

## **POLICY STATEMENT OF INTENT**

The Green Cove Springs City Council recognizes the value of developing human resources as a means of achieving the goals of Council with respect to the health, safety and welfare of the residents of Green Cove Springs and the customers who are served by the City's utilities. Human resource development includes, but is not limited to, recruitment and retention of qualified employees; development of knowledge, skills and abilities of employees and supervisors; compliance with existing labor law; and creation of a work environment that maximizes the contribution added by each employee toward the overall goals of the City. Therefore, it shall be the policy of the City of Green Cove Springs City Council:

- A. To attract and retain the best qualified employees meeting the requirements of each position as outlined in the City's Classification Plan.
- B. To select employees based on knowledge, skills and ability for a given position without regard to race, color, creed, religion, sex or national origin.
- C. To develop and train supervisors who respect the individual rights of each employee, and who treat all employees with courtesy, dignity and consideration.
- D. To compensate each employee by payment of a fair and competitive wage for work performed.
- E. To provide paid vacations, holidays and other appropriate benefits to enhance the quality of life for all eligible employees and their families.
- F. To provide facilities, services and an atmosphere conducive to a healthy and productive work environment.
- G. To assure each employee that he/she has the right to discuss freely with management any matter concerning either his/her own or the City's welfare.
- H. To address promptly and appropriately any legitimate complaint which may arise.
- I. To make available to employees opportunities for training, development and advancement consistent with individual ability, performance and the requirements as set forth in the job description.
- J. To encourage upward mobility of employees by giving full consideration for promotion to qualified employees seeking to better themselves.
- K. To provide modern health and safety services for employees' protective and physical security.
- L. To provide for employment and advancement opportunities insofar as practical with regard to the availability of funds.

Succeeding in the above policies to build a workforce of the best qualified City employees possible, consistent with the availability of resources, the City also succeeds in enhancing the health, safety and well-being of all our citizens.

## **CODE OF ETHICS**

It is the policy of the City that no officer or employee of the City shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. The City shall require strict adherence to the provisions of Chapter 112, Part III, Florida Statutes, entitled "Code of Ethics for Public Officers and Employees". To assure compliance therewith and that the highest standards of ethical conduct are observed, the following specific policies and procedures are adopted:

- A. No officer or employee of the City shall accept or solicit any gift, favor, or service which might tend to improperly influence him or her in the discharge of his or her official duties.
- B. No officer or employee of the City shall use, or attempt to use, his or her official position to secure special privileges or exemptions for himself or herself, or others, or for personal gain or benefit.
- C. No officer or employee of the City shall accept employment or engage in any business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position.
- D. If an officer or employee of the City is an officer, director, agent, member of, or owns a controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulations of, or has substantial business commitments from the City, he or she shall file a sworn statement disclosing such interest with the City Clerk and provide a copy to the City Manager.
- E. No officer or employee of the City shall accept other employment which might create continuous or frequent conflict of interest or impair his or her independence of judgment in the performance of his or her public duties. All full time City officers or employees shall report other employment to their department head and the nature of the employment in writing.
- F. No officer or employee of the City shall receive any compensation for his or her services as an officer or employee of the City from any source other than the City, except as may be otherwise provided by law.
- G. No officer or employee of the City shall use City time, materials, or property in the pursuit of outside business or employment.
- H. No officer or employee of the City shall take part in any business transaction in violation of Section 112.313(3), Florida Statutes.

- I. No officer or employee of the City shall have personal investments in any enterprise which will create a substantial conflict between his or her private interests and the public interest.
- J. No officer or employee of the City shall endorse or in any other way indicate his or her approval of a product or service in a manner that would imply he or she was representing the City or that the City also endorses the product or service.

It is not the intent of these rules to prevent any officer or employee of the City from accepting employment which does not interfere in any way with the full and faithful discharge of his or her duties to the City.

In addition to the penalties provided in Section 112.317, Florida Statutes, for violations of Chapter 112, Part III, violations of these policies may result in dismissal from employment or other disciplinary action.

I acknowledge the above City of Green Cove Springs Code of Ethics.

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Employee Signature

Date

## **INTRODUCTION**

The **City of Green Cove Springs, Florida**, welcomes you as a member of its municipal staff. As a City employee, you are an important part of a team of professional individuals dedicated to providing the most efficient service possible for our citizens and property owners, as well as visitors to our community.

These personnel policies have been developed to establish a consistent and equitable basis for administering matters affecting the working environment in which the City's staff functions. The policies contained in this manual are administered by the City Manager. Any questions you may have regarding this manual can be answered by your immediate supervisor. These personnel policies are not to be construed as any guarantee or contract of employment for any definite period of time between you and the City or to vest entitlement in you to any of the benefits contained herein. Further, the City reserves the right to modify the terms and conditions of employment contained in these personnel policies from time to time. These policies supercede and repeal any prior or inconsistent policies.

Both the City Council and other personnel are pleased to have you as a member of the team and join with me in the hope that you will enjoy both your work and the new friends you will make during your employment with the City of Green Cove Springs.

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L. Steve Kennedy, City Manager  
City of Green Cove Springs

**NOTE: This Personnel Plan is not a contract. It is for information purposes only. Nothing contained in this Personnel Policies and Procedures Manual is intended to, nor does, create a property or liberty interest in your employment with the City.**

## **SECTION 1**

### **MANAGEMENT RIGHTS AND RESPONSIBILITIES**

#### **1.01 Overview**

The City fully recognizes its responsibility to see that the City is run in a smooth and efficient fashion. To that end, the City reserves and retains exclusively all of its normal and inherent rights with respect to the management of its operations, whether exercised or not, including, but not limited to, its right to determine, and from time to time re-determine, the number, location and type of its various operations, functions and services, the methods, procedures and policies to be employed; to discontinue the conduct of any operation, function or service, in whole or in part; to transfer its operations, functions or services from or to, either in whole or in part, any of its departments or other divisions; to select and direct the working force in accordance with requirements determined by the City; to create, modify or discontinue jobs; to establish and change personnel policies or working rules and regulations; to create new job classifications; to establish and change work schedules and assignments; to transfer or promote employees; to lay off, furlough, demote or otherwise relieve employees from work for lack of work, lack of funds, or other legitimate reason; to suspend, discharge, demote or otherwise discipline employees; to subcontract; and to alter or vary past practices and otherwise to take such measures as the City may determine is necessary to the orderly and efficient operation of its various operations, functions and services.

#### **1.02 Emergency Conditions**

If it is determined that civil emergency conditions exist, including riots, civil disorders, hurricane conditions, similar catastrophes or disorders, or public employee strikes, these policies may be suspended by the City Manager during the time of the declared emergency. No employee shall participate in a riot or other civil disorder which may be harmful to the City, or may result in violence, causing property damage (public or private), injury or death.

#### **1.03 Division of Responsibility**

The City Manager shall establish personnel policies and rules, with the concurrence of the City Council, and shall make and confirm appointments to and removal from employment according to the Charter and Ordinances of the City. It shall be the responsibility of the Personnel Director, under the direction of the City Manager, to administer the City's Personnel Policies and Procedures.

The responsibilities of the Personnel Director shall include:

- a. Developing, administering, and interpreting personnel policies and procedures as they apply to all departments, subject to review and approval by the City Manager.
- b. Advising management in all areas of personnel administration to include employee-management relations, training and career development, and employee health and morale.

Department Heads and subordinate management personnel are responsible for enforcing the provisions of these policies and for cooperating with the Personnel Director in all related matters pertinent to their organizational units.

## SECTION 2

### GENERAL PROVISIONS

#### **2.01 Purpose**

The rules herein establish orderly procedures for the administration of the personnel policies for the City of Green Cove Springs.

#### **2.01A City Government**

The City of Green Cove Springs operates under a council-manager form of government. The five-member elected council is comprised of a mayor and four (4) city council members and is responsible for the establishment and adoption of policy for the City. The City Manager, appointed by the City Council, is the chief executive officer of the City. The City Manager is responsible for establishing organizational goals and providing overall administration and direction to all City departments. In accordance with City Charter, the City Council shall deal with employees solely through the City Manager, so the City Manager may coordinate efforts of all City departments to achieve the greatest possible savings through the most efficient and sound means available.

#### **2.02 Positions Covered**

The personnel policies are adopted pursuant to the City Charter and apply to all employees except to the extent they differ from any individual or collective bargaining contract regarding employment. These policies shall also apply to position(s) appointed by the City Council if the City Council votes to affirmatively include such position(s).

#### **2.03 Administration**

The City Manager shall be responsible for the administration of the personnel policies.

The City Manager may clarify or modify these policies, with the approval of the City Council.

#### **2.04 Amendments**

Amendments, changes or revisions of the personnel policies may be made at any time, but are subject to approval by the City Council. Upon enactment or modification, the new personnel policies shall be distributed to all City Departments and made available to all employees. Any amendments, changes or revisions shall take effect immediately upon approval of the City Council unless otherwise specified and shall automatically be deemed to supersede all prior policies on the same subject. All employees are charged with responsibility for being familiar with and abiding by these policies.

## **2.05 Departmental Policies**

Departmental procedures may be developed to serve as supplements to the personnel policies, but are subject to prior approval of the City Manager.

## SECTION 3

### **DEFINITION OF TERMS**

Terms not specifically herein defined shall have meanings as defined by common and ordinary usage. The decision of the City Manager as to the meaning of any non-defined terms is final.

Absenteeism – Any failure to report for, or remain at work as scheduled, regardless of reason.

Administrative Leave With/Without Pay – An interim paid or unpaid status, typically pending a final decision as to disciplinary action or where otherwise deemed to be in the City's best interest.

Anniversary Date – The date an employee begins employment and the same date in following years. Also, the date from which vacation and sick leave benefits are computed. If an employee is in a non-pay status for a period of thirty (30) days or greater, the anniversary date shall be deferred by an equivalent amount.

Benefit Programs – Employee health and welfare programs which may be provided. Such programs may include vacation leave, sick leave, holidays, group medical and life insurance, employee credit union, and the retirement savings plan.

City – The City of Green Cove Springs.

Classification – An act of grouping positions having similar duties and responsibilities, requiring similar qualifications, which can be equitably compensated within the same salary range.

Classification Plan – A system of grouping positions into appropriate classes.

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

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

Compensatory Time – Excused time off from work which may be granted in lieu of pay for overtime work for non-exempt positions.

Demotion – The assignment of an employee from one pay grade to another pay grade, which has a lower minimum and maximum rate of pay.

Department Head – Department Heads shall be defined as those individuals who report directly to the City Manager and have budgetary responsibility to their department, such departments being established in the City's annual operating budget.

**Dismissal** – Complete involuntary separation of any employee from the City's employment, except by death.

**Emergency** – A condition that may affect or does affect a large part of the City population, corporate limits, City property or resources available to the City. This condition may be a result of, but not limited to, a wind storm (hurricane, tornado), flood, fire, earthquake, hazardous materials and/or civil disobedience.

**Employee**: Any employee of the City covered by the provision of these policies and procedures.

A. **Salaried/Exempt Employee** – Those employees that meet the criteria for exempt status from overtime under the Fair Labor Standards Act (FLSA). This shall include but not be limited to the City Manager, Assistant City Manager, Police Chief, Director of Electric, Planning & Zoning Director, PHA Director, City Clerk, Finance Director, Personnel Director, Public Works Director, Department Heads and others as deemed appropriate.

B. **Non-exempt Hourly Employee** – Any employee whose official performance is subject to FLSA and who is compensated on an hourly basis.

**Full Time Employee** – Any employee whose position regularly requires a work week consisting of at least thirty (30) hours. Regularly shall mean employee working six months or more of at least thirty (30) hours per week. Part time employees working in excess of thirty (30) hours for less than six consecutive months are not considered full time employees.

**Immediate Family** – Includes the employee's spouse, father, mother, son, daughter, brother, sister, mother-in-law and father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, step-son, step-daughter, step-brother, step sister, half-brother, half-sister, grandson, granddaughter, grandmother, grandfather, uncle, aunt, nephew, and niece.

**Job Description** – A general written description of a job or position, its qualifications and essential functions.

**Leave** – An approved or directed absence from work.

**Merit Pay** – An adjustment to an employee's base wage or in the case of an employee at the maximum of a pay range, a lump sum or a combination thereof based upon a performance evaluation program set up by the City Manager.

**Merit Pay Increase** – An increase in compensation which may be granted to an employee based on job performance evaluation subject to availability of funds in the budget.

**Merit Review Date** – Generally one month before merit increase, if applicable. The City Manager may determine other review dates based on hire date and promotions. If an employee is in a non-pay status for a period of thirty (30) calendar days or greater, the merit review date shall be deferred by an equivalent amount.

Overtime – For purposes of the Fair Labor Standards Act, time worked by employees in excess of the applicable maximum hour standard for the work period is considered overtime, although the City may pay additional compensation for hours worked outside an employee's regular schedule.

Part Time Employee – An employee hired into a position requiring the employee to work an average of less than thirty (30) hours per week.

Part Time On-Call Employee – Any part time employee who is not regularly scheduled and who works only when called.

Performance Evaluation – A written appraisal relative to the job performance of an employee.

Probationary Employee – Any newly hired, promoted or transferred person serving a probationary period prior to being confirmed to a position.

Probationary Period – A period of time provided to allow the City the opportunity to evaluate an employee's abilities and performance and to decide whether or not the employee is to be retained in the position or in the employ of the City in general.

Promotion – The upgrading of an employee from a position of one pay grade to a position of another pay grade that has a higher minimum and maximum rate of pay.

Regular Employee – A non-probationary full time employee of the City.

Resignation – Voluntary separation from City employment. Absence from duty without leave for two (2) consecutive days shall be treated as a resignation.

Stand-by Assignments – An assignment made by a department supervisor which requires an employee to be available for emergency work on his off-duty time; on nights, weekends, holidays, or at any other specified time.

Supervisor – Supervisors shall be defined as those individuals who are in charge of the functioning of their department and who are charged with budgetary responsibility therefore, but who come under the direction of a Department Head and not directly under the City Manager. Those positions as established as Supervisors on the organizational chart.

Suspension – The placing of an employee in an unpaid status as a disciplinary measure.

Temporary Employee – An employee hired to perform seasonal work or other special projects as required.

Termination – Voluntary or involuntary separation from City employment.

Transfer – A change of an employee from one position to another position in the same pay grade.

## **SECTION 4**

### **STANDARDS OF CONDUCT**

#### **4.01 Policy and Intent**

One objective of the City is to establish and administer a system of personnel management consistent with the goal of providing quality service to the community. This is accomplished by employing and retaining individuals who display pride and dignity in the performance of their duties.

The City advocates the concept that the quality of public service is maximized through a personnel system based on merit principles. Employees are encouraged to develop skills and seek formal training related to the enhancement of personal development. Compliance is expected with all personnel policies, local ordinances, state statutes and federal laws by all employees in the performance of their duties. Any employee who violates any of the personnel policies herein contained, or any departmental policies, or in any way acts in a manner inconsistent with the best interests of the City may be subject to disciplinary action.

#### **4.02 Political Activity**

- (a) Any City employee who becomes a candidate for nomination or election for a local, state or federal public office in Clay County shall be placed on a leave of absence effective as of the date of qualification.
- (b) Employees are prohibited from conducting or participating in any political activity while on work time.
- (c) All employees are subject to all legal restrictions on political activity as provided by state, federal or local law. It is each employee's responsibility to familiarize themselves with any such restrictions or limitations prior to engaging in any political activity.

#### **4.03 Equal Opportunity, Non-Discrimination, Americans with Disabilities Act (ADA), and Sexual and Racial Harassment**

- (a) Policy

In order to provide a productive and pleasant working environment, it is important that the City maintain an atmosphere characterized by mutual respect. Accordingly, the kind of conduct characterized as discrimination, harassment, or verbal abuse will not be tolerated. In addition, the City will endeavor to protect employees, to the extent possible, from reported discrimination, harassment, or verbal abuse by non-employees in the workplace.

(b) Equal Employment

The City of Green Cove Springs is an equal opportunity employer. The City hires without regard to sex, race, color, national origin, religion, age, handicap, physical or mental disabilities, marital status, or any other protected status. All personnel actions including hiring, promotions, selection for training, compensation, layoffs, recall from layoffs and terminations will be administered in a manner consistent with this policy, the personnel policies as a whole and general principles of non-discrimination.

(c) Americans with Disabilities Act (ADA) Policy Statement

The Americans with Disabilities Act of 1990 (“ADA”), as amended, prohibits discrimination against qualified individuals because of their disabilities. The ADA applies to the City of Green Cove Springs. Therefore, we intend to ensure that individuals with disabilities who are employed by us, as well as persons applying for jobs with us, who meet the essential requirements of the job with reasonable accommodation, are treated fairly.

The City is committed to complying with the ADA. We encourage all employees to help us achieve this objective. If you believe that you or someone else has been discriminated against on the basis of disability or if you have any questions, concerns or suggestions relating to the ADA, contact the Personnel Director.

(d) Harassment Policy

It is the policy of the City of Green Cove Springs that all employees have a right to work in an environment free of harassment and discrimination, which encompasses freedom from harassment and discrimination based upon a protected status, including sex, race, national origin, religion, disability, age, or veteran status. All employees of every level within the City’s employ must refrain from inappropriate behavior, comments or other harassing behavior at work. Employees will be held responsible for any harassment or discrimination, and if found to have engaged in such conduct, will receive discipline up to and including termination.

Harassment is defined by federal and Florida law. It can consist of unwelcome sexual advances, verbal insults, racial slurs, inappropriate emails of a sexual nature, and physical conduct of a harassing nature by supervisors and others in the workplace.

Employees who believe they have been harassed or discriminated against because of their protected status have a duty to promptly report such instances and occurrences. Employees must report the harassment to their immediate Supervisor, Department Head, or the Personnel Director.

The City will promptly investigate the Complaint. All attempts will be made by the City to keep the matter confidential.

There will be no retaliation against employees for reporting harassment or discrimination under the procedures set forth in this policy. However, if after investigating any complaint, the City learns that an employee has provided false information regarding the complaint, disciplinary action may be taken against the employee who provided the false information.

(e) **Duty of Supervisors**

Each Department Head and Supervisor is responsible for making sure that all employees within his or her area of responsibility are aware of this policy. Further, it is the Department Head's and Supervisor's duty to ensure that personnel decisions are in accordance with this policy, and to consult with the City Manager or his/her designee when improper behavior is observed or reported.

(f) **Complaint Procedure**

Any employee who has a complaint of discrimination or harassment at work by anyone, including supervisors, co-workers, or visitors should immediately report his/her complaint to his/her immediate Supervisor as soon as possible. If for any reason the alleged discrimination or harassment cannot be reported to your Supervisor, or you reasonably believe such a report would be ineffectual, you should report the matter directly to the City Manager or Personnel Director.

(g) **Investigation**

Upon receipt of any complaint under this policy, the City will promptly investigate. The investigation will be kept as confidential as possible. The investigation of a complaint will normally include conferring with the parties involved and any named or apparent witnesses. All employees shall be protected from coercion, intimidation, retaliation, interference or discrimination for filing a complaint or assisting in an investigation. If a violation is found to exist, appropriate corrective action will be taken, up to and including termination. A non-employee who subjects an employee to discriminatory conduct or harassment in the workplace will be informed of the City's policy. Other action may be taken as appropriate or allowed by law.

#### **4.04 Conflict of Interest**

To avoid misunderstandings and conflicts of interest which could arise, the following policies will be adhered to by employees of the City in addition to all provisions of state law:

- (a) Employees shall not solicit or accept any gifts, favors, accommodations, prizes, entertainment or services that might reasonably tend to influence them in the discharge of their official duties or be reasonably construed by others to influence them in the discharge of their official duties.
- (b) Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or any others with whom they have a relationship or affiliation of any sort, except as may be provided by policy and/or law. Personnel in a position to influence City actions shall refrain from business, professional and other relationships which may affect the exercise of their independent judgment in dealing with City suppliers of goods or services or with other public agencies (this section is not meant to prohibit such incidentals as lunch, dinner or occasional social activity).
- (c) Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit or the gain or benefit of others with whom they have a relationship or affiliation of any sort.
- (d) Employees shall not transact any business in their official capacity with any business entity of which they are an officer, director, agent, or member, or in which they own a controlling interest.
- (e) Employee acceptance of any item of value greater than \$100 per year in the form of gifts, gratuities, favors and entertainment from a supplier, bidder, other parties doing business with the City government or a non-related City employee (such as a Supervisor or Department Head) is forbidden.

#### **4.05 Outside Employment**

- (a) Full-time employees are discouraged, but not restricted, from engaging in other employment during their off-duty hours. However, City employment must be considered the primary employment and no employee may engage in outside employment which could interfere with the performance of his/her City duties or be in conflict with the interest of the City.
- (b) Authorization for off-duty employment shall be requested in writing to the Department Head to ascertain that there is no conflict with their job duties. Written approval of the Department Head and City Manager must be granted before off-duty work begins.
- (c) Every full-time employee engaging in approved outside employment shall respond immediately to any emergency call-to-duty by the City whenever the City Manager or the Department Head determines their services to be necessary.

#### **4.06 Solicitation and Distribution**

There shall be no solicitation by employees for donations or support of any kind for any person or organization on work time. There shall be no distribution by employees of non work-related literature of any type on work time or in areas where work is performed. Work time does not include recognized breaks and lunch periods.

#### **4.07 Use of City Property**

Employees shall not use City property, equipment or vehicles except in the performance of their official duty, nor permit its use by an unauthorized person, either on or off duty. Employees shall not use City property, equipment or vehicles for private purposes, individuals or firms. Unauthorized persons are prohibited from traveling in a City vehicle. Engineers, consultants, volunteers, contract employees or other individuals may be allowed to travel as a passenger in a City vehicle, normally within but not necessarily limited to the City's utility territory, as long as it is on City related business. Volunteers and contract employees may operate City vehicles and equipment if they have the express permission of the Department Head/Supervisor, and have a valid Florida driver's license and good driving record. Public safety vehicles shall comply with departmental policies. The City Manager may authorize the use for private purposes if it is in conjunction with a valid City function or purpose, or establish a policy of reimbursement of expense to the City.

#### **4.08 Dress and Appearance**

The public and other visitors may form their impressions of the City through their contacts with our employees. Therefore, it is essential that we contribute to a good image through proper dress, hygiene and grooming. Moderation and neatness in dress, hairstyle and make-up is required. Employees should dress in attire appropriate to their job function, including proper use of safety-related apparel. When uniforms are provided for an employee, they will be responsible for maintaining those uniforms unless maintained by the City and are required to properly wear the uniform when on duty. Employees are prohibited from wearing City uniforms while off duty unless written permission has been granted. An employee may be instructed to remove any jewelry or body piercing which, in the Department Head's or Supervisor's judgment, is deemed to be a safety hazard.

Office workers and any employees who have regular contact with the public must present a professional, business-like image to the public at all times. The personal appearance of office workers and employees who have regular contact with the public is to be governed by the following:

- Clean, pressed, properly fitting business attire is appropriate. Skirts/dresses must be no shorter than two inches below employee's fingertips.
- Hair should be clean, combed and neatly trimmed or arranged. Shaggy, unkempt hair is not permissible.
- Sideburns, mustaches, and beards should be neatly trimmed.

- Good personal hygiene must be maintained.
- Use perfume or cologne sparingly or not at all; many individuals are sensitive to various scents.

The following are some examples of inappropriate dress for office personnel:

- T-shirts displaying advertising or writing, other than the City seal, patriotic messages, or references to City-sponsored activities.
- Faded overalls, cotton/fleece pants and jogging suits, shorts, or tank tops.
- Clothing with spaghetti straps; clothing revealing bare backs, midriffs or shoulders; or any revealing or provocative clothing.
- Tattoos and body piercings (other than earrings) should not be visible.
- Any other attire deemed inappropriate.

The last day of the workweek is designated “casual dress” day for employees who are not required to wear uniforms, with maintenance of proper decorum.

#### **4.09 Residency Throughout Employment**

All employees whose positions require them to be on standby must be able to respond to the base/scene for a call-out within twenty-five (25) minutes of initial contact.

## SECTION 5

### APPLICANTS AND APPLICATIONS

#### **5.01 Application for Employment**

All applications must be made on a standard form designated by the City Manager. This form must be completely filled out and attested to by the applicant. Applications not completely filled out or attested to will not be considered.

#### **5.01A Procedure for Filling Vacancies**

(a) Announcement of Vacancies – It shall be the responsibility of the Personnel Director to announce publicly, by distributing and posting appropriate announcements of all vacancies to be filled in the City service by means other than administrative transfer, temporary promotion, or reinstatement. The Personnel Director shall also maintain a list of all announced vacancies for public inspection. All vacancies, including newly created positions, shall be posted on City bulletin boards and open for regular City employees for a period of five working days. The City Manager may immediately fill a vacancy if it is deemed an emergency situation, including temporary vacancies due to extended unpaid, medical, or military leaves of absence.

Each vacancy announcement shall, insofar as practical, specify:

- (a) job title;
- (b) salary;
- (c) nature of the work;
- (d) desirable and any minimum qualifications;
- (e) whether competition is open to the general public or restricted to City employees;
- (f) type of selection procedure to be used;
- (g) deadline for and method of application; and
- (h) physical requirements.

#### **5.02 Term of Application**

Applications for positions with the City shall be accepted when a vacancy occurs and has been announced as open and to be filled.

#### **5.03 Character and Fitness of Applicants**

Applicants must have the physical and mental abilities and qualifications necessary to perform the essential functions of the position sought, even with reasonable accommodation. All applicants are subject to both a background investigation and

verification of all information contained on any employment related forms or during the hiring process. As part of the background investigation, the City reserves the right to perform state and national background checks on all potential and current employees (Section 166.0442, Florida Statutes).

Information produced at any time to the City of an applicant's inability to perform duties even with reasonable accommodation, unfitness for duty, grounds for rejection not disclosed by the applicant, or any falsification or omission during the application process or any information reflecting possible unsuitability for employment shall exclude the applicant from consideration for said position.

#### **5.04 Evaluation of Applicants**

The Personnel Director and Department Head and/or Supervisor shall determine the most appropriate means of evaluating job applicants. The City seeks to hire the best qualified individual for each position.

Reference checks, interviews, medical examinations, performance tests, job related written tests, and/or other screening procedures may be used as appropriate. Those applicants chosen shall be interviewed by the Department Head/Supervisor and the Personnel Director, and the most qualified applicant shall be recommended to the City Manager.

Applicants shall be required to provide any information and/or undergo any examinations necessary to demonstrate compliance with prescribed requirements for the position(s) involved.

Final hiring authority rests with the City Manager on the recommendation of the Department Head and Personnel Director, and job offers will be made by the City Manager or the Personnel Director as the designated representative of the City Manager.

#### **5.05 Special Qualifications or Preferences, Including Veteran's Preference**

In the case of applications for positions requiring special technical, professional or scientific knowledge and experience or qualifications, the City may require evidence of a satisfactory degree of training and experience, and may require such certificate of competency or licenses as may be desired or as the laws or ordinances may require for the practice of the profession, art, or trade involved. In situations where an applicant claims veteran's preference, all necessary documentation must be submitted at the time of making application. The City's Veteran's Preference Policy is outlined below:

##### **Veteran's Preference Policy**

###### **Introduction**

Chapter 295, Florida Statutes, sets forth certain requirements for public employers to accord preferences, in appointment, retention, and promotion, to certain veterans and spouses of veterans who are Florida residents. The relevant portions of the law apply to “the state and its political subdivisions”. The City of Green Cove Springs is subject to the requirements of Chapter 295.

### **Individuals to which Preference is Extended**

- (a) Section 295.07, Florida Statutes, extends Veteran’s Preference to:
  - (1) A veteran with a service-connected disability who is eligible for or receiving compensation, disability retirement, or pension under public laws administered by the U.S. Department of Veterans Affairs and the Department of Defense.
  - (2) The spouse of a veteran who cannot qualify for employment because of a total and permanent service-connected disability, or the spouse of a veteran missing in action, captured, or forcibly detained by a foreign power.
  - (3) A veteran of any war who has served on active duty for one day or more during a wartime period, excluding active duty for training, and who was discharged under honorable conditions from the Armed Forces of the United States of America. A veteran who has served honorably but who has **not** met the criteria for the award of a campaign or expeditionary medal for service in Operation Enduring Freedom or Operation Iraqi Freedom qualifies for preference in appointment, effective July 1, 2007. The service dates are defined as follows:
    - (i) Operation Enduring Freedom/Operation Freedom’s Sentinel October 7, 2001 to date declared by Presidential proclamation.
    - (ii) Operation Iraqi Freedom/Operation New Dawn March 19, 2003 to December 15, 2011.
  - (4) The un-remarried widow or widower of a veteran who died of a service-connected disability.
  - (5) Any Armed Forces Expeditionary Medal, as well as the Global War on Terrorism Expeditionary Medal, qualifies for Veteran’s Preference.

## **Definition of Wartime Periods**

World War II: December 7, 1941 to December 31, 1946

Korean Conflict: July 27, 1950 to January 31, 1955

Vietnam Era: August 5, 1964 to May 7, 1975

Persian Gulf War: August 2, 1990 to January 2, 1992

Afghanistan - Operation Enduring Freedom/Operation Freedom's Sentinel  
October 7, 2001 to date declared by Presidential proclamation or law.

Operation Iraqi Freedom/Operation New Dawn March 19, 2003 to December 15, 2011.

## **Required Documentation**

To assert Veteran's Preference, you shall provide the following required eligibility documentation along with your application for employment. Applications for employment and *copies* of eligibility documents, not originals, may be submitted by mail or in person at 321 Walnut Street, Green Cove Springs, FL 32043 or by email to [jobs@greencovesprings.com](mailto:jobs@greencovesprings.com). Failure to provide required eligibility documentation at time of application shall disqualify the applicant's assertion of Veteran's Preference for the particular position applied for.

### **(a) Veterans, Disabled Veterans, and Spouses of Disabled Veterans**

The documentation submitted must indicate character of service:

- (1) Defense Form DD-214 or
- (2) Military Discharge Papers or
- (3) Equivalent Certification from the Veterans Administration listing military status and dates of service.

### **(b) Disabled Veterans Must Also Furnish**

- (1) Certifying documents from the Department of Defense,
- (2) Veterans Administration or the Division of Veterans Affairs that the Veteran has a service connected disability.

**(c) Spouses of Disabled Veterans**

- (1) Certification from the Department of Defense or the Veterans Administration that the Veteran is totally disabled, OR
- (2) An identification card issued by the Division of Veterans Affairs, certificate of marriage to the Veteran, a statement attesting that the spouse is still married to the Veteran at the time of application and proof that the disabled Veteran cannot qualify for employment because of a service-connected disability.

**(d) Spouses of Persons on Active Duty**

- (1) Document from the Department of Defense or Veterans Administration certifying that the person on active duty is listed missing in action, captured in the line of duty or forcibly detained or interned in the line of duty by a foreign government or power, AND
- (2) a statement attesting that the spouse is married to the person on active duty at the time of application for employment.

**(e) Un-Remarried Widow or Widower of a Deceased Veteran**

- (d) Document from the Department of Defense or Veterans Administration certifying the service connected death of the Veteran, evidence of marriage and a statement that the spouse is not remarried.

**Veteran's Preference Procedures**

- (a) Veteran's Preference in perpetuity: a person eligible for Veteran's Preference in appointment does **not** forfeit employment preference eligibility once that Veteran or eligible spouse of the Veteran has been employed by the City of Green Cove Springs or any other state agency or political subdivision of this state.
- (b) Preference in appointment and employment: Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position. Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets the minimum qualifications for an open position, then he or she will advance to the next step in the public employer's selection process. If, at any step in the selection process, a determination is made that the Veteran is not

qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

- (c) Preference in layoffs: Where a layoff is necessitated in a covered position, similar preferences must be given to the covered employee in the retention process, if there are positions remaining in the job classification of the Veteran. For example, the Veteran is a technician and there are six technician spots available before the layoff. After the layoff, there are three technician spots available. The Veteran, in order to be afforded the preference under the statute, must be retained. If, in the example above, all six technician positions are eliminated, the Veteran must be given affirmative help by Human Resources to identify vacant, budgeted position(s) for which he is qualified and affirmative help in applying for those position(s).
- (d) Preference in reinstatement or reemployment: When an employee in a covered position leaves our employment for the purpose of serving in the Armed Forces of the United States and is separated therefrom with an honorable discharge, the City of Green Cove Springs shall reinstate or reemploy such person under the following conditions:
  - (1) Reinstatement or reemployment is made to the same or to an equivalent position.
  - (2) Reinstatement or reemployment is made within one year of the date of separation from the military service, or, in the case of extended active duty, within one year of the date of discharge or separation subsequent to the extension.
    - (i) Persons reinstated or reemployed under this section shall be awarded preference in promotion, and shall be promoted ahead of all other employees who are as well qualified or less qualified for the position. When an examination with a numeric ranking is utilized, such persons shall be eligible for 10 preference points. Eligibility for preference in promotion shall apply only to a Veteran's first promotion after reinstatement or reemployment, without exception.
    - (ii) If the reinstated or reemployed person is not promoted, the person retains promotion preference eligibility until the first promotion following reemployment is satisfied.
- (e) Promotion preference: Promotion preference is applied only to a Veteran's first promotion after reinstatement or reemployment without exception.

## **Exempt Positions**

The exempt positions that are not covered by this policy include all offices elected by popular vote and persons appointed to fill vacancies in such offices.

## **Additional Assistance**

If an applicant asserting Veteran's Preference for a vacant position needs assistance with the application or selection process, he/she may contact our Human Resources Department at (904) 297-7500.

### **5.06 False Statements by Applicant**

False statements or omissions by an applicant or by others with the applicant's support or at the applicant's direction, connivance in any application or employment related form or during any interview may result in rejection of such applicant for consideration, or for termination if employed regardless of when the false statement or omission is discovered.

### **5.07 Medical Examinations, Inquiries, and General Testing**

Applicants for employment may be subject to medical examinations or inquiries, including but not limited to drug testing, (specific/general) blood test and urinalysis, after a conditional offer of employment has been made. A conditional offer of employment may be withdrawn if an applicant tests positive for drugs or if the examination or inquiry reveals that the applicant cannot perform the essential functions of the position offered, even with reasonable accommodation, or the applicant poses a direct threat to his or her health and safety or the health and safety of others. The City may designate specific or general testing requirements depending upon the nature of the job and minimum standards. With the approval of the City Manager, a Department Head may require that a current employee undergo a medical examination to determine fitness for duty, promotion or other personnel action.

### **5.08 Employment of Relatives**

It shall be the policy of the City in hiring personnel to review family relationships with regard to blood, marital or step-relative status with all applicants and current employees/family members. In performing this review, the hiring of immediate family members of employees within the City will be limited as described below, thereby eliminating potential problems that may be created in the future.

No employee may directly or indirectly supervise, or be directly or indirectly supervised, by a member of his/her immediate family. Family members shall not be selected or retained for employment in positions in which they play a part in the hiring, firing, promotion or advancement of another family member. "Family Member" means blood, marital or step-relative, including without limitation spouse, mother, father, son, daughter, sister, brother, uncle, aunt, first cousin, nephew, niece, father-in-law, mother-

in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother or half sister or any other legally recognized ward. If two employees become married to each other resulting in the above circumstance occurring, or reside in the same household for longer than sixty days, one will have to leave the employ of the City, unless another budgeted position for which the employee meets the qualifications is available.

## SECTION 6

### **PROBATIONARY PERIOD**

#### **6.01 Objectives**

The probationary or working test period is an integral part of the examination process. It shall be used to observe closely the employee's work, to secure the most effective adjustment of a new or promoted employee to their position, and to reject any employee whose performance does not meet required work standards. All appointments, whether entrance, promotional or involving any change in status, shall be in a probationary status.

Newly hired employees shall accrue vacation and sick leave starting at first day of employment, but must complete six months service before taking any paid vacation or sick leave.

#### **6.02 Duration**

The probationary period shall be for a period of six (6) months from the first day of work for the employee. Newly promoted employees shall serve a probationary period of six (6) months. The six (6) month probationary period for a police officer begins once FTO training is completed by the officer. The six (6) month probationary period for a police dispatcher begins once the initial dispatch training is completed. All employees in a probationary status are at will and may be removed at any time with the approval of the City Manager. Probationary periods shall not be extended unless there are extenuating circumstances, and approved by the City Manager.

#### **6.03 Dismissal or Demotion during the Probationary Period**

- (a) At any time during the probationary period, a Department Head may recommend termination of an employee to the City Manager, if in the Department Head's opinion, the working test indicates that such employee has not performed the duties of the position satisfactorily, or that the employee's performance does not merit continued employment with the City. The City Manager will be the final authority on all terminations.
- (b) For newly promoted employees, a Department Head or the City Manager may, but is not required, to instead demote or return an employee to a lower class or position at any time during the probationary period. Any employee so demoted shall begin a new probationary period. Demotion will also cause a reduction in the employee's rate of pay.

## **6.04 Probationary Period Reports**

For both initial and promotional probationary employees, the immediate Supervisor will initiate a performance evaluation on the probationary employee prior to the completion of his or her probationary period. Any employee on whom such an evaluation is generated will be provided a copy and may submit written comments to it within seven (7) days of receipt.

## **SECTION 7**

### **EMPLOYEE PERFORMANCE EVALUATIONS**

#### **7.01 Purpose**

The City Manager shall establish and administer a program for rating the work performance of employees in City service. The Employee Performance Evaluation shall be designed to permit the evaluation of the employee's performance as accurately and as fairly as possible. The ratings shall be set forth on the performance evaluation forms designated by the City Manager. Each employee shall be given a copy of the performance evaluation and shall be entitled to discuss it with the Supervisor or Department Head who rates him or her. The employee may also provide written comment in response to any evaluation.

#### **7.02 Intent of Performance Evaluation**

The evaluation will indicate to the employee how past performance has been evaluated by their Supervisor or Department Head, bringing out strong and weak points, serving as the basis for discussion of how to improve performance, and providing for counseling of the individual employee. Also, it will call attention to the need for training employees whose review reveals that their work performance could stand improvement and may indicate a special working area in which intensive training is required. It will be considered a factor for granting increases in salary and promotion. An employee's evaluation does not mean an automatic increase in salary or benefits. Evaluations will be completed at least annually.

#### **7.03 Responsibility for Providing Ratings**

For both initial entrance probationary employees and promotional probationary employees, the immediate Supervisor will provide initial ratings at the end of the probationary period, and regular annual ratings thereafter.

#### **7.04 Maintenance of Records**

The City will maintain the original copy of all completed personnel evaluation records which will be made part of each employee's personnel file. All employees may at reasonable times inspect and make copies of all of their personnel records. No record may be placed in an employee's personnel file unless it is a form or document approved by the City Manager or his designee.

## **7.05 Fitness for Duty**

The City has the option of requiring, at the City's expense, a physical screening or other examination for any current employee whenever the City has a question concerning that employee's fitness for duty. The City has the sole discretion to determine the nature of the screening to be provided. Any employee so evaluated is obligated to release to the City a comprehensive opinion as to fitness for duty. The City also has the discretion to order a psychiatric or psychological evaluation of any employee at the City's expense when the City has a question concerning fitness for duty. Any employee so evaluated is obligated to release to the City a comprehensive opinion as to fitness for duty. Failure to provide proper verification of fitness for duty when requested may result in termination.

## **SECTION 8**

### **PAY AND CLASSIFICATION PLAN**

#### **8.01 Purpose**

The Pay and Classification Plan organizes positions according to their range of duties, responsibilities and level of difficulty; and provides a standardization of job titles and the basis of compensation of City employees.

#### **8.02 Uses**

The Pay and Classification Plan is used for the following:

- (a) Provide a grouping of positions into classes which require the same general qualifications and which fall into the same pay grade.
- (b) Provide class titles indicating the type of work, which are used on all personnel records.
- (c) Provide a schedule of salary ranges for various classifications.

#### **8.03A Content**

The City Manager shall allocate each position covered by the Classification Plan to its appropriate class in the Plan with the approval of City Council. The City Manager may adjust or modify positions as necessary to manage the organization with the approval of the City Council.

The Pay Plan includes a Salary Schedule and Range as adopted and from time to time amended by the City Council.

New positions shall be authorized upon the recommendation of the City Manager and approval of the City Council.

The Classification Plan provides written specifications for each position classification describing the kind of work and the necessary knowledge, skills and abilities required for successful performance of the work, the required training and experience.

#### **8.03B Administration and Maintenance of the Pay Plan**

The City Manager shall be responsible for the administration and maintenance of the Pay Plan. The Plan is intended to provide appropriate compensation for each position. The Personnel Director, at the direction of the City Manager, shall conduct salary surveys and other studies in order to maintain fair and competitive salary ranges.

### **8.03C Administration of Salary Ranges**

Full time employees shall be paid within the minimum/maximum pay range. Employees may receive salary increases as described in Section 8.05 subject to the availability of funds. For an employee whose salary is at the maximum corresponding to his/her salary grade, salary increases will not serve to increase the annual salary, but rather be disbursed in installments throughout the year as part of the payroll process.

### **8.04 Pay Rates for Employees**

The minimum rate established for the position classification is the normal hiring rate. The City Manager shall have the authority to hire within the designated pay range for a position based on an applicant's experience and qualifications. In no case shall the starting salary exceed the maximum of the designated pay range.

### **8.05 Salary Increases**

Salary increases within appropriate pay grades shall be based on:

(a) Cost of Living

Each year, during the Budget Review Process, the City Council will determine what percent, if any, will be granted for cost of living increases. The percent increase will be calculated based on current annual salary and rate of pay will be adjusted beginning the first pay period in October of each year. The pay plan will be adjusted by the percent determined.

(b) Merit Increases

Merit increases are not considered to be automatic, but rather are discretionary on the part of the City. If merit increases are potentially available, they are to be earned and based upon job performance. Evidence of demonstrated job performance must be reflected in the employee's performance evaluation prior to approval of a merit increase. Probationary employees will not be eligible for an annual merit increase.

Employees shall become eligible for salary increases, if any, depending on appropriations in the annual operating budget. Merit increases become effective on the employee's anniversary date and are based on the employee's performance evaluation as rated by his/her supervisor. The percentage of the merit increase will be applied to the employee's current hourly rate of pay. If employee is at or near the maximum rate of pay for the position, the percentage of the merit increase that exceeds the maximum pay range will be given as a lump sum payment in lieu of increasing the current hourly rate of pay beyond the set maximum rate. If funds are available, the merit increase shall be based on the rate set by the Council.

(c) Other Salary Increases

Participation in and successful completion of special training courses may be considered in making salary adjustments. Salary adjustments shall not be automatic, but shall depend upon increased value of the employee to the City, as exemplified by recommendations, length of service, performance records, special training undertaken, increased responsibilities or other pertinent evidence, subject to the availability of funds. Salary adjustments may include a bonus and be made on the recommendation of the Department Head and approval of the City Manager.

**8.06 Demotion**

(a) The City Manager may demote/reassign any employee for any of the following reasons:

- (1) In lieu of layoff.
- (2) For disciplinary reasons or because of the employee's inability to satisfactorily perform the duties and responsibilities of their job.
- (3) When an employee voluntarily requests such reassignment to a position in a lower pay grade. In such cases, the reassigned employee must accept a salary within the lower pay grade that does not exceed the minimum salary plus 2.5% for each year of unbroken service to the City. In no case shall the reassigned employee's salary exceed the maximum salary of the lower pay grade.
- (4) When an employee's services are about to be terminated by reason of removal while in a promotional probationary period;
- (5) When demotion would be in the best financial interest of the City.
- (6) When an operational reassignment is determined to be in the best interest of the City. In such cases, the reassigned employee must accept a salary within the lower pay grade. A reassigned employee whose salary is at or above the maximum of the lower pay grade shall not receive any further merit increases or cost of living increases until such time the maximum of the pay grade exceeds the employee's salary through approved pay plan adjustments. In no case shall the reassigned employee's salary exceed the maximum salary of the lower pay grade.
- (7) Any other misconduct prejudicial to the interests of the City.

(b) All demotions must receive the approval of the City Manager. Demotions may result in an adjustment of the employee's rate of pay and performance evaluation date.

- (c) Demotion will not affect an employee's anniversary date; and the employee's merit increase eligibility date shall remain the same. The six (6) month evaluation date will be keyed to the date an employee enters his or her current position classification until reintegrated into the annual evaluation cycle.

## **8.07 Transfers**

Any employee may, upon the recommendation of a Department Head with the approval of the City Manager, or by action of the City Manager, be transferred to another department or position. An employee who is transferred from a position in one class to a position in another class assigned the same pay range shall continue to be paid at the same rate.

## **8.08 Effects of Promotion**

A promotion is the assignment of any employee from a position in one class or pay grade to a position in another class or pay grade having a higher minimum salary.

It shall be the policy of the City to provide promotional opportunities wherever practical. If a regular employee applies for a position, it shall be left to the discretion of the receiving Department Head to determine if the applicant is suitable to be trained for the position and shall make recommendations to the City Manager relative to the vacancy.

Priority shall first be given to qualified employees within the department requisitioning a position.

Upon promotion, the employee shall have his or her salary, evaluation date and probationary period adjusted until reintegrated into the annual cycle.

- (a) Promotions shall not establish a new merit increase eligibility date. Promotions shall mark the initiation of a probationary period in accordance with Section 6.
- (b) The effective date of the salary change will not be earlier than the effective date of promotion. An employee who is promoted to a position which is classified in a higher pay grade shall be placed in the entry level of the salary range. However, if an employee's present salary level is above the entry level of the new grade or position, they will be placed at a salary level that reflects a minimum of 5% increase above their present salary. Any return of an employee to his or her former position shall result in the employee's rate of pay being adjusted back to the rate just prior to the time of promotion.
- (c) To ensure the performance of City functions in the event a position becomes vacant or its regular incumbent is absent a period exceeding 30 working days, an employee may be temporarily promoted. The employee temporarily shall receive a 5% increase in pay, retroactive 30 days, but not to exceed the salary of the incumbent. The City Manager may authorize up to a 10% temporary increase for

employees who assume the duties of a position that is three (3) or more pay grades higher than their own. Upon returning to their previous position, compensation shall be reduced to the level previously earned by the employee plus whatever salary increases would have been given during the temporary promotional period. A temporary promotion shall be reauthorized every 60 days by the City Manager. Temporary promotions should not be used to circumvent normal selection procedures.

- (d) Nothing herein shall be construed to prevent the assignment of higher-level duties to an employee without additional compensation. Authorized additional compensation shall be paid only in cases of formal temporary promotion effected in accordance with these policies.

## **8.09 Overtime**

To maximize the efficient delivery of services the City's general policy is to minimize the use of overtime whenever possible. However, Department Heads or Supervisors may authorize or direct an employee to work overtime when necessary in order to meet the operational needs of the City, or seasonal or peak workload requirements. Department Heads/Supervisors are responsible for advance planning to minimize the need for overtime.

The rate of overtime pay for non-exempt employees is one and one-half times the employee's regular rate, for all actual time worked in excess of the maximum allowable hours under the Fair Labor Standards Act. Only hours actually worked will count for purposes of computing overtime. For the purposes of this section in computing total hours worked, comp time, and pre-approved vacation days shall be considered actual time worked.

## **8.10 Call Back Pay**

Employees required to come to work on off duty hours due to an emergency or other urgent situation shall be paid for actual time worked, with a minimum guarantee of two hours. There shall be a minimum guarantee of three hours for reimbursable work on off duty hours. Employees shall also receive mileage at the rate designated and approved by City Council. Employees volunteering for available emergency overtime are not eligible to receive payment for mileage.

## **8.11 Compensatory Time**

Department Heads may authorize employees to accrue compensatory time in lieu of overtime pay provided that:

- (a) All compensatory time is approved by, and scheduled through the Department Head.

- (b) Compensatory time shall not be accrued in excess of 40 hours, unless authorized by the City Manager upon written justification of the Department Head. In no case shall comp time exceed 80 hours. If an employee exceeds 80 hours in comp time, the Department Head may require payment to the employee for the hours exceeding 80 hours.
- (c) Compensatory time shall be granted in accordance with the Fair Labor Standards Act.

## **8.12 Stand-by Assignments**

Employees of certain designated departments shall be compensated for being on stand-by assignment at rates set forth by City Council. Employees cannot switch standby assignments without Department Head/Supervisor approval, and contacting the on-duty police dispatcher.

## **8.13 Emergency Operations**

During a declared City Emergency, procedures may be changed as required due to the circumstances and conditions.

- (a) A declared City Emergency is a condition that may affect or does affect a large part of the City population, corporate limits, City property or resources available to the City. This condition may be a result of, but not limited to, a windstorm (hurricane, tornado), flood, fire, earthquake, hazardous materials and/or civil disobedience.
- (b) A City Emergency may be declared by the Mayor or their designee, or the City Manager or their designee.
- (c) During a City Emergency, work schedules of individual employees may be altered without notice.
- (d) Employees who are on leave during a declared emergency may be recalled to work at the Department Head's/Supervisor's discretion. After the emergency no longer exists, an employee may re-schedule their remaining leave at the discretion of the Department Head/Supervisor.
- (e) During a declared emergency when City facilities are closed and employees are temporarily released from normal duty, they may be assigned to other needed tasks as determined by the City Manager. All employees will receive their normal straight time pay for their regular work period if released during the declared emergency.
- (f) Non-exempt employees who are recalled to duty or remain on duty during the declared emergency when City facilities are closed, and other employees have

been released from duty will receive compensation in accordance with FLSA (Fair Labor Standards Act). Exempt employees who are required to work in excess of 40 hours in a work week during a disaster are authorized payment of two times their normal rate of pay. After the declared emergency no longer exists, employees' pay schedules will revert to the regular pay schedule.

- (g) All employees required to be on duty, onsite or housed in a location determined by the City during the declared emergency will be paid at two times their normal rate of pay.

## **8.14 Travel/Leave Requests and Authorization**

All travel on City business of City employees must have prior authorization. Authorization and reimbursement forms for travel will be submitted on approved forms. Employee requests are to be approved by the Department Head, Assistant City Manager/Finance Director, and City Manager. If an hourly (non-exempt) employee is required by the Department Head to travel to and from training outside of normal working hours, the employee shall be paid overtime for those travel hours.

Reimbursement documentation, allowable expenditures, and maximum amount will be as provided by the City Code.

All requests for paid leave must be made on a properly executed leave request form and signed by the employee and his/her supervisor. Department Heads must have leave requests approved by the City Manager. All leave requests for paid leave must be approved by the employee's Department Head or Supervisor before payment for such leave can be authorized. It is the employee's responsibility to ensure approved leave requests are submitted to payroll prior to preparation of payroll to ensure payment for leave.

## **8.15 Vehicle Use Policy**

- (a) Purpose

This section sets forth the vehicle use policy for the City of Green Cove Springs. Its purpose is to establish operational guidelines and policies related to the operation of City vehicles, regular workday vehicle assignments, 24-hour vehicle assignments, and utilization of private vehicles to conduct official City business and to maximize utilization of all City vehicles to ensure the highest return available for capital, operating, and maintenance dollars.

- (b) Departments Affected

All departments of the City of Green Cove Springs which utilize sedans, utility vehicles, pickup trucks, vans, panel and utility trucks for City business shall comply with this policy.

(c) General

Certain employees have vehicles provided to them in order to properly and efficiently carry out their job duties. City vehicles are distinctly marked and the way they are operated directly reflects on the public image of our City. City vehicles are to be used as necessary to conduct business of the City and its operations. Employees shall not operate City vehicles for the purpose of pleasure travel or conducting a private business or enterprise. However, it is recognized that a minimum amount of personal use of a City vehicle may arise for those employees who are assigned a take-home vehicle and, therefore, commute to and from work in the City vehicle; conduct their daily work in or from a vehicle; or are on City authorized travel. Each Department Head shall ensure that only authorized personnel are allowed to operate City vehicles and equipment.

City employees who drive City vehicles or equipment, or their personal vehicles periodically for City business shall have their driving histories checked at least annually. These employees are expected to maintain good driving records.

Persons who have a poor driving record will not be permitted to drive or operate a City owned vehicle, City owned equipment, and/or their personal vehicle for City business. The City defines a poor driving record as a pattern of unsafe driving habits or violating safety procedures and rules. Any one of the following is deemed to constitute a poor driving record:

1. Carrying or maintaining nine (9) points on your driver's license at any time.
2. Two at-fault vehicle accidents in a City vehicle within 24 months that result in property damage and personal injury.
3. Current suspension of driver's license.
4. Conviction of, and/or entered a plea of nolo contendere to, any violation of the Florida Uniform Traffic Control law which is a felony.

(d) Rules Applicable to the Use of All City Vehicles

The following provisions shall apply to all employees who operate City vehicles. Failure to comply with these provisions will result in disciplinary action, up to and including termination of employment.

1. Safety belts shall be used properly at all times when operating a City vehicle.
2. Under no circumstances shall alcoholic beverages or illegal drugs be consumed, used or transported in City vehicles. In this regard, the driver

of the vehicle will be held primarily responsible for the vehicle and its contents.

3. There shall be no use of tobacco products of any kind in any City motor vehicle.
4. The Department specifically assigned a vehicle is responsible for maintaining the vehicle in a clean condition. Washing of the vehicle may be accomplished using the City's Public Works facilities.
5. Any employee operating a City vehicle or a privately owned vehicle utilized in conducting City business must possess and maintain the appropriate Florida Driver's License and observe all traffic regulations and anti-littering regulations. Such employee must promptly report any driver license restrictions, such as expiration, denial, suspension, or revocation immediately to his or her supervisor/department head, as well as loss or suspension of insurance coverage.
6. The current vehicle registration and insurance carrier card must be maintained in a plainly marked envelope within the glove compartment of each City vehicle at all times. The person assigned the exclusive use of a vehicle shall be responsible for ensuring compliance with this paragraph regarding such vehicle.
7. Each year, persons assigned take home City vehicles must complete and file all necessary forms with the Finance Department in order to comply with applicable federal tax regulations.
8. Personal use of a City vehicle shall be restricted to the time the employee is en route to or from work. Brief stops such as at banks or convenience stores are permitted. Using the vehicle to go to a business establishment or other location after returning home is not permitted unless it is for an assigned City function or meeting, or unless the employee has been specifically instructed by the City Manager to have the vehicle in his/her possession for immediate response because of special, unique circumstances. Any visit to a legitimate business site while en route to or from work must be brief and must not subject the vehicle to undue danger, nor may said business establishment be illegal or lend discredit to the City government or its operations.
9. Unauthorized persons are prohibited from traveling in a City vehicle. Engineers, consultants, volunteers, contract employees or other individuals may be allowed to travel as a passenger in a City vehicle, normally within but not necessarily limited to the City's utility territory, as long as it is on City related business. Volunteers and contract employees may operate City vehicles and equipment if they have the express permission of the Department Head/Supervisor, and have a valid Florida driver's license and

good driving record. Public safety vehicles shall comply with departmental policies.

10. Under no circumstances shall a City vehicle be driven by a person not employed by the City, except in case of an emergency or by a volunteer or contract employee that has been authorized to drive the vehicle by the Department Head/Supervisor.
11. Each employee who is assigned a City vehicle to perform official duties shall be permitted to take all authorized breaks and lunches within the assigned area, but shall not leave the assigned area without authorization from his/her immediate supervisor.
12. In using a City vehicle, anyone failing to comply with this Vehicle Use Policy or with State or local traffic regulations will be subject to disciplinary action. In addition to warranted discipline, the appropriate department director or City Manager shall have the right to deny, until suitable remedial steps have been imposed and satisfactorily completed, the use of a City vehicle to anyone so failing to comply.

(e) Employee Responsibilities

1. All employees are required to comply with this vehicle policy as set forth herein, or as the same subsequently may be amended from time to time.
2. All employees who operate City vehicles must exercise reasonable care in the safekeeping, use and maintenance of City vehicles to which they are assigned. Accordingly, negligence in the use and care of City vehicles, including but not limited to abuse, misuse, willful or negligent loss, and/or destruction may result in disciplinary action up to and including termination. Serious cases of negligence may result in the filing of a civil and/or criminal action against the employee.
3. All employees who operate City vehicles must do so in a safe manner; must comply with all State and local traffic regulations including safety restraint laws for driver and all passengers including not littering from the vehicle; and must display safe and courteous driving habits which reflect favorably on the City and its employees.
4. Any employee who receives a traffic citation while operating a City vehicle must comply with the lawful requirements imposed by the issuing agency and notify his or her immediate supervisor of the citation, and the effect (if any) that the citation may have on the employee's ability to maintain the required driver's license should the employee plead to or be found guilty of the offense charged in the citation.

5. Any employee who receives a traffic citation or is charged with a misdemeanor or felony which has the potential to affect his/her driver's license status has the duty to immediately report the incident to his/her Supervisor/Department Head.

(f) Vehicle Assignment Classifications and Guidelines

1. Regular Workday Assigned Vehicle

The assignment of a regular workday vehicle to an employee will be determined by the Department Head of the department to which the vehicle has been assigned. In order for an employee to be eligible for a regular workday vehicle assignment, one of the following criteria must be met:

- (i) The vehicle is subjected to frequent abnormal, excessive, or hazardous conditions which cannot be avoided.
- (ii) The vehicle is required to carry special equipment, parts and tools, or emergency response equipment.
- (iii) The employee's position is one of inspection, deliveries, enforcement, investigation, grounds maintenance, equipment maintenance, facilities, or road maintenance in which 70% of the employee's work day is spent at a site other than his/her reporting location.

2. Extended Overnight Use

A Department Head may authorize an employee under his/her supervision to take a City vehicle assigned to the Department on an occasional basis when the Department Head determines the same to be in the best interest of the City. "Occasionally" is defined as occurring on an infrequent and irregular basis, and typically less than five consecutive working days duration. An example of this would be during times of emergency or during disasters. This authorization must be granted at the Department Head level for departmental employees, and by the City Manager for Department Heads.

3. 24-Hour Assigned Vehicle

The City Manager shall have the exclusive authority to approve all 24-hour vehicle assignments. To qualify for the assignment of a vehicle to be driven home at night, an employee must live within the boundaries of Clay County, and must meet one or more of the following conditions:

- (i) An employee must be designated for on-call duty 24 hours per day. Such employee must be on-call specifically for emergencies and must require transportation and tools or equipment on board the vehicle to perform his/her emergency duties.
- (ii) An employee must be assigned the use of a marked 24-hour City response vehicle that is equipped and operated for the purpose of providing support during a bona fide emergency response to the public safety functions of the City by establishing or repairing access to areas and people in need of fire suppression or emergency medical response services; or rescue or protection from accidents, severe weather, loss of roadway, loss of traffic signals or barricades, or drainage washouts; provided the assignment of employees to on-call status with a City vehicle under this subparagraph shall be accomplished, to the extent reasonably and safely practicable, on a rotating basis among qualified personnel, and with the minimum staffing reasonably necessary and appropriate.
- (iii.) An employee has been provided a City vehicle as part of an employment agreement.
- (iv.) After one year of employment a full-time police officer may request a special exception from the City Manager to take their assigned vehicle out of Clay County as long as their residence is less than 25 miles from the Green Cove Springs Police Department.
- (v.) A position authorized by the City Manager.

(g) Rules Regarding 24-Hour Assigned Vehicles

Each employee who is assigned a City vehicle that is driven home at night must adhere to the following rules.

- (1) In order to provide a greater margin of protection for the City's vehicle and equipment for collision, damage, or theft, the employee must have available and actually use off-street parking for the vehicle when it is parked at the employee's residence.
- (2) Under no circumstances shall the vehicle be used for transporting members of the employee's family or for anything pertaining to personal business or pleasure.

- (3) The vehicle must be turned in to the employee's department when the employee is absent for any reason in excess of two days. In case of illness or inability to turn the vehicle in, the Department Head is to be notified immediately.
- (4) The employee is responsible for having the vehicle washed when necessary to keep the vehicle in clean condition.

## **8.16 Loss of License or Certification**

Any employee who loses his/her license or certification, which is an essential requirement to the employee's position, is subject to disciplinary action. Any loss of license or certification should be reported immediately to the Department Head/Supervisor and Personnel Director.

## **8.17 Designation of Senior Management Positions and Associated Benefits**

### **(a) Designation of Senior Management Positions**

Senior management positions are designated as Assistant Director/Director level positions in pay grades 23 and higher of the City's Pay Plan.

### **(b) Senior Management Vacation Accrual**

As part of a senior management benefits package, the City Manager may offer experienced applicants for senior management positions an annual vacation accrual of 120 hours. Upon attainment of five years of service, senior management employees shall receive an annual vacation accrual of 144 hours.

### **(c) Administrative Pay**

In recognition of numerous hours worked after normal working hours, senior management employees, and any other salaried employees, shall receive an additional payment equal to 100 hours of pay annually. This payment is designated as administrative pay, and shall be divided into 26 equal installments to be paid bi-weekly in addition to base salary. Administrative pay may be used toward payment of insurance premiums, as contributions to a 457 retirement plan, or received by the employee to do with as he or she desires.

### **(d) Administrative Leave**

Salary covers all hours worked. At times when exempt employees are required to work during special projects or city events outside of regular assignments, as determined by the City Manager, they may accrue administrative leave at a rate of

1 hour multiplied by the hours worked. In no case shall administrative leave accrual exceed 80 hours. All accrued administrative leave hours must be used prior to leaving the City's employment. The City does not payout for unused administrative leave balances. Any administrative leave balance remaining upon an employee's resignation or retirement shall be forfeited by the employee.

b

## **SECTION 9**

### **ATTENDANCE**

#### **9.01 Basic Work Week**

- (a) The basic pay period shall consist of eighty (80) hours unless otherwise specified by the City Manager, in order to meet the needs of individual departments. However, no employee is guaranteed or limited in the number of hours worked.
- (b) The pay period shall be established and may be changed by the City Manager.
- (c) For purposes of computing overtime, only actual hours worked shall be counted.
- (d) Actual hours worked consists of scheduled hours, call out hours, comp time and vacation hours. Military leave, and any other hours are not considered actual hours worked for the purpose of computing overtime.

#### **9.02 Hours of Work**

The City Manager shall establish the hours of work which shall be determined in accordance with the needs of the City and shall take into account the reasonable needs of the public.

- (a) Employees are prohibited from working at home unless authorized to do so by their Department Head/Supervisor and the City Manager.
- (b) Non-exempt employees on a recognized lunch break of 30 minutes or longer are prohibited from performing any of their job functions during their lunch break. Employees are encouraged to take their lunch break away from their work area, but if they remain on the premises, they shall not perform any duties while on lunch break.

#### **9.03 Attendance**

- (a) Each Department Head or Supervisor shall be responsible for the attendance of all persons in the department.

- (b) All employees are expected to report for duty at the scheduled time.
- (c) Absenteeism or tardiness shall serve as cause for disciplinary action.
- (d) An employee unable to report to work must notify his or her department prior to or at the start of their scheduled reporting time.
- (e) Employees shall be required to work overtime when requested unless excused by their Supervisor.
- (f) Employees are expected to attend work. Excessive use of sick leave, whether justified with a doctor's certificate or not, that affects the operation of the department may be subject to transfer, reduction of hours, lay off or disciplinary action.

## **SECTION 10**

### **TRAINING**

**10.01** Schools, training, and career development courses which the City determines beneficial may be made available to employees. Department Heads/Supervisors are expected to develop, budget for and submit to the Personnel Director prior to the new fiscal year a training program within their departments. Employees desiring to attend training should make a request to their immediate Supervisor. The Department Head/Supervisor shall schedule departmental training, or may request assistance from the Personnel Director in scheduling desired training.

**10.02** The Department Head shall recommend to the City Manager employees for attendance at training classes based on the following criteria:

- (a) Ability of the employee;
- (b) The employee's duties and assignments (past, present and future);
- (c) The employee's demonstrated interest;
- (d) Staffing needs of the Department;
- (e) Identifiable individual need for particular training, if applicable.

**10.03** All employees required to be licensed or otherwise certified as a condition of employment are responsible for attending and satisfactorily completing all training necessary to maintain any licenses or certifications on their own time unless otherwise authorized by the City.

**10.04** Compensation for training shall be as provided under the City's education policy in Section 17.

## **SECTION 11**

### **LEAVES**

#### **11.01 Sick Leave**

##### **(a) Eligibility**

- 1) Regular full time employees
- 2) Sick leave shall be granted to all eligible employees who have completed six (6) months of service with the City.

##### **(b) Use of Sick Leave**

- 1) Personal illness, injury or temporary disability, including pregnancy.
- 2) Personal illness of spouse, dependent child, or parent. Such leave of three (3) days or more shall require a physician's excuse.
- 3) Dental or doctor appointments of employees or their dependents which cannot be reasonably scheduled on off duty hours.
- 4) As a supplement to Worker's Compensation payments.
- 5) Sick leave shall not be advanced to employees.
- 6) Sick leave is not intended to be used as additional vacation time.

##### **(c) Computation of Sick Leave**

- 1) A full time employee shall earn 96 hours of sick leave per year. Sick leave shall accrue from employee's first day of work. Employees may accrue an unlimited amount of sick leave.
- 2) Sick leave shall not accrue for any month during which an employee is in pay status for less than half the standard number of paid days for his/her type of job.

(d) Sick Leave Requests

Requests for sick leave shall be made to the employee's immediate Supervisor. The employee is personally responsible (the only exception is if the employee is incapacitated) for promptly notifying his Supervisor of any illness or other disability which would require the use of sick leave as soon as it is known and prior to or within one hour of the employee's scheduled reporting time. The notification will occur for each day the employee is unable to work unless waived in advance by the Department Head.

It shall also be the employee's responsibility to notify his or her immediate Supervisor of any condition or medication side effects which has the potential to impact an employee's ability to do his or her job.

If an employee is ill or otherwise unfit for duty, the City may place the employee on sick leave. Placement on sick leave will not stay any possible disciplinary action if the employee has violated the City's Code of Conduct, or any other provision within this manual.

(e) Excessive Leave

An employee who uses excessive leave for reported illnesses or injuries, or is otherwise frequently absent from duty for stated medical reasons may, at the Department Head's discretion, be required to document his or her future absences for medical reasons with a medical physician's statement prior to being permitted to use sick leave or return to work. An employee failing to comply with such written notice shall not receive paid leave for the day(s) in question and may be subject to discipline. A medical doctor's statement is automatically required for any employee who misses three (3) or more consecutive days, to be presented to the supervisor immediately upon employee's return to work. Abuse of sick leave may also be grounds for disciplinary action.

(f) Attendance Incentive Pay

Employees are encouraged to accrue adequate sick leave to provide them with paid leave at times they must use sick leave. Good attendance is considered an essential component in an employee's overall job performance, and helps ensure the efficient operation of the City in providing services to its citizens. Attendance

is rated on the employee's annual performance evaluation because of its importance to job performance. As an attendance incentive, employees are eligible to cash in up to 48 hours of sick leave per year based upon the number of sick leave and leave without pay hours used during the 12-month period commencing December 1<sup>st</sup> through November 30<sup>th</sup> of the following year. Employees wishing to cash in sick leave must have at least 160 hours in their sick leave bank as of November 30th of each year. Additionally, an employee must have worked an entire year as of November 30<sup>th</sup> in order to qualify for attendance incentive pay. Attendance incentive pay shall be paid the first pay period in December each year. The amount of attendance incentive pay an employee is eligible to receive is determined as follows:

Employees using from 0 to 48 hours of sick leave/leave without pay from December 1<sup>st</sup> to November 30<sup>th</sup> of each year are eligible to cash in the remaining balance of their first 48 hours of sick leave accrual for the year. For example, if an employee uses 20 hours of sick leave from December 1<sup>st</sup> to November 30th, he/she may cash in up to 28 hours of sick leave for that year.

Leave without pay shall be counted as sick leave hours used for the purposes of this section.

Absences for a fraction of an hour (for the purpose of determining attendance incentive pay) will be rounded up to the next full hour.

The Personnel Office will issue a request form each November to eligible employees in order that they may apply for the applicable attendance incentive pay.

(g) Payment for Accrued, Unused Sick Leave upon Separation or Retirement, or Death.

Full time employees in good standing may accrue sick leave and be paid for unused leave at termination or retirement or resignation as follows: 5 up to 10 years of service, 50% of unused sick leave hours times the current hourly rate; 10 or more years of service, 100% of unused sick leave hours times the current hourly rate up to 1,060 hours, plus 25% of hours in excess of 1,060 hours.

(h) Illness or Injury During Vacation

An employee who becomes ill or injured during a vacation may request that the vacation be terminated and the time of illness or injury be charged to sick leave.

(i) Donation of Sick Leave

Sick leave credits may be donated between employees after an employee is absent on sick leave three (3) or more consecutive weeks. An employee may request to

transfer accrued sick leave to another employee who has exhausted their sick time and annual leave. Transfers will be made on an hour-to-hour basis in increments of no less than four (4) hours and no more than a total of eighty (80) hours from any one employee per year. An employee wishing to donate a limited amount of sick leave to another employee may only do so for that particular employee once per calendar year. Any request to transfer sick leave must be made in writing to the City Manager. The City Manager will review the circumstances and grant either approval or denial of the request. Participation in this program shall be completely voluntary on the part of the employee.

(j) Coordination of Benefits

Sick leave will coordinate with and supplement such other benefit programs as may be offered by the City but in no instance shall an employee receive compensation in excess of his regular rate of pay.

(k) Medical-Related Leave of Absence Without Pay

In cases of illness or non-job related accidents where employees remain disabled after they have exhausted accrued vacation and sick leave, the employee may apply to the appropriate Department Head for a medical-related leave of absence without pay. If the employee participates in a group health plan, the City will maintain coverage under the plan during leave under the Family and Medical Leave Act (FMLA). The employee must make arrangements to timely pay his/her portion of insurance premiums to the City while on leave. In some instances, the City may recover premiums it paid to maintain insurance coverage for an employee and his/her family.

## **11.02 Court Leave**

Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during their normal working hours, shall receive pay for the hours they attend court. All full time employees subpoenaed to attend court are eligible for leave with pay. Those employees who become plaintiffs or defendants are not eligible for court leave. Employees who attend court for only a portion of a regular scheduled work day are expected to report to their Supervisor when excused or released by the court. Employees must submit verification of court attendance to be entitled to payment.

## **11.03 Military Leave**

(a) The City will comply with all federal and state laws regarding military leave. Employees who are reserve members of the United States military or who are

members of the Florida National Guard, shall be entitled to up to thirty (30) days leave of absence per calendar year from their respective duties without loss of pay for such time as they are ordered to military service or field training status in accordance with federal and state laws, including Sections 115.09 and 115.14 of the Florida Statutes.

- (b) The employee must submit an order or statement from the appropriate military commander as evidence of any such duty unless restricted by law.
- (c) A City employee who is a reservist and is mobilized for activation for a period of more than thirty (30) days will be granted a military leave of absence for the duration of their orders up to one (1) year from the date of activation. Activated employee will continue to receive all benefits under pension plans in accordance with Sections 115.12 and 115.14, Florida Statutes. Activated employee and their covered dependents will continue to be covered by the City's health insurance plan under the same terms and conditions as other employees on approved leaves of absence up to a maximum of one (1) year.
- (d) Any employee who enlists, is drafted or inducted into the Armed Services for active duty will be granted an unpaid military leave of absence for the initial period of enlistment. All monies due the employee (i.e. vacation, sick time, etc.) will be paid at the time of entering active military service.
- (e) Upon honorable discharge from active military service, an employee who wishes to return to City employment must contact the City Manager within ninety (90) days from the date of military separation unless a longer period is allowed by law. An employee requesting reinstatement with the City must submit to a medical examination to verify the employee's physical and mental fitness to perform the essential functions of the position, with or without reasonable accommodation.
- (f) An employee returning to City employment in his or her former position will start at the salary he or she would have received, including all adjustments, had he or she remained continuously employed with the City instead of entering the armed services.
- (g) If the position vacated by an employee who entered military service is reclassified or retitled during the period of military service, the employee will be reinstated in the new or revised position, unless the employee does not meet the job requirements or is not capable of satisfactorily performing the essential functions of the position, even with reasonable accommodation. If the former position has been abolished or if the employee is incapable of satisfactorily performing the essential functions, the employee shall be reinstated to a position as nearly comparable as possible in salary and duties to the position vacated, providing a vacancy is available.

#### **11.04 Funeral Leave**

(a) Funeral leave with pay for a period not exceeding three (3) duty days in state or five (5) duty days out of state, shall be granted in the event of death of an employee's spouse, child, parent, sister, brother, mother-in-law, father-in-law, grandparents, stepchildren or grandchildren, in order that the employee can attend the funeral. Requests for funeral leave with pay may be considered at the request of an employee to the City Manager in the event of the death of an employee's son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepbrother, stepsister, half brother, or half sister. Proof of travel and attendance must be furnished upon request of the Department Head.

In the case of the death of other family members (i.e. nieces, nephews, uncles, aunts, cousins) one day's absence with pay will be granted in order to permit the employee to attend the funeral.

Additional leave may be granted at the discretion of the City Manager or his/her designee.

(b) This funeral leave shall not be charged against hours of any other benefits provided by the City, nor shall it be used in computing overtime. Funeral leave will not accrue and no pay offered in lieu of funeral leave. The employee shall not be covered by worker's compensation while on funeral leave.

## **11.05 Unpaid Leave**

Upon request, and the recommendation of the Department Head, the City Manager may grant any employee a leave of absence of up to fifteen days. During any such leave, the employee will not accrue seniority or benefits and will be responsible for timely payment of health insurance premiums. The City Manager may authorize an extension of such leave.

## **11.06 Disciplinary Administrative Leave**

An employee may be placed on administrative leave, either with or without pay, pending possible disciplinary action or when otherwise deemed by the City Manager to be in the best interest of the City.

## **11.07 Family and Medical Leave**

### **General Provisions**

In accordance with the Family and Medical Leave Act, the City will grant job-protected unpaid family and medical leave to eligible employees for up to 12 weeks per 12-month period for any one or more of the following reasons:

- (a) In order to care for a child following the child's birth, adoption, or placement in foster care with the employee;
  - (1) Leave must be taken with the 12-month period following the child's birth or placement with the employee;
  - (2) If married spouses both work for the City, their total leave in any 12-month period may be limited to an aggregate of 12 weeks if the leave is taken for the birth or placement of a child.
- (b) In order to care for an immediate family member (spouse, child, or parent) of the employee if such immediate family member has a serious health condition;
- (c) The employee's own serious health condition that makes the employee unable to perform the functions of his/her position; or
- (d) The employee must attend to a qualifying exigency arising out of the fact that the employee's spouse, child, or parent is on a covered active duty or has been notified of an impending call or order to covered active duty in the Armed Forces.

### **Service Member Family Leave**

Eligible employees who are the spouse, child, parent, or next of kin of a covered Service Member are entitled to up to 14 weeks of additional leave during a single 12-Month Service Member Period (for a total of 26 weeks if combined with other FMLA leave), to care for such covered Service Member who incurred a serious injury or illness in the line of active duty in the Armed Forces. Available leave not taken during the 12-Month Service Member Period, which begins on the first day leave is taken, will be forfeited. No more than 26 weeks of leave may be taken in a single 12-month Service Member Period, and no additional extended leaves may be taken in other years for the same injury or illness. If married spouses both work for the City, their total Service Member Family Leave may be limited to an aggregate of 26 weeks.

### **Definitions**

- (a) “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken.
- (b) “12-Month Service Member Period” means a single 12-month period measured forward from the first day Service Member Family Leave is taken.
- (c) “Child” means a child either under 18 years of age, or older than 18 who is incapable of self-care because of a disability, for whom the employee has actual day-to-day responsibility for care, including biological, adopted, foster or step-child. For purposes of a son or daughter on covered active duty or call to covered active duty, or for Service Member Family Leave, the child may be of any age.

- (d) “Parent” means a biological parent of an employee or an individual who stood in place of a parent to an employee when the employee was a child.
- (e) “Next of Kin” means the nearest blood relative of a Covered Service Member.
- (f) “Covered Active Duty” means: 1) in the case of a member of a regular component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country; and 2) in the case of a member of a reserve component of the Armed Forces, duty during the deployment with the Armed Forces to a foreign country where they may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force.
- (g) “Covered Service Member” means: 1) a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing recuperation for a serious injury or illness; or, 2) a veteran who is undergoing recuperation for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the preceding period of five years.
- (h) “Veteran” means a person who served in the active military, naval, or air service, and who was discharged or released under conditions that were not dishonorable.
- (i) “Serious Injury or Illness” means an injury or illness that was incurred by a member or veteran of the Armed Forces in the line of duty while on active duty (or existed before the beginning of the member’s active duty and was aggravated by service in the line of duty) and, in the case of a member, renders the member medically unfit to perform his or her duties, or in the case of a veteran, manifested itself before or after becoming a veteran.
- (j) “Qualifying Exigency” includes: 1) notification of a call to covered active duty seven or fewer days from date of deployment; 2) military events and related activities, including post-deployment activities (e.g. official ceremonies, support programs, counseling, etc. related to covered active duty or a call to such); 3) attending to childcare and school activities; 4) attending to financial and legal matters; 5) to spend up to five days with a military member who is on short-term, temporary rest and recuperation leave during the period of deployment; and, 6) any additional activities related to the call to covered active duty otherwise agreed to by the employer and employee.
- (k) “Serious Health Condition” means an illness, injury, impairment, or a physical or mental condition that involves 1) inpatient care (overnight stay); 2) incapacity requiring absence from work for more than three calendar days and that involves continuing treatment (two or more visits within 30 days) by a health care provider; 3) continuing treatment by a health care provider for a chronic or long-

term health condition that is incurable or which, if left untreated, would likely result in a period of incapacity of more than three calendar days; or 4) prenatal care by a health care provider.

## **Coverage and Eligibility**

To be eligible for family/medical leave, an employee must have worked for the City for at least 12 months total, and have worked at least 1,250 hours over the previous 12-month period.

## **Intermittent or Reduced Leave**

An employee may take leave intermittently (a few days or a few hours at a time) or on a reduced leave schedule. The employee may be required to transfer temporarily to a position with equivalent pay and benefits that better accommodates recurring periods of leave. An employee may not take intermittent leave following the birth or placement of a child except at the discretion of the City.

## **Use of Paid Leave**

An employee will be required to use accrued paid leave (including paid vacation, sick leave, compensatory time and workers' compensation) for any part of a family/medical leave. When an employee has used all of his or her accrued paid leave, the employee may request an additional period of unpaid leave so that the total paid and unpaid leave provided equals 12 weeks (or 26 weeks if combined with Service Member Family Leave time).

## **Employee Notice Requirement**

- (a) An employee must give 30 days' notice in the event of a foreseeable leave. A **“Family and Medical Leave Act Request”** form should be completed by the employee and returned to the City. In unexpected or unforeseeable situations, an employee should provide as much notice as is practicable, followed by the completed form. The notice must indicate that 1) the employee is unable to perform the functions of the job or that a covered family member is unable to participate in regular daily activities; 2) the anticipated duration of the absence; and 3) whether the employee intends to visit a health care provider or is receiving continuing treatment.
- (b) If an employee fails to give 30 days' notice on a foreseeable leave request and has no reasonable excuse for failure to do so, then leave may be denied until 30 days after the employee provides notice.
- (c) When planning medical treatment, an employee must make a reasonable effort to schedule the leave so as not to unduly disrupt the City's operations.

- (d) In the event of leave to attend to a qualifying exigency, the employee shall provide as much notice as is reasonable and practical under the circumstances.

### **Employer Notice Requirements**

- (a) Notice of Eligibility Rights: Within five days after the employee requests leave or after the City learns the leave may be for an FMLA-qualifying reason, the City will provide written notice stating whether the employee is eligible for FMLA leave, and if not eligible, at least one reason why.
- (b) Notice of Designation of Leave: Within five days after the employee requests or the City learns of the need for FMLA leave, the City will provide a written notice stating whether leave is available, how much leave has been designated as FMLA leave, and how much leave remains. For a leave of unspecified duration, the City will update the notification every 30 days as to how much leave was designated FMLA and how much leave remains. If any part of the requested leave is not designated as FMLA leave, the City will provide written notice of and reason for denial.

### **Medical and Military Certification**

- (a) Certification of Serious Health Condition: For leaves taken because of the employee's or a covered family member's serious health condition, the employee, upon request, must submit a completed "**Physician or Practitioner Certification**" form and return the certification to the City. Medical certification must be provided by the employee within 15 days after requested. If the employee fails to provide adequate certification within this time period, then the City will inform the employee, in writing, what additional information is necessary, and will allow the employee at least seven days to correct the certification. The City may delay leave until such certification is produced. In the case of medical emergency, the employee must submit certification as soon as is reasonably possible.
- (b) City May Require Second Opinion: The City may require a second or third opinion (at its own expense).
- (c) Periodic Reports on Status and Intent to Return to Work: Employee shall provide such periodic reports as deemed appropriate during the leave regarding the employee's status and intent to return to work.
- (d) Certification Related to Covered Active Duty or Call to Covered Active Duty: The employee requesting leave related to a family member's covered active duty or call to covered active duty shall provide supporting documentation of such status issued by the applicable Armed Services branch.

- (e) Certification of Fitness for Duty: Employee must provide a medical certification of fitness for duty before returning to work, if the leave was due to employee's serious health condition. Certification must indicate the employee can perform the essential functions of his/her position.
- (f) Certification for Extended Service Member Family Leave: Employees requesting extended Service Member Family Leave must provide documentation of the injury, recovery or need for care, such as an official Armed Forces communication, showing that the injury or illness was incurred on active duty and, in the case of a member, renders the member medically unfit to perform military duties, or in the case of a veteran, that the veteran was a member of the Armed Forces within the preceding five years.
- (g) Confidentiality of Medical Records: Documentation related to the employee's or family member's medical condition will be held in strict confidence and maintained in the employee's medical records file.

### **Effect on Benefits**

- (a) An employee granted leave under this policy will continue to be covered under the City's group health insurance plan with the same conditions as if the employee had been continuously employed during the leave period.
- (b) Employee contributions will be required either through payroll deduction or by direct payment to the City. The employee will be advised in writing at the beginning of the leave period as to the amount and method of payment. Employee contribution amounts are subject to any change in rates that occurs while the employee is on leave.
- (c) If an employee's contribution is more than 30 days late, the City may terminate the employee's insurance coverage.
- (d) If the City pays the employee contributions missed by the employee while on leave, the employee will be required to reimburse the City (on a payroll deduction schedule) upon return from leave. The employee will be required to sign a written statement at the beginning of the leave period authorizing the payroll deduction for delinquent payments, which shall be paid in full within six months, subject to the City Manager's approval.
- (e) If the employee fails to return from unpaid leave for reasons other than 1) the continuation of a serious health condition of the employee or a covered family member or 2) circumstances beyond the employee's control (certification required within 30 days of failure to return for either reason), the City may seek reimbursement from the employee for the portion of the premiums paid by the City on behalf of that employee (employer contribution) during the period of leave.

- (f) An employee is not entitled to seniority or benefit accrual during periods of unpaid leave, but will not lose benefits already accrued prior to the start of the leave. Paid time off does not accrue while on unpaid leave.

### **Job Protection**

- (a) If the employee returns to work within 12 weeks following a family/medical leave (or 26 weeks if combined with Service Member Family Leave), he/she will be reinstated to his/her former position or an equivalent position in terms of pay, benefits, status, and authority.
- (b) The employee's restoration rights are the same as they would have been had the employee not been on leave. If the position would have been eliminated or the employee would have been terminated but for the leave, the employee does not have the right to reinstatement upon return from leave.
- (c) If the employee fails to return to work by the previously agreed upon date, in absence of further communication, he/she will be considered to have abandoned the job.
- (d) Other Employment

Outside employment during an employee's leave period is prohibited, and may result in disciplinary action, up to and including immediate termination of employment.

- (e) Exceeding FMLA Leave

Any employee who exceeds their FMLA entitlement may be subject to termination of employment.

- (f) Non-Contractual Nature of This Policy

The duration of leave, availability of benefits, opportunity for job restoration, and other rights and privileges associated with FMLA Leave are limited by the requirements of applicable state and federal law. No express or implied contractual rights shall be inferred from this policy. The City reserves the right to modify this or any other policy, as necessary, in its sole discretion.

### **Unlawful Actions and Enforcement of FMLA Rights**

It is unlawful for the City to interfere with, restrain, or deny the exercise of FMLA rights, or to discharge or discriminate against anyone for opposing such unlawful practices or for participating in a proceeding relating to FMLA. An employee may file a complaint with

the U.S. Department of Labor's Wage and Hour Division, or may bring a private lawsuit against an employer for violating his/her rights under the FMLA.

#### **11.08 Absence Without Leave**

Any employee who fails to report to work or leaves his/her work site without proper notification or authorization by his/her Supervisor shall be considered absent without leave and shall not be in a pay status for time involved or other disciplinary action as determined by the City Manager. Absence for two (2) consecutive days without leave constitutes abandonment of duties and shall result in dismissal.

## SECTION 12

### HOLIDAYS

#### 12.01 Holidays

- (a) The following days shall be observed as legal holidays for the City of Green Cove Springs.

1.	New Year's Day	January 1
2.	Martin Luther King Jr.'s Birthday	3 <sup>rd</sup> Monday in January
3.	President's Day	3 <sup>rd</sup> Monday in February
4.	Memorial Day	Last Monday in May
5.	Independence Day	July 4
6.	Labor Day	1 <sup>st</sup> Monday in September
7.	Veterans Day	November 11
8.	Thanksgiving Day	Last Thursday in November
9.	Day after Thanksgiving	Last Friday in November
10.	Christmas Eve	December 24
11.	Christmas Day	December 25
- (b) Whenever a holiday falls on Saturday, the preceding regularly scheduled workday shall be considered a holiday. A designated holiday falling on a Sunday shall be observed on the following regularly scheduled workday. There is an exception to this rule for employees who work in departments that operate 24 hours per day, 7 days per week. Those employees will receive holiday pay based on the actual dates of the holidays listed above.
- (c) At the option of the City Manager or City Council, the official day off may be adjusted for consistency with other agencies, computation of overtime, or the calendar providing for a long weekend.

## **12.02 Eligibility for Holiday Pay**

- (a) All regular full time employees will receive pay for each of the holidays recognized.
- (b) Employee must be on active pay status on the regularly scheduled working day immediately prior to a holiday and the regularly scheduled working day immediately following a holiday, in order to qualify for holiday time. (Active pay status includes vacation and/or sick leave.) An employee on suspension or leave of absence without pay will not receive holiday pay.
- (c) Should a holiday occur during the absence of an employee while on vacation with pay, or sick leave with pay, he or she will be paid for the holiday and such day shall not be charged against sick leave or vacation.
- (d) If work requirements of a department are such that employees are scheduled to work on any of the holidays designated, they shall be paid for the hours worked at their regular hourly rate.
- (e) When a holiday is observed on a scheduled work day, an eligible employee may be paid up to a maximum of the number of hours in his/her normal shift of holiday pay for that day. If the holiday is observed on a regular scheduled day off, an eligible employee may be paid up to a maximum of the number of hours in his/her normal shift of holiday pay, or be given another day off in that same pay period.
- (f) Regular part time employees, who would have normally been scheduled to work that day of the week observed as a holiday, shall be entitled to be paid for the same number of hours they would have worked that day had the holiday not occurred.
- (g) Employees desiring to observe religious holidays not coinciding with official holidays may be given time off without pay or may use accrued vacation leave or compensatory time.
- (h) Part time on-call employees shall be entitled to be paid for the number of hours worked on a holiday at time and one-half.

## SECTION 13

### ANNUAL LEAVE

#### **13.01 Annual Leave**

Annual leave will be granted to full time employees for the following reasons:

- (a) Vacation;
- (b) Absences due to illness in the employee's family;
- (c) Religious holidays other than those designated as official holidays under these policies;
- (d) For personal illness or injury once sick leave is exhausted.
- (e) Personal Day – Each full-time employee shall be granted the number of hours in his/her normal shift per year for his/her birthday, which may be used at any time during the year. These hours will be added to vacation leave accrual each January. Any new employee who has not served a full year as of January 1<sup>st</sup> will receive a pro-rated amount of their personal day hours based on the number of months employed.

#### **13.02 Eligibility**

- (a) All full time employees shall be entitled to earn annual leave with pay. Annual leave shall accrue from employee's first day of work.
- (b) Annual leave shall be granted to all eligible employees who have completed six (6) months of service with the City, and have successfully completed their probationary period.

#### **13.03 Termination from City Service**

- (a) If an employee leaves the service of the City, the employee shall receive compensation for any accrued annual leave that is not in excess of the maximum allowed, a two-year accrual.
- (b) In the event of an employee's death, accumulated vacation will be paid to the employee's estate.
- (c) DROP enrollees may elect to apply for and receive either full or partial vacation leave lump sum payoffs, and payment for comp time earned within the previous eleven months, at the time of DROP enrollment. Those electing this option will

continue to accrue vacation leave during DROP participation at the accrual rate they had attained prior to DROP enrollment, and may apply for and receive a second lump sum payoff at the time of DROP termination, or termination of employee if earlier, provided the total vacation leave paid off with both lump sums does not exceed the maximum amount of vacation accrual permissible by the provisions of this manual. Authorization of the lump sum payment requested must be obtained from City Manager prior to payment being made.

#### **13.04 Amount of Vacation to be Earned**

Annual leave accrual begins with a full time employee's first pay period in accordance with the following schedule:

	<u>Annual Vacation Leave</u>	<u>Seniority Pay</u>
One up to Five Years Service	96 hours	None
Five up to Ten Years Service	120 hours	10 hrs. pay
Ten up to Fifteen Years Service	144 hours	20 hrs. pay
Fifteen up to Twenty Years Service	168 hours	40 hrs. pay
After Twenty Years Service	168 hours	80 hrs. pay

(See Section 8.15 for the designated annual vacation accruals of senior management employees.)

The maximum amount of vacation which can be accrued is up to two (2) year's accrual. The City Manager may grant an exception to this policy to meet the best interests and/or operational needs of the City. Leave will be accrued each payroll and cannot be used until earned. Department Heads should monitor employees' vacation accruals for excessively high balances.

Employees who are over the two (2) year maximum vacation accrual shall be paid up to one hundred twenty (120) hours of vacation annually in order to reduce their vacation balance to the two (2) year maximum. In no case shall non-salaried employees be exempted from cashing-in all vacation hours over the two (2) year maximum. Payment for excess vacation shall be paid the first pay period in December.

**13.05** Requests for use of 40 hours or more of annual leave must be submitted in writing at least two (2) weeks in advance of use and require approval of the Department Head. The two week notice may be waived by the Department Head for good cause. Anything under 40 hours requires 24-hour notice to the Supervisor/Department Head, unless otherwise approved by the Supervisor/Department Head. If an employee using annual leave is called in during his or her regular working hours due to an emergency, the employee will only be charged for annual leave actually used.

**13.06** Annual leave may be canceled if it will materially impede the efficient operation of the Department.

**13.07** It is the policy of the City to encourage employees to take leave annually in order to refresh themselves and for the benefit of their families.

## **SECTION 14**

### **SENIORITY AND REDUCTION OF FORCE**

#### **14.01 Seniority Defined**

Seniority shall be defined as continuous years of service with the City. Unpaid leaves of absence of 30 calendar days shall cause a break in seniority and the individual's seniority date to be adjusted on a like amount of time.

#### **14.02 Lay-offs**

Employees will be selected for lay-off, if necessary, based on the needs of the City and considering past performance, experience, education, training, abilities, seniority, and other relevant considerations. The final decision rests with the City Manager.

## SECTION 15

### **SAFETY AND WORKER'S COMPENSATION**

#### **15.01 General**

The City's safety program is designed for the purpose of maintaining a safe work environment for all employees in the City service. The Safety Officer, along with designated Department Heads and Supervisors, shall have the primary responsibility for administering the City's safety program. The Department Head or designees shall serve as a Safety Board. The Safety Officer will conduct safety briefings for employees and conduct periodic safety education seminars. It is also the responsibility of Department Heads and Supervisors to enforce safety rules and regulations which will, in turn, ensure the success of the City's safety program.

The City's safety rules and regulations shall be posted in conspicuous locations throughout each department.

#### **15.02 Accident Reporting**

All accidents (vehicle/personal) resulting in injury to employees or other persons and/or damage to public or private property must be reported to the employee's Supervisor/Department Head and Personnel Director immediately (on same day). Department Heads shall initiate investigation of all such occurrences where possible monetary claims may be made against the City, disciplinary action initiated, or legal actions instituted.

Any employee who willfully or negligently loses, damages or destroys City materials, tools, property or equipment, and it is at least his/her second offense within a two-year period from the date of the first offense, shall be required to reimburse the City 40% of the value of the damage, with a maximum reimbursement of no more than \$200 per occurrence.

If a vehicle accident occurs, the appropriate law enforcement agency must be contacted immediately. If the accident occurs outside the City limits, the Green Cove Springs Police Department must also be contacted to complete an administrative report.

The policy applies equally to all employees who may be involved in accidents as subjects, victims, or witnesses. An Accident/Injury Report form and an Accident Investigation Report shall be completed by the Supervisor/Department Head and submitted to the Personnel Director, City Manager, and Safety Officer. The Field Supervisor shall receive a copy of all vehicle/equipment accident reports. Failure to report an accident immediately may result in disciplinary action. The Field Supervisor shall be notified of any vehicle accident within one hour of occurrence, including after hours accidents.

### **15.03 Injury on the Job**

All employees who are injured on the job shall report the injury to the Supervisor/Department Head and shall be directed or escorted to a physician approved by the City or its insurance carrier for immediate attention when the injury so requires. Seriously injured employees shall be transported by ambulance or other emergency medical vehicle to the nearest available medical facility. In the event an employee refuses medical care, a signed statement to this effect shall be obtained from the employee by the Supervisor/Department Head and submitted with the accident report.

### **15.04 Workers' Compensation**

In accordance with the Workers' Compensation Laws of the State of Florida, an employee injured in the line of duty shall receive workers' compensation and injury leave benefits under terms and conditions prescribed in the applicable program. Workers' Compensation benefits begin after one week of lost time from work. Workers' Compensation benefits shall be supplemented by the City as necessary to ensure that a disabled employee receives full salary for the first three weeks (120 hours) of disability. Any accrued sick leave and/or annual leave may be used after the first 3 weeks of disability to ensure the employee's full salary.

### **15.05 Drug-Free Workplace Program**

It is the policy of the City to maintain a drug-free workplace. As a condition of employment, all employees must refrain from using illegal or non-prescribed drugs on or off the job and abide by the terms of the City's Drug-Free Workplace Policy. Employees are subject to post-accident and/or post-injury drug-testing. In instances where the injured employee is not at fault for the injury, or where the injury is minor in nature, the Department Head/Supervisor may waive the post-injury drug-testing. In instances where the employee is not at fault for a vehicle/equipment accident, or damage is estimated at less than \$1,000 in a vehicle/equipment accident, the Department Head/Supervisor may waive the post-accident drug-testing. It is the Department Head's/Supervisor's responsibility to notify the Personnel Director whether a drug screen is required. Employees possessing commercial driver's licenses (CDL A or B) are subject to random testing under the City's Drug-Free Workplace Policy and as set forth by Department of Transportation regulations.

### **15.06 Seat Belts/Restraining Devices**

By law, all employees must wear seat belts while operating City vehicles. There is available evidence indicating the use of safety belts has a significant effect in reducing the number of deaths and severity of injuries resulting from traffic crashes. Failure to use a safety belt may reduce benefits under Worker's Compensation if an employee is injured in a vehicle accident.

It is therefore the policy of this City that all persons, except for those specifically exempted by Florida Statute 316.614, shall use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle. This policy shall not apply to any person possessing a written indication from a physician that for medical or physical reasons the individual is unable to use the safety belt system.

Unless a replacement vehicle is unavailable, no person shall operate a departmental vehicle in which any seat belt in the front seat is inoperable.

#### **15.07 Tobacco-Free Workplace**

It is the policy of the City to maintain a tobacco-free workplace. There shall be no use of tobacco products of any kind, including electronic cigarettes and like products as defined by City ordinance, in any public buildings or City vehicles.

## SECTION 16

### DISCIPLINARY MEASURES

#### **16.01 Purpose**

All employees in the City are members of a team working together for the main objective of serving our community. Any employee who fails to follow the necessary rules and regulations governing his or her conduct is not only penalizing the employee, but doing a disservice to all of the other City employees. The Code of Conduct rules are not intended to restrict the privileges of anyone, but are designed to insure the rights and safety of all City employees and to provide working guidelines to encourage equitable and business-like conduct.

#### **16.02 Policy**

It is the policy of the City that discipline should be characterized as corrective rather than punitive, and that disciplinary actions be utilized as an element of an overall program to educate employees and promote proper employee conduct. When circumstances permit, Department Heads, or Supervisors, are encouraged to pursue a philosophy of “progressive discipline” by administering gradual increased disciplinary actions for each successive instance of employee misconduct. Each level of progressive discipline should be fully documented in the employee’s personnel record.

Although internal consistency in administering discipline is desirable, numerous factors should be considered in determining the appropriate level of discipline to be assessed at each successive step. Some of the factors involved include, but are not limited to, the employee’s length of service, time intervals between offenses, effectiveness of prior disciplinary actions, willingness to improve, overall work performance, job attitude, and disciplinary actions previously administered to other comparable employees for similar offenses. A repetition of the same offense or other offenses indicates that more severe disciplinary measures should be administered. Consistent with its desire that discipline be corrective, when imposing disciplinary measures on a current charge, Supervisors will generally not take into consideration prior infractions of the City or departmental rules and regulations which occurred more than two (2) years previously. However, where the contemplated disciplinary action is termination, the desire for progressive measures no longer applies and it is appropriate to review the employee’s entire employment history with the City. The City has further provided that certain offenses are of such a serious nature that immediate discharge upon the first offense is applicable.

#### **16.03 Application of Disciplinary Measures**

- (a) City employees are expected to abide by, and may be disciplined for violation of either City or departmental rules and regulations or for any other conduct not in the City’s best interest.

- (b) In recognition of the fact that each instance of misconduct differs in many respects from somewhat similar actions, the City retains the right to treat each occurrence on an individual basis without creating a precedent for other cases which may arise in the future. Examples given in any rules do not limit the generality of the rule. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but are to be used only as a guide.
- (c) The Code of Conduct provides recommended progressive penalties to apply for specific offenses; however, the recommended penalties may be modified by the City Manager, including a lesser or more severe penalty when extenuating circumstances are found.

#### **16.04 Oral Counseling**

- (a) It is the responsibility of the employee's immediate Supervisor to obtain all the facts, weigh the evidence and discuss a disciplinary problem with the employee(s) involved.
- (b) The purpose of an oral warning, reprimand or counseling session is to encourage employees to improve their performance, work habits, attitude, or behavior. Discussions of this nature are commonly used when an employee disregards work rules or commits offenses of a relatively minor nature. The normal procedure is for the employee's immediate Supervisor to identify and define the area in need of improvement and inform the employee how such improvement can be realistically achieved.
- (c) Written documentation of an oral warning, reprimand or counseling session serves notice that if improvement is not forthcoming, or any misconduct recurs, then more formal disciplinary measures will be taken, up to and including dismissal.
- (d) The employee involved in any oral counseling sessions shall be provided with a copy of the written documentation which shall be placed in the employee's personnel record.

#### **16.05 Written Reprimands and Cautioning**

- (a) Supervisors shall inform employees promptly and specifically, whenever their performance, attitude, work habits, or personal conduct at any time falls below a desirable level.
- (b) In situations where an oral warning has not resulted in the expected improvement, or when an employee commits an offense, an Employee Notice Form or memorandum should be issued specifically defining the nature of the infraction.

The information should include a complete description of the incident of misconduct and refer to specific times, dates, locations, personnel involved, and rules violated, if any.

- (c) The employee's immediate Supervisor, Department Head, City Manager or his designee- initiates the Employee Notice Form or memorandum.
- (d) The employee's signature is required on the Employee Notice Form or memorandum to acknowledge receipt, but said signature does not indicate an employee's agreement with the provisions of the disciplinary action. If the employee refuses to sign, it should be so indicated on the Employee Notice Form or memorandum in the area reserved for the employee's signature.
- (e) The Employee Notice Form documenting the misconduct and disciplinary action shall be placed in the employee's official personnel record with copies to the employee and the originating department.

## **16.06 Suspensions**

- (a) Policy

An employee may be suspended without pay by the Department Head, with approval of the City Manager, for reasons provided in the Code of Conduct rules and/or departmental rules or other conduct not in the City's best interest. An exception to this policy will be in suspension cases whereby an immediate Supervisor may suspend an employee at once for a serious offense, and then obtain the necessary administrative approval required by the respective departments. Suspension for two or more offenses must be cumulative and cannot be served concurrently.

- (b) Employee Notice Form

Suspension should be documented by an Employee Notice Form which specifically describes the nature of the misconduct, the Code of Conduct violated, if any, and the disciplinary action to be administered.

## **16.07 Dismissal**

In the interest of directing the orderly and efficient operation of all services and activities of the City, employees shall be discharged for misconduct and/or violations under the terms and conditions provided for in the Personnel Policies or where otherwise deemed in the City's best interest. An Employee Notice Form or memorandum describing the incident and any rule violated should be prepared whenever an employee is dismissed.

## **16.08 Three Groups of Offenses**

The Code of Conduct is divided into three groups to reflect degrees of severity of offenses. In each group and for each rule violation, consideration will be given to the severity of the misconduct, the cost involved, the time interval between violations, the length and quality of service records, and the ability of the employee concerned and any other extenuating circumstances. In each case where the recommended disciplinary action is modified, the reasons for such modifications will be noted.

Generally, unacceptable behavior can be considered major or minor. Major disciplinary infractions are those types of behavior which, because of their serious nature, may warrant suspension or dismissal on the first occurrence, even though the employee has no prior record of being disciplined. Minor misconduct, however, can have a cumulative effect and infractions may progress to more severe levels of disciplinary action. Disciplinary action may be taken whenever appropriate.

(a) The three (3) groups of offenses and recommended penalties are as follows:

### **CODE OF CONDUCT**

#### **GROUP I OFFENSES**

##### **FIRST OFFENSE – INSTRUCTION AND CAUTIONING**

##### **SECOND OFFENSE – ONE (1) DAY SUSPENSION**

##### **THIRD OFFENSE – DISMISSAL**

1. Failure to work overtime, special hours or special shifts, after being scheduled or assigned according to overtime and standby duty policies.
2. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned, or performing other than assigned work.
3. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
4. Courtesy to persons with whom the employee comes in contact while in the performance of duties.
5. Failure to report an absence or unavoidable late arrival at work to the Supervisor or other designated departmental representative by the time required by departmental policy.
6. Taking more than specified time for meals or rest periods.

7. Productivity or workmanship not up to required standards of performance.
8. Mistakes due to carelessness.
9. Disregarding job duties by loafing or neglect of work during work hours.
10. Habitual failure to record time or maintain time record.
11. Tardiness. (Suggested guide: Two (2) times in any thirty (30) day period.)
12. Smoking of any kind including, but not limited to, electronic cigarettes and like products as defined by City ordinance in a restricted area, including City facilities and City vehicles.
13. Violating a safety rule or safety practice.
14. Reporting for work or working while unfit for duty, either mentally or physically.
15. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, cat-calls, unprofessional or inappropriate language, or similar types of disorderly conduct.
16. Creating or contributing to unsafe and unsanitary conditions, or poor housekeeping.
17. Failure to keep the department and/or the Personnel Department notified of proper address and telephone number (if any).
18. Failure to use the safety belt restraining system while operating or riding as a passenger in a departmental vehicle, unless otherwise exempted by law.
19. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises while on work time, unless authorized by Department Head.
20. Making or publishing of false, vicious, or malicious statements concerning any employee, supervisor, the City or its operations.
21. Any misconduct prejudicial to the interests of the City.

## **GROUP II OFFENSES**

**FIRST OFFENSE – INSTRUCTION, REPRIMAND, AND UP TO TWO (2) DAYS SUSPENSION**

**SECOND OFFENSE – DISMISSAL**

1. Chronic absenteeism and/or abuse of sick leave privileges. (Suggested guide: Two (2) times in any thirty (30) day period, and/or a pattern of sick leave abuse is determined.)
2. Threatening, intimidating, coercing or interfering with other employees or supervision at any time, including coarse and insulting language.
3. Sleeping during work hours, unless otherwise provided.
4. Absent without permission or leave (AWOL) less than two (2) days.
5. Leaving the job during regular working hours without permission.
6. Where the operations are continuous, an employee who leaves a post at the end of a scheduled shift prior to being relieved by the Supervisor or the relieving employee on the incoming shift.
7. Carelessness which results in injury to City personnel, or damage to materials, equipment, tools or property.
8. Unauthorized posting or removal of any matter on City bulletin boards or City property at any time.
9. Unauthorized distribution of written or printed matter of any description on work time and in work areas.
10. Use or possession of another employee's personal tools or equipment without the employee's consent.
11. Failure to report an accident or personal injury in which the employee was involved while on the job.
12. Unauthorized use of City vehicles.
13. Any misconduct prejudicial to the interests of the City.

## **GROUP III OFFENSES**

### **FIRST OFFENSE – DISMISSAL**

1. Provoking or instigating a fight any time on City property or while representing the City.
2. Deliberately misusing, destroying or damaging any City property or property of any employee.
3. Knowingly filling in of the time sheet of another employee, having one's time sheet filled in by another employee, or unauthorized altering of a time sheet.
4. Falsification of personal or City records including employment applications leave records, accident records, work records, purchase orders, timesheets, or any other report, record or application.
5. Making false claims or misrepresentations in an attempt to obtain accident benefits, worker's compensation or unemployment compensation payments for themselves or others.
6. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of the supervisory force.
7. Unauthorized possession or use of explosives or weapons on City property or while representing the City.
8. Theft or removal from City locations without proper authorization any City property or property of any employee.
9. Immoral, unlawful or improper conduct or indecency which would tend to affect the employee's relationship to the job, other workers, reputation or goodwill in the community.
10. The illegal use or abuse, and/or possession/sale of controlled substances as defined in Florida State Statutes 893 for which an employee has no current prescription, is in violation of the City's Drug-Free Workplace Policy, which addresses on and off duty circumstances. (For a listing of illegal drugs, see Drug-Free Workplace Policy.)
11. The use or abuse of alcohol is in violation of the City's Drug-Free Workplace Policy, which addresses on and off duty circumstances.

12. Being absent from duty for a period of two (2) consecutive working days without proper authorization. Failure to return from an authorized leave of absence within two (2) working days from scheduled date of return.
13. Refusal to cooperate in City-related accident investigations or administrative hearings.
14. Incompetence in the performance of assigned duties.
15. Receipt from any person a fee, gift, or other valuable thing in excess of \$100 in the course of work when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than accorded other persons or otherwise creates an appearance of impropriety.
16. Participation in prohibited political activity on work time per federal, state or local law.
17. Use or attempted use of political influence or bribery to secure an advantage of any manner.
18. Conviction or a plea of nolo contendere of a felony or a misdemeanor of first or second degree as defined by Florida Statutes, or any job related violation of a City ordinance involving moral turpitude, while either on or off the job, regardless of whether or not adjudication is withheld and probation imposed.
19. Knowingly harboring a communicable disease which is a direct threat to the safety of other employees and cannot be reasonably accommodated.
20. Chronic offender of the Code of Conduct. (Suggested guide: Four (4) or more violations of any departmental or City rule or regulation which result in a disciplinary action being issued.)
21. Concerted curtailment or restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, strike, sit-down, stand-in, slowdown, refusal to return to work at the scheduled time for the scheduled shift.
22. Participation in a strike or concerted activity against the City as defined in Florida Statutes.
23. Driving a motor vehicle while on duty without a valid State of Florida driver's license, or failure to report the loss or suspension of a driver's license when an employee is required to drive while on duty, where the ability to drive is an essential function of the employee's position.
24. Failure to report to one's Supervisor any possible unfitness for duty.

25. Failure to report loss or penalty against licensure or certification required for position to the Department Head and Supervisor, and/or the actual loss of license or certification required as part of job description.
26. Falsification of City documents in order to receive educational benefits.
27. Any misconduct prejudicial to the interests of the City.

#### **16.09    Exit Interviews**

It is the policy of the City to determine why good employees leave the City's service. An exit interview has been established by the Human Resources Department for the purpose of determining the cause and possible solutions to turnover of City personnel.

## SECTION 17

### EDUCATION

**17.01** The City invests significant funds in the safety, education and training of staff. The City may pay for the cost of seminars, vocational training, and/or college credit in the following manner:

- (a) All seminars will be scheduled by the Department Head and shall be job related.
- (b) Vocational training shall be job related and the employee must receive approval for the course prior to enrolling at City expense.
- (c) College credit courses taken voluntarily by an employee may be eligible for reimbursement by the City. An employee wishing to avail themselves of this City benefit must seek approval from the City Manager prior to registering for a course, as the program is subject to availability of City funds.

Prior to submission of the request for tuition reimbursement to the City Manager for approval, Department Heads shall verify that funding is available and ensure that payment will not interfere with any previously authorized payments for other employees within the department. The Department Head may institute a fiscal year cap on the reimbursement available to each employee within the department in order to ensure that the distribution of funds is equitable.

Employees receiving tuition reimbursement from the City for specified courses for which they received a passing grade must attest that they have not received tuition reimbursement, or duplicative pay, from any other funding source for the same curriculum.

College credit will only be reimbursed upon the following conditions:

- (2) Employee has a minimum of one (1) year of continuous full-time employment with the City;
- (3) Course is job-related;
- (4) Course is offered by a college or university accredited by an accrediting agency recognized by the U.S. Department of Education.
- (5) Tuition is limited to the credit hour rate for the FL state university system plus applicable fees;

(6) Reimbursement only applies if the employee is receiving a grade of "C" or better; and

(7) The cost of books for the course may be reimbursable up to 50%, upon approval by the City Manager.

The employee shall agree to reimburse the City the **total** amount paid by the City toward any certifications, college courses and books if the employee should terminate full-time employment with the City within three (3) years of receiving reimbursement under this policy.

- (d) It is not the intent of the City to pay for vocational two or four year college degrees in their entirety but to subsidize portions thereof or courses that relate to the job or position.
- (e) Nothing contained in this section shall prohibit an employee from voluntarily attending college or vocational training during off-work hours at his/her own expense.
- (f) A Training Request form must be completed by the employee for any type of training for which there is a fee prior to enrollment, and the request must be approved by signature of the Department Head and City Manager.

## SECTION 18

### **DRUG AND ALCOHOL TESTING**

#### **18.01 Policy**

All employees shall refrain from using, possessing, dispensing, or selling of any drug/chemical substance not prescribed for use by a licensed physician and shall refrain from using a prescribed medication in a manner that does not substantially conform to the direction of the prescribing physician. Also, the consumption of any alcohol/drug while on duty or reporting to work impaired by the use of alcohol/drug or in a condition that prior usage can be observed or detected are prohibited.

#### **18.02 Testing**

Employees are subject to urinalysis and/or blood testing and/or any other physical or bodily sample testing as required by the City to detect the presence of illegal drug/chemical substances and/or alcohol when the employer has a reasonable suspicion that the employee may be acting in violation of Section 18.01 of this policy. Employees possessing commercial driver's licenses (CDL A or B) are subject to random testing under the City's Drug-Free Workplace Policy and as set forth by Department of Transportation regulations.

#### **18.03 Refusal to Submit to Testing**

Refusal to submit to testing or to release the results to the City shall be treated as a positive test, and may result in discharge. Employees who are required to take prescription medicine which possesses possible side effects that may impair the safe performance of an employee's duties shall notify his or her immediate Supervisor at the start of the work shift.

#### **18.04 Testing Positive**

If the test results confirm with reasonable scientific certainty that an employee is present at work with the presence of alcohol in his system, the employee may be disciplined, up to and including discharge. If the test results confirm with reasonable scientific certainty that an employee is in violation of Section 18.01 of this Article with regard to illegal or controlled drug/chemicals, the employee shall be discharged.

#### **18.05 Employee Assistance**

The City may provide referral guidance to employees seeking professional assistance in dealing with a drug or alcohol related problem. Participation in such programs shall not mitigate or stay the implementation of discipline or any other action against the employee for violation of City policies.

## **18.06 Fitness for Duty**

In the event any discipline less than discharge is ultimately imposed on any employee for the violation of this policy, such employee, in addition to any disciplinary measures imposed by the City, shall not be allowed to return to work until he or she presents a statement from a licensed medical doctor that the employee has been rehabilitated and is fit to return to full duty. Leave time for rehabilitation shall be in accordance with the leave provisions contained in these policies.

## SECTION 19

### LINE OF DUTY INJURY

- 19.01** In the event that an employee becomes unable to work as a result of an illness or injury incurred in the line of duty, the City will allow the employee to supplement the amount of Worker's Compensation payments to the point where the sum of the supplemental compensation and Worker's Compensation equals the employee's weekly wage except as otherwise provided by law. Such supplemental payments will be charged first from sick leave and then from annual leave. In no event will the amount received by the employee exceed the employee's net salary. Supplementing is allowed only as long as the employee has accrued, unused leave.
- 19.02** If at the point the employee reaches maximum medical improvement, or it is otherwise realized that the employee is unable within a reasonable period of time to resume the duties of his or her position or another vacant position at the same or a lower level, with or without reasonable accommodation, the employee will be dismissed. At any point during the employee's recovery, the Department Head or City Manager may require the employee to submit a written medical physician's statement describing the full status of the employee's condition and the expected date, if any, that the employee can return to work.
- 19.03** If necessary to insure the smooth and efficient operation of the Department, the City may hire replacements to serve while an employee is unable to work due to an injury in the line of duty.
- 19.04** Any employee released to return to work following an injury in the line of duty shall report such fact to the City within twenty-four (24) hours of receiving such release and shall thereafter hold himself or herself ready and available to work.

## **SECTION 20**

### **GRIEVANCES**

#### **20.01 Purpose**

In a mutual effort to provide a harmonious working relationship and a means by which to challenge supervisory decisions with which an employee disagrees, there are the following procedures for the resolution of grievances. A grievance may be submitted for a disagreement involving disciplinary action, such as a verbal warning, written reprimand, suspension, termination, and/or the interpretation and/or application of these personnel policies.

#### **20.02 Procedure**

The grievance procedure will be administered in the following manner:

- (a) Step 1. The employee first presents his or her grievance, in writing, to the Supervisor within five (5) working days of the occurrence giving rise to the grievance. For purposes of this policy, working days means days the aggrieved employee is subject to work. The Supervisor will meet with the aggrieved employee within five (5) working days of submission of the grievance and will submit his or her decision in writing to the aggrieved employee within five (5) working days from the date of the meeting.
- (b) Step 2. Should the employee be dissatisfied with the decision of the Supervisor, the grievance may be submitted in writing to the Department Head within five (5) working days after receiving a written response from the Supervisor. The Department Head will meet with the aggrieved employee within five (5) working days from the receipt of the grievance and provide the employee with a written response within five (5) working days after this meeting.
- (c) Step 3. Should the employee be dissatisfied with the decision of the Department Head, the grievance may be submitted in writing to the City Manager within five (5) working days after receiving a written response from the Department Head. The City Manager will meet with the aggrieved employee within five (5) working days from the receipt of the grievance and provide the employee with a written response within five (5) working days after this meeting. The City Manager may seek the counsel of any other City official or employee for information, interpretations, comments and guidance in arriving at a fair, equitable and just decision of the issue for both the employee and the City. The City Manager's decision will be final and shall be binding on all parties involved.

## **SECTION 21**

### **INTERNET, SOCIAL MEDIA, E-MAIL, & PERSONALLY OWNED DEVICE POLICY**

#### **21.01 Acceptable uses of the Internet and City E-mail**

The City provided Internet and E-mail access is intended to be for City business and may only be used incidentally for personal business or other matters. The City encourages the use of the Internet and E-mail because they make communication more efficient and effective. However, Internet service and E-mail are City property, and their purpose is to facilitate City business. All messages composed, sent or received are and remain City property. They are not to be private property of any individual and no employee should have any expectations of privacy in such messages. Every staff member has a responsibility to maintain and enhance the City's image and to use the City E-mail and access to the Internet in a productive manner. To ensure that all employees are responsible, the following guidelines have been established for using E-mail and the Internet. Any improper use of the Internet and/or E-mail is not acceptable and will not be permitted.

#### **21.02 Unacceptable uses of the Internet and City E-mail**

The City E-mail and Internet access may not be used for transmitting, retrieving, or storage of any offensive or disruptive communications or communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about an individual's race, color, religion, gender, sexual orientation, gender identity, transgender, pregnancy, national origin, age, disability, genetic information, marital status, or status as a covered veteran and any other protected category in accordance with applicable federal, state and local laws shall be transmitted, retrieved, or stored through the City's E-mail or Internet system. Electronic media may also not be used for any other purpose which is illegal or against City policy or contrary to the City's best interest. Solicitation of non-City business or the use of the City's E-mail or Internet for personal gain is prohibited.

**Exception:** Police officers involved in criminal investigations that involve computer crime(s) may be required to receive, copy or download sexually explicit material.

When required to access otherwise prohibited material in the interest of an investigation, police officers shall first:

1. Initiate a case number and write a report.
2. Make their immediate supervisor aware and obtain approval.

3. Reference that approval in the associated report, including the name of the authorizing supervisor.

## **21.03 Communications**

Each employee is responsible for the content of all text, audio or images, they place or send over the City's E-mail/Internet system. No E-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from a different department of the City or a different employer. Employees should ensure that information concerning the City stays secure and only use the "Reply All" feature if they recognize everyone in the email group list. All messages communicated on the City's E-mail/Internet system should include the employee's name. Employees are not authorized to retrieve or read any E-mail or Internet messages that are not sent to them without prior approval by the City (the employee's department head). Any messages or information sent by an employee to another individual outside of the City via an electronic network (e.g. bulletin board, online service or Internet) are statements that reflect on the City. While some users include personal "disclaimers" in electronic messages, there is still a connection to the City, and the statements may be tied to the City. All communications sent by employees via the City's E-mail/Internet system must comply with this and other City policies and may not disclose any confidential City information.

## **21.04 Social Media**

The City understands that employees may wish to create and maintain personal blogs or use social networking services (such as, but not limited to, Twitter, LinkedIn and Facebook). Because such activities can impact the City, employees are expected to follow these guidelines when posting to a personal blog or when participating in online social networking.

- Employees communication on social networking services contain their own personal views, not the views of the City. Employees should always exercise sound personal and professional judgment when posting information and photos. Being cautious to avoid posting information that is deemed sensitive in nature, discriminatory or inappropriate. Employees are required to obtain prior written authorization from management before posting a message that uses the City's name or could reasonably be attributed to the City.
- Employees are required to maintain the confidentiality of the City's intellectual property and private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications.
- The Communications Coordinator maintains the City's social networking presence for City development, news, emergency notifications, events, or other City-related purposes. All official contacts or postings to or from the City's social

media accounts will be initiated by the Communications Coordinator and/or management.

- Employees are asked to use good judgment when making and/or accepting “friend” requests to or from coworkers, or former employees. When doing so, recognize that many former employees have online connections with current employees and that information shared between former employees is likely to be seen by current employees as well. Employees in supervisor/subordinate relationships are particularly encouraged to use caution, due to the potential for both parties to feel awkward or pressured to accept the request for business purposes and thus potentially impacting the work and social relationship (as well as possibly raising conflict of interest, unequal treatment, discrimination, or similar concerns).
- Nothing in our policy is designed to interfere with, restrain, or prevent employee communications regarding wages, hours, or other terms and conditions of employment; employees have the right to engage in or refrain from such activities. It is our intent is to comply fully with section 7 of the National Labor Relations Act.

Interacting online with colleagues, residents of the City, and other community members is no different than interacting with these individuals or groups face-to-face. You are expected to maintain the respect, dignity, prudence, and professionalism expected of our employees. No employee shall knowingly conduct any activity that is not in the full spirit of honest and ethical behavior, nor shall any employee cause another employee or non-employee to act otherwise, either through inducement, suggestion, or coercion.

## **21.05 Personal Devices**

The City allows employees to use personally owned devices; such as smart phones, computers and tablets. Employees using personally owned devices for business purposes, or to access the City’s network resources are to follow all Internet, Social Media, and E-mail procedures.

The City will respect the privacy of your personal device and the IT department will only request access to the device to implement security controls, or to respond to legitimate discovery requests arising out of administrative, civil, violation of policy or criminal proceedings (applicable only if user downloads City email/attachments/documents to their personal device). This differs from the policy for City-provided equipment/services, where employees do not have the right, nor should they have the expectation, of privacy while using city equipment or services. While access to the personal device itself is restricted, City policy and rules of behavior regarding the use/access of City e-mail and other City system/service remains in effect. If there are questions related to compliance with the security requirements, the user may opt to use City-provided equipment.

Document Transfer involves connecting the personal device to the user's City computer via USB connections for file-sharing (document transfer) or backup purposes. It also includes backing up data/documents to external sources, such as cloud storage services.

Overall requirements for using personally owned devices to access City network services:

- User will not download or transfer sensitive business data to their personally owned devices. Sensitive business data is defined as documents or data whose loss, misuse, or unauthorized access can adversely affect the privacy or welfare of an individual (personally identifiable information), the outcome of a charge/complaint/case/project, proprietary information, or City's financial operations. This excludes City e-mail that is protected through the various security controls.
- User will password protect the device.
- User agrees to maintain the original device operating system and keep the device current with security patches and updates, as released by the manufacturer.
- User agrees that the device will not be shared with other individuals or family members, due to the business use of the device (potential access to City e-mail, etc.).
- User agrees to delete any sensitive business files that may be inadvertently downloaded and stored on the device through the process of viewing e-mail attachments.
- If the device is lost or stolen, the user will notify the IT Department within one hour, or as soon as practical after you notice the device is missing. The IT Department will lock the device, e-mail on the device will be deleted, and notify-link services will be deactivated.
- Users must comply with all City password policies, including use of strong passwords, password expiration, and password history.
- User will maintain anti-virus protection on the device.
- User will not download/transfer business data that is considered sensitive or confidential to the personal device, including any documents that contain personally identifiable information.
- User will not download/transfer sensitive business data/documents to any non-City approved device.

## **21.06 Software**

To prevent computer viruses from being transmitted through the City's E-mail/Internet system, there will be no unauthorized downloading of any unauthorized software. All software downloads must be registered to the City.

## **21.07 Copyright Issues**

Copyrighted materials belonging to the entities other than the City may not be transmitted, received or stored by employees on the City's E-mail/Internet system without prior authorization as required by law and the City (the department head). All employees obtaining access to other companies' or individuals' materials must respect all copyrights and may not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

## **21.08 Security**

The City may monitor usage patterns of employees for its E-mail/Internet communications. The reasons for such monitoring are many, including cost analysis/allocation and the management of the City's gateway to the Internet. All messages created, sent, or retrieved over the City's E-mail/Internet are property of the City and are considered public information. The City reserves the right to access and monitor all messages and files on the City's E-mail/Internet system. Employees may not assume electronic communications are private. The contents of E-mail and internet messages may be disclosed by the City without the permission of the employee. Employees, by using the City's E-mail/Internet system, expressly consent to the City's monitoring of messages.

## **21.09 Violations**

Any employee who violates this policy and abuses the privilege of City facilitated access to E-mail or the Internet will be subject to disciplinary action up to and including dismissal from employment with the City. If necessary, the City will also report illegal violations to appropriate legal officials. Any employee who discovers a violation of this policy shall notify his or her supervisor/department head, who shall in turn notify the City Manager. Any employee may notify the City Manager directly in the event it is the employee's supervisor/department head who has allegedly violated this policy.

## **21.10 User Agreement**

All employees shall read and become familiar with this Policy and as evidence thereof shall execute the following User Agreement on the next page. The refusal to execute the User Agreement will result in disciplinary action up to and including dismissal from employment with the City.

**CITY OF GREEN COVE SPRINGS**  
**INTERNET, SOCIAL MEDIA, E-MAIL, & PERSONALLY OWNED**  
**DEVICES USER AGREEMENT**

I have read and received a copy of the City of Green Cove Springs' Internet, Social Media, E-mail & Personally Owned Devices Policy, Section 21 of the Personnel Manual.

I understand that I am solely responsible for what I post online, and E-mail/Internet systems are to be used for conducting employment related City business. I agree not to access a file, transmit, or retrieve any stored information/communication other than where authorized, unless prior authorization has been granted by my Department Head. Also, I must obtain required written authorization from management before posting a message that uses the City's name or could reasonably be attributed to the City.

I am aware, if I elect to use my personal smart phone, computer, tablet, etc. for business purposes the City's Internet, Social Media, E-mail & Personally Owned Devices Policy is still in effect. The City will respect the privacy of your personal device and the IT Department will only request access to the device to install security protection software, or to respond to legitimate discovery requests arising out of administrative, civil, criminal proceedings, or violations of the policy.

I understand my communication on social networking services contain my own personal views, not the views of the City. I am expected to not make inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct. Posts of this nature will not be tolerated, and I may be subject to disciplinary action up to and including termination.

I understand I am to maintain the confidentiality of the City's intellectual property and private or confidential information. This includes internal reports, policies, procedures, or other internal business-related confidential communications. I understand that the City may monitor all matters on the City's E-mail/Internet systems at all times, with or without employee notice, and that such monitoring occurs during and after working hours. I am aware that the use of the City's Email/Internet system by me, and acknowledgement of this Policy, operates as express consent to the monitoring of all messages transmitted, created, and reviewed by me on the City's E-mail/Internet system. I am aware that I should ensure that information concerning the City stays secure and only use the "Reply All" feature if I recognize everyone in the email group list. I am aware that use of a City's provided password or code does not restrict the City's monitoring and accessing of electronic communications.

I understand I am to use good judgement when making and/or accepting "friend" requests to or from coworkers. Employees in supervisor/subordinate relationships are particularly encouraged to use caution, due to potential for both parties to feel awkward or pressured to accept the request for business purposes and thus potentially impacting the work and social relationship (as well as possibly raising conflict of interest, unequal treatment, discrimination, or similar concerns).

I am aware that violations of this City Policy on Internet, Social Media, E-mail and Personal Devices will subject me to disciplinary action, up to and including discharge from employment.

I understand that this policy can be amended at any time and by signing below I acknowledge that I have received, read and understand the Internet, Social Media, E-mail & Personally Owned Devices Policy.

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Employee Signature

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HR Signature

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Employee Printed Name

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Date