriate follow-up steps will be taken where necessary to ensure that the harassment ceases and does not re-occur. If the complaint is found to be without merit, no disciplinary action will be taken against the employee against whom the complaint was made.
- C. Any individual who files a complaint under this policy or who participates in an investigation will be protected from coercion, intimidation, retaliation, interference,

or discrimination for filing a complaint or participating in an investigation. An employee who believes he or she has been subjected to retaliation on the basis of having filed a complaint or having participated in an investigation must immediately report it pursuant to the complaint process outlined above. Any employee who is determined to have retaliated against another individual in violation of this policy will be subject to disciplinary action, up to and including termination.

## **22.6 BAD FAITH CLAIMS OF HARASSMENT**

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

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## **SECTION 23: DRUG-FREE WORKPLACE POLICY**

### **23.1 GENERAL POLICY**

The City's Drug-Free Workplace Policy is aimed at ensuring zero tolerance to illegal drugs at all times and its alcohol-free policy to zero tolerance under circumstances that affect or might affect the safety and well being of employees, citizens and others, or that adversely affect or might affect the effective operation of City operations. This policy has been implemented in accordance with sections 440.101 and 440.102 of the Florida Statutes.

### **23.2 PROHIBITIONS**

Unless the law requires otherwise, the City will not hire an applicant who uses, possesses, sells, distributes or cultivates illegal controlled substances or has an alcohol-related problem that the City believes will or may adversely affect the efficient operation of City business. To the extent allowed by applicable law, the City, at its option, may require successful completion of one (1) or more drug screening tests as a condition of employment. Whenever applicants for employment are to be tested for the presence of illegal controlled substances, they shall be informed of the test in advance and in writing.

#### **A. Illegal Controlled Substances:**

Employees of the City are prohibited from the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute illegal controlled substances at any time whether on or off duty and whether on or off City property. Illegal controlled substances are defined by applicable State and Federal laws.

#### **B. Alcohol Abuse:**

Employees of the City are prohibited from using or possessing alcohol while on duty, while on City premises, while driving a City vehicle, while operating a piece of City equipment, while being transported in City vehicles at any time, or while in a City uniform. Employees of the City are prohibited from reporting to work under the influence of alcohol or from otherwise using alcohol in a manner at any time which adversely affects the business interest of the City.

#### **C. Limited Exceptions:**

A sworn employee of the City Police Department or any other employee acting under the direction of the Chief, or his designee, may have cause, in the course of conducting City business, to acquire and/or manipulate some form of alcohol or drugs for a legitimate "on-duty" purpose. Such shall be done in accordance with the employee's assigned duties and in accordance with Police Department Policies.

### **23.3 DEFINITIONS**

For the purposes of this Policy, the following definitions shall apply even though they might not be contained directly in this policy.

**Alcohol:** distilled spirits, wine, malt beverages or other intoxicating liquor.

**Chain of Custody:** the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in

handling, testing, storing and reporting of test results.

**Collection Site:** a place where employees present themselves for the purpose of providing a specimen to be analyzed for the presence of drugs.

**Collection Site Person:** a person provided by an approved laboratory who instructs and assists employees at a collection site and who receives and makes an initial examination of the specimen provided by those employees.

**Confirmation Test, Confirmed Test, or Confirmed Drug Test:** a second analytical procedure run on a sample that was positive on the initial screening test. The second analytical procedure must be used to identify the presence of a specific drug or metabolite in a specimen. The confirmation test must be different in scientific principle from that of the initial test procedure. The confirmation method must be capable of providing requisite specificity, sensitivity and quantitative accuracy. The confirmation test for alcohol will be gas chromatograph and the confirmation test for all other drugs will be gas chromatograph/mass spectrometry.

**Drug:** Alcohol, Amphetamines, Cannabinoids, Cocaine, Phencyclidine, Methaqualone, Opiates, Barbiturates, Benzodiazepines, Methadone, or Propoxyphene.

**Drug Test or Test:** any chemical, biological or physical instrumental analysis in conformity with this policy, administered for the purpose of determining the presence or abuse of a drug or its metabolites.

**Employee:** any person who works for salary, wages, or other remuneration from the City.

**Employee Assistance Program:** an established program for employee assessment, counseling, and referral to an alcohol and drug rehabilitation program.

**Employer:** means the City Of Punta Gorda who employs persons for salary, wages, or other remuneration.

**GC/MS:** gas chromatograph/mass spectrometry.

**Initial Drug Test:** a sensitive, rapid and reliable procedure to identify negative and presumptive positive specimens. The initial screen for all drugs shall be an immunoassay procedure, except that, the initial test for alcohol shall be an enzyme oxidation methodology.

**Laboratory:** a facility licensed by the Agency for Health Care Administration in accordance with Chapter 59A-24 FAC.

**Mandatory Testing Position:** Mandatory testing position shall mean a job assignment that requires the employee to:

- Carry a firearm;
- Work closely with an employee who carries a firearm;
- Perform life-threatening procedures;
- Work with heavy or dangerous machinery;
- Work as a safety inspector;
- Work with children;
- Work with detainees in the correctional system;

- Work with confidential information or documents pertaining to criminal investigations;
- Work with controlled substances;
- Undergo an employee security background check pursuant to section 110.1127 of the Florida Statutes;
- Perform job assignments in which a momentary lapse in attention could result in injury or death to another person; or,
- Perform safety-sensitive job duties and responsibilities.
- Special Risk Position. Special risk position shall mean a position that is required to be filled by a person who is certified under:
  - Chapter 633 of the Florida Statutes (Fire Prevention and Control); or,
  - Chapter 943 of the Florida Statutes (Law Enforcement).

**Medical Review Officer (MRO):** a licensed physician who satisfies the qualification requirements of Chapter 59A-24.008 FAC employed with or contracted by the City, and who is responsible for receiving and reviewing all drug test results from the laboratory as provided for in Chapter 59A-24 FAC and this policy. The MRO is responsible for contacting all positively tested individuals to inquire about possible prescriptive or over-the-counter medications which could have caused a positive test result.

**Nonprescription Medication:** a medication that is authorized pursuant to State or Federal law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.

**Prescription Medication:** a drug or medication obtained pursuant to a prescription as defined by Section 893.02, FS.

**Random Testing:** the selection of employees from certain classifications allowed by applicable law, for a drug or alcohol test using a process whereby employees have the expectation that their selection for a drug test is based on methodology that utilizes objective, bias-free random selection processes.

**Reasonable Suspicion Drug Testing:** drug testing based on a belief that an employee is using drugs in violation of the City's policy, drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Reasonable suspicion drug testing must be based upon the direct observation of a supervisor and at least one corroborating witness.

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

**Special Risk:** employees who are required as a condition of employment to be certified under Chapter 633, Florida Statutes, or Chapter 943, Florida Statutes.

**Specimen:** a tissue or product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites.

#### **23.4 USE OF LEGAL DRUGS**

The legal use of prescription and non-prescription drugs is often necessary. Unless used in accordance with a valid prescription from a medical professional or in accordance with accepted

over the counter uses, the City prohibits the use, distribution, possession, manufacture, cultivation, sale or attempt to sell or distribute prescription drugs. Employees are required to advise his or her supervisor if he or she is taking prescription or non-prescription drugs which have the potential to adversely impact the employee's job performance or the employee's ability to work in a safe and efficient manner. For purposes of the City's Drug Free Workplace Policy, Cannabinoids (marijuana, THC), although approved by referendum for use in pain management, shall continue to be considered a prohibited substance. The use of Cannabinoids by a City employee, prescribed or otherwise, shall be subject to the testing and disciplinary provisions of this Policy.

### **23.5 TESTING FOR SUBSTANCE ABUSE**

The City may, and, to the extent required by law, will use testing as one of several means of enforcing its drug and alcohol abuse policy. Testing will be conducted in the manner and circumstances listed below.

#### **A. Alcoholic Beverages:**

For the purpose of this policy, if a test reveals the presence of alcohol in a level defined by state statutes as illegal for driving in Florida, the employee shall be deemed to have violated the City's policy. If a test reveals the presence of alcohol in a level more than a trace, but less than that defined by Florida statutes as illegal for driving purposes, the results of the test will be considered along with all other relevant information (e.g., employee conduct, speech, performance, etc.) in determining whether the employee violated paragraph 23.2.C above.

#### **B. Illegal Controlled Substances:**

Employees and candidates will be subject to drug testing (10 Panel) for the detection of the following illegal drugs/drug groups, as well as others that may from time-to-time be declared illegal by state or federal law. For purposes of the City's Drug Free Workplace Policy, Cannabinoids (marijuana and THC) shall continue to be considered a prohibited substance for City employees.

1. AMPHETAMINES: (Obetrol, Biphedamine Desoxyn Dexedrine Didrex Ionamine, Fastin)
2. BARBITURATES: (Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phreninlin, Triad)
3. BENZODIAZEPINES: (Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Halcion, Paxipam, Restoril, Centrax)
4. CANNABINOIDS: (Marijuana, THC)
5. COCAINE
6. METHADONE
7. METHAQUALONE
8. OPIATES: (Paregoric, Parepectolin, Donnegel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant,



Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tuss-Organidin)

9. PHENCYCLIDINE (PCP)

10. PROPOXYPHENE: (Darvocet, Darvon N, Dolene)

C. For purposes of this policy, METABOLITES of any of the substances listed above shall also be considered illegal controlled substances.

### **23.6 TYPES OF TESTING**

A. Job Applicant Testing. Applicants for employment in special-risk and/or mandatory testing positions are subject to pre-employment drug and alcohol test as a prerequisite to employment with the City.

B. Routine Fitness-for-Duty Testing. Employees may be required to submit to drug and alcohol testing as part of any routinely scheduled employee fitness-for-duty medical examinations.

C. Follow-up Testing. Employees who enter into an employee assistance program or any similar rehabilitation program will be subject to drug and alcohol testing as a follow-up to such program. Follow-up testing will be conducted without advanced notice and at least once per year for a period of no less than two years.

D. Reasonable Suspicion Testing. An employee will be subject to drug and alcohol testing whenever reasonable suspicion exists to believe the employee is using drugs or alcohol in violation of this policy or otherwise engaging in conduct in violation of this policy. Reasonable suspicion shall be based on specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. In making this determination, relevant factors may include, but are not limited to:

1. Observable phenomena, such as direct observation of drug use or of physical symptoms or manifestation of being under the influence of a drug or alcohol;
2. Abnormal conduct, erratic behavior or a significant unexplained deterioration in work performance;
3. A report of drug use, provided by a reliable source;
4. Evidence that an individual has tampered with a drug test during his or her employment with the City;
5. Information that an employee has caused or contributed to an accident or injury while at work;
6. Evidence that an employee has negligently or recklessly operated a vehicle, equipment or machinery while at work;
7. Evidence that an employee has used, possessed, manufactured, cultivated, sold, solicited, or transferred drugs.
8. Supervisors who determine that reasonable suspicion exists to require an employee to submit to a drug and/or alcohol test are required to promptly document in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing.



E. Random and/or Suspicionless Testing. Employees who hold special risk or mandatory testing positions are subject to drug and alcohol testing on either a random or a suspicionless basis.

F. Other Lawful Testing. The City reserves the right to conduct any other type of lawful drug or alcohol testing.

G. Post Accident/Injury Testing

An employee shall be required to submit to a drug test:

1. When an employee is involved at any time directly in an equipment or vehicular work-related accident, and the employee is found to be at fault;
2. When an employee is determined to have willfully engaged in any unsafe and/or negligent maintenance or operation of the City's equipment or vehicles at any time;
3. When an employee is found to be at fault in any accident involving any personal injury that results in a workers compensation claim or serious damage to property.

H. Follow-up Testing

If, in the course of employment, the employee enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, City shall require the employee to submit to random drug tests as a follow-up to such program during a twelve-month period thereafter.

I. Choice of specimen

Urine will be used for the initial test for all drugs, and for the confirmation of all drugs, except alcohol. Alcohol testing shall be done using a breathalyzer, with a blood test required to confirm a positive alcohol test. The City reserves the right to utilize other specimens and testing methods provided such measures are warranted and that the employees are given reasonable notification.

J. Cost of Testing

The City shall pay the costs of all drug testing it requires of employees, except in the case of an employee entering into a "Last Chance Agreement" in lieu of discharge after failing a drug test. However, should the results of a test be deemed inconclusive and it is determined to be the fault of the employee, the employee may be responsible for the costs of repeat testing.

K. Employee Rights

When testing to determine the presence of illegal controlled substances under Section 23.7.D above:

1. Employees and job applicants have the right to consult with the testing laboratory for technical information regarding prescription and non-prescription medications. The name, address and telephone number of the testing laboratory will be provided to the employee or job applicant upon request.
2. All test results will be kept confidential and will only be provided to the employee's Director and the Human Resources Director on a need-to-know basis.

3. For tests under Section 23.7.D.1, the City shall meet with and inform an employee that, in the opinion of the City, there is a basis for reasonable suspicion and of the City's intention to schedule a drug or alcohol screen or test. At said meeting the City shall consider the comments of the employee regarding the matter and shall then make a final determination of whether to proceed and require the screen or test.
4. Employee may upon his request have a representative present at said meeting, however, the meeting shall not be delayed because the employee wishes to have a specific representative present. If it is determined by the Employer that a drug or alcohol screen or test will be required, the employee shall be immediately escorted to the appropriate facility for the test. Refusal by the employee to submit to said test will result in disciplinary action, up to and including termination of employment as determined exclusively at the discretion of the City Manager.
5. If the employee is in a collective bargaining unit, the representative in subparagraph (4) above may be a Union representative.
6. Procedures for testing for the presence of illegal controlled substances shall be conducted consistent with the provisions of Florida Statute 440.102(5)(a) through (o) and (6) for alcohol, a positive result is 0.02, or greater. For drugs, a positive result is in accordance with the detection levels established by HRS guidelines.
7. The common and chemical names of the substances identified in Section 23.6.B above, a copy of Florida Statute 440.102(5) and (6) and a list of local drug rehabilitation programs is available from the Human Resources Office.
8. Subject to applicable law, as part of any medical examination required by the City whether or not that medical examination is required by the DOT or any other local, state, or federal law or regulation, an employee shall be subject to mandatory testing for illegal controlled substances.
9. To the extent permitted by law, all test results will be kept confidential and will only be provided to managerial employees on a "need-to-know" basis, provided this prohibition shall not apply to any administrative, judicial, arbitrable or legal proceeding.

L. Circumstances for Testing:

Supervisors must report immediately to the Department Head any action by any employee who demonstrates an unusual behavior pattern. The Department Head will coordinate with the Human Resources Director to determine whether the employee should be examined by a physician or clinic and/or tested for drugs/or alcohol. An employee believed to be under the influence of drugs, narcotics or alcohol may be required to submit to a drug and/or alcohol test. The Police Department may be notified to arrange safe transit, if necessary.

### **23.7 REASONABLE SUSPICION SEARCHES**

In order to discourage the use and/or distribution of illegal drugs at any time, or alcoholic beverages in the workplace, the City may conduct searches for alcohol, illegal drugs or paraphernalia on City property or work sites, and/or employee's personal property stored on City property. Such searches may include, but are not limited to any box, bag, or other container, and

vehicles brought on to City property, provided that there is probable cause to conduct such a search.

### **23.8 ALLEGED CRIMES INCLUDING DRUGS OR ALCOHOL**

- A. All employees must report to their supervisor any arrest, indictment or conviction of a drug or alcohol-related violation or alleged violation of law not later than three (3) working days after the employee becomes aware of it. Failure to so report may result in immediate termination.
- B. Upon conviction of a crime involving illegal drugs, the employee will be immediately terminated.
- C. Without regard to prosecution or conviction by appropriate entities, the City may, at its option, conduct its own independent investigation to determine whether or not there has been a violation of the City's drug and/or alcohol policy. If, in the opinion of the City, the City believes that a violation of this policy has occurred, then the City will take whatever disciplinary action it deems appropriate regardless of the ultimate outcome of any criminal case that may be brought against the employee.

### **23.9 DISCIPLINE FOR VIOLATION OF POLICY**

- A. Employees who violate this policy or who are directed to take a physical examination, blood, breathalyzer, urinalysis or other test allowed by law, and refuse or fail to do so when and as directed, shall be subject to immediate termination. The City, at its option and consistent with applicable law, may apply alternative disciplinary measures that fall short of discharge, but not less than suspension without pay for at least eight (8) hours of work up to a maximum of twenty-four (24) hours, and at the City's option, require the employee to undergo approved medical or rehabilitative assistance. In order for an employee who has violated the provisions of this policy to receive such consideration, the employee must meet the following criteria:
  - 1. Must have successfully completed their initial probationary period;
  - 2. The employee's most recent evaluation must have been such that the overall assessment of the employee's performance was such that the employee was average or higher;
  - 3. The employee's performance over the past year may not include any written warnings or suspensions for misconduct that falls into a Group II Offense;
  - 4. The circumstances surrounding the employee's ingestion of illegal or controlled substances must be such that they do not cast the City in a bad light;
  - 5. Any discipline applied to an employee for violations of this policy shall be done with the guidance of Human Resources, with the City Manager exercising final decision authority over the matter.
  - 6. Any employee who is found to be in violation of the provisions of this policy, and to whom the City exercises the option of applying discipline that is less than discharge, shall be required to sign a "Last Chance Agreement" that specifies any further violations of this policy shall be grounds for immediate discharge with no appeal.

7. Employees who hold positions that require legally mandated license(s) or certification(s) as a minimum eligibility requirement to remain employed in the position, and who lose such license(s) or certification(s) as a result of a positive test for drug or alcohol abuse, shall not be eligible to participate in the “Last Chance” program because they are no longer qualified to hold the position, and shall be subject to immediate termination.
  8. In lieu of termination, the City reserves the right to exercise discretion to re-assign an employee whose license(s) or certification(s) have been revoked to a vacant position for which the employee is qualified, provided that the employee meets all the conditions specified in Section 23.10.A.1 through 5 (above). The employee shall then be required, as a condition of continued employment, to sign a “Last Chance Agreement,” as specified in 23.10.A.6 above.
- B. Employees who, after having taken such examination and/or test are determined to have utilized an illegal controlled substance at any time or to have violated the City’s alcohol abuse policy, shall be subject to immediate termination, however the City may exercise discretion as specified in Section 23.10.A.1,2,3,4,5,6, and 8, above.
  - C. If the presence of an illegal controlled substance is established as a result of the test, the employee or job applicant may request an opportunity to explain the result to the City and/or Medical Review Officer as determined by the City in accordance with applicable law. Such request must be made, in writing, within five (5) working days of receipt of written notification of a positive test result.

#### **23.10 EMPLOYEE INJURED ON THE JOB**

- A. Any employee sustaining an on-the-job injury who refuses to submit to a drug test, or has a positive confirmation test, in addition to other provisions of the policy, may forfeit his/her eligibility for all workers compensation medical and indemnity benefits, depending on applicable law.
- B. An employee injured at the workplace and required to be tested, in accordance with this policy, shall be taken to a medical facility for immediate treatment of injury. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible where specimens shall be obtained. If it is not medically feasible to move the injured employee, specimens shall be obtained at the treating facility under the procedures set forth in this policy and transported to an approved testing laboratory.
- C. No specimens shall be taken prior to the administration of emergency medical care. Once this condition has been satisfied, the City may obtain results of any test conducted on a specimen for the presence of alcohol or drugs only as is specifically provided for in this policy.

#### **23.11 EMPLOYEE ASSISTANCE PROGRAM**

##### A. General:

The City provides at no charge an Employee Assistance Program (EAP) for all regular City employees who have successfully completed their probationary period. The purpose of the EAP is to assist such employees who voluntarily report drug or alcohol related problems

which have not yet adversely affected the employee's job performance or the City's operations. Additionally, the City may require any employee in violation of this policy, whether he voluntarily reports his problem or not, to participate in the EAP or other medical and rehabilitative assistance programs as a condition for continued employment.

Employees may obtain assistance for substance abuse (and other behavioral issues) by contacting the City's Employee Assistance Program provider. Provider information is available through the Human Resources Office.

**B. Employees Who Voluntarily Ask for Help:**

Employees with drug or alcohol-related problems who wish to seek assistance through the EAP may contact the EAP provider on a confidential basis. The employee must use accrued leave (sick, vacation, or sick escrow) during such absence, and if the employee has no accrued leave, upon request, the City may grant that employee an unpaid leave of absence for a period determined by the City to participate in a City approved treatment or rehabilitative program. The employee will be responsible for all expenses resulting from the treatment or program to the extent they are not covered by insurance.

**C. Other Employees:**

In the event the City discovers a violation of this drug or alcohol policy, the City, at its option and consistent with applicable law, may proceed to discipline the employee up to and including discharge, or at the City's option, require the employee to undergo approved medical or rehabilitative assistance. The employee will be responsible for all expenses resulting from the treatment or rehabilitation to the extent they are not covered by insurance. In the event the City requires the employee to participate in the Employee Assistance Program, the EAP provider will keep the City fully advised with respect to the employee's participation and recovery status.

**D. Return to Work:**

In order to be considered for return to work, employees who are granted a leave of absence under paragraph B and C above must successfully complete, within a reasonable amount of time, all EAP, medical, and other rehabilitative requirements established by the City for the employee. If, at the option of the City, the successfully rehabilitated employee is returned to work after his successful completion of the required rehabilitative program, he shall be given no service credit for the time of his leave of absence unless the leave or part of it is covered by the FMLA, in which case the credit shall be applied, or not, in accordance with the FMLA.

**E. Re-Testing:**

Employees allowed to return to work under paragraph D (above) shall be subject to re-testing at any time without notice, and must submit to such test as and when directed by the City until the City, in its sole discretion, determines the problem is resolved. Employees who return to work and fail to comply with these re-testing provisions shall be subject to immediate termination.

**23.12 REPORTING VIOLATION OF THE POLICY**

**A. Reporting Violations:**

It is the obligation of every employee of the City to report violations of the City's drug and alcohol abuse policies. Failure to report a violation may subject that employee to discipline up to and including discharge.

**B. Retaliation:**

Any employee who in good faith, based upon reasonable suspicion or observation, reports an alleged violation of these policies, or any supervisory or managerial employee who investigates or takes action in good faith based on reasonable suspicion or observation, shall not be harassed, retaliated against, or discriminated against in any manner for making reports, participating in the investigation or because of any reasonable action he takes as a result of the investigation.

**C. Bad Faith Claims:**

D. Any knowingly false reporting of a violation of the policies set forth herein shall subject the employee to immediate termination.

**23.13 COORDINATION WITH HUMAN RESOURCES**

A. This Drug-Free Workplace and Alcohol Policy is subject to applicable law and all action taken by members of the management staff pursuant to these rules must be coordinated through the Human Resources Director to ensure compliance with all applicable laws.

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**EMPLOYEE ACKNOWLEDGMENT OF UNDERSTANDING AND  
COMPLIANCE**

By signing below, I acknowledge that I understand this Drug Free Workplace Policy and agree to abide by it as a condition of my employment with the City of Punta Gorda. It is also my understanding that I am subject to discipline and can be terminated and denied Workers' Compensation and/or Unemployment benefits if I violate the provisions of the Policy, and the Florida Drug Free Workplace Program, in accordance with F.S. 440.102. Additionally, I acknowledge that I have been given a copy of this Policy for my records. With this signature, I authorize health care service providers to release only such relevant "workplace safety" and medicinal information to the City's Medical Review Officer as is necessary for the MRO to make a determination as to whether a violation of this Policy has been committed.

Name \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_

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## **SECTION 24: EMPLOYEE HEALTH AND INSURANCE**

### **24.1 GROUP MEDICAL, DENTAL AND LIFE INSURANCE**

- A. The City offers all regular full time employees and City Council Members Group Medical, Dental and Life insurance after a certain number of days of employment. The City may, at its sole discretion, pay all, part or none of the premium(s) for its employees; and all, part or none of the premium(s) for eligible dependents of those employees who elect dependent coverage (dependent premium subsidy). To qualify for dependent premium subsidy, dependent(s) must be one of the following:
  - 1. The present spouse of a Covered Employee; or,
  - 2. A child of a Covered Employee who is under the age of 26.
- B. From time to time the City hires temporary employees, who are not employed through a temporary employment agency, and who work a full time schedule. Full time schedule, for purposes of this Section, is defined as thirty hours or more per week. The City shall provide employees hired, as specified herein, employee-only health insurance, or as may be required by law, on the same basis as regular full time employees (Section 24.1.A); however, such employees are not eligible to add dependents to the City's health insurance plan.
- C. Employees who are hired under the terms specified in Section 24.1.B above shall be eligible to purchase dental and vision insurance, and shall be required to pay the total premium for such insurance for such benefits.
- D. The current employee contribution rates are available from Human Resources as are the various options as to coverage and types of insurance available. A booklet explaining the plans, contributions, and how and where to file claims is also available through Human Resources.
- E. To make a change in family coverage, the employee must notify Human Resources of the lifestyle change or the qualifying event, (e.g., marriage, divorce, birth of a child, etc., within the time limit required by the plan).
- F. Subject to applicable law, and with the written permission of the City Manager, the City may offer health, dental, and/or life insurance to certain classifications of employees who are not otherwise covered under Section 24.1.A (above) and who work more than thirty (30) hours per week.
  - 1. The City may, at its sole discretion, pay all, part or none of the premium(s) for employees covered under this Section.
  - 2. Employees covered under this Section are not eligible for dependent coverage under the City's health, dental, and/or life insurance.

### **24.2 PREMIUM DEDUCTION**

The City has an IRS approved Section 125 Plan by which eligible employees may pay their share of the group medical insurance premium through payroll deduction with before-tax dollars. Contact Human Resources for details.

### **24.3 RETIREES MEDICAL INSURANCE**



- A. Employees of the City who participate in a City pension plan may retire from the City with retirement benefits as defined by the pension plan in which they participate. Upon retirement, they may continue to participate in the City Group Medical, Dental and Life Insurance plans, if and as they exist, so long as they pay the full cost as and when directed by Human Resources.
- B. Employees who do not participate in a City Pension Plan are eligible to participate in the City Group Medical, Dental and Life Insurance plans, as and if they exist, on the same basis as retirees under 6.3.A above if they have:
  - 1. Reached normal or early retirement age, as defined in an applicable City pension plan for their position upon retirement and
  - 2. Achieved the number of years of service required to be vested in the applicable City pension plan for their position upon retirement.
  - 3. The retiree is responsible for the payment of all insurance.
- C. After leaving office, City Council Members are eligible to participate in the City Group Medical, Dental and Life Insurance plans, as and if they exist, on the same basis as retirees under 6.3.A above, provided that the Council Member:
  - 1. Is of normal or early retirement age, as defined in the City's pension plan;
  - 2. Is responsible for the payment of all insurance premiums.
- D. Upon retirement, the retiree, or eligible former City Council member, shall have sixty (60) days in which to make a decision with regards to continued participation in the City's Group Medical, Dental and Life Insurance plans, as and if they exist, including dependent coverage. Once the sixty (60) day period has expired, changes may only be made to discontinue insurance coverage, or due to "special enrollment" circumstances as specified below.
  - 1. Marriage: The spouse and any of the spouse's eligible dependents may be added to the retiree's coverage;
  - 2. Birth or adoption of a child;
  - 3. An eligible dependent's loss of his/her own insurance coverage.
- E. The retiree is responsible for the payment of all insurance premiums to ensure that there is no lapse in coverage back to the first day of the month after retiring.
- F. Due to disparities between the City's retirement age and a retiree's eligibility to participate in government-sponsored health plans, as and if they exist, it may be advantageous for a retiree to elect COBRA coverage for a period of time. In such cases, the retiree shall have one opportunity to return to the City's Group Medical, Dental and Life Insurance plans, as and if they exist, including dependent coverage, provided that the retiree makes the decision to do so within sixty (60) days of the termination of COBRA coverage; and, provided that the individual meets the eligibility requirements contained in Section 24.3.A and B (above). The retiree is responsible for payment of all insurance premiums to ensure that there is no lapse in coverage back to the first day of the month after exhausting all COBRA benefits. All other provisions of Section 24.3.D shall apply in such instances.

- G. Employees who separate from service with the City, but are not qualified, as specified in Section 24.3.A and B (above), to participate in the City's Group Medical, Dental, and Life Insurance plans shall have one opportunity to re-enroll in these plans, as and if they exist, including dependent coverage, upon reaching the eligibility requirements of this Section. Enrollment under such circumstances shall be subject to any applicable waiting periods and provisions regarding pre-existing medical conditions, and to the extent permitted by applicable law. All other provisions of this Section 24 shall apply in such instances.

## **SECTION 25: PENSION/RETIREMENT PLANS**

### **25.1 DEFINED BENEFIT PENSION PLAN IS CLOSED**

All employees who were hired on or after October 1, 2011 are not eligible to participate in the City's Defined Benefit Pension Plan.

### **25.2 DEFINED CONTRIBUTION PLAN**

The City offers a Defined Contribution Retirement Savings Plan for regular, full-time employees who were hired on or after October 1, 2011, and who meet the eligibility requirements. At its sole discretion, the City makes contributions to the Plan for eligible employees who also contribute the required amount to the Plan. Plan details are available from the Human Resources Division upon request. Employees who are enrolled in the City's Defined Benefit Pension Plan are not eligible to participate in the City's Defined Contribution Retirement Savings Plan.

### **25.3 DEFERRED COMPENSATION RETIREMENT SAVINGS PLANS**

The City offers all employees the opportunity to participate in one of its Deferred Compensation Retirement Savings Plans, otherwise known as 457(b) Plans. Such plans are funded entirely by the employee with deductions taken on a pre-tax basis. Plan details are available from the Human Resources Division upon request.

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## **SECTION 26: PAY PLAN**

### **26.1 GENERAL**

Subject to budgetary constraints, the City maintains a Pay Plan designed to reflect competitive wages comparable to those paid by other public entities of comparable size. The City reserves the right from time to time to conduct studies and surveys to ensure that the Pay Plan is competitive within prevailing market conditions and to make whatever adjustments to the Plan as may be deemed necessary to attract qualified candidates to fill its vacancies and to fairly compensate its employees.

### **26.2 CONTENT**

- A. The Pay Plan includes a salary schedule for each job classification or title.
- B. The Pay Plan salary schedule includes pay ranges for each pay grade.
- C. The Pay Plan provides that the employees who fill each job classification or title shall be paid not less than the minimum or more than the maximum of the range for each classification or title, unless otherwise authorized in writing by the City Manager.

### **26.3 PAY PERIOD**

Employees will be paid bi-weekly. If the regular payday occurs on a holiday, employees will be paid on the last working day prior to the regular pay day. Direct deposit is required for all employees.

### **26.4 WAGE REVIEW**

- A. Annually the City Council, upon advice of the City Manager, will review the wages of City employees and determine whether adjustments are needed and affordable, and if so how they should to be adjusted.
- B. Merit increases may also be approved and, if so, will be based on the management assessment of the employees' performance during the previous twelve (12) months. The amount, timing, and eligibility for such an increase shall be at the discretion of the City Manager, and approved by City Council as part of the annual budget process.
- C. Employees who have reached the top of their pay range will not be eligible for an approved wage adjustment unless such wage adjustments are applied to the pay range as a whole, and not as a step increase within the range.
- D. Employees who have reached the top of their pay range may be eligible to receive an approved merit increase, subject to performance evaluation criteria, with such increase paid as a lump sum bonus, and not as a salary adjustment.
- E. Employees must complete all assigned safety training, verified by the Safety Training Coordinator and approved by the Department Head or designee, in order to be eligible for the full amount of any merit increase that may be authorized by City Council.

### **26.5 PERFORMANCE EVALUATION**

Job performance evaluations shall be used to improve productivity, to determine the worthiness of a performance increase, as and if approved by City Council, and as a factor in determining promotions and other job actions.

- A. Performance reviews shall be conducted for employees six (6) months after hire date or promotion and annually thereafter as specified by the City Manager.
- B. The evaluator shall complete the evaluation and forward it through the Department Director to Human Resources and the City Manager for review within ten (10) days.
- C. After the review is completed, the evaluator and the employee will be given a copy of the evaluation and the evaluator shall conduct a performance review with the employee within a week of receiving it.

**26.6 WAGE INCREASES AND PERFORMANCE EVALUATIONS**

Wage increases may be awarded in conjunction with evaluations subject to the following provisions.

- A. Annual Evaluation: Regular, full-time employees may receive an increase as a result of an annual evaluation as provided in Section 26.4.
- B. Employees shall be eligible for consideration for a pay increase twelve (12) months from the date upon which they were hired, promoted, transferred, demoted, or any other such action that results in a change to the employee’s employment status.
- C. All increases for regular full-time employees and probationary employees shall be at the sole discretion of the City Manager who may waive or modify the provisions of this Section.

**26.7 CAREER PROGRESSION POLICY AND PROCEDURE**

City Council has determined it is beneficial to City operations to enable employees within certain operations to progress upwards in the City’s Pay Plan through a combination of years of service and completion of certifications and training as specified by the Department Head. Pay increases are authorized for such progression, subject to funding. Except where explicitly excepted, under the provisions of this section, employees may not exceed the rate of pay established for the top of the applicable pay range. Certain elements of this Career Progression Policy and Procedure may be specified as mandatory with respect to earning annual merit increases that may be authorized by the City Council.

- A. Field Operations: Common Elements
  - 1. Years of Service
    - a. Entry Level (I): Zero (0) to one (1) year of service.
    - b. Mid-Level (II): More than one year of service with the City or verifiable employment in a similar trade or occupation.
    - c. Top Level (III): Three or more years of service with the City or verifiable employment in a similar trade of occupation.
  - 2. Commercial Driver’s License (CDL)
    - a. Entry Level (I): Must obtain CDL Class B within six (6) months of employment
    - b. Mid-Level (II): CDL Class B
    - c. Top Level (III): CDL Class A

3. Maintenance of Traffic (MOT)
  - a. Entry Level (I): No MOT certification required
  - b. Mid-Level (II): MOT Intermediate
  - c. Top Level (III): MOT Advanced
4. Equipment Operation and/or Certification: Subject to the needs of each division and as approved by the Department Head and approved by the City Manager:
  - a. Entry Level (I): No experience required;
  - b. Mid-Level (II): As specified by the Department Head and approved by the City Manager;
  - c. Top Level (III): As specified by the Department Head or designee and approved by the City Manager.
5. Safety Training
  - a. In order to move from one level to the next, employees must complete the assigned training, verified by the Safety Training Coordinator and approved by the Department Head or designee.
  - b. Employees must complete all assigned safety training, verified by the Safety Training Coordinator and approved by the Department Head or designee, in order to be eligible for the full amount of any merit increase that may be authorized by City Council.
6. Progression through Pay Grades

Employees must complete or achieve all five elements specified above. With the approval of the Department Head, they shall be eligible for a promotion pay increase as specified in Section 8.6 of this PRR.

#### B. Building Inspectors

1. COURFrom time to time it may be necessary to hire unlicensed individuals who are otherwise qualified to provide building inspection services. Such individuals shall be classified as a Building Inspector (Provisional), and shall be authorized to conduct inspections under the coverage of the Chief Building Official's authority having jurisdiction for such time as is necessary for the employee to be obtain the necessary qualification to be licensed by the State in at least one trade. Upon completion of State of Florida requirements for a license they shall be automatically promoted to Building Inspector (Single License) with a pay increase of 5%, or bottom of the range, whichever amount is greater.
2. Building Inspectors (Single License) who obtain license(s) in more than one trade shall, with appropriate documentation, be automatically promoted to Building Inspector (Multi-License), with a pay increase of 5%, or the bottom of the range, whichever is greater.
3. The Chief Building Official shall have the authority to direct Inspectors with respect to the additional licensure they should acquire based on the needs of the

City.

4. Once promoted to Building Inspector (Multi-License) and with the approval of the City's Chief Building Official, additional Inspector licenses may be approved, up to a maximum of six, and shall be compensated with add-pay as follows:
  - a. Building Inspector \$1.00 per hour
  - b. Mechanical Inspector \$1.00 per hour
  - c. Plumbing Inspector \$1.00 per hour
  - d. Electrical Inspector \$1.00 per hour
  - e. Structural Plans Examiner \$1.00 per hour
  - f. Mechanical Plans Examiner \$1.00 per hour
  - g. Plumbing Plans Examiner \$1.00 per hour
  - h. Electrical Plans Examiner \$1.00 per hour
  - i. One/Two- Family Dwelling Inspector \$1.50
  - j. Flood Plain Manager \$1.50 per hour
5. The add-pay for obtaining additional license(s) above shall not be included in the employee's base pay, nor shall it be subject to the pay grade limits for the pay grade. The Chief Building Official, from time to time, may exercise the authority to appoint a Building Inspector to the position of Plans Examiner/Inspector, provided that the employee carries out the duties of this classification on a regular and consistent basis. Such an employee must: 1) hold a license in the specific trade for which the City needs a Plans Examiner; and, 2) must have taken and passed the State Plans Examiner test. The employee shall be eligible for a promotion pay increase as specified in Section 8.6 of this PRR. Plans Examiner/Inspector or Building Inspector (Multi-License) to the position of Senior Building Inspector with a pay increase as specified in Section 8.6 o
6. The Chief Building Official is authorized to promote one Building Inspector from Plans Examiner/Inspector or Building Inspector (Multi-License) to the position of Senior Building Inspector with a pay increase as specified in Section 8.6 of this PRR. This position will exercise direct supervisory authority over the other Building Inspectors in the Division, and report directly to the Chief Building Official.

C. Fire Inspectors

1. Individuals who are hired to fill a Fire Inspector position shall be classified as a Fire Inspector I until such time as they complete all the training requirements specified by the relevant authority to hold the Fire Inspector II certification.
2. Individuals who are hired to fill a Fire Inspector position, and who have Fire Inspector II certification, and at least two years of experience as a Fire Inspector I, may be hired as a Fire Inspector II, provided their credentials and time in

service can be verified.

3. In order to move from one level to the next, employees must complete the assigned training, verified by the Safety Training Coordinator and approved by the Department Head or designee.

D. Evidence Technician

1. At the sole discretion of the City and the Chief of Police, an individual may be selected by the City to be a back-up Evidence/Crime Scene Technician, and will fill that role should the incumbent be unavailable to carry out the duties of the position for a period of time.
2. The individual in the back-up role shall be required to obtain all the necessary and relevant training to carry out those duties.
3. Once this individual has agreed to serve as the back-up and has been appropriately trained, he/she shall receive a monthly stipend of \$100.
4. Should the need arise for long-term coverage such that the provisions of Section 7.2 and Section 8.6 are applicable, the stipend shall be discontinued until such time as the back-up employee returns to normal duty.
5. The stipend will be reinstated upon the effective date of the employee's return to normal duty.

E. Purchasing Agents

1. Assistant Purchasing (Level 1)
  - a. High School Graduate – Two year degree preferred
  - b. Three (3) years clerical experience with knowledge of office tasks and invoicing process
  - c. Within one year of date of hire, must complete a minimum of one National Institute of Governmental Purchasing (NIGP) core curriculum course.
2. Purchasing Agent I (Level 2)
  - a. Minimum of 1 year as Assistant Purchasing Agent
  - b. In order to be considered for promotion to Purchasing Agent II, must complete a minimum of two additional National Institute of Governmental Purchasing (NIGP) core curriculum courses, for a cumulative total of three (3) NIGP core curriculum courses.
  - c. Above satisfactory rating on their most recent annual evaluation for job performance, quality of work, quantity of work, adherence to policies, responsibility, and dependability.
3. Purchasing Agent II (Level 3)
  - a. Minimum of two (2) years in Purchasing Agent I position
  - b. In order to be considered for promotion to Senior Purchasing Agent, must complete a minimum of two additional National Institute of Governmental



Purchasing (NIGP) core curriculum courses, for total cumulative total of five (5) NIGP core curriculum courses.

- c. Above satisfactory rating on their most recent annual evaluation for job performance, quality of work, quantity of work, adherence to policies, responsibility, and dependability.
- 4. Senior Purchasing Agent (Level 4)
  - a. Minimum of two (2) years in Purchasing Agent II position
  - b. Must have completed five (5) NIGP core curriculum courses.
  - c. Above satisfactory rating on their most recent annual evaluation for job performance, quality of work, quantity Of work, adherence to policies, responsibility, and dependability.
- 5. Safety Training

In order to move from one level to the next, employees in this division must complete the assigned training, verified by the Safety Training Coordinator and approved by the Department Head or designee.

#### B. Additional Important Considerations

##### 1. Certifications and Licenses

From time to time it may be necessary and/or beneficial to authorize additional pay for other certifications and licenses that enhance the value of City employees. In such cases, the Department Head shall work with the Human Resources Manager to develop and present justification to the City Manager that includes why the certification/license is necessary; its benefit to the City; and, the additional pay that is recommended.

##### 2. Lapsed Certifications or Licenses

- a. Employees who allow the lapsing of a certification or license that qualified them for a pay increase under the provisions of this policy will be demoted to the level for which they continue to be license or certified.
- b. Employees shall remain at the lower pay grade until such time as they once again meet all the requirements for moving to a higher pay grade.

##### 3. Worklife Behavior and Effectiveness Within the Work Unit

The ability to interact effectively with other members of the work unit, other City staff, and the public is as important to an employee's performance as completion of the items specified above. Supervisors, Managers, and Directors should take into account worklife behavior, effectiveness within the work unit, and other documented or objective evidence when authorizing a Career Progression pay increase.

## **26.8 TREATMENT PLANT OPERATOR TRAINEE PROGRAM**

### A. Purpose and Coverage

The purpose of this policy is to delineate a Pay Progression Plan (Plan) for Utility

Treatment Plant Operator Trainees (Trainees) employed by the City of Punta Gorda. This Plan applies only to those individuals who under-fill authorized Treatment Plant Operator (Operator) positions, and are classified as Trainees because they do not have the requisite training and licensure to fulfill the minimum position requirements of an Operator.

B. Policy

1. In compliance with the relevant sections of Chapter 62, Florida Administrative Code (FAC), the City shall not employ individuals to operate its water and waste water treatment plants who do not hold the license(s) specified in this Chapter. The City may, however, offer employment as Trainees to applicants or current employees for authorized Operator positions, provided that the applicant or current employee meets all other minimum requirements, can do the essential functions of the position, and their employment and subsequent training are under the supervision of a licensed Operator.
2. In order to provide for the effective retention of Trainees, and to reward the value of the technical knowledge and skill the Trainee gains through experiential and formal textbook learning and testing, the City may authorize step increases to successful Trainees as they progress through the City's training program.
3. Under normal conditions and circumstances, a Trainee should complete within one year of employment all the necessary training and education that will qualify them to take the State certification test. Exceptions to this time table may be granted at the sole discretion of the Department Director or City Manager.
4. Step increases shall apply only to those Trainees who are in their first year of employment with the City; or City employees who have been promoted or transferred to this position according to the provisions of Section 8 of the City's Personnel rules and Regulations (PRR).
5. Such employees must comply with all the training and testing provisions associated with the acquisition of an Operator's license, and shall be subject to all the specifications of this policy and the City's Personnel Rules and Regulations.

C. Duration of Trainee Status

1. The minimum amount of time in service at a Treatment Plant that a Trainee must accrue under authorized supervision prior to being eligible to take the State test for licensure is specified in Chapter 62 of the Florida Administrative Code. Employees who are employed as Trainees shall be required to successfully pass this test within two years from the date of their beginning employment as a Trainee. This provision applies to regular full time employees who transfer from another Department or Division. The Department Head, at the recommendation of the Plant Supervisor, may authorize an extension of the period in which the employee may remain as a Trainee.
2. A Trainee who is unsuccessful in acquiring the requisite license within the specified time period, but has otherwise performed satisfactorily, may be

transferred, at the sole discretion of the Department Head, into any vacancy within the Division or Department for which the Department Head considers the employee to be qualified.

3. Should the Department Head choose to not exercise this option, the employee may compete for any vacancy in the City for which the employee may be qualified to perform all the duties. In either case, the employee's wage rate will be established as if they had been transferred under Section 7.02 of the City's PRR. If no vacancies exist, the employee shall be dismissed for failure to perform the essential functions of the Trainee position.

D. Probationary Period for Treatment Plant Operator Trainee

Pursuant to provisions specified elsewhere in the City's Personnel Rules and Regulations, employees who are classified as Treatment Plant Operator Trainees shall be considered to be on probation for such time as it takes the Trainee to acquire the relevant Operator certification from the State.

E. Operator Trainee Pay Progression Plan

The City recognizes the following pay increase steps for Trainees through the Operator Trainee Progression Plan:

1. Trainee - Trainees shall be placed into this classification at the bottom of the range for the position. If the Trainee is placed into this classification due to transfer or promotion, the employee's rate of pay shall be set in compliance with the provisions of Section 7 and Section 8 of the PRR.
2. Step 1 - Trainees who demonstrate acceptable performance, with documented evidence of such performance in each benchmark for Step 1, may receive a pay increase of up to five percent (5%) of current base pay. This Step increase shall be in lieu of any increase that otherwise may have been associated with successful completion of the Trainee's initial evaluation period.
3. Step 2 - Trainees who demonstrate acceptable performance, with documented evidence of such performance in each benchmark for Step 2, may receive a pay increase of up to five percent (5%) of current base pay.
4. Class C Operator - Trainees who demonstrate acceptable performance, and who pass the State certification examination, shall receive an increase to the bottom of the pay range for a Class C Operator, or a five percent (5%) increase from their current base pay, whichever is greater. In order for the Trainee to receive this pay increase and move from Trainee status to Operator, the City must have documentation in hand from the State that the Trainee has successfully completed all the requirements for licensure.

F. Under no circumstances may a Step increase result in the Trainee's salary exceeding the maximum for the pay range.

G. From time to time, the City may authorize a pay increase ("Annual Increase") for all regular, full-time. Employees who are classified as Trainees as specified in this Policy, and who are eligible for the pay increases specified in this Policy, are not eligible for such an increase. The Department Head, however, with the approval of

the City Manager, reserves the right to approve such an increase for Trainees.

**26.9 TREATMENT PLANT OPERATORS**

- A. A Licensed Treatment Plant Operator, C or B, who completes the necessary education and certification requirements, and hours of service, shall be eligible to move from one pay grade to the next, Operator B or A, respectively, and eligible for a promotion pay increase as specified in Section 8.6 of this PRR.
- B. A Licensed Treatment Plant Operator who completes the necessary education and certification requirements, and hours of service required for a certification in both Water and Waste Water Treatment (Dual Certified) shall be authorized to receive additional pay, and not subject to the pay grade limits for their pay grade. Such employees will be eligible to receive a pay rate adjustment of five percent (5%) of their base pay, as calculated on an hourly basis.

**26.10 UTILITIES FIELD OPERATIONS**

For purposes of this Policy, Water Distribution and Waste Water Collection shall be referred to as Utilities Field Operations.

- A. Employees who obtain credentials for both types of field operations are eligible to receive a pay rate adjustment of five percent (5%) of their base pay, as calculated on an hourly basis, and not subject to the pay grade limits for their pay grade.
- B. Loss of one or the other credential will result in the loss of the five percent pay rate adjust.
- C. It shall be the responsibility of the Department to track and keep records of those employees who obtain such certifications, and ensure that if such certifications lapse, appropriate notification, including change of status form reducing the rate of pay, will be sent to Human Resources and the Finance Department.

**26.11 DEDUCTIONS**

Federal Withholding, Social Security and Pension are deducted from paychecks in accordance with law and City ordinance. Voluntary deductions authorized by the City Manager are made only upon written authorization of the employee and approval by Human Resources and the Finance Department.

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## **SECTION 27: MISCELLANEOUS POLICIES AND BENEFITS**

### **27.1 SMOKING POLICY**

The City of Punta Gorda recognizes the importance of providing citizens and employees with a healthy and pleasant environment in which to conduct business. To promote this, smoking and/or use of tobacco or “vaping” (e-cigarettes) products are prohibited in all areas inside City buildings and City vehicles.

### **27.2 TELEPHONE/CELL PHONES**

#### **A. Use of Telephones**

1. Employees shall limit incoming and outgoing non-business calls (including fax transmissions) during work time to those absolutely necessary. Employees who frequently make or receive non-business telephone calls or who fail to limit the duration of such calls are subject to disciplinary action.
2. Non-business toll calls (including fax transmission) are strictly prohibited unless authorized by the Department Director or his/her designee and must be charged to the employee’s personal phone or credit card. Non-business toll calls (Suncom calls) constitute illegal avoidance of state and federal law.

#### **B. City owned Cell Phone**

1. Purchase of cellular phones must be justified by the appropriate Department Director and requested through the normal requisition process.
2. Employee shall limit incoming and outgoing non-business calls during work time to those absolutely necessary. Employees who frequently make or receive non-business calls or who fail to limit the duration of such calls are subject to disciplinary action.
3. The employee will pay for all charges for personal calls. Failure to pay such charges may result in disciplinary action.
4. Employees whose personal calls consistently exceed 50% of total airtime charged shall have the need for a city owned cellular phone reviewed by their Department Head and may have their phone authorization revoked.
5. Department Heads will review, approve, and submit to Finance (with payment from individuals as required) all cellular phone bills for their respective Department each month.

Note: Failure to comply with this policy may be a violation subject to disciplinary action up to and including termination.

#### **C. Public Records**

Outgoing calls can and may be tracked for origination, destination and duration and such information is subject to applicable Public Records Laws.

### **27.3 INFORMATION SYSTEMS/E-MAIL POLICY**

- A. As part of our effort to facilitate work, the City of Punta Gorda provides electronic mail services to certain employees. These systems are designed to facilitate communication among employees and with the public when such communication is part of an employee's job. All electronic communication systems and all communications and stored information transmitted, received and contained in the City's Information Systems are the property of the City of Punta Gorda.
- B. E-mail is for the use of employees in the performance of their job. However, it is recognized that there will be occasional personal communication between employees at work, via E-mail, that do not take away from or interfere with their duties or the duties of those employees with whom they communicate. This is not prohibited except:
  - 1. No E-mail will contain any materials which is political, slanderous, controversial, critical of any person or entity, or which contains vulgar language, reference to sexual matters or is otherwise inappropriate.
  - 2. E-mail for personal reasons should be used only when it is important the employee communicate with another employee at work about a personal matter and another method of communication would take time away from the employee's work. E-mail is not to be used for "chit-chat" and telling jokes.
  - 3. E-mail to persons not employed by the City is prohibited, unless E-mail communication with such a person is a part of your job.
  - 4. The City Manager, or the City Manager's designee, will determine when this section is being violated.
- C. Employees shall not use a code, access a file, or retrieve any stored information other than those for which they are authorized, unless there has been prior clearance by the City Manager or the City Manager's designee(s).
- D. To ensure that the use of the City of Punta Gorda Information Systems and other electronic communication systems is consistent with the City's legitimate business interests and not a violation of this section, authorized representatives of the City will monitor the use of such equipment from time to time. No notice of such monitoring will be given.
- E. Employees using this equipment for improper personal purposes do so at the risk of discipline.
- F. Employees should also be aware that electronic records (such as E-mail and computer stored documents) are public records and as such are subject to access by the general public as well as the Press in the same manner as physical documents. Thus, any electronic communication concerning any official business may not be deleted or destroyed (i.e., erased from computer memory) until a hard copy is printed and retained with the other public records.
- G. Remember, although you can "trash" E-mail, it does not go away and can always be retrieved, and may be reviewed at any time by the City to ensure compliance with this section and by the Public upon a proper request under the Florida Sunshine Law.

ANYTHING YOU PUT IN A CITY COMPUTER MAY APPEAR ON THE FRONT PAGE OF THE NEWSPAPER.

**27.4 SAFETY/LOSS CONTROL**

- A. The City of Punta Gorda maintains that its residents and employees are its most important assets. Therefore, their safety is our greatest responsibility. It is the policy of the City of Punta Gorda to comply with all applicable Federal, State and local health and safety regulations and to provide a work environment as free as feasible from recognized hazards. Employees are expected to comply with all requirements whether established by management or by Federal, State or local law.
- B. Safety is every employee's responsibility. This responsibility includes following the standards set by supervisors to prevent accidents and injuries. Failure to observe safety standards may subject the employee to disciplinary action up to and including termination.
- C. Supervisor safety responsibilities include familiarizing themselves with all safety and health procedures relevant to the operation under their supervision. They will inspect work areas and equipment regularly, train employees in safety matters or arrange for such training, and identify and correct conditions that are recognized as unsafe.
- D. Employees should immediately report to their supervisor all observed safety and health violations, potentially unsafe conditions and any accidents resulting in injuries or property damage.
- E. Employees are encouraged to submit suggestions to the Safety Committee concerning safety and health matters.
- F. The City will provide special clothing or equipment, or reimburse for it, when such clothing or equipment is required by regulation or by City policy. Employees are responsible for the proper use and maintenance of such clothing and equipment and will be subject to disciplinary action for failure to comply with this obligation.

**27.5 RIGHT TO KNOW**

- A. The City will provide employees with information concerning the nature of toxic substance with which they are working in accordance with the Florida "Right to Know" law. If an employee has any questions or concerns pertaining to working with any substances, his or her immediate supervisor will provide information to the employee.
- B. The City complies with safety standards by compiling a hazard chemical list, using Material Safety Data Sheets (MSDS), ensuring that containers are labeled, and by providing employees with training.
- C. Employees are informed of the contents of the hazard communication standard (through training), the hazardous properties of chemicals with which they work, safe handling procedures, and measures to take to protect them from chemicals.
- D. Each department will make a list of all hazardous chemicals and related work practices used within the department. A separate list is available for each department



and will be kept there. Each list also identifies the corresponding Material Safety Data Sheets for each chemical.

#### **27.6 DEATH**

All compensation, accrued leave and benefits due to the employee as of the date of death shall be paid to the surviving beneficiary or to the estate of the employee, as determined by law, or by executed forms in the employee's personnel file.

#### **27.7 LOCKERS, DESKS, FILE CABINETS, OTHER CITY EQUIPMENT**

- A. Employees may request a locker if available.
- B. Employees must provide locks for lockers.
- C. Lockers, desks and file cabinets or any other equipment used by the employee is the property of the City and a Department Head or Supervisor shall have to access this equipment in the presence of the employee at any time for any legitimate reason.
- D. In the event the employee is unavailable and it is deemed necessary to access the locker, desk, file cabinets or other equipment, the Department Head must request authority to access same from the City Manager, stating the reason for access. The City Manager shall make the determination if the request is for a legitimate reason and shall be the final authority.
- E. In the event the employee is unavailable at any time for any reason, the City Manager shall have the authority to have locks removed from lockers, desks or file cabinet or any other equipment used by the employee for the purpose of access.

#### **27.8 DUI, DWI and MOVING TRAFFIC VIOLATIONS**

The safety and health of all City employees and residents and the public in general is of utmost importance to the City of Punta Gorda. Such concerns include attempting to ensure that employees who drive vehicles on the public roads, street, and highways as part of their job maintain safe driving records and habits consistent with the City's mission of conducting safe and efficient City business, and to ensure the ability of the City to maintain acceptable insurance protection at reasonable costs.

##### **A. Application**

The following policy shall apply to all City employees covered by the City PRR in any driving capacity, which is defined as a job in the performance of which the employee drives a vehicle on the public street, road or highways. In order to ensure that all employees are advised as to what is expected of them in these areas, this policy defines DUI, DWI and moving traffic violations as the same related to demotion and discharge under Section 11 of the City PRR.

##### **B. DUI / DWI**

- 1. An employee charged with DUI or DWI offense shall be suspended from his/her driving position pending resolution of the charge or charges. The suspension will be without pay, except the City Manager at his/her option may elect to transfer the employee to a vacant non-driving position, which the employee is qualified to perform at the non-driving position rate of pay.



2. In accordance with Section 11.6, the City manager may elect to proceed to investigate the charges or await the results of the criminal proceeding before deciding what disciplinary action, if any, to take.
3. If the City Manager decides to wait and the employee is acquitted or the City Manager determines the employee has not violated this policy, the employee may be reinstated to his/her driving position or similar driving position. Acquittal is defined as a judicial finding of not guilty, and shall not include a plea bargain, or dropping of the charges by the prosecutor. Employees who refuse breath, blood, or urine testing in violation of Florida Statutes regarding implied consent shall be considered in violation of this policy.
4. Upon first offense conviction, the employee shall be removed from his/her driving position for not less than twelve (12) months. Upon written request, the employee will be considered for placement in other non-driving vacancies in the City for which he/she is qualified; however, he/she shall be given no preferential treatment because he/she is a City employee. If the employee is not offered a non-driving job within thirty (30) days of his/her removal from driving position, he/she shall be terminated. If the employee is offered and accepts a non-driving position within the thirty (30) day period, the employee's service record will remain unbroken.
5. An employee terminated pursuant to this policy will not be considered for a driving position with the City in the future. Employees placed in a non-driving job under paragraph (4) who re-apply for a driving job after twelve (12) months will be given no preference, but may be considered for a driving job if their driving record is clean for the entire twelve (12) months.
6. Upon conviction of a second DUI or DWI, an employee in a driving position may be terminated from employment with the City of Punta Gorda. Upon written request, the employee will be considered for placement in other non-driving vacancies in the City for which he/she is qualified; however, he/she shall be given no preferential treatment because he/she is a City employee. If the employee is not offered a non-driving job within thirty (30) days of his/her removal from driving position, he/she shall be terminated. If the employee is offered and accepts a non-driving position within the thirty (30) day period, the employee's service record will remain unbroken.
7. The decision regarding whether the employee retains his/her job is at the sole discretion of the City Manager.
8. Upon conviction of a second DUI or DWI, an employee in a non-driving position as a result of the application of paragraph (4), shall be permanently barred from a driving position within the City of Punta Gorda.
9. Employees and applicants for employment who have never held a driving position with the City but who have been convicted of DWI or DUI not more than one time, may be considered for a driving position under the same conditions as employees who have been removed from a driving position because of a DUI or DWI conviction under paragraph 4 above. Employees and applicants who

have two or more DUI or DWI convictions shall not be considered for driving positions.

C. Moving Violations

1. The City shall review the official Florida State driving records of all employees under F.S. Section 322 from time to time. If, upon such review, an employee's record reveals nine (9) or more points under F.S. Section 322.27 within the past three years as a result of moving traffic violations, the employee shall be removed from his/her driving position.
2. Upon written application, the employee will be considered for placement in other non-driving vacancies in the City for which he/she is qualified; however, he/she shall be given no preferential treatment because he/she is a City employee. If the employee is not offered a non-driving job within thirty (30) days of his/her removal from the driving position, he/she shall be terminated. If the employee is offered and accepts a non-driving job within thirty (30) days, the employee's service record will remain unbroken.
3. An employee placed in a non-driving position or an ex-employee terminated pursuant to paragraph 2 above may not reapply for a driving job, unless and until upon periodic review of the driving records of all employees by the City, the employee's official Florida State driving record establishes that the employee does not have nine (9) or more points as a result of moving traffic violations in the three (3) year period immediately prior to the City review of employee's records. Thereafter, those employees and ex-employees removed from driving jobs will be given no preference but if otherwise qualified will be considered along with all qualified applicants, and their past conviction of moving traffic violations will be considered along with job related factors.
4. An employee, who is removed from a driving position on two different occasions as a result of the application of this Section (C) shall be permanently barred from driving position with the City.
5. Employees who have never held a driving position with the City and applicants for employment who have nine(9) or more points for moving traffic violations at the time they apply for driving position shall not be considered. If such employee and applicant do not have nine (9) or more points at the time of their application, their official Florida State driving record will be considered along with other related factors.
6. All operators of City vehicles and equipment are obligated to maintain a valid Florida Drivers License; failure to do so will result in disciplinary action. Such employees are obligated to inform the City of Driver License suspension or revocation for any reason. Employees in driving positions who have suspensions or revocation are considered unqualified for that position and may be reassigned to a non-driving position or terminated if no vacancy exists.

**27.9 SERVICE AWARDS / PROFESSIONAL ORGANIZATION MEMBERSHIP**

- A. Service anniversary awards are an important way of recognizing long-term valuable employees. Employees are recognized, at five-year intervals, with a plaque

designating their years of service. The City of Punta Gorda recognizes 10, 15, 20, 25, 30+ service anniversaries at the Council meeting closest to their anniversary date.

- B. The City of Punta Gorda recognizes the value of involvement in professional organizations for the support of ongoing professional growth and enrichment. City paid memberships must be approved through the budget process and are subject to the provisions of Section 6.7.B. Managers should consider the direct impact to the City of such involvement when considering such approval. Individuals involved in such organizations should endeavor to restrict time away from the City for member activities, as our primary focus should always be to serve citizens.

**27.10 INQUIRIES CONCERNING CURRENT AND FORMER EMPLOYEES**

All inquiries about present or former employees, relative to employment present or past, shall be referred to Human Resources for response.

**27.11 WEAPONS**

Except as specifically authorized by State or Federal law, or unless expressly authorized to do so by the City Manager as part of their job, no one, including City employees, is allowed to possess or carry a weapon of any kind on City property, while on City business, while in a City vehicle, while on City time or while wearing a City uniform.

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## **SECTION 28: EXEMPT EMPLOYEES**

### **28.1 PURPOSE**

The purpose of this policy is to set forth how the City of Punta Gorda will treat exempt employees with regards to 29 CFR 541, otherwise known as the Fair Labor Standards Act, as amended; specifically as it relates to overtime provisions and pay reductions for partial days not worked.

### **28.2 DEFINITION OF EXEMPT EMPLOYEE**

An exempt employee is an individual who fills a position that the City has evaluated and deemed to meet one or more of the exemption tests as specified in the Fair Labor Standards Act, as amended. Such employees are paid on a salary basis in that they are paid bi-weekly a pre-determined amount that constitutes all or part of the employee's compensation. This amount is not subject to reduction, except where specified in this policy, because of variations in the quality or quantity (including hours worked) of the work performed.

### **28.3 REGULAR WORK WEEK OR PERIOD**

- A. Except for certain Police Department and Fire Department employees, the regular work week shall be forty (40) hours in a seven (7) day period.
- B. Except for Departments that operate twenty-four (24) hours a day, seven (7) days a week, the basic work schedule shall be from Monday through Friday of each week unless otherwise specified or scheduled by the City Manager to meet the particular requirements of the City or individual departments.
- C. When the City Manager deems it necessary, work schedules may be established in all departments other than on the basic Monday through Friday schedule.

### **28.4 OVERTIME**

Employees who are classified as exempt are not eligible for overtime pay except in cases of a Declared State of Emergency, and then subject to approval by the City Manager. In such instances, the overtime rate shall be one and one half (1½) times the exempt employee's regular hourly rate (Annual Salary ÷ 2080 hours).

### **28.5 COMP TIME**

Employees who are classified as exempt are not eligible to accrue Comp Time except in cases of a Declared State of Emergency in which the City Manager approves overtime pay for exempt personnel. In such cases, the exempt individual may convert overtime into Comp Time, not to exceed the amounts specified in Section 14.5.A of the PRR.

### **28.6 REDUCTIONS IN PAY**

As described previously in this section, the Fair Labor Standards Act prohibits employers from reducing the pay of an exempt employee except under certain limited situations or conditions. The City may exercise the right to reduce exempt employees' pay as follows:

- A. Vacation
  - 1. The accrual and use of vacation shall be in compliance with the provisions of Section 16 of the PRR.

2. Employees who are classified as exempt are required to use vacation for an approved absence that is four (4) hours or more. Absences with no reductions in pay that are less than four (4) hours may be approved, at the sole discretion of the Department Head or City Manager, without requiring the use of vacation time.

B. Sick Leave

1. The accrual and use of sick leave shall be in compliance with the provisions of Section 17 of the PRR.
2. Employees who are classified as exempt are required to use sick leave for a personal sickness or injury-related absence, or to tend to an immediate family member's sickness or injury, that is greater than four (4) hours or more. Absences with no reductions in pay that are less than four (4) hours may be approved, at the sole discretion of the Department Head or City Manager, without requiring the use of vacation time.

C. Leave Without Pay

Exempt employees who have exhausted all vacation, sick leave, comp time, and sick leave escrow may be placed on leave without pay regardless of the duration of the absence and in compliance with other provisions of the PRR.

D. Disciplinary Action

Reductions in pay for exempt employees may be made for unpaid disciplinary suspensions imposed in good faith for infractions of workplace conduct rules or safety violations.

E. Flex Time

At the sole discretion of the Department Head or City Manager, exempt employees who are absent for four (4) hours or more may be allowed to substitute or work Flex Time in compliance with Section 14.11. Due to operational needs or other considerations, however, at the sole discretion of the Department Head or City Manager, an exempt employee who is absent from work less than four (4) hours may be required to make up those hours through working Flex Time.

F. Budget-Required Furlough

In the event of a budgetary shortfall, the City may require exempt employees to take unpaid partial day furloughs.

## **28.7 ABUSE OF ABSENCES**

Exempt employees who abuse the provisions of Section 28.7.A and 28.7.B could be subject to disciplinary action. An employee shall be deemed to be abusing these provisions if there is a pattern of scheduling absences that appear to be longer in duration or more frequent than what is necessary, unless such absences are protected by the provisions of the Family and Medical Leave Act. If an exempt employee anticipates multiple absences due to injury, illness, or a disease process that requires on-going treatment, Human Resources must be contacted in order to secure FMLA protection. In all cases, employees must notify their supervisor or Department Head of the need to leave early. Failure to provide such notification could result in the City requiring the employee to take leave (vacation or sick) for all absences; or in disciplinary action, up to and including termination of employment with the City of Punta Gorda.

## **SECTION 29: SICK LEAVE BANK**

### **29.1 PURPOSE**

- A. A Sick Leave Bank is hereby established for the purpose of providing sick leave with pay for employees of the City of Punta Gorda who suffer catastrophic or prolonged illness, accident, or injury resulting in the employee exhausting all sick leave, annual leave, comp time, and sick leave escrow.
- B. The Sick Leave Bank shall function under rules and procedures in this Section, and be administered by a committee comprised of five (5) employees appointed by the City Manager.
- C. Any alleged abuse or misuse of the Sick Leave Bank shall be investigated by the Human Resources Director. If the investigation results in finding of wrongdoing, the employee shall repay all sick leave hours drawn from the bank and shall be subject to disciplinary action.
- D. Employees who use sick leave from the Sick Leave Bank shall be subject to the provisions of Section 20, Family and Medical Leave Policy.

### **29.2 INITIAL MEMBERSHIP REQUIREMENTS**

All regular, full-time employees who have been employed for at least six (6) months, and who have a minimum sick leave balance of forty-eight (48) hours are eligible to join the Sick Leave Bank by:

- A. Voluntarily contributing a minimum of eight (8) hours of their sick leave, up to a maximum of twenty-four (24) hours; and,
- B. Enrolling on the proper form through the payroll department.
- C. Contribution to the Sick Leave Bank shall not affect the conversion option provisions contained in Section 17.8 of this PRR.

### **29.3 MAINTENANCE OF THE SICK LEAVE BANK**

#### **A. Joining the Sick Leave Bank**

Employees may become members of the Sick Leave Bank at any time by donating the requisite hours, and provided they meet the conditions specified in Section 29.2.

#### **B. Replenishing the Sick Leave Bank**

- 1. All participating members shall be required to contribute an additional eight (8) hours to the pool each time the Bank is depleted below two hundred (200) hours.
- 2. Participating members who do not have an additional eight (8) hours accrued at the time of replenishment may contribute the next available eight (8) hours of sick leave and remain eligible for membership in the Bank.
- 3. At any time, employees may voluntarily contribute additional hours to the Sick Leave Bank, up to a maximum of 24 hours annually.
- 4. Employees who do not use all accrued Vacation leave as required by Section 16.1.B may donate excess Vacation leave to the Sick Leave Bank.

C. Withdrawing Membership from the Sick Leave Bank

1. Before the mandatory replenishment of the Bank, notice will be given to the employees and participating members informing them that they may withdraw their membership and the hours they contributed from the bank upon written notice to the Human Resources Director.
2. Upon withdrawal from the Sick Leave Bank, the hours the employee donated to the bank shall be returned to their personal sick leave account.
3. If an employee has withdrawn and requests to be reinstated, the employee may be reinstated upon contributing a minimum of eight (8) hours to the Bank. An employee may be allowed to withdraw and be reinstated only one time during the course of his employment.

D. The Sick Leave Bank Committee

The Sick Leave Bank Committee shall be considered an official committee of the City of Punta Gorda and subject to the rules that govern such committees. Appointments to this committee shall be reviewed annually, and appointments shall be made by the City Manager as deemed necessary for the efficient and effective administration of this benefit.

1. Members of the Sick Leave Bank Committee are subject to the provisions of the Health Insurance Portability and Accountability Act (HIPAA) requiring that protected health information be held in strict confidence, with violations of these provisions subject to disciplinary action by the City of Punta Gorda and punitive action by the United States Department of Labor.
2. The Sick Leave Bank Committee shall meet each time there is a request from a Sick Leave Bank member to withdraw hours from the Bank. After ensuring that there is a quorum of the Committee, they shall consider the timeliness and overall merit of each request, and ensure that each request meets the specifications of this policy. The Committee shall grant, or refuse to grant, a withdrawal from the Sick Leave Bank based upon a simple majority vote of the Committee. Such decisions are final and not subject to further appeal.
3. Among considerations that the Sick Leave Bank Committee shall use in determining whether the requesting employee is granted hours from the Bank is the employee's paid benefit leave (sick leave, vacation leave) usage history. If it appears that the employee's shortage of paid leave is because he has abused paid benefit leave privileges, the Committee may call in the employee to provide clarification prior to making their determination. Failure to address the Committee's concerns could result in the request being denied.
4. The Sick Leave Bank Committee shall notify the employee in writing of their decision, and a copy of this document shall be placed in the employee's personnel file.

- E. Employees with ten (10) years or more of service with the City of Punta Gorda, who retire or otherwise leave service with the City, may exercise the option to contribute to the Sick Leave Bank up to a maximum of one hundred (100) hours.



## **29.4 WITHDRAWAL PROCEDURES**

Participating members are eligible to draw from the Sick Leave Bank when they are absent from employment because of his/her own catastrophic illness or accident (excluding workers compensation cases) or that of an employee's immediate family member as defined elsewhere in the PRR. The following criteria must be met when applying to the Sick Leave Bank committee for withdrawal of hours from the Sick Leave Bank.

- A. Only employees who have donated the minimum requisite hours needed to become members of the Sick Leave Bank may withdraw hours from the bank;
- B. The employee must file an application for withdrawal on the proper form and shall include:
  - 1. Documentation from a physician specifying the nature of the illness and the need for the employee to be away from work;
  - 2. An estimated number of days or hours the employee must be absent from work.
- C. The employee must exhaust all personal sick leave, vacation leave, comp time, and sick leave escrow before sick leave may be withdrawn from the bank.
- D. Application for use of the Bank for absences due to elective surgery shall not be considered. The Sick Leave Bank Committee may require a second opinion from a physician if necessary to determine whether or not surgery is elective and such second opinion will be obtained at the employee's expense.
- E. Employees who are using sick leave from the Bank, and are absent from work for seven (7) days or more shall not accrue sick leave or vacation leave, retroactive to the first day of absence. Employees who are absent for shorter periods of time, and are using hours from the Sick Leave Bank, shall be eligible to accrue leave benefits. Such accrued benefits must be used before additional hours may be withdrawn from the Bank.
- F. Under no circumstances are hours granted from the Sick Leave Bank to be used to pay overtime.

## **29.5 MAXIMUM NUMBER OF HOURS THAT MAY BE WITHDRAWN**

The maximum number of Sick Leave Bank hours that members are eligible to withdraw shall be a cumulative total of not more than four hundred eighty (480) hours during the course of employment.

## **29.6 SPECIAL CONSIDERATION**

In the event of catastrophic illness or injury that causes an employee to exceed the four hundred (480) hour cumulative limit, the City Manager, upon the recommendation of the Sick Leave Bank Committee, may grant additional withdrawals up to two hundred (200) hours from the Sick Leave Bank provided such additional withdrawals are matched by additional contributions by the members of the Bank, or by non-member employees who wish to donate sick leave hours on behalf of the special need. Non-member employees who donate the minimum eight (8) hours specified to join the Sick Leave Bank shall automatically be enrolled in the Bank.



**29.7 EXHAUSTING ALL LEAVE**

Employees who exhaust all available leave, including leave from the Sick Leave Bank, shall be subject to the provisions of Section 21, General Leave Without Pay, of this PRR.

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## **SECTION 30: WORKERS COMPENSATION**

### **30.1 WORKERS' COMPENSATION**

The City has Workers' Compensation Insurance for all employees injured on the job.

- A. Payment of Workers' Compensation to all employees, who are disabled because of an injury arising out of and in the course of performing their duties with the City, will be governed by the Florida State Workers' Compensation Law.
- B. An employee who is disabled and unable to work for more than seven (7) days due to a job-related injury or illness, as certified by a physician acceptable to the City, will receive their regular pay for the first thirteen (13) weeks of bona fide absence, less any benefits received under the Workers' Compensation Law. After thirteen (13) weeks of bona fide absence, full-time employees may use accrued sick leave as well as vacation leave and escrowed vacation leave after sick leave has been exhausted to supplement workers' compensation to the extent that the employee's total compensation from all sources, including but not limited to workers' compensation, does not exceed their straight-time net weekly earning or salary, whichever applies.
  - 1. Employees out on Workers' Compensation will not earn Annual or Sick leave or Holiday Leave through duration of absence.
  - 2. Group Life and Hospitalization coverage or any other payroll deduction authorized by the employee must be paid by the employee while out on Workers' Compensation except to the extent the absence is also covered by the FMLA.
- C. In the event an employee has failed to advise the attending physicians of other injuries reported under Workers' Compensation, whether injuries were sustained while employed by the City of Punta Gorda or sustained prior to employment with the City of Punta Gorda or any pre-existing conditions, the employee shall be subject to immediate termination.
- D. The City has a return to duty program and light duty assignments are made at the discretion of the City, however, employees may be required by the City to work in any position for which the City deems them qualified with or without reasonable accommodation at the rate of pay determined by the City. Refusal of an employee to work when assigned to do so under this Section shall subject the employee to termination as specified in Section 30.3 below.
- E. Employees who sustain injuries while on the job must report the injury to their supervisor immediately. Failure to do so may potentially jeopardize treatment or compensation.
- F. Any employee who knowingly refuses to use a safety appliance or observe a safety rule will lose 25% of his or her compensation benefits in the case of a claim. Section 440.09(5) of the State of Florida's Worker's Compensation Laws reads: "If injury is caused by the knowing refusal of the employee to use a safety appliance or observe a safety rule required by statute or lawfully adopted by the division, and brought prior to the accident to the employee's knowledge, or if injury is caused by the knowing refusal of the employee to use a safety appliance provided by the employer, the

compensation as provided in this chapter shall be reduced 25%”. This reduction in compensation benefits will also apply to anyone who does not wear safety apparel such as issued shoes, hats, goggles, etc., or neglects to follow a safety rule.

### **30.2 RETURN TO WORK PROGRAM**

The purpose of this program is to establish guidelines to expedite the return-to-work of employees injured on the job. The program outlines the responsibility, authority, and methods in which injured employees can be brought back to meaningful and productive work. Returning an employee to a temporary, transitional duty position while recovering provides many benefits to both the employee and the City of Punta Gorda. This policy seeks to achieve the following:

- A. Expedite the recovery of injured employees;
- B. Provide a more productive work environment;
- C. Reduce insurance costs to the organization;
- D. Provide financial and emotional security to the injured employee while recovering;
- E. Encourage employees to work in a safe manner;
- F. Prevent abuses of the workers’ compensation system;
- G. Reduces litigation expenses against the organization.

### **30.3 POLICY**

It is the policy of the City of Punta Gorda to provide, at the City’s discretion, alternate transitional work for employees who sustain an on-the-job injury while recovering. Failure of an employee to accept alternate work when offered could result in the suspension of workers’ compensation benefits and/or termination of employment, in accordance with applicable law.

### **30.4 RESPONSIBILITIES**

#### **A. Workers’ Compensation Coordinator**

The Human Resources Director is the City’s designated Workers’ Compensation Coordinator and shall be responsible for the following:

1. Administering the overall program and maintaining communication with the City’s Workers’ Compensation Insurance carrier to ensure compliance with Florida workers’ compensation statute F.S. 440.
2. Ensuring injured employees are provided with adequate and prompt initial medical treatment once reported.
3. Maintaining communication with the medical professional regarding the employee’s job duties and restrictions.
4. Maintaining communication with the City’s Workers’ Compensation Managed Care Provider regarding the employee’s job duties and restrictions.
5. Arranging and identifying Transitional Duties if the attending physician indicates work limitations due to physical injury or mental impairment from medication.
6. Arranging transportation for impaired employees to and from work, and to future physician’s appointments if the employee is unable to provide his/her own

transportation. (The City's Managed Care Provider will provide to/from medical appointments)

7. Communicating with the City's Managed Care Provider and Insurance Carrier/Third Party Administrator regarding worker status.
8. Ensuring Department heads and Supervisors are trained and understand the City's return-to-work program.

#### B. Medical Professional

The City of Punta Gorda primarily utilizes the services of local, workers' compensation-approved physicians, clinics, and hospitals to provide medical services to employees who suffer Workers' Compensation-related injuries. Human Resources will direct employees as to which provider is appropriate for each given situation. These providers are responsible for:

1. Providing medical treatment to the injured employee.
2. Reviewing the employee's current job description and any other information supplied by the City outlining the employee's current job duties and responsibilities to determine if medical restrictions are necessary.
3. Completing and/or updating the "Restrictions Form" after each medical appointment.
4. Communicating with the Workers' Compensation Coordinator after the initial visit and each follow-up visit to discuss physical limitations, medications, and restrictions.
5. Communicating with the Managed Care Provider's Nurse Case Manager after each follow-up visit to discuss physical limitations, medications, and restrictions.

#### C. Managers and Supervisors

The managers and supervisors employed by the City of Punta Gorda are the first line of defense in the City's efforts to control its Workers' Compensation costs. In the event of injury to an employee, their responsibilities include:

1. Immediately, or as soon as reasonably possible, notifying the City's Workers' Compensation Coordinator that an employee has been injured and filling out a Notice of Injury workers' compensation report (available as an online completion form). The notice of injury MUST BE completed and submitted to the City's insurance carrier within 72 hours of the injury.
2. Providing transportation and an escort to the medical facility for the injured employee during the initial treatment.
3. Maintaining regular contact with the injured employee who cannot work and keeping the Workers' Compensation Coordinator apprised of such contacts.
4. Developing and implementing Transitional Duty opportunities within their department.
5. Ensuring the injured employee remains within all restrictions that the attending physician may have defined.

6. Providing frequent updates to the Workers' Compensation Coordinator regarding the injured employee's ability to complete the assigned job.

#### D. Injured Employee

Each employee has received instruction in safe work habits, and the correct, safe procedures necessary to carry out their assigned duties. In the unfortunate event of a work-related injury, the employee is responsible for the following:

1. Immediately, or as soon as is reasonably possible, notifying their immediate supervisor of the injury. This includes ALL injuries, regardless of how minor the employee thinks the injury may be.
2. Complying with all of the City's policies, rules, and regulations regarding injuries while working.
3. Attending all physician and rehabilitation appointments.
4. Following and remaining within physical limits set by the physician.
5. Informing their immediate supervisor of all medications that may impair their judgment, ability to operate machinery, or otherwise safely perform the essential functions of their position.
6. Delivering and relaying all related paperwork to the physician's office when requested by the Worker's Compensation Coordinator.
7. Cooperating with their employer regarding alternative work assignments.
8. Complying with the procedures provided in the Managed Care booklet that the insurance carrier provides the employee.
9. Assisting in the accident or incident investigation for work-related injuries.

### **30.5 PROCEDURES**

Employees must report all workplace injuries to their supervisor immediately and comply with all procedures related to injuries sustained while working. Failure to comply with these procedures could result in an employee not receiving appropriate care, and loss of benefits. All employees who are injured while working may be subject to the provisions of the City's Drug free Workplace Policy, depending on the circumstances and severity of the injury.

#### A. Emergency Injuries

In the event that an employee sustains an injury requiring immediate attention, or is injured while working after hours (On Call), the employee should seek medical treatment at the nearest emergency medical facility. If necessary, call 9-1-1 for an ambulance. As soon as practical, notify the Workers' Compensation Coordinator so that the appropriate documentation and paperwork can be initiated.

#### B. Non-Emergency Injuries

If an employee sustains an injury that does not require emergency care, but does require professional medical attention, the supervisor may choose from one of the following two options:

1. Option A: Accompany the employee to HR before the physician.

If possible, the injured employee should be escorted to the Workers' Compensation Coordinator / HR Department. A package containing necessary medical treatment paperwork (Job description, restrictions form, and drug screening paperwork) will be provided to the employee who will take it to the medical provider. The supervisor will escort the employee to the medical provider.

2. Option B: Accompany the injured employee directly to physician, and HR sends Paperwork.

The supervisor will contact the Workers' Compensation Coordinator / HR Department to report the injury and receive instructions regarding treatment locations. The supervisor will provide an escort for the employee to the clinic or hospital. The Workers' Compensation Coordinator / HR Department will contact the clinic to notify them of the pending arrival of the employee, and arrange to deliver or fax the necessary paperwork (job description, restrictions form, and drug screening paperwork) to the medical facility.

### **30.6 INJURY TREATMENT, RESTRICTIONS, AND LIGHT DUTY**

#### **A. First Aid Injuries:**

First Aid injuries that do not require professional medical treatment ("band-aid injuries") require no further action other than standard investigation and corrective preventative action.

#### **B. Injuries requiring physician treatment**

The physician provides medical treatment, reviews the job description and any other information supplied by the City outlining the employee's current job duties and responsibilities and completes the restrictions form. The physician or physician's representative will contact the City's Managed Care Provider to discuss the employee's prognosis, medications, and restrictions. The Managed Care Case Nurse will in-turn communicate the information to the Workers' Compensation Coordinator

#### **C. Employee's return to duty**

No employee may return to duty (light duty or full duty) without the appropriate release from the treating physician. Upon release by the physician, the employee should return to (or contact) the Workers' Compensation Coordinator for further instructions unless hospitalization occurs. If restrictions are prescribed by the physician, then placement of the employee is the responsibility of the Workers' Compensation Coordinator. Work assignments shall be in the following priority:

1. Within the employee's own Department; or,
2. Within another Department.

### **30.7 LIMITS OF LIGHT DUTY ASSIGNMENTS**

#### **A. Maximum of six months**

A single alternate duty assignment should not last longer than two full weeks. If an injured employee cannot resume regular duties within this time, the supervisor and Workers' Compensation Coordinator will review the employee medical status and may extend the

current assignment or reassign the employee to a different work area. Subject to applicable law, the maximum cumulative length of time that an employee may participate in the City's Return to Work program is six (6) months. If an employee has not reached Maximum Medical Improvement within that period of time, the employee may be placed on workers' compensation leave, and would then be subject to the compensation provisions as provided under the workers' compensation statutes.

**B. Light duty assignments after MMI**

An injured employee may not remain in an alternate duty assignment after reaching Maximum Medical Improvement (MMI). If an injured employee is unable to return to regular duties after reaching MMI, the Human Resources Department and the Department Head will review his/her employment status with the City. Considerations for ADA reasonable accommodations and employee qualifications for other positions within the organization will be reviewed and the employee placed accordingly. If no positions are available that match the employee's qualifications or for which the City can make reasonable accommodations, the employee may be terminated.

**30.8 WAGES AND BENEFITS**

All payroll wages for alternative duty assignments will be drawn from the employee's regularly assigned department where the injury occurred. Contribution and accrual of benefits shall remain unaffected during the employee's participation in the City's Alternative Duty Program.

**30.9 REFUSAL OF ALTERNATIVE DUTY ASSIGNMENTS**

Workers' compensation wage benefits will be discontinued if an alternative duty assignment is available and refused by the employee. An injured employee who refuses an alternative work assignment and has exhausted all available leave credits may be subject to termination in accordance with the City's termination procedures and applicable law.

**30.10 EFFECT OF OTHER LAWS AND POLICIES**

- A. Nothing contained in this Policy shall be construed or applied in a manner to alter the "at will" nature of employment, or that is inconsistent with any federal, state or local law or ordinance, including, but not limited to, the Americans with Disabilities Act, the Florida Civil Rights Act and the Family and Medical Leave Act, to the extent such laws are otherwise applicable.
- B. The provisions of this Policy are not applicable to employees who have been injured off the job. The provisions of Section 17 of the City's Personnel Rules and Regulations shall apply to such situations.

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## **SECTION 31: DOMESTIC VIOLENCE-RELATED LEAVE**

### **31.1 INTRODUCTION**

The City of Punta Gorda has adopted this Domestic Violence-Related Leave Policy to comply with the requirements of State law. The City will grant Domestic Violence-Related Leave to eligible employees as provided herein or otherwise provided by law. The City will not interfere with, restrain or deny the exercise of any right provided under this policy or the state law on which it is based.

### **31.2 DEFINITIONS**

Words used in this policy shall have the meanings attributed to them in the law. In addition, the following definitions apply:

- A. **Eligible employee** - an employee who has worked for the employer for at least three (3) calendar months before the date of the requested leave and who can establish the need for leave as outlined under the law.
- B. **Domestic Violence-Related Leave** - up to three (3) work days of leave available for an eligible employee's use for the purposes outlined in Florida Statute §741.313 in any one 12-month period. Domestic Violence-Related Leave shall be unpaid; however the employee is required to exhaust all annual paid leave available to him or her prior to receiving unpaid domestic violence.
- C. **12 month period** - a time period of twelve calendar months beginning the date of the first period of domestic violence-related leave and continuing for 12 calendar months from that date.

### **31.3 PURPOSES FOR THE LEAVE**

An eligible employee may, upon presentation of appropriate documentation, be granted up to three (3) work days of domestic violence leave for the purposes specified in Florida Statute §741.313 if the employee, or the employee's family, or a household member of the employee is a victim of domestic violence and the leave is used to:

- 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 the employee's family, or a household member to address physical or psychological injuries resulting from the act of domestic violence;
- C. Obtain services from a victim-services organization including, but not limited to, a domestic violence shelter or program or a rape crisis center as result of the act of domestic violence;
- D. Make the employee's home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- E. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court-related proceedings arising from the act of domestic violence.



### **31.4 NOTICE, REQUEST AND DOCUMENTATION**

- A. An employee seeking domestic violence-related leave shall request the leave by using a Leave Request Form. Except in cases of imminent danger to the health or safety of the employee, or the employee's family, or household member, advance notice of the need for leave is required. Where advance notice is required, the employee is required to provide notice to the City as soon as the need for leave is known. Appropriate documentation establishing the reason for the leave under these provisions is required to be submitted with the request for leave. In cases of imminent danger to the safety of the employee, or the employee's family, or household member, such documentation may be submitted after the leave is taken, but shall be submitted within three (3) work days from the employee's return to the workplace unless an extension is granted by the City Manager. Failure to submit requested documentation or provide advance notice (except where advanced notice is not required due to an imminent danger to the health or safety of employee or a family or household member) will result in the denial of the leave and may result in discipline for unauthorized leave under the City's Personnel Rules and Regulations.
- B. The documentation of requests for domestic violence-related leave, and any other documents that contain personally identifying information regarding this leave, including leave request slips, are exempt and confidential and not subject to disclosure under Florida Statutes Ch. 119 (aka the Florida Public Records Law).

### **31.5 GRANTING AND DOCUMENTING USE OF LEAVE**

Unpaid leave shall not be granted under this policy until the employee has used all paid leave available to him or her. Leave approved under this policy shall be considered scheduled leave.

### **31.6 TECHNICAL ASSISTANCE**

Should you need further assistance in dealing with domestic violence leave, please contact Human Resources at (941) 575-3371.

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## **SECTION 32: INTERNSHIP PROGRAM**

### **32.1 INTRODUCTION**

The City of Punta Gorda recognizes the operational significance and value afforded by Internship Programs. These Programs enable the City to complete projects or objectives in a cost-effective way that might not otherwise be completed.

### **32.2 PURPOSE**

The purpose of this policy is to set forth the guidelines for the City's Internship Programs. Interns make a short-term commitment to work at the City of Punta Gorda in order to achieve learning goals and gain experience and exposure to their field of interest. The City commits to providing learning experience, specific work assignments, and training.

### **32.3 DEFINITIONS**

**Intern:** A student that is enrolled in a high school, college, university or other educational institution and who participates in the City of Punta Gorda's Internship Program to gain practical experience in an occupation or profession that is linked to the student's field of study.

**Internship:** A Program established by the City of Punta Gorda that provides practical experience for students who are exploring career possibilities in a specific occupational field, and who are enrolled in a course of study that may lead to such careers.

**Academic Institution:** A high school, college, university, or technical education Program at which the Intern is enrolled.

**Supervisor:** The Department Director or designated authority who is responsible for the supervision and instruction of the Intern.

### **32.4 PROCEDURES**

#### **A. Workers Compensation Coverage**

For purposes of injuries or accidents that may occur during regular working hours, a student who participates in this Program shall be treated as a volunteer, and covered by the City's property and casualty insurance. No fringe benefits shall accrue to Interns.

#### **B. Coordination of the Program**

The Human Resources Manager shall be responsible for providing academic institutions with information regarding the availability of an Intern position with the City and act as a liaison between the school and the Intern's supervisor. Depending on the content of the Internship opportunity, college credit may or may not be given, solely at the discretion of the academic institution, and based on criteria provided to the City by the school. In order for a student to participate in the City's Internship Program, the City requires proof of enrollment in an academic institution and all necessary paperwork to comply with the school's requirements. If the Intern drops out of the Program, the Internship shall be terminated at the discretion of the City.

#### **C. Development and Notification of Internship Opportunities**

Departments and/or divisions that wish to offer an Internship opportunity shall be

responsible for the following:

1. Clearly define the scope and nature of the project or duties to be carried out by the Intern;
2. Develop a job description that clearly defines the learning goals for the Internship;
3. Notify the Human Resources division of the Internship. HR will then post the opportunity with the appropriate educational institution.

D. Application and Selection

1. The student shall be required to provide proof of school enrollment and all necessary paperwork for compliance with the school's external learning credit requirements.
2. The student shall be required to submit a Student Application for Internship.
3. The department and/or division that has the Internship opportunity shall be responsible for interviewing the candidate(s) in much the same way as would be done for a regular position.
4. A student who is selected for the Internship Program may begin only after an appropriate background check has been conducted.
5. Depending on the nature of the assignment, and the level of access to City systems that is required, the student may be required to submit to a somewhat rigorous background investigation, including criminal background and credit check.

E. Department Responsibilities

1. The supervisor shall orient the student regarding the organization's structure and operations.
2. The supervisor shall orient the student regarding the organization's policies and procedures regarding appropriate dress, and office hours.
3. Project learning objectives shall be clearly outlined and thoroughly discussed with the Intern, with concise and measurable learning objectives.
4. The supervisor and the Intern shall work together to establish an appropriate work schedule taking into consideration available supervision, variables in workload, and student availability during regular office hours.
5. The supervisor shall be responsible for providing adequate supervision to support the Intern in accomplishing the learning objectives.
6. The supervisor should provide continuous feedback to the Intern regarding progress made towards the objectives.
7. The supervisor should evaluate the Intern's knowledge, comprehension, and work habits, including dependability, initiative, cooperativeness, and overall performance.
8. The supervisor should be prepared to provide the academic institution with

progress reports and assessment of the Intern at the end of the Internship.

F. Student Responsibilities

1. Adhere to specified work hours, policies, procedures, and rules regarding staff behavior.
2. Adhere to professional ethics and policies regarding handling confidential information and data.
3. Assume personal and professional responsibility for their actions and activities.
4. Maintain professional relationships with employees and customers, both Internal and external.
5. Work on applying knowledge acquired in the classroom to real-world business situations.
6. Develop a self-awareness of attitudes, values and behavior patterns that influence the work environment.
7. Prepare for and utilize learning opportunities such as training, meetings, and conferences offered by the City.
8. Complete work/learning assignments in a thorough, consistent, and punctual manner.
9. Provide the academic institution with any reports or projects required to fulfill the Internship criteria.
10. Submit to the supervisor for review any reports of projects produced by the Intern prior to delivery to the academic authorities.

G. Academic Institution Responsibilities

1. Provide to the student appropriate documentation as required by the City.
2. Provide the City with all the policies and procedures that they require so that the student may fully participate in the Internship Program, including:
  - a. All appropriate forms associated with the academic institution's programs of study;
  - b. Curriculum guidelines for the class in which credit is desired;
  - c. Evaluation procedures so that supervisors may effectively assess student performance;
  - d. Policies and procedures as they relate to student confidentiality or privacy.
3. Ensure that the student is granted appropriate time that may be devoted to the City's Internship Program.

## **SECTION 33: EDUCATION BENEFIT**

### **33.1 PURPOSE**

The purpose of this policy is to provide a framework in which the employees of the City of Punta Gorda are encouraged to further their professional and personal development through educational pursuits. These may include participation in targeted skills course work, certification classes, or courses that are a part of a recognized degree program.

### **33.2 ELIGIBILITY TO PARTICIPATE**

The provisions of this Policy shall be applicable to all City employees except:

- A. City employees who have not yet completed their initial 6-month probation period; or whose probationary period has been extended under provisions contained elsewhere in this Personnel Rules and Regulations;
- B. Elected Officials;
- C. Persons hired as independent contractors on a contractual, fee, or retainer basis;
- D. Temporary, part-time, or casual employees;
- E. Persons employed under the provisions of government programs or grants;
- F. Employees who are not in good standing within their department because of factors related to performance and/or other disciplinary concerns.

### **33.3 PROCEDURES**

#### A. Re-Imbursement of Costs

All re-imbursements for education costs within the provisions of this policy are subject to budgetary constraints as defined by the Department and approved by the City Manager. Employees may be reimbursed up to fifty percent (50%) of their costs up to a maximum of \$1500 per fiscal year, unless the City determines that such education is necessary or beneficial to meet the operational needs of the City, as specified elsewhere in this policy.

#### B. Participation in the Education Incentive Program

##### 1. Relevance of Coursework

The Department Head and Human Resources Manager must approve the operational relevance and value of all course or class work for which the participant is requesting assistance. If the employee is requesting assistance for course work that is part of a degree-granting program, the Department Head should consider the value of the degree to the City's operations.

##### 2. Application for Participation

In order for an employee to qualify for City educational assistance under the provisions of this policy, the employee must first meet the eligibility requirements specified above, and then submit a formal request to the Department Head to participate in the benefit (See the Form at the end of this Section). The Department Head should approve participation in advance of enrollment in any classes or other educational opportunity. Requests for reimbursement after the employee has enrolled may be accepted for

review, but may be denied at the sole discretion of the City.

### 3. Department Head Participation

In the event that a Department Head is making a request for reimbursement of education/training expenses, application must be made to and approved by the City Manager.

### 4. Covered Costs, Certifications, and Licenses

When determined by the Department Head to be operationally necessary or beneficial, a Department Head may encourage or require an employee to secure certain licensures, training, and/or certifications. In such cases, the City will pay the training provider for all classes, textbooks and materials, testing, and continuing education for such technical certifications and licenses. Examples of such training include, but are not limited to:

- a. Water and Waster Water Treatment certifications;
- b. Chemical handling and application licensure;
- c. Notary Public license;
- d. Specialized Public Safety training and/or certification;
- e. Specified safety and employee development education.

### 5. Skills Development Classes and Seminars

From time to time, employees may wish to participate in short-term educational classes and seminars that target specific skills, including computer applications (Excel, Word, PowerPoint, etc.), supervisory training, customer relations training, and others. Unless the City pays the training provider directly, reimbursement for such training requires proof of participation such as a certificate of completion from the training provider. The City reserves the right to limit the amount of reimbursement based on the relevance of course work and availability of funds.

### 6. Degree Granting Programs

Participation in the Education Incentive Benefit in order to obtain a formal degree shall be on a reimbursement basis only. As specified elsewhere in this policy, the City will only reimburse employees for 50% of the costs associated with such course work, up to a maximum of \$1500 per fiscal year and subject to available funding. The City reserves the right to discontinue re-imbusement under this program once funding has been depleted.

### 7. Other Education Funding Sources

There shall be no duplicate payment for the same course(s). If the course(s) are reimbursable through some other source, the City will not reimburse for such course(s) under this policy.

## **33.4 EMPLOYEE RETENTION PROVISIONS**

- A. Employees who receive any type of educational assistance shall be required to remain in the employ of the City of Punta Gorda for a minimum of two years from the date

of reimbursement, or upon successful completion of the training/education for which the City paid the training provider directly. Failure to do so could result in the employee being required to re-pay the City a pro-rated portion of the funds that were reimbursed under this education benefit.

- B. If the City terminates an employee who has received reimbursement under the terms of this benefit, the employee shall retain such reimbursement, unless the termination is for just cause. If an employee is terminated for cause, the employee shall be required to re-pay a pro-rated portion of the funds that were reimbursed as part of this education benefit.
- C. Subject to applicable law, the City may deduct from the former employee's final pay check such funds as are necessary to reimburse the City as specified in this Section. Additionally, the City of Punta Gorda may institute a civil action to collect such expenses to the extent they are not reimbursed.

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