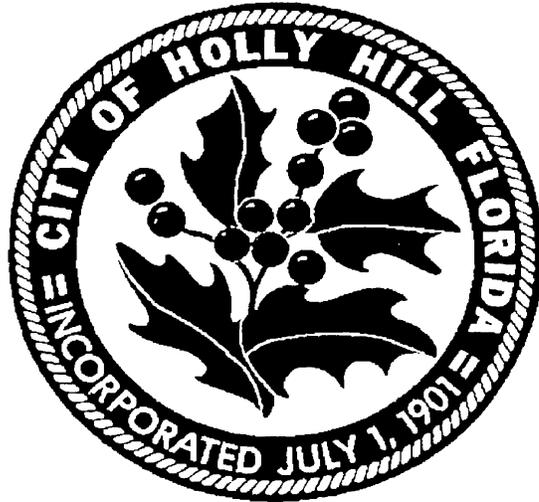


# CITY OF HOLLY HILL



## PERSONNEL

# RULES AND REGULATIONS

**AUGUST, 2007**

# PERSONNEL RULES AND REGULATIONS

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# **CITY OF HOLLY HILL PERSONNEL RULES AND REGULATIONS**

## **SECTION 1      INTRODUCTORY STATEMENT**

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### **1.1      INTRODUCTORY STATEMENT**

The City of Holly Hill is an equal opportunity employer and it is the policy of the City not to discriminate against any person in recruitment, examination, appointment, training, promotion, retention, or personnel action solely on the basis of race, color, national origin, sex, disability, religious creed, age, political activity, religious opinions or affiliation.

The employment of persons by the City shall be made in accordance with the Personnel Rules & Regulations of Holly Hill.

### **1.2      GENERAL STATEMENT**

Except for those employees whose rights are addressed by collective bargaining agreements, any person covered by the competitive or noncompetitive service shall be entitled, after exhausting other channels of appeal defined in the implementing ordinances, to request a review by the civil service board of any action taken by the administration of the city government pertaining to his/her employment or employment rights established under the rules and regulations of the civil service system.

### **1.3      AMERICANS WITH DISABILITIES**

It is the policy of the City to encourage disabled employees and applicants to come forward if reasonable accommodation is necessary to perform the job. The City strives to identify and eliminate barriers to performance.

### **1.4      COVERED EMPLOYEES**

All non-bargaining unit employees, unless specifically negotiated.

### **1.5      EMPLOYEE RESPONSIBILITY FOR PERSONNEL POLICIES**

All employees are responsible for becoming aware of and familiar with the policies and procedures that govern their employment with the City.

All employees are expected to report immediately to their supervisor any and all suspected violations of these policies or of any City regulation. Failure to do so may subject the employee to disciplinary action.

## **1.6 DRESS CODE AND PERSONAL APPEARANCE**

Neat and clean personal grooming and hygiene is a requirement of all employees. If proper grooming and hygiene is not maintained, disciplinary action may be taken.

It is the policy of the City that an employee's dress and grooming should be appropriate to public employment.

1. Office employees represent the City in their appearance as well as by their actions. Employees are expected to dress in a manner that is normally acceptable in business establishments. The personal appearance of City employees who work in office settings is to be governed by the following standards:

### **FEMALE EMPLOYEES**

#### **ACCEPTABLE DRESS**

- Skirts and blouses
- Suits
- Dress Slacks
- Classic leather or suede apparel
- Dress Shoes with moderate heels, dress sandals and flat shoes
- Boots
- Stockings are optional
- Socks, if appropriate, to apparel worn

#### **UNACCEPTABLE DRESS**

- Bare midriffs
- T-shirts
- Strapless or spaghetti strap shirts
- See through fabrics
- Plunging necklines that reveal cleavage
- Clothing with controversial writing or pictures on it
- Hemlines higher than mid-thigh
- Tight pants or leggings
- Jeans
- Shorts
- Sweatpants
- Sneakers, flip-flops

## **MALE EMPLOYEES**

### **ACCEPTABLE DRESS**

Suits, sport jackets, dress slacks  
Jackets and ties are optional  
Classic leather or suede apparel  
Oxfords, loafers or dockside-type shoes  
Classic leather boots  
Boots worn inside the pant legs

### **UNACCEPTABLE DRESS**

Sleeveless shirts or tank tops  
Tee shirts without outer clothing  
Shirts unbuttoned below the top 2-3 buttons  
Tight pants, cropped pants, leggings or shorts  
Jeans  
See through fabrics  
Sneakers, sandals, flip-flops

2. Hair should be clean, combed and neatly trimmed. Moustaches and beards should be neatly trimmed.
3. Pierced earrings are the only acceptable exposed form of body piercing.
4. Employees who are required to wear uniforms or other articles of clothing and safety shoes are required to wear those items of clothing each day to work. Shirts must be tucked in the uniform pants.

The dress and grooming of City employees working in the field is to be governed by the requirements of safety and comfort. Failure to wear required safety equipment shall be grounds for disciplinary action.

5. If an employee reports for work improperly dressed or groomed, the supervisor should instruct the employee to return home to change clothes or may take other appropriate disciplinary action. The employee will not be compensated during such time away from work.

### **Business Casual Day**

Every Friday has been designated as Casual Day for non-uniformed employees. On Fridays, the following attire may be worn: - Jean pants (any color, any style – with the exception of form fitting), however, faded or acid washed jeans are not permitted. – Polo style shirts with the City of Holly Hill logo or a similar appropriate golf, polo style shirt may be worn.

## **1.7 INTERNET USAGE**

### **POLICY**

Certain employees will be granted authorized access to the “Internet” to perform research and obtain information related to assigned job functions. All other employees shall not use the “Internet” without first obtaining permission from their Department Head.

### **PROCEDURE**

The use of the “Internet” applications on City computer systems is limited to the retrieval or viewing of appropriate information. The retrieval or viewing of inappropriate information includes, but is not limited to, material with sexual content or nudity, and material that might be offensive based on race, religion, age, gender, national origin, handicap, marital status, or sexual orientation.

City employees may not use the “Internet” to download computer applications to be run on City-owned computers or any City computer network. A City employee desiring software to be downloaded will forward the request to the IT Manager for approval and proper screening for computer viruses. If approved, the IT Manager will perform the download and make the file or program available to the requesting party. The downloading of Copyrighted material is illegal.

A City employee shall not subscribe to E-Mail mailing groups that do not directly relate to job functions.

Employees that have personal “Internet” home pages shall not use photographs or other material depicting City uniforms, logos, vehicles, etc. Personal home pages shall be clearly identifiable as personal home pages, and shall not contain any images or language representative of City endorsed material.

Internet usage will be logged by the server and the log files will be reviewed on a regular basis to determine usage and material viewed.

## **1.8 ELECTRONIC MAIL (E-MAIL)**

### **POLICY**

Certain employees with authorized access to e-mail may send and receive e-mail. Authorized e-mail sent and received from individual personal computers must follow the same record retention as City servers and mainframe computers. If the personal computer user does not have storage space to follow the required archive procedures, hard copy must be retained according to the law that applies to the records. Certain personnel records, police records and fire records have special requirements. If the records do not have special requirements, they must be archived as follows:

“The Public Records Act, codified as Chapter 119 of the Florida Statutes, mandates the retention of and public access to records. Chapter 257 establishes the State’s records management and archives program under the direction of the Division of Library and Information Services in the Department of State. The State has determined that machine-readable records must meet the same retention and access requirements as paper records. Many e-mail messages are administrative Support Records, as defined in the State General Records Schedule for Local Government Agencies. The minimum retention period for such records is “three fiscal years provided that the applicable audits have been released.”

**PROCEDURE:**

Sending e-mail messages is a very powerful tool, and shall be governed by certain guidelines pertaining to purpose, brevity and content. All e-mail messages sent or received via City of Holly Hill computer/system/networks are open to examination by City officials, their authorized representatives and the public (as required by State Statutes). No promise of privacy, direct or implied exists.

Communications of a personal nature, such as items for sale or lost or found, may be sent; however, no work/office telephone number(s) shall be included in the message. All contact shall be directed to a home telephone number.

Pursuant to the City’s Personnel Rules and Regulations, all employees have the right to work in an environment free of any harassment. No e-mail messages are to be sent that include any form of reference that may be considered harassment based on race, religion, age, sex, national origin, handicap or marital status.

The City’s e-mail system will also include an automatic feature to archive all messages to an archive account and moved to storage media and stored for three (3) years.

As noted above, the Public Records Act mandates public access to City records. All public records requests for copies of e-mail messages must be directed to the City Clerk’s office. The City Clerk shall be responsible for coordinating the fulfillment of the request and for sanitizing the e-mails to remove any statutorily protected information. Private e-mails are not considered City records and are discouraged by the City.

## **1.9 CELLULAR TELEPHONES**

Excessive personal calls during the work day, regardless of the phone use, can interfere with employee productivity and be distracting to others. During working hours, personal cellular telephones are to be turned off, if they are in your possession at work.

### **Intent:**

Cellular telephones provide the employees with the ability to perform the functions of their duties in a much more efficient manner. Therefore, management requires certain employees, positions or shifts to be equipped with cellular phones.

### **Use of Cellular Phones:**

Cellular phones are issued for the purpose of conducting City business in an efficient manner, whenever practical employees should use alternative means of communication that would otherwise save the resources of the cellular phone service contracts. Prudent use of the City's resources is an integral part of our duties as employees.

Any misuse or negligent acts to City owned property may result in disciplinary action up to and including discharge.

### **Procurement and Issuance:**

The procurement of cellular phones, accessories and services shall be the direct responsibility of the department director. Every effort should be made to pool the resources and needs of all departments when procurement of cellular phones, services and plans are being considered.

Department directors will approve the cellular phone maximum monthly minutes required for each individual phone or employee. All employees will be monitored.

Employees whose job responsibilities include regular or occasional driving and who are issued a cellular phone for business use are expected to refrain from using their phone while driving. Regardless of the circumstances, excluding slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option; employees are expected to keep the call short and use hands-free options if available. Special care should be taken in situations where there is traffic, inclement weather or the employee is driving in an unfamiliar area.

Cellular transmissions may not be secure, and employees should use discretion when relaying confidential information.

Revised 8/07

## **1.10 SOCIAL SECURITY COLLECTION POLICY**

Effective October 1, 2007, the Florida Legislature adopted new requirements relating to the collection and dissemination of Social Security numbers by all agencies in Florida. As an “agency” as defined under Chapter 119, Florida Statutes, the City of Holly Hill adopts this policy.

In Section 119.071(5), Florida Statutes, the Legislature acknowledges that the Social Security number was never intended to be used for business purposes but was intended to be used solely for administration of the federal Social Security system. Social Security numbers are now used extensively for identity verification purposes and other related purposes. Recognizing that Social Security numbers can be used as a tool to perpetuate fraud, the Legislature adopted the following new requirements:

- An agency may not collect an individual’s Social Security number unless the agency has stated in writing the purpose for its collection.
- Social Security numbers collected by an agency may not be used by the agency for any purpose other than the purpose provided in the written statement;
- An agency collecting an individual’s Social Security number is in compliance with Section 119.071(5), Florida Statutes; and
- Each agency shall certify to the President of the Senate and the Speaker of the House of Representatives its compliance with these requirements no later than January 31, 2008.

#### 1. Written Statements on the Collection of Social Security Numbers

The City of Holly Hill collects social security numbers for the following purposes: income reporting, payroll verification, group benefit and pension processing, employee background checks, drug screen test identification and employment related medical examinations, classification of accounts; identification and verification; credit worthiness; billing and payments; data collection; reconciliation and tracking.

#### 2. Public Records Request of Social Security Number by Commercial Entities

Section 119.071(5), Florida Statutes, provides a process whereby a “commercial entity” engaged in performance of a “commercial activity” may access Social Security numbers through a public records request under specified conditions. The statutes provides definitions of “commercial entity” and “commercial activity” and provides a list of requirements the commercial entity must meet in order to access Social Security numbers. A commercial entity must submit a written request for the Social Security numbers and:

- Verify the written request under penalties of perjury as provided in Section 92.525, Florida Statutes;
- The written request must be legibly signed by an authorized officer, employee, or agent of the commercial entity;
- The written request must contain the commercial entity’s name, business mailing and location addresses, and business telephone number; and

- The written request must contain a statement of the specific purpose for which the commercial entity needs the Social Security numbers and how the Social Security numbers will be used in the performance of a commercial activity.

An agency may request any other information reasonable necessary to verify the identity of a commercial entity requesting the Social Security numbers and the specific purposes for which the numbers will be used. Any person who makes a false representation in order to obtain a Social Security number commits a third degree felony. Any public officer who violates these provisions on providing Social Security numbers to commercial entities commits a non-criminal infraction, punishable by a fine not exceeding \$500 per violation.

Every agency must file a report with the Executive Office of the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1 of each year. This report must identify all commercial entities that have requested Social Security numbers. If no disclosure requests were made, the agency shall so indicate on the report.

Effective 2/12/08

## SECTION 2

## PERSONNEL OFFICER

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### 2.1 PERSONNEL OFFICER

It shall be the responsibility of the City Manager, or the City Manager's designee, to direct the administration of the personnel policies set by City Commission through ordinances, to maintain the personnel file of all employees, and together with the Civil Service Board, insure compliance with applicable federal and state personnel laws.

To assist the City Manager in this responsibility, the City Commission will appoint a Personnel Officer. The duties of the Personnel Officer shall be:

- Provide liaison between the Civil Service Board and the City Commission in personnel matters.
- Perform such other related duties as may be required by the City Commission or Civil Service Board.

## **SECTION 3    JOB CLASSIFICATIONS/DESCRIPTIONS**

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### **3.1    GENERAL STATEMENT**

Job classifications and job descriptions are established and maintained by the Human Resources Department with the approval of the City Manager.

Written job descriptions are developed, maintained and continually reviewed for all City positions. They are utilized as the basis for establishing the minimum recruitment qualifications for attracting candidates for employment. These include, but are not limited to, a description of the position function, characteristics of work performed, examples of work and minimum qualifications. Specifications are designed to be descriptive and explanatory of the types of work generally performed, but are not necessarily inclusive of all duties that may be assigned from time to time.

The City may change job descriptions from time to time to expand, reduce or clarify the job dimensions and/or responsibilities of any classification. The City will attempt to provide employees with as much advance notice of any change as practicable.

Each City department maintains a copy of current job descriptions for authorized job classifications assigned to that department.

All job descriptions are intended to be only generally descriptive of a classification's qualifications and duties, and not exhaustive statements of such qualifications and duties. The City reserves the right to assign, change, or delete specific job duties, or add, amend or delete specific qualifications. The City may also from time to time assign employees additional duties without the necessity of formally amending the job description.

### **3.2    CLASSIFIED SERVICE**

#### **Original Employment**

Initial employment status in City service as either a full time or part time employee falls into one of the following categories:

Regular positions are those, which are permanently budgeted and authorized with approved durations of six (6) months or longer. Persons employed to fill these positions on a full time or part time basis shall be deemed permanent employees after satisfactory completion of a probationary period. An employee filling a permanent position is not guaranteed continued employment.

### **Temporary Employment**

A temporary position is one that is not permanently budgeted and cannot exceed six (6) months in duration. A seasonal or intermittent temporary position may be authorized with the approval of the City Manager. A temporary employee may be hired to fill a regularly budgeted position when the employee normally assigned to the regular position is on an approved leave of absence.

### **Continuous Service**

Authorized leaves of absence, as provided by personnel policy, are not considered a break in continuous service, but do cause the employee to have that time deducted from the Adjusted Date of Employment.

All other separations are considered a break in continuous service and are effective at the end of the employee's regular shift or scheduled workday on the last day of work.

## **3.3 NEW EMPLOYMENT**

Newly hired employees entering the City work force are generally paid the minimum rate of the pay grade assigned to the job classification.

A newly hired employee may be hired above minimum salary for the job classification upon review by the Human Resources Director and approval by the City Manager.

## **3.4 PROBATIONARY PERIOD**

All original and promotional appointments which shall also include voluntary transfers and involuntary transfers shall be on probation for a period of six months.

If the employee's service is unsatisfactory during the probationary period, the employee may be removed at anytime during or at the end of the probationary period by the Department Head and City Manager.

Probationary employees do not have access to the grievance policy.

## **3.5 ANNUAL PERFORMANCE EVALUATION**

The Human Resources Director shall establish and administer a program to evaluate the quality of each classified employee's work performance and work behavior. Written employee evaluations must be done on an annual basis on the employee's anniversary date.

A supervisor evaluates the work performance of each permanent full time and permanent part time employee who has completed an initial probationary period, then six (6) months following the end to the employee's probationary period and each year thereafter.

Employee performance evaluations shall be used for, but not limited to, the following purposes:

- Documenting the supervisor's perception of the quality of each employee's work performance and work behavior.
- Advising the employee of strengths and weaknesses of his/her performance and work behavior.
- Providing the employee with the supervisor's recommendations and expectations for improvement.
- Aiding supervisors in improving the effectiveness and efficiency of their operations.
- Documenting the basis for employee promotion, counseling, demotion, or disciplinary action. However, the performance evaluation should not be used as the only reason for disciplinary action.
- Aiding in determining an employee's eligibility for any merit increase if applicable.

While supervisors will strive to make evaluations complete, evaluations are not intended to, and will not to be considered to, forgive substandard job performances or misconduct which is not specifically detailed in the evaluation, but which has been the subject of previous disciplinary reports, other documentation, or oral counseling.

If an employee receives an unsatisfactory rating in any category, the employee's unsatisfactory performance area must be re-evaluated again in three (3) months. A letter or memorandum must be written by the supervisor (or rater) to document the improvement or lack of improvement in the rated area and submitted to the Human Resources Department. A lack of improvement in the unsatisfactory area of performance could result in disciplinary action.

### **Annual**

A supervisor evaluates the work performance of each permanent, full-time and permanent part-time employee who has completed an initial probationary period, then six (6) months following the end of the employee's probationary period and each year thereafter.

## **SECTION 4                      RECRUITMENT & SELECTION PROCESS**

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### **4.1      JOB VACANCIES**

In accordance with the Annual Budget and as position vacancies occur, requests to announce and fill job vacancies are initiated by the Department Head and submitted to the Human Resources Director.

Job vacancy announcements specify the job title, salary range, minimum qualifications, and any special requirements of the position.

All job vacancies shall be posted for a period of seven (7) working days. During this period, any full time, permanent employee or part time, permanent employee may apply, as well as any outside applicant and probationary employees

Vacancies can be re-advertised or extended to seven (7) days periods if there are no qualified applicants who applied during the initial recruitment period.

Difficult to recruit for positions will be open until filled and will not need to comply with the seven day posting notice.

If a position is encumbered for three (3) months or less, the position does not need to be re-advertised. The position can be filled from the previous applicant pool.

The Department Head may give first consideration to individuals currently employed with the City of Holly Hill. This does not preclude selection of external applicants for any job vacancy. If qualified, the Human Resources Director will notify employees on the retention list. The laid off employee will have five (5) days from the receipt of the letter, to apply for the vacancy.

The Human Resources Department is responsible for advertisements in various publications and web sites to attract a qualified and diverse pool of applicants for vacant positions.

A job vacancy announcement may be postponed or cancelled as requested by the Department Head or City Manager. In this event, applicants will be notified.

The Human Resources Director is responsible for the implementation and scoring of any employment examination. Further, the Human Resources Director is responsible for the initial screening of all applicants/employees and may reject an applicant/employee if:

- minimum qualifications are not met
- the application was not received by the closing date

## **4.2 VETERANS PREFERENCE**

Per Chapter 55A-7 of the Florida Statutes, it is the policy of the State of Florida to give preference to eligible veterans and spouses of veterans in appointment and retention, reinstatement and promotion in positions of public employment. As a political subdivision, the City of Holly Hill applies this policy in employment.

## **4.3 MEDICAL EXAMINATIONS**

### **Pre-employment**

The City requires pre-employment medical examinations for all prospective employees.

- All medical examinations include a urinalysis for detection of controlled substances.
- Position requirements may necessitate that medical examinations include an EKG (electrocardiogram), back and chest x-rays, hepatitis and/or other diagnostic, psychological, or medical tests.
- If an employee terminates and is reinstated within a three (3) month time frame, a physical examination will not be required, but the applicant will be subject to a drug screen.

### **Confidentiality**

Medical examination results are confidential and are not part of an employee's personnel file.

### **Re-examinations**

The Department Head and Human Resources Director may request periodic medical and/or psychological re-examination of employees during employment in certain positions. Re-examinations are provided to determine an employee's physical and psychological fitness to adequately and safely perform assigned duties and responsibilities. Refusal to submit to such examinations is grounds for termination. The City reserves the right to specify the physician(s) to whom the employee will be referred.

### **Costs**

The City of Holly Hill will absorb expenses incurred as a result of any re-examinations.

#### **4.4 REFERENCE CHECKS**

The Human Resources Department is solely responsible for responding to inquiries concerning current and former employees. The Human Resources Department will only provide information about current or former employees, which can be disclosed in accordance with Florida Law.

Each department which receives a request for an employment reference or recommendation concerning a former or current employee shall forward the request to the Human Resources Department for response. The Human Resources Department, will not comment upon its perception of the current or former employee but will only verify dates of employment, rates of pay and positions held.

The hiring department may elicit reference check information concerning prospective employees provided it is accomplished objectively.

#### **4.5 NEPOTISM**

It is the policy of the City of Holly Hill that no employee shall be hired to work under the direct supervision of a relative as defined below except in accordance with the terms of this subsection.

If two employees change their family relationship by marriage, adoption, or other means so as to come in conflict with these prohibitions, one of them shall be transferred to a different department if possible, voluntarily reduced in range to a sufficient level such that neither party is in a direct supervisory role, or separated from the City service.

The relative of an official or an employee shall be defined as the following relationship: parent, child, sibling, spouse, uncle, aunt, first cousin, nephew, niece, parent-in-law, child-in-law, sibling-in-law, step parent, step sibling, or half-sibling. If related employees are eligible for promotion, advancement, or a raise in pay or status, other than cost of living increases, the Human Resources Director shall make an evaluation of the proposed change and report to the City Manager for a determination before any change takes place.

The policies of this section shall be guided by the provisions of Florida Statute 112.3135. Such provisions preclude the appointment, promotion, or advancement, of a City employee in or to a position in the City by an elected official.

Whenever a transfer is required by the operation of this part, the City will, in its sole discretion, determine which employee will be transferred according to the needs and best interest of the City.

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## **SECTION 5    TERMINATION OF EMPLOYMENT**

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### **5.1    RESIGNATION WITH NOTICE**

A resignation with notice is defined as a written notice by the employee provided to the supervisor which includes the reason for resignation at least two weeks prior to the departure date. It is preferred that department heads and division heads provide at least a four week written notice prior to departure date.

### **5.2    RESIGNATION WITHOUT NOTICE**

A resignation without notice is defined as any notice by the employee written or orally provided to the supervisor that is less than two weeks from the employee's departure date.

### **5.3    RETIREMENT**

A notice of retirement is defined as the employee's eligibility to retire under the qualifications of an early, normal retirement or disability retirement under the guidelines of the pension plan. A written notice must be provided to the supervisor at least two weeks prior to retiring.

### **5.4    DISCHARGE**

A discharge is the employer's action to terminate the employment of an employee due to a violation of a city policy or unsatisfactory performance.

- a). Fail a Probationary Period: type of discharge resulting from unsatisfactorily completing the probationary period (length of probationary period as dictated by union contract).
- b). Abandonment of Position: type of discharge resulting from an employee's voluntary absence from the job without approved leave for two (2) consecutive working days, without intention to return is deemed to be an unwritten resignation.

### **5.5    TEMPORARY POSITION ENDED**

A temporary position is ended by the employer when the position is no longer needed and is usually established for a specific time frame.

### **5.6    LAY OFF**

The City Manager shall have the authority to lay off any employee(s) because of lack of funds, lack of work, or when there are insufficient funds or appropriations to meet salary requirements necessary to maintain existing personnel in any department. A reduction in

the number of employees in a job classification shall be made by recommendation of the City Manager with the concurrence of the City Commission.

The City Manager/designee shall give written notice to any employee being separated at least two weeks prior to the effective date contained in the notice. This notice shall be final and not subject to appeal.

## **5.7 RECALL**

Names of employees laid off by the City will be maintained on a recall register for a period of eighteen (18) months. During this period, should an appropriate job become available, one in which the laid off employee has adequate job related skills; the former employee will be notified.

Following the notice, the employee would subsequently be treated like any new applicant applying for City employment. The employee on recall who is notified of a position opening will compete with other applicants for the position.

Should a laid off employee refuse one (1) job opportunity offered by the City, his/her name shall be removed from the recall register.

## **5.8 DECEASED**

The termination of employment due to the death of an employee.

Revised 8/07

## SECTION 6

## COMPENSATION

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### 6.1 PAY INCREASES

Employees can receive a salary increase by means of across-the-board increase, cost of living, promotion, step increase, reclassification, pay range adjustments or salary adjustments based on market data.

### 6.2 PROMOTIONS

A promotion occurs when an employee is moved from a position in one class to another position in a different class that has a higher maximum salary.

The promoted employee may receive a salary increase to at least the minimum rate of the new pay range or five percent (5%) whichever is greater (or as dictated by union contract). An amount higher than minimum can be considered by the City Manager if the individual's experience, skills or qualifications merit a higher than minimum rate adjustment.

### 6.3 DEMOTIONS

If an employee is demoted to a lesser classification, the demotion shall include a reduction in pay. There are two types of demotions.

- Voluntary Demotions - at the employee's request to a position, which involves a reduction in classification level.

Voluntary demotions shall include a salary adjustment to the new pay range and may not exceed the maximum of that range. The percentage of adjustment shall equal the difference between the job classifications.

- Involuntary Demotions - initiated by the City.

Involuntary demotions may include a salary adjustment to the new pay range or a reduction of 15% of gross wages whichever is the lessor amount (or as dictated by union contract). If the lessor amount is in excess of the new salary range, no additional adjustments will be made while the employee is outside of the pay range.

However, an employee shall not receive more than a 15% reduction in pay for involuntary demotions during a 5 (five) year period regardless of the number of involuntary demotions. This does not include reductions in pay for voluntary demotions and demotions for just cause.

If an employee applies for a new position because his or her current position is being eliminated, such a transfer shall be deemed an involuntary transfer.

Demotions for Just Cause - Employees may be demoted for disciplinary reasons or when performance evaluations reflect below satisfactory ratings. The pay of the employee will be adjusted to the new range the employee is demoted into.

Demotions for just cause shall be in accordance with the City's rules and regulations and in accordance with Union contracts.

#### **6.4 TRANSFERS**

Employees transferred to a position in the same classification or to a different position with the same pay grade should not be eligible for an increase.

Employees transferred to another position in a lower classification or grade shall be handled in accordance with the rule established for Demotions.

#### **6.5 RECLASSIFICATION/ORGANIZATIONAL CHANGES**

When a position is reclassified to a higher class, adjustments to salary should be handled in the same manner as a Promotion.

When a reclassification results in assignment to a lower class, adjustment should be made in accordance with the rules for Demotion.

#### **6.6 TRAINEE CATEGORY**

If an applicant for a position does not meet the minimum qualifications, but is otherwise qualified for the position, the Department Head may request the appointment as a 'TRAINEE'. In such cases, the employee could be hired at a rate of five to ten percent (5%-10%) below the minimum salary, until the minimum qualifications have been satisfied.

This category is used to train people on-the-job who have the potential to do the work, but lack some of the skills or experience needed. The normal time a person remains in a trainee category would be a minimum of six (6) months and a maximum of two (2) years or may be extended at the discretion of the City Manager. This time period would depend upon the skills or experience needed in individual cases.

## **6.7 OVERTIME WORK**

The employment and work programs of each department should be scheduled to reduce or eliminate overtime work.

It is anticipated employees may be required to work when necessary to complete assignments or meet deadlines.

Job classifications are designed by the City as either exempt or non-exempt for overtime pay purposes in accordance with the Fair Labor Standards Act.

Unscheduled personal leave, sick leave, extended sick leave, bereavement, jury duty and leaves of absence are not considered as time worked to accumulate total weekly hours required to be eligible for premium overtime pay.

No overtime will be worked unless authorized in advance by an appropriate supervisor, unless required by the circumstances of a City emergency.

## **6.8 COMPENSATORY TIME**

At the discretion of the Department Head, non-exempt employees (employees eligible for overtime) will be eligible to accumulate Compensatory Time in lieu of paid overtime up to a maximum of 24 hours or as dictated by union contract agreements. Compensatory time will be earned at one and one-half hours per each hour of overtime worked.

The accumulation of Compensatory Time will be monitored. If a Compensatory Time Earned form is received with the time sheet and takes the balance of accumulated Compensatory Time over the dictated limit of hours, all of that time on the card will be paid at the overtime rate.

## **6.9 ACTING PAY**

### **Purpose Statement**

The City recognizes its responsibility to reasonably compensate employees. Acting pay status may be granted to employees temporarily assuming the full responsibilities of a higher pay grade.

### **Classified Service Employees**

Acting pay status may occur for permanent full time employees, at the request of the Department Head, when an employee has fully assumed the duties of an absent employee in a higher pay grade. When it is anticipated a classified position will be vacated for a period extending more than five (5) calendar days, or as dictated by union contract agreements, the Department Head, with City Manager approval, may grant the employee, temporarily assuming the full duties of the higher pay grade, a five percent (5%) salary increase.

### **Reinstatement to Previous Position**

Upon reinstatement to the employee's previous job classification, the employee will receive the hourly rate of pay earned prior to the time acting pay status was granted, in addition to any salary increase/wage adjustment that may be applicable.

## **6.10 HOLIDAYS**

### **Holiday Pay**

All full time employees on the active payroll by the date of the holiday are eligible for holiday pay at their regular rate of pay.

An employee must be in a paid status the day before a holiday and the day after the holiday in order to be compensated for the holiday.

Employees receiving occupational injury or occupational illness pay through Workers' Compensation are eligible for the amount of holiday pay that will supplement the Workers' Compensation benefit so the amount payable is as if the employees were present for a normal workweek.

When a holiday is observed on a scheduled workday, an eligible employee may be paid up to the number of hours of work usually scheduled for that day.

Permanent part-time employees, who work a minimum of twenty (20) hours per week will be paid four (4) hours as holiday pay. Employees must work at least 1040 hours per fiscal year to qualify for this benefit. Seasonal and employees who work random hours are excluded.

**Overtime/Holidays**

When an employee does not work on a holiday but receives holiday pay, these hours are considered as time worked to determine if an employee has satisfied the minimum hours per week required to be eligible for premium overtime pay.

When an employee works on a holiday, the employee is paid one and one-half (1 ½) times regular rate of pay for actual hours worked on a holiday plus holiday pay at the regular rate of pay for up to the number of hours usually scheduled. Hours paid as holiday pay are counted toward the minimum hours per week required to be eligible for premium overtime pay.

**Work During Holidays**

Each eligible employee is entitled to enjoy a certain number of officially designated holidays while employed by the City. However, if the work requirements of the Department are such that an employee is required to work on any official holiday employee receives holiday pay for the hours actually worked at a rate of one and one-half (1 ½) times the employee's regular hourly rate. Shift Employees/Fire shall be compensated at the rate of time and one-half for the twelve (12) hour holiday period allowed.

**Holiday Falling on Weekend**

When a holiday falls on Saturday, the preceding Friday is observed as a holiday.

When a holiday falls on Sunday, the following Monday is observed as a holiday.

**Holidays During Paid Leaves**

Employees on vacation or sick leave during periods when officially designated holidays occur do not have the day of the holiday charged against accrued leave and will receive holiday pay.

**6.11 MINIMUM CALL BACK PAY**

Minimum call back pay is provided to compensate off duty employees who are not on assigned standby duty and who are assigned to report to work on an unscheduled basis.

An employee eligible for call back is paid for the actual hours worked or a minimum guarantee of three (3) hours straight time pay, whichever is greater.

Employees are eligible for call back pay as follows:

- Any non exempt employee who is off duty and required to report to work on an unscheduled basis is eligible for call back pay, providing the reporting time is more than three (3) hours before the start of the employee's next regular shift.
- When an employee is on duty and directed or assigned to continue or remain at work, the extra work time is considered as scheduled work. The employee is not eligible for the minimum call back pay.

## **6.12 WORK BREAK**

Each Department Head may allow employees one work break during the first half of their work shift and one work break during the second half of their work shift, provided that:

- No single work break exceeds fifteen (15) minutes absence from the employee's assigned work duties.
- Employee shall not accumulate unused work breaks, and work breaks cannot be used to cover an employee's late arrival or early departure from duty.
- Work breaks may be cancelled whenever the needs of the City dictate such action. Breaks may not be combined with a lunch hour or any other break, nor used to provide a later reporting time or earlier quitting time.

## **6.13 EFFECTIVE DATE**

The effective date of any pay increase shall be as approved by the City Manager.

The City Manager or designee must administer these rules and regulations with the budgetary constraints established each fiscal year. The payment of salaries and granting of salary increases are always subject to the availability of adequate funding.

## **6.14 COMPENSATION PROCEDURE FOR EMERGENCY SUSPENSION OF CITY OPERATIONS**

In the event of extreme weather or other emergency conditions that pose a hazard to the safety of City employees or the public or which make normal operations impractical, the City Manager or his designee may suspend all or part of a normal work day.

In the event such determination is made the City Manager shall notify all Department Heads of the effective time of the suspension of operations; Department Heads shall notify all affected employees in their department. Such notification shall include the time of scheduled resumption of normal operations.

- Employees not required to perform in accordance with the City’s Emergency Management Plan, classified as non-essential, shall be dismissed from work and shall be compensated as a normal work day. In order not to lose compensation, the employee may elect to use any accumulated vacation leave, scheduled personal leave or compensatory time, for the hours that would normally have been worked. Leave may not be used to exceed the normal workweek, whereby overtime compensation would be required.
- All temporary and part-time employees not required to work, as part of the City’s Emergency Management Plan (non-essential employees) shall not be compensated until normal operations resume.
- Non-exempt employees, part-time and temporary employees, required to work as part of the City’s Emergency Management Plan, (classified as essential employees) shall be compensated in accordance with City policies for actual hours worked and in accordance with the Fair Labor Standards Act.
- Exempt employees required to work as part of the City’s Emergency Management Plan, or in which department operations are not suspended. Exempt employees (essential employees) who work in excess of 40 hours per week, at the direction of the City Manager shall be provided additional compensation when all of the following conditions are met:
  - 1) an emergency or disaster has been declared by an authorized local, state or federal authority;
  - 2) the employee is called in and/or required to work in excess of six (6) hours for non-department head exempt employees and in excess of twelve (12) hours for department head exempt employees:
    - (a) in addition to normally scheduled hours on any day, or
    - (b) on a normal day off during the pay period

The additional compensation of these hours shall be calculated back to the first hour and will be paid as follows;

- 1) Non-department head exempt employees shall be paid on an hourly basis at time and one-half (annual salary divided by 2080 hours of work in one year x 1.5)
- 2) Department head exempt employees shall be paid on an hourly basis at straight time (annual basis divided by 2080 hours of work in one year)

Nothing herein shall be deemed to reduce or alter the regular salary payment for exempt employees at times other than those specified above.

Once the City resumes normal operations, all employees are expected to report as normally required. Depending upon the effect the disaster has on an employee, the

Department Head may authorize the use of leave to allow the employee to take care of personal needs.

An employee who fails to report for duty when required will be subject to disciplinary action up to and including discharge.

## SECTION 7

## BENEFITS

### 7.1 VACATION LEAVE

- The Department Heads shall determine when vacation leave shall be granted in their Departments. The City Manager shall have authority to approve or disapprove leave for Department Heads; Employees will be given preference as to vacation time according to continuous length of service.
- Non-union employees of the Fire Department shall earn vacation leave based upon earned hours as specified below. For purposes of employment with the Fire Department, a day shall constitute 12 hours, and two 12-hour days shall constitute a 24-hour shift. All other employees covered by this article shall earn Vacation Leave according to the number of years of completed service to the City, in accordance with the following:

<u>Years of Service</u>	<u>Vacation Days Per Yr.</u>	<u>Vacation Hrs. Per Year Fire</u>
0 - 4	10	120
5 - 9	13	156
10 - 14	15	180
15 - 19	18	216
20 - 24	23	276
25 - 29	25	300
Over 29	27	324

- Regular full-time probation employees shall also earn vacation leave following this schedule, but such leave shall not be available for use until completion of the six (6) month probationary period.
- Vacation leave will be paid at the employee's current rate of pay. As vacation leave is for a period of recreation and rest, no employee shall be permitted to waive such leave for the purpose of receiving double pay or for the purpose of accumulating separation pay.

An employee must provide a 3-day advance notice to request the use of vacation leave of two (2) days or less and provide a minimum of a 5-day notice for requests of three (3) days or more.

- An employee may carry over one-half vacation leave to a succeeding year. No more than one-half of earned vacation leave may be carried over to a succeeding year without written approval from both the employee's Department Head and City Manager.

Vacation leave may be accumulated to a maximum of 90 working days.

- Any employee being separated from the service of the City shall be reimbursed for any unused vacation leave or time to his credit at the rate of pay in effect at the time of separation.
- Permanent, part-time employees who work a minimum of twenty (20) hours per week shall earn twenty (20) hours of personal leave year on their anniversary date. The personal leave hours will not accrue from one year to the next, and will be forfeited if not used within the anniversary year. Employees must work at least 1040 hours per fiscal year to qualify for this benefit. Seasonal and employees who work random hours are excluded.

## **7.2 SICK LEAVE**

- All regular full time employees shall be credited sick leave with pay at the equivalent rate of one day per month for each month of continuous service up to a maximum of 90 days. Sick leave benefits shall not accrue during any leave of absence.
- Non-union employees of the Fire Department shall be credited sick leave with pay at the equivalent rate of 12 hours per month for each month of continuous service up to a maximum of 1,080 hours. Sick leave benefits shall not accrue during any leave of absence.
- Sick leave shall not be considered a right or a privilege to be used at an employee's discretion, but rather, may be granted only for:
  - Incapacity due to illness, pregnancy, or injury.
  - Medical, dental, or optical examination or treatment.
  - Legal quarantine due to exposure to contagious diseases.
- Serious illness in the immediate family, defined for this purpose as consisting of the employee's spouse, children, step-children, parents, brothers, sisters, grandparents, or other dependent relative residing with the employee on a permanent basis.
- Claiming sick leave when not entitled shall be just cause for disciplinary action, including suspension, demotion, or dismissal. Employees using accrued sick leave shall be considered to be working for the purpose of accumulating additional sick leave.
- Sick leave is to be granted for the purposes as stated above, therefore, an employee shall not be entitled to use any accrued sick leave during their notice period prior to their date of termination, unless upon their return to work, an

employee provides a note, or receipt from a physician or health care facility to cover the time of absence. If sick leave is used for purposes that are not legitimate which constitutes an abuse of sick leave, the day the sick leave begins will be their effective date of termination.

- Upon separation of employment by resignation, retirement, or death, the employee or employee's estate shall be compensated for all unused accumulated sick leave in accordance with the following schedule at the rate of pay in effect at the time of separation:
  - Resignation after 15 years of continuous service: 50%
  - Upon retirement and/or death: 100%  
(Retirement is defined as the eligibility to retire under the qualifications of a normal retirement or disability retirement under the guidelines of the pension plan).
- If an employee has been absent for three or more consecutive workdays, or whenever abuse of sick leave is suspected on account of a suspicious pattern or quantity, or other similar circumstances, the employee's Department Head may require the employee to file a doctor's certificate confirming the employee's illness, or injury, and specifying whether or not the employee's condition is suitable to resume his or her employment duties. The City reserves the right to investigate the merit of any and all sick leave requests or claims prior to authorization of sick leave benefits. An employee who does not report for work due to any cause specified in this policy shall inform his or her Department Head/Designee regarding the absence in accordance with the department's policy.

Failure to notify a Department Head without just cause may be grounds to deny sick leave with pay for the respective period of absence.

### **7.3 HOLIDAYS**

All permanent full time employees are entitled to nine (9) paid holidays each year (unless dictated by union contract). These are:

- New Year's Day
- Good Friday
- Memorial Day
- Fourth of July
- Labor Day
- Thanksgiving
- Friday after Thanksgiving
- Christmas Day
- Floating Holiday - to be determined by City Commission/City Manager  
(usually around the Christmas holiday)

All permanent part-time employees (who work a minimum of twenty (20) hours per week) are entitled to nine (9) paid holidays each year (based on four hours). These are:

Good Friday  
Memorial Day  
Fourth of July  
Labor Day  
Thanksgiving  
Day after Thanksgiving  
Christmas Day  
Floating Holiday - to be determined by City Commission/City Manager usually around the Christmas holiday

#### **7.4 BIRTHDAY LEAVE**

An employee shall be awarded a birthday leave day. A birthday leave day will be granted to each non-union employee at the beginning of each fiscal year. The Birthday is an 8-hour day of leave to be taken from October 1 until September 30 of that fiscal year, or will be forfeited for that year. The Birthday cannot be used in increments and must be used as an 8-hour day and will not be counted toward the calculation of overtime or the provisions of overtime for holidays.

#### **7.5 SAFETY DAY LEAVE**

All eligible employees shall receive one (1) additional day of annual leave (to be termed a Safety Day), provided the employee has experienced no lost time in the previous calendar year as a result of any job related accident. No lost time is constituted as one 8-hour day or greater as a result of the job related injury for this purpose.

The Safety Day must be taken within the calendar year after it is earned and cannot be carried over (requires pre-approval by employee's Supervisor or Department Head).

Eligibility will be based upon the employee's previous 12 months of service.

#### **7.6 BEREAVEMENT LEAVE**

Bereavement Leave is available to employees as a special privilege under circumstances as established in this policy.

##### **GUIDELINES**

When a death occurs in the immediate family of an employee, that employee shall receive five (5) days off without loss of pay or benefits, or as dictated by union contract agreements.

If the funeral occurs outside of the state of Florida, the City Manager or his designee shall have discretion to grant up to five (5) additional days off, without loss of pay or

benefits.

Bereavement Leave will not be charged against sick leave, vacation, holiday, overtime or accumulated compensatory time. A copy of the obituary may be required.

Immediate family as cited above shall be defined as father, mother, spouse, children, brother, sister, grandparents, grandchildren, step-parents, step-children, or members of the family domiciled in the household to include foster relatives, or any relative who has been declared to be under a court appointed guardianship of the employee or the employee's spouse.

The employee shall be granted bereavement leave of three (3) days (twenty-four (24) hours) off without loss of pay or benefits for the following family members: mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law and daughter-in-law.

## **7.7 RETIREMENT BONUS SCHEDULE**

City of Holly Hill employees, upon retirement, shall receive a bonus for their dedication to the City as follows:

Ten years (10)	Ten (10) days
Twenty years (20)	Fifteen (15) days
Twenty-five years (25)	Twenty (20) days
Thirty years (30)	Twenty five (25) days

Retirement is defined as the eligibility to retire under the qualifications of a normal retirement or disability retirement under the guidelines of the pension plan.

## **7.8 SICK LEAVE INCENTIVE PLAN (S.L.I.P.)**

Work related injuries or family medical leave shall not cause a deduction to be made from an employee's sick leave for purposes of implementation of the Sick Leave Incentive Program.

If an employee does not use the sick leave days allotted, he/she will be compensated based on the number of hours used in accordance with the following schedule:

<u>Sick Leave Hours Used</u>	<u>Number of Hours Paid</u>
------------------------------	-----------------------------

0	32
8	24
16	16
24	8
32	0

**Fire – Rotating Shift**

0	48
24	24

An employee must have been employed on October 1<sup>st</sup> of the previous fiscal year to be eligible to participate in this benefit. Employees must be in a “paid status” during the entire fiscal year in order to be eligible to participate in Sick Leave Incentive. (Fiscal year is from October 1 through September 30). The checks will be disbursed to the employee the first full pay period in October.

**7.9 CLOTHING ALLOWANCE**

The City of Holly Hill will pay an annual Clothing Allowance to non-uniformed employees. This allowance will be paid annually during the first quarter of each fiscal year.

**7.10 LEAVE OF ABSENCE WITH PAY - ADMINISTRATIVE**

**Court Appearance/Jury Duty**

A full time employee who is summoned to jury duty or subpoenaed to appear in court as a witness in relation to his/her position with the City shall be granted time off with pay for the time actually spent on jury duty or in the court appearance. The employee must:

- Notify his/her supervisor of the summons or subpoena immediately upon receipt and produce the summons or subpoena to his/her supervisor with an estimate of the duration of the absence; and

The City requires an employee who received paid time off for court appearance or jury duty to turn in any compensation which he/she received.

- Report to the supervisor immediately upon the conclusion or continuance of such jury duty or court appearance.

The City may reschedule the working hours and days of work of a part time employee who is summoned to jury duty or subpoenaed to appear in court as a witness in relation to his/her position with the City of Holly Hill. If it is not feasible or practical to reschedule the employee’s hours of work, the City shall grant the employee time off with pay for the time actually spent on jury duty or in the court appearance.

In order to receive time off with pay for jury duty or a court appearance, the employee

must abide by the provisions contained above.

If any employee is subpoenaed as a witness other than in the specific circumstances described above, the City will grant the employee leave without pay or accrued personal leave to the extent that the Department Head so approves.

### **Meetings**

An employee may be granted leave with pay to attend professional meetings or conferences, which may contribute to the effectiveness of the employee's work performance.

### **Examinations**

Employees may be granted leave with pay while taking examinations before a Federal, State or County agency, provided such examinations are pertinent to his/her City employment.

## **7.11 LEAVE OF ABSENCE WITHOUT PAY**

All leave without pay must be approved in advance. The employee must request leave without pay by submitting a leave request to his/her immediate supervisor who will indicate recommendation for approval or rejection and forward the leave request to the next level supervisor, etc., with the ultimate approval or rejection by the City Manager.

Employees must request leave without pay at the earliest possible date. Untimely requests may result in a delay of the starting date for the requested leave.

A permanent employee may request a leave of absence without pay for a period of time up to twelve (12) months. Failure of any employee to return to duty upon expiration of his/her leave of absence shall constitute the resignation of that employee. Holidays, sick leave, vacation leave and any other benefits based on time spent in the employ of the City shall not accrue (or be credited) during a leave of absence without pay. An employee may maintain his/her health insurance coverage by paying the total cost (employee and employer) of his/her group insurance premium.

Prior to granting a Leave of Absence Without Pay, a determination shall be made as to the length of time the employee's position will remain unfilled, or alternatively, how it will be filled on a temporary basis. If suitable arrangements can be made to hold the permanent position available for the employee for the period of time requested, the Leave of Absence can be granted. If the period of time is excessive due to departmental work loads, staffing requirements, etc., then the Leave of Absence may be denied.

### **Effective Date**

A leave of absence shall be effective the first date of absence and shall continue through the last date of absence.

### **Fringe Benefits**

An employee cannot accrue benefits while on leave without pay status. This would include, but not be limited to Personal, Vacation, Sick or Holiday Leave.

**Wage Increases:**

The time during which an employee is on leave without pay shall not count toward eligibility for wage increases. An employee shall not receive any wage increases while on leave without pay.

**Note:** These limitations do not apply to employees serving in the military or reserves during leaves of absence with or without pay.

The availability of group insurance coverage will be in accordance with policies issued by the Human Resources Department.

**7.12 MILITARY LEAVE**

In accordance with Florida Statutes 115.07, (1) All officers or employees of the state, and of the municipalities or political subdivisions of the state who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

(2) Leaves of absences granted as a matter of legal right under the provisions of this section shall not exceed 17 working days in any one annual period. Administrative leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and shall be granted by the employing or appointing authority of any state, county, municipal, or political subdivision employee and when so granted shall be without loss of time or efficiency rating.

In accordance with Florida Statutes 115.09, employees who are service members in the National Guard or a reserve component of the Armed Forces of the United States, shall be granted a leave of absence from the respective offices and duties to perform active military service, the first 30 days of any such leave of absence to be with full pay.

An employee who is ordered to appear for a physical examination for involuntary induction into the military service shall be granted leave with pay for this purpose.

Any persons receiving orders commanding their appearance for duty in any military service will inform his/her supervisor on the next working day following such receipt.

All unused leave benefits shall be retained by the employee who shall have the same credited to his/her record if the employee applies for reinstatement to the employee's

former position in accordance with the paragraph below.

During such leaves of absence, the employee shall be entitled to preserve all rights established by City Rules and Regulations. An employee who requests reinstatement pursuant to this section will be eligible for re employment in his/her former position or comparable position in City service with no loss of pay.

Upon separation from the military service, the employee must request reinstatement as dictated under the Uniformed Services Employment and Reemployment Rights Act U.S.E.R.R.A. The City may require the employee to submit to a medical examination to determine fitness to perform the duties of the position to which the employee is returning. The employee shall meet basic qualifications for the job classification in which he/she is placed. Completion of the promotional process will not be required.

Placement of the employee will be arranged by the Department Head and the Human Resources Director using the following sequence:

- Employees returning from military leave are entitled to their previous job (if possible), seniority and any raises or promotions they would have had prior to the active duty.
- If unable to return to their previous job, the City will place the employee returning from military leave in a position of equivalent status.

This action may result in demotion, lay off, or reclassification of any employee equivalent or junior to the returning employee. It is City policy to avoid termination of employment of any City employee so displaced if reasonably possible and within the constraints of sound fiscal policy.

An employee injured or unable to perform his/her previous duties due to an active duty related injury shall be offered a comparable position in terms of seniority, status and pay.

## 7.13 LIFE INSURANCE

The City of Holly Hill will provide all permanent full time employees with a term life insurance policy at no cost. This policy will pay twice as much in the event that the death is accidental.

The City reserves the right to select and change the carrier for such insurance.

## 7.14 PENSION

### **General Employees**

Eligible employees hired after October 1, 2005 are covered under the Florida Retirement System. Employees, hired **before** January 1, 1996, are covered under the Florida State

Retirement System. Effective October 1, 2005 employees hired prior to October 1, 2005 and after January 1, 1996 were granted the option to elect joining the Florida Retirement System or remain with the 401(a) Pension Trust Plan with certain provisions.

The City reserves the right to change and/or eliminate this plan.

**Police**

The ‘Police Officers Retirement Trust Fund’ was created under Chapter 185 Florida Statutes for all sworn officers.

**Fire**

The City of Holly Hill Firefighters’ Retirement System’ was created under Chapter 175 Florida Statutes for all firefighters.

**7.15 DEFERRED COMPENSATION**

Deferred Compensation is a voluntary plan provided by the City to assist employees in providing an option for additional retirement benefits. The total contribution is tax deferred and paid for by the employee. Contact the Human Resources Department for enrollment information.

**7.16 VOTING**

During a primary or general election, an employee who is registered to vote and whose hours of work do not allow sufficient time for voting shall be allowed the necessary time off with pay for this purpose. When the polls are open two (2) hours before or two (2) hours after the regular scheduled work period it shall be considered sufficient time for voting.

**7.17 HEALTH INSURANCE**

The City of Holly Hill will provide hospital and medical coverage for the employees as follows:

The City shall pay an amount equal to the premium carrier’s individual rate (as may be adjusted from time to time), to be applied to the individual coverage selected by the employee.

- The City shall make no contribution to dependent coverage. If an employee elects dependent coverage, the employee will pay the full group premium cost for dependents. The dependent must fall within the City guidelines established for dependent coverage.

## **7.18 ADDITIONAL INSURANCE BENEFITS**

Additional benefits are available at full cost to employees. See the Human Resources Department for further details

## **7.19 GROUP INSURANCE - EXTENSIONS**

### **Continued Coverage**

The City agrees that covered employees, or surviving dependents of deceased employees, may continue their group medical insurance coverage under the following conditions:

### **Employee/Surviving Dependents**

An employee and/or his/her surviving dependent(s) may have the right to continue medical/dental insurance coverage under the Consolidated Omnibus Budget Reconciliation Act (**COBRA**) of 1986. The employee or his/her surviving dependent(s) will pay the full group premium for such period of coverage.

Terminated full-time employees are eligible to continue their amount of life, dependent or optional life insurance, as well as any employee-paid additional insurance provided the premiums are paid directly to the insurance company at their dictated rates.

### **Retirees**

Employees who retire (the eligibility to retire under the qualifications of a normal retirement or disability retirement under the guidelines of the pension plan) may continue their group medical, dental and life insurance coverage(s). The retiree will pay the full premium for continued coverage.

### **Disabled, not service connected**

Employees who are disabled because of an illness not related to City employment may continue their group medical insurance coverage when placed on leave of absence without pay (not to exceed 30 days). Medical coverage under the group plan beyond 30 days is available through **COBRA**. The employee will pay the full premium for such period of coverage.

### **Active Military Service**

Employees ordered to active military duty in connection with reserve activities (other than short term training as outlined in 'Leaves of Absence with Pay - Military Leave') may extend their medical insurance coverage subject to the following:

- Following one calendar year, the employee may have the right to continue coverage under **COBRA** of 1986

Employees are not required to extend any medical benefits at any time but all requests for extensions as outlined above must be presented to the immediate supervisor in writing

prior to leaving for active duty.

**Disabled service connected**

An employee who is unable to work because of a job related injury may continue his/her group medical insurance coverage. The employee will pay his/her dependent portion of the premium. The City will pay the remainder for the period of coverage.

**Family/Medical Leave Policy**

During an absence granted in accordance with the Family/Medical Leave Policy, health insurance coverage and other benefits will continue under the same conditions as they did before the leave began.

Employees must coordinate payment of benefit premiums with the Human Resources Department while on leave of absence without pay due to a qualifying event of the Family/Medical Leave Policy.

**Application Procedure**

Any employee, dependent, or retiree who wishes to continue the insurance, as provided in this section, must contact the Human Resources Department to apply for the continued coverage and make necessary arrangements for the payment of the required premiums.

The Human Resources Department must be contacted within 30 calendar days following the date of the employee's death, retirement or placement on leave of absence without pay.

All benefits granted and all agreements made, in this section by the City are expressly conditioned upon, budgetary consideration and subject to and limited by, all of the rights granted to and reserved by the City as described in the City Rules and Regulations including the right to change and/or eliminate any and all benefits not required by law.

**7.20 EMPLOYEE COMPUTER PURCHASE PLAN**

All full-time city employees who have completed their probationary period may be eligible to receive an interest-free loan up to a maximum of \$2,400.00 to purchase a personal computer, laptop, upgrade an existing personal computer or hand-held pocket personal computer.

The Information Technology department accepts applications for computer loans every June 1<sup>st</sup> and October 1<sup>st</sup>, or as determined by city administration.

After purchasing the equipment, the employee must submit a copy of the paid invoice to the Finance Department within 30 days of date of check. Loans will be made available for a period of 12 or 24 months and are repaid through payroll deductions.

Revised 8/07

## SECTION 8      TRAINING AND DEVELOPMENT

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### 8.1      GENERAL STATEMENT

The City of Holly Hill is desirous of helping its employees in their jobs by paying for job related courses during their off duty hours providing the classroom schedules do not conflict with the employees work schedules.

### 8.2      EDUCATIONAL REIMBURSEMENT

The Department Head has the authority to approve any course not exceeding a total cost of up to \$500 per fiscal year. Full-time, permanent, non-union employees with at least three (3) years of service may receive reimbursement up to 50% to a maximum of \$5,000 per fiscal year. This reimbursement is inclusive of tuition, books and other course materials, provided the applicant is not receiving benefits under the G.I. bill or other aid programs. Final approval must be given by the City Manager. These payments are subject to IRS regulations and may be subject to taxation. Any additional costs for coursework must be authorized by the City Manager. Courses recognized for educational assistance are:

#### **Job Improvement Courses**

Courses directly related to the employee's assignment that will improve his skills, knowledge and ability to perform his duties and increase, through more advanced techniques, his potential for promotion. Coursework recognized for job improvement can be obtained through technical schools, community colleges and accredited colleges and universities. Covered coursework may be degree or non-degree seeking coursework at the undergraduate or graduate level.

#### **In-Service Training Courses**

Courses in management and supervisory development. All City employees are encouraged to participate in this type of training.

#### **Completion of Course**

Upon successful completion of the course, the employee's personnel record will be documented with his educational achievement, and the City Manager will arrange for reimbursement to the employee expenses for tuition, books and other course materials, based on the following schedule:

#### Undergraduate

Letter Grade C or higher - 100%

Lower than letter Grade C - 0%

#### Graduate

Letter Grade B or higher – 100%

Lower than letter Grade B – 0%

Reimbursement for courses in which letter grades are not issued will be in the following manner:

Satisfactory	100%
Unsatisfactory	0%

Should an employee leave City employment after completion of course(s), and prior to compliance with the terms of this agreement to remain in City employment for two (2) years or more, he shall reimburse the City within six (6) months after his termination for any costs due. Non-union employees must remain in the employ of the City for at least three (3) years following course completion. Payment shall be taken from the employee's benefits, if any, accrued at the time of termination. Any amount due the City over and above said benefits shall be paid within the first year after termination at an annual interest rate at six percent. Payment of such unpaid balance may be made on a monthly basis (principle and interest) subject to prior arrangement with the Finance Department with City Manager approval. Upon termination of an employee who is indebted to the City, the Finance Department will issue an official City invoice to such employee showing the amount due and the terms of payment. Checks shall be made payable to the City of Holly Hill and shall be deposited in the funds of the City.

#### **Retirement or Death**

Should the employee, through death, disability or normal retirement, fail to continue the required tenure of employment as provided herein, any remaining liability for reimbursement of educational expenses shall be cancelled automatically.

#### **Procedure for Reimbursement**

In all cases where the employee is seeking reimbursement from the City, he/she must fill out one of the Educational Reimbursement Submittal forms, which is to be sent to the Human Resources Director's Office in advance of taking the course. This is a reimbursement policy only; there will be no advance payments unless special circumstances, as determined by the City Manager, shall be established.

All employees following the procedures under this Policy will submit a record of their grades on completion of the course. Unsuccessful completion of the course, as specified in the Policy, does not provide that the employee is eligible for reimbursement. This applies to all courses which employees take which would fall under the purview of this Policy and it is inclusive of all departments of the City.

Reimbursement by requisition is not permissible except for those cases where the City has determined to send the employee for the course and the course has not been elected by the employee him/herself. All forms and requests for reimbursement must be routed through the Human Resources Director's Office and will be held during the period of the course for completion after the course is finished.

## **Reimbursement Policy for Short Courses and Certificate Achievement Courses**

In those cases where an employee is participating in a short course, or some other course which requires him to take an examination to obtain a certificate as the ultimate goal and objective of the course, the City shall require the employee to reimburse the City for all tuition and fees directly associated with the instructional content of the course (should he/she fail to obtain the certificate or passing grade).

This shall not include such items as meals and lodging where the employee must participate in a course, which is out of town or to which he/she is entitled to per diem expenses.

In such cases where a make up examination is provided for within a period of one year of the employee's failing to pass an examination or obtain a certificate, the City shall withhold action in requiring the employee to reimburse the City, until such time as the employee has completed the re-examination.

However, where the employee does not indicate a desire to take the re-examination, such reimbursement shall be rendered immediately upon notification to the City and the employee that he/she has not obtained a certificate or passed an examination.

### **8.3 TRAINING AND TRAVEL EXPENSE**

#### **a). Training**

Training may be required by employees, elected officials and board members to attend seminars, workshops or classes to improve job skills needed to perform their job responsibilities.

Training may be required for employees to obtain certification(s) or re-certification(s) which include state, national or professional certifications to perform their jobs.

Department heads, division heads, supervisors and other employees as approved by the City Manager during the budget process, whose job performance can be enhanced or whose national or state affiliation brings recognition and distinction to the City, may attend national or state conferences.

All of these types of training generally require travel.

All training and travel requests must be approved by the department head in advance. Employees must complete the Travel and Training Request Form for training which includes the Registration, Transportation and Meals, as well as the Hotel Request Form (if applicable), which is located in the file server, under the Finance Department in WORD. These request forms must be approved by the department head and submitted to the Finance Department along with the supporting documentation at least ten (10) days prior to the training/travel date.

## **b). Travel**

The use of City vehicles can usually be furnished for some travel and is encouraged for local travel which is within a 60-mile radius for training that is one day or less.

In the event an employee drives their personal vehicle, the employee will receive a mileage reimbursement based on a rate per mile as designated by current IRS regulations. This reimbursement is paid in advance and is included on the Transportation and Meals Request Form. Computation for all travel by personal vehicle will be measured from City Hall, 1065 Ridgewood Avenue, or the employee's residence whichever is closer, to the destination and back utilizing Map Quest Driving Directions or a similar internet locator tool.

Upon submittal of the Travel and Training Request forms, all registrations and travel arrangements (inclusive of airlines arrangements if necessary) are coordinated by the Finance Department.

If incidental expenses are incurred during the travel time and at the training (i.e. tolls, bus, taxi, limousine fares, parking fees, for business related purposes), or in the case of Hotel fees, such as resort fees, etc, are applied, these charges will be reimbursed by the City provided receipts are provided to the department head and submitted to the Finance Department within ten (10) days from the date of return. Any employee failing to meet the ten (10) day time limit will not be reimbursed. The employee is responsible for presenting the City's Sales Tax Exemption Certification to the hotel to prevent unnecessary charges for sales tax.

Reimbursement will not include room charges (i.e., personal telephone calls, gratuities, pay television channels, room service). Telephone calls to your supervisor or department head will be reimbursed if the telephone call is necessary, a receipt must be provided.

Reimbursement shall be provided only for actual costs incurred. For example, lodging in a personal residence with meals provided at no cost to the employee is not reimbursable.

The following policies apply with regard to expenditure of City funds for training purposes:

- Selection of training method, timing, etc., is to be on the basis of maximum cost effectiveness, and with approved budgets.
- Employees participating in training sponsored by the City will share their knowledge, course materials, etc., with other employees so as to maximize the benefit received from the City expenditures.
- Approvals from the employee's Department Head and the City Manager are

required for training expenditures by the City.

**c). Compensation for Training/Travel**

All meals will be paid by a per diem amount which is listed below. This meal per diem amount applies to all employees and for all traveled locations.

1. Breakfast (\$8.00) - when travel begins before 7:00 a.m. and extends beyond 8:00 a.m.
2. Lunch (\$12.00) – when travel begins before 12:00 p.m. and extends beyond 2:00 p.m.
3. Dinner (\$20.00) – when travel begins before 6:00 p.m. and extends beyond 8:00 p.m., or during night time hours on special assignment

Per diem rates will apply for meals, unless meals are included under the registration fee for the class/seminar. Per diem rates include gratuities.

Receipts are required for all travel expenses paid except for per diem allowances.

Exempt and non-exempt employees will be paid their regular rate of pay for training if conducted during their regular scheduled work day. Employees will not be compensated for travel time outside their normal scheduled workday. Overtime provisions may apply for non-exempt employees only if the training time exceeds the employee's regular scheduled work week.

Upon completion of any employee training, appropriate documentation will be added to the employee's personnel file. The employee **may** also be eligible for a wage increase if this training is required by the City to obtain certification for the employee's position.

## **SECTION 9      MEDICAL - ILLNESS OR INJURY**

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### **9.1      WORK RELATED INJURIES/WORKERS' COMPENSATION**

#### **PROCEDURE**

Any employee injured in the line of duty must make an immediate report to the supervisor regardless of the extent of the injury. The supervisor must report the injury to the Human Resources Department immediately no later than the end of the next business day from the date of injury.

In the event an employee refuses medical care, a signed statement to this effect should be obtained from the employee and submitted to the Human Resources Department.

#### **BENEFITS**

An employee who misses work as a result of a work-related injury that is compensable under the Workers' Compensation Law, Chapter 440, Florida Statutes (or as subsequently amended), may use sick leave, vacation or compensatory time.

Sick leave, and vacation days earned shall be limited to amounts equal to one-third of those normally accrued. Once utilized, there will be no further accumulation of vacation or compensatory time.

If the employee is unable to resume work at the end of seven (7) calendar days, Workers' Compensation will begin on the eighth (8th) day at the rate of 66 2/3% of the employee's gross salary (computed on the average weekly wage paid for the thirteen (13) weeks prior to the date of injury), in accordance with the Workers' Compensation Law (or with statutory provisions if subsequently amended). In addition, an employee may receive sick leave, or vacation leave, if applicable, equivalent to one-third (1/3) the scheduled daily hours for each day of eligibility under Workers' Compensation. However, in no case shall an employee's benefits exceed the total amount an employee would have been paid in the absence of injury.

#### **FOLLOW-UP TREATMENT**

Those employees, upon returning to work, requiring follow-up treatment due to a work related injury may be allowed time from work with pay for such treatment provided treatment is not reasonably available during non-working hours. Each absence from the work place, due to follow-up treatment, may not exceed three (3) hours. Time away from the work place, in excess of three (3) hours, will be charged to the employee's sick leave.

Treatment must be prescribed and/or recommended by a City authorized physician, Workers' Compensation physician or approved medical treatment facility. The employee shall provide written documentation of the prescribed and/or recommended treatment to the Supervisor/Department Head. Department heads shall have the responsibility of monitoring an employee's use of City time for follow-up treatment. An employee may be denied use of City time for such treatment if abuse is determined.

## **OBTAINING EMERGENCY MEDICAL TREATMENT FOR A JOB RELATED INJURY**

### **PURPOSE OF PROCEDURE**

This procedure establishes the guidelines for obtaining emergency medical treatment for a job related injury.

### **SUPERVISOR'S RESPONSIBILITIES:**

Arranges transportation to the nearest approved medical facility for a critically injured employee.

Notifies the Human Resources Department immediately.

Completes the Supervisor's Accident Investigation Report and submits to the Human Resources Department.

Forwards all information to the Human Resources Department within two (2) working days after the injury.

Notifies Human Resources Department of the date the employee returned to work. This step is necessary only if the employee misses scheduled time from the work site.

## **OBTAINING NON-EMERGENCY MEDICAL TREATMENT FOR A JOB RELATED INJURY**

### **PURPOSE OF PROCEDURE**

This procedure establishes the guidelines for obtaining non-emergency medical treatment for a job related injury.

### **RESPONSIBILITY OF:**

### **PROCESS STEP:**

Employee

Reports the injury to the supervisor.

Supervisor

Reports the injury to the Human Resources Director

Human Resources

Reports the injury to the Workers Compensation Carrier.

Employee	Reports to approved Medical Facility. Upon returning to work completes the Employee Accident Report and submits to the Supervisor. The supervisor submits this report to the Human Resources Department.
Supervisor	<p>Completes all information and forwards to the Human Resources Department within two (2) working days after the injury.</p> <p>Notifies Human Resources Department of any lost time experienced by the employee as a result of the job related injury.</p>
Human Resources:	Receives all bills, notes and return to work authorizations and advises Department accordingly.

## **MODIFIED TEMPORARY DUTY**

### **GENERAL PROVISIONS**

Employees injured as a result of a work related accident resulting in a Workers' Compensation claim will be placed in a modified temporary assignment subject to the following conditions:

- Modified temporary assignments will only be available for employees who are **TEMPORARILY** unable to perform all essential duties of their job due to an on-the-job injury.
- All policy guidelines for Workers' Compensation must be followed.
- Employees must be certified by the approved medical facility doctor, selected by the City as eligible for a modified temporary assignment.
- All modified temporary assignments, with a duration of over five (5) working days, must be recorded, in writing and sent to the Human Resources Department.

## **ASSIGNMENT TO MODIFIED TEMPORARY DUTY**

All modified temporary assignments will be subject to availability and to certification of the employee's eligibility by the City's approved medical facility.

Placement on any modified temporary assignment will be made first within the department where the employee worked when the injury occurred. Each Department will develop, assign and monitor their own modified temporary assignments according to operational needs. If a Department is unable to place the injured employee in a modified temporary assignment, the Department will immediately contact the Human Resources Department. The Human Resources Department may temporarily place the employee in another Department within the City.

Work hours for all modified temporary assignments will be at the discretion of, and based on, operational needs of the Department providing the assignment.

Consideration will be given to the employee's condition and requirements for access to follow up treatment.

If released by the City physician, for modified temporary duties, after the initial or any subsequent visit, the employee must immediately report to the supervisor with a completed Medical Certification form from the approved medical facility.

If no modified temporary duty is available to the employee at this time, a telephone number or other method of communication must be made available by the employee for future contact. The employee must report for a modified temporary assignment when notified by the Human Resources Department.

## **CERTIFICATION FOR MODIFIED TEMPORARY ASSIGNMENT**

Following an on-the-job injury, all employees will follow the guidelines for Workers' Compensation claims as outlined in this manual. The approved medical facility will certify eligibility for a modified temporary assignment and will act as primary case manager. The approved medical facility will recertify eligibility on a regular basis in coordination with the Human Resources Department.

## **DURATION/TIME LIMITATIONS**

Modified temporary assignments, will have a duration of no more than ninety (90) calendar days from the date of injury. If an extension of the modified temporary assignment is necessary, a review must be completed by the Human Resources Department and City Manager. Additionally, each assignment will be subject to review every 30 days by the approved medical facility and/or Human Resources Department.

An employee who is released by the physician as medically capable of performing all assigned duties of the position held when injured, will be returned to this position immediately.

An employee will be entitled, at his or her own expense, to a second medical opinion. If the medical opinions differ, then the final return to work determination will be made by the City physician.

An employee, who has been informed by the approved medical physician that he/she will never be able to perform the essential functions of the position held when injured, will be referred to the City's Human Resources Department. The Human Resources Department will review vacant positions within the City for which the employee meets minimum City qualifications. Employees placed in vacant positions, as a result of ADA eligibility, will be required to obtain medical clearance for the position from the approved medical facility.

## **IMPACT ON COMPENSATION**

Employees in a modified temporary assignment will retain the full rate of pay received at the time of injury and will be paid by the Department in which they worked when injured until the end of modified temporary duty.

Employees will have no change in classification during assignment to modified temporary position. All benefits will continue and no break in service or loss of classification will occur.

## **9.2 NON-JOB RELATED INJURIES**

The city does not provided modified temporary duty or assignments to employees who incur conditions, injuries or illnesses which results in the employee becoming temporarily disabled which is not related to their position, employment or duties with the city.

## **9.3 CITY VEHICLE TRAFFIC CRASH INVESTIGATION PROCEDURES**

### **DEFINITION**

Any incident involving a city vehicle that results, either directly or indirectly, in an injury to any person or damage to any property, however slight.

### **PROCEDURE**

Employees involved in a crash while driving a city vehicle, whether on or off-duty, shall immediately , report the incident to VCSO Communications by radio. The dispatcher shall notify the on-duty patrol supervisor.

a. **Inside Jurisdiction:** If able, notify supervisor or department head immediately.

b. **Outside Jurisdiction: Employees involved in a crash in a city vehicle while outside the City of Holly Hill shall:**

1). If able, notify the dispatcher via radio of the accident and request appropriate assistance from the agency having jurisdiction. If beyond, radio range, contact the appropriate agency by any means available. Upon arrival of assisting agency, request an investigation including photographs.

2). As soon as practical, police employees must notify the on-duty the on-duty shift commander of the crash.

3). Non-police employees must notify their supervisor or department head as soon as possible.

## **EMPLOYEE SANCTIONS**

Employees will be held accountable for damage to city vehicles. Appropriate progressive disciplinary measures will be applied for infractions identified in Categories 2 through 4 up to and including discharge. Category 1 disciplinary sanctions will result in a minimum of a suspension without pay, up to and including discharge. The following shall apply to vehicle crashes:

- a. **Category 1 – Intentional Damage:** Reimburse the city for repair or replacement of the property, appropriate discipline and possible criminal charges.
- b. **Category 2 – Unintentional Damage with Extraordinary Negligence, or Employee is Unable to Explain the Damage:** Reimburse the city for the repair or replacement, up to \$500 and appropriate discipline.
- c. **Category 3 – Unintentional Damage which Could have been Prevented with Due Care and Caution:** Reimburse the city for repair or replacement up to \$100 and appropriate discipline.
- d. **Category 4 – Damage Occurred as the Result of Some Element of Negligence on the Part of the Employee:** Appropriate discipline.
- e. **Category 5 – Unavoidable Damage at No Fault by the Employee:** Employee will not be responsible for any costs associated with the repair or replacement and will not be subject to disciplinary action.

## 9.4 FAMILY/MEDICAL LEAVE

### PURPOSE

The Family/Medical Leave Policy of the City of Holly Hill provides covered employees up to twelve (12) weeks of leave per year for an employee's serious illness, the birth, placement or adoption of a child, or caring for a spouse, child or parent. Per year is defined as a "rolling" 12-month period measured backward from the date an employee uses any FMLA leave.

### ELIGIBILITY

To be eligible an employee must have been employed by the City of Holly Hill: (1) for at least twelve [12] months; and (2) worked for at least 1,250 hours during the previous twelve [12] months.

### QUALIFYING EVENTS

Eligible employees may utilize the Family/Medical Leave Policy subject to the following qualifying events:

- The birth of a child of the employee and in order to care for such child.

The Family Medical Leave policy can only be utilized within twelve (12) months after birth, adoption or placement.

- The placement of a child with the employee for adoption or foster care.
- To care for a spouse, child, or parent with a serious health condition, either physical or psychological in nature.
- A serious health condition of the employee, which renders the employee unable to perform the functions of the employee's position.
- To prepare for the departure of a spouse, son, daughter or parent being on active duty or having being notified of an impending call or order to active duty in the Armed Forces.

Eligible employees are provided 26 weeks of FMLA during a single 12-month period for a spouse, son, daughter, parent or nearest blood relative caring for a recovering service member. A recovering service member is defined as a member of the Armed Forces who suffered an injury or illness while on active duty that may render the person unable to perform the duties of the member's office, grade, rank or rating.

### COVERED RELATIONS

The Family/Medical Leave Policy shall define a child to include biological, adopted and foster children, as well as stepchildren, legal wards or “children” of a person acting in the day-to-day capacity of a parent.

The term parent shall be defined to include biological parents as well as a person that acted in the capacity of a parent towards the employee.

## **MEDICAL CERTIFICATIONS**

When making a request for leave to care for a child, spouse, or parent for personal medical leave the employee must provide medical certification from an appropriate health care provider.

Medical certification information is to include the following:

- Verification that the employee, employee’s child, spouse, or parent has a serious health condition.
- The date the serious health condition commenced and its anticipated duration.
- The medical facts regarding the serious health condition; and
- If the request for leave is due to the serious health condition of a covered relation, a statement that the employee is needed to care for the child, spouse or parent and the amount of time needed to provide such care.

If the request involves partial or intermittent leave, verification of scheduled treatment is required. (See scheduling leave within this policy.)

For employees requesting medical leave due to a serious health condition, the Department Head may request, at the City of Holly Hill’s expense, the employee obtain the opinion of a second health care provider chosen by Holly Hill. If the two health care providers disagree about any information in the certification, the parties involved will mutually select a third medical provider at the City of Holly Hill’s expense. The decision of the third provider shall be final and binding.

## **MEDICAL CONDITIONS COVERED**

For purposes of the Family/Medical Leave Policy, a serious health condition requires:

- Disabling physical or mental illness, injury, impairment, or condition which substantially restricts the participation in school or daily activities on a recurring or continuing basis; and
- Inpatient care in a hospital, a nursing home, or a hospice; or

- Outpatient care requiring continuing treatment by a health care provider

## **SCHEDULING LEAVE**

An employee must provide the Department Head with at least thirty (30) days notice of the need for leave for birth, adoption, foster care, or planned medical treatment when the need for leave is foreseeable.

An employee must make notice as reasonable and practicable as possible when the need for leave is unforeseeable.

In situations where the need for leave is based on planned treatment or to care for a family member, the employee must make a reasonable effort to schedule the treatment in advance.

Leave may be taken intermittently (e.g., periods of leave consisting of one hour or more to several weeks) or on a reduced leave schedule (e.g., reduced hours per workweek or workday) if the employee has a serious condition or is caring for a covered relation with a serious health condition, provided intermittent or reduced leave is medically necessary.

The Department of Labor regulations under the FMLA provide that deductions may be made from the salaries of exempt employees “for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee”.

An employee taking intermittent leave or on a reduced leave schedule may be temporarily transferred to: (1) a position for which the employee is qualified; (2) a position which is more suitable for recurring periods of absence to better accommodate the leave; or (3) a position of equivalent benefits, pay, and other terms and conditions of employment.

Employees will not be granted intermittent leave or a reduced leave schedule for the birth, placement, or adoption of a child.

The City will provide to any employee requesting Family Medical Leave written notice of the City’s determination as to entitlement to such leave, within two business days of the request.

An employee with more than one qualifying event within a twelve (12) month year is not entitled to a separate twelve (12) week period of leave for each event.

## **USE OF LEAVE TIME**

Employees who receive approval for leave under the Family/Medical Leave Policy due to a serious health condition must first use accrued sick leave, vacation leave, and/or any other leave prior to the granting of Leave of Absence Without Pay. Leave must be used in the order presented above.

An employee may use accrued vacation leave for the birth, placement or adoption of a child.

Employees taking leave consecutively must use accrued leave equal to the employee's regularly scheduled weekly work hours.

An employee who receives approval for leave under this policy is not required to be absent forty (40) consecutive hours in order to access sick leave. Upon approval of leave through this policy, the employee can immediately use available sick leave.

The total paid and unpaid leave, in compliance with the Family/Medical Leave Act, shall not exceed 12 weeks per year. After exhausting your rights under the Family/Medical Leave, all other City policies will apply. Spouses who are both employed by the City of Holly Hill are entitled to only one twelve (12) week leave period, per year, in the event of a birth, adoption or placement of a child. Leave time may be split between the spouses to meet the family needs.

This policy prohibits an employee the ability to work a second job during this period while exercising his/her rights under FMLA.

## **BENEFITS**

During the period(s) of time an employee is on approved Family/Medical Leave, as defined by the Family/Medical Leave Policy, health insurance coverage and other elected benefits (exceptions exist with the Pension Systems) will continue under the same conditions as before the leave began.

Employees must coordinate payment of benefits premiums with the Payroll Department while on Leave of Absence Without Pay due to a qualifying event of the Family/Medical Leave Policy.

## **RETURNING FROM LEAVE**

Employees must communicate with their Department as to when they will return to work. The Department Head may require the employee to provide certification that he/she is able to resume full duties after leave due to a serious personal health condition.

An employee, returning from approved leave relating to the Family/Medical Leave Policy, is entitled to the position held before the leave began.

Revised 2/12/08  
(DRAFT - FOR NEXT UPDATE)

## **9.5 DOMESTIC VIOLENCE LEAVE LAW**

Employees who have been employed for 3 or more months, are entitled to take up to 3 days of Domestic Violence Leave in a 12 month period if the employee or a member of the employee's family or household is the victim of domestic violence.

An employee's use of Domestic Violence Leave is limited to the following activities: **1)** to seek an injunction against domestic violence; **2)** to obtain medical services from a victim of domestic violence; **3)** to obtain services from a victim services organization; **4)** to make the employee's home secure from or to escape from the perpetrator of the domestic violence; or **5)** to seek legal assistance or attend court proceedings related to the domestic violence.

Except in cases of imminent danger, the employee must provide his or her supervisor with advance notice of the need for Domestic Violence Leave in compliance with the city's requested leave procedures. An employee requesting Domestic Violence Leave must provide documentation of the act of domestic violence for which the leave is needed. Due to the sensitive nature of domestic violence issues, all information relating to an employee's Domestic Violence Leave will be confidential.

An employee must first exhaust all annual vacation, personal, or sick leave before he/she is entitled to leave without pay for domestic leave purposes.

## **9.6 SAFETY PROGRAM**

The City of Holly Hill is vitally interested in the safety and well being of every employee and the general public. It is the intent of the City to provide safe equipment, procedures, and surroundings for all employees. The City Manager/Designee shall be responsible for establishing a comprehensive safety program.

## **9.7 SAFETY COMMITTEE**

A Safety Committee, appointed by the City Manager or his/her designee will hold meetings and review all on-the-job injuries in an effort to reduce injuries. The Safety Committee will review all injury reports, supervisor investigation and employee accident reports. The Safety Committee will also visit city facilities and sites and note any necessary needed repairs and make recommendations to the Public Works Department.

Revised 8/07

## **SECTION 10**

## **CODE OF CONDUCT**

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### **10.1 GENERAL STATEMENT**

This code of conduct applies to all employees in City service.

Employees violating these provisions or any provision contained in these policies may be subject to disciplinary action up to and including termination.

All employees are expected to remember they are public service employees and to conduct themselves according to the following:

- Employees shall not conduct themselves in any manner, which discredits the government of the City of Holly Hill, public officials, city administration, supervisors, fellow employees, or themselves.
- Employees shall avoid conduct and speech which undermines the efficiency and/or reputation of fellow employees, City departments, elected officials, policies, programs and actions; or that interferes with the reasonable supervision or proper discipline of the City.
- Employees shall direct and coordinate their efforts to establish and maintain the highest level of efficiency, morale, and achievement.
- Employees shall conduct themselves in such a manner as to bring about the greatest harmony among the various units in the City.
- No employee shall make any false statement or certification of these policies, or in any manner, commit or attempt to commit any fraud preventing the impartial execution of the provisions of these policies with regard to employment, promotion or transfer.

### **10.2 EMPLOYEE RESPONSIBILITY FOR PERSONNEL POLICIES**

All employees are responsible for becoming aware of and familiar with the policies and procedures, which govern their employment with the City.

All employees are expected to report immediately to their supervisor any and all suspected violations of these policies or of any City regulation. Failure to do so may subject the employee to disciplinary action.

### 10.3 CONFLICT OF INTEREST

City employees who may be in a position to influence City decisions shall refrain from relationships, which may adversely affect their judgement in dealing with City suppliers or goods and services or with other public agencies.

An outside personal or business/economic relationship which affords present or future financial benefits to an employee, an employees family, or to individuals with whom the employee has business or financial ties, may be considered a conflict of interest requiring evaluation by the City Manager or designated representative when:

- The employee acts as director, officer, agent, proprietor, partner, stockholder (if owning in excess of ten percent of securities outstanding), employee, paid consultant or advisor to a City supplier or with other public agencies.
- The employee is engaged in a private business or financial relationship, which may secure advantage of goods, services, or influence due to the employee's position with the City.
- The employee procures or designates sources for the procurement of any parts, materials, services, supplies, and facilities for City purchase or lease in the employee's name or in the name of others.

An employee having an outside personal or business/economic relationship under the conditions specified above should disclose in a written sworn statement to the City Manager at six-month intervals the nature and scope of the relationship and the extent of financial benefits received. If the employee is in doubt that a conflict of interest exists, it is the employee's responsibility to seek clarification from his/her supervisor.

If a conflict of interest is found to exist, the supervisor will forward the matter to the City Manager's office for disposition.

#### **Gifts and Gratuities**

No employee shall solicit or accept anything of Value to the recipient, including a gift, loan, reward, promise of future employment, favor or service, upon any understanding that the votes, official action, or judgement of the employee would be influenced thereby.

A non monetary gift, including meals or entertainment, when offered gratuitously and carrying a total value of less than twenty five (\$25) may be accepted if the employee can ensure that it was not offered to influence his/her judgement, action, or vote. It is the employee's responsibility to avoid the appearance of a conflict of interest and discretion should be used in accepting gifts valued under the amount state above. If there is any doubt about the intent of the person giving the gift or its value is \$25 or greater, then a City employee must decline to accept it.

Employees that regulate enforce code provisions or review project proposals, procurement or bids under evaluation shall not accept anything of value (meals included) from a person who currently has a project, proposal, procurement or bid before the employee or a committee on which he/she serves.

It is understood that once a selection is made, working lunches or social functions may be scheduled by the project representative or consultant. Discretion should be exercised by all employees regarding attendance at such functions.

#### **10.4 DISCLOSURE OF INFORMATION**

Information that is obtained in the course of official duties shall not be released by any employee unless the employee is charged with this responsibility as a part of his/her official duties. Employees may not, either directly or indirectly, use their official positions with the City or information obtained in connection with their employment for private gain or personal benefit.

#### **10.5 HEARING REFUSAL**

##### **Indictment**

An employee is responsible for immediately notifying his/her immediate supervisor when information has been filed by a prosecuting official against him/her for an offense or violation of law (including moving traffic violations) and/or when indicted by a Grand Jury. Employees indicted by a Grand Jury or on whom information has been filed by a prosecuting official for a felonious offense may be suspended without pay with prior approval of the City Manager. Such suspension may continue until such charge has been disposed of by a trial and conviction or acquittal of the accused, or by dismissal or quashing of the charge.

If the employee pleads nolo contendere, or guilty, to any charge or is tried and found guilty, the employee may be immediately terminated from City employment. In the event such person is tried and acquitted, or the information or indictment is dismissed or quashed, the affected employee's Department Head and Human Resources Director will review his/her employment status regarding reinstatement, re employment, continuing employment, etc.

If the incident or charge is directly work related, or non-work related, nothing shall preclude the City from initiating disciplinary action independent of any judicial hearings or proceedings.

#### **10.6 PROMOTION OF PRIVATE BUSINESS**

Employees are prohibited from promoting or conducting personal or private business for gain or personal benefit on City time.

## **10.7 POLITICAL ACTIVITY RESTRICTIONS**

It is the City's intent to promote more efficient public service by relieving public employees of political pressure and to protect against a clear, substantial, and direct threat to the efficiency, integrity, or morale of City employees, by regulating the political activities of its employees subject to the City policies:

- No City employee shall use his/her official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.
- No City employee shall directly or indirectly coerce or attempt to coerce, command, or advise any other officer or employee to pay, lend, or contribute any part of his salary, or any money or anything else of value to any party, committee, organization, agency or person for political purposes. Contributions that are strictly voluntary in nature for political purposes are permitted.
- No City employee shall directly or indirectly coerce or attempt to coerce, command or advise any such officer or employee as to where he might purchase commodities or to interfere in any other way with the personal right of said officer or employee.
- All employees retain the right to vote as they may choose and to express their opinions on all political subjects and candidates.
- Employees may express opinions on candidates or issues and participate in political campaigns only during off duty hours. No employee can take part in any political campaign while on duty, or within any period of time during which the employee is expected to perform services for which the employee receives compensation from the City.
- The use of employee work time or equipment, supplies or funds to assist political parties or candidates for public offices is prohibited.

## **10.8 POLICY STATEMENT CONCERNING DISCRIMINATION AND ALL FORMS OF HARASSMENT**

All employees have the right to work in an environment free of discrimination and any form of harassment or hostility based on race, religion, color, gender, age, marital/family status, national origin, or disability.

To ensure that no employee is subjected to discrimination, harassment, or hostility, the City also prohibits any offensive physical, written, or spoken conduct regarding any of these subjects, including conduct of a sexual nature. Such conduct may constitute harassment when engaged in by one employee toward another or by someone in the City in a position to influence employment decisions when:

- submission to such conduct is made either expressly or implicitly a condition of the recipient's continued employment; or
- submission to or rejection of such conduct by the recipient is used as the basis for repeated and unwelcome physical, written, or spoken conduct by either a Supervisor or any fellow employee that substantially interferes with an individual's work performance or creates what a reasonable person could consider to be an intimidating, hostile, abusive, or offensive working environment.
- Employees who engage in such behavior, which is both illegal and in violation of the City's policy, shall be subject to disciplinary action, up to dismissal, and may be personally liable for damages in the event of successful litigation against them.

Sexual harassment is a form of gender discrimination and is not considered acceptable conduct by the City. Examples of this type of harassment are defined as follows:

- .Unwelcome physical contact;
- Sexually explicit language or gestures;
- Uninvited or unwanted sexual advances;
- Offensive overall environment, including use of vulgar language, the presence of sexually explicit photographs or other materials, the telling of sexual stories, or making sexual innuendoes; or
- Any material, picture, poster, or cartoon that could be characterized as demeaning from the perspective of sex or gender.

Department Directors, managers, and supervisors are responsible within their specific organizational areas for publicizing and enforcing this policy. They should a) express strong disapproval of any form of harassment; b) support, disseminate information about, and enforce the City's policy and procedures concerning harassment; c) increase awareness of all employees about harassment through access to training targeted towards identifying all its ramifications; and d) take all complaints seriously.

If an employee believes that he is being subjected to any of these forms of harassment or believes he is being discriminated against because other employees are receiving favored treatment in exchange, for example, for sexual favors, the employee is encouraged to report such occurrences to a Department Director, the Human Resources Director (who has responsibility for administration of this policy), or the City Manager (if the complaint is against a Department Director). Any complaint will be investigated promptly, under the direction of the Human Resources Director, Department Director, City Manager, and/or legal counsel, depending upon the nature of the complaint. Upon the conclusion of the investigation, appropriate action will be taken if it is determined that violations have occurred.

A record of the complaint and the findings will become a part of a complaint investigation record, and the file will be maintained separately from employees' personnel files. Any resulting disciplinary action will become a part of the permanent personnel file of the employee receiving the disciplinary action.

At the conclusion of the investigation of a complaint, all records become public records, in accordance with applicable Florida Statutes.

### **Grievance Procedures**

Complaints or allegations of any form of harassment shall be examined impartially and resolved promptly in accordance with the Grievance Procedures specified in the City of Holly Hill's Personnel Rules & Regulations.

Any person who files a complaint regarding discrimination or harassment will be treated courteously, the problem handled swiftly and confidentially (to the extent practical and to the extent allowed by law), and the filing of a complaint will not be used or held against the employee, nor will it have an adverse impact on his employment status. This does not preclude disciplinary action against an employee who knowingly files a false complaint.

As in all grievances, it is the employee's responsibility to factually support the allegations. You can raise concerns and make reports without fear of reprisal or retaliation, provided that your complaint was made in good faith and not for any malicious or improper purpose. Complaints of discrimination or harassment will be promptly investigated. To the extent possible, your confidentiality, that of any witness, and that of the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, you will be informed of the outcome of the investigation.

## **10.9 SMOKE-FREE, TOBACCO-FREE WORKPLACE**

This policy is to establish a smoke free/tobacco free workplace.

- All government buildings (defined as any building, or any portion of any building, owned by or leased to the state or any political subdivision thereof and used for governmental purposes) and City vehicle will be designated as ‘Non-Smoking/Tobacco-Free’.
- There shall be no offices hallways, restrooms, departments, or rooms that shall be designated as smoking or tobacco use areas in any governmental buildings within the City of Holly Hill and to include any and all City vehicles.
- In order to enforce the preceding policy, disciplinary actions will be taken to violators of this policy.

### **Assistance for Smokers**

Surveys reveal that nine out of ten smokers would like to quit smoking, and nearly 30% of them will make a serious attempt this year. Many employees whose smoking is restricted at the workplace report that they are able to quit smoking more easily. The City of Holly Hill will provide, on the request of the employee, self help manuals on smoking cessation that are provided by the American Lung Association. Also, various pamphlets will be available to all employees through their Department Head on the harmful effects of smoking and ways to quit.

## **10.10 WORKPLACE VIOLENCE POLICY**

### **PURPOSE**

The City of Holly Hill maintains a zero tolerance policy toward workplace violence, by any of its employees, customers, the general public, and/or anyone who conducts business with the City. It is the intent of the City to provide a workplace, which is free from intimidation, threats, or violent acts.

### **DEFINITIONS**

Workplace violence includes, but is not limited to, harassment, threats, physical attack, or property damage. A threat is the expression of an intent to cause physical or mental harm or emotional distress regardless of whether the person communicating the threat and regardless of whether the threat is contingent, conditional or future. Physical attack is intentional, unwanted or hostile physical contact with another person such as hitting, fighting, pushing, shoving, or throwing objects. Property damage is intentional damage to property, which includes property owned by the City, employees or others.

### **POLICY**

Violence, or the threat of violence, by or against any employee of the City of Holly Hill or other person is unacceptable and violates City policy, and will subject the perpetrator to serious disciplinary action and possible criminal charges.

Possession, use, or threat of use, of weapon, including any type of firearms, is not permitted at work, or on City property, including a City Vehicle, unless such possession or use of a weapon is a necessary and approved requirement of the job.

Any person who exhibits unusual behavior or makes threats, exhibits threatening behavior, or engages in violent acts on City property shall be removed from the premises as quickly as safety permits, and shall remain off the City's premises pending the outcome of an investigation.

All city personnel are responsible for notifying a supervisor of any threats that they have witnessed, received, or have been told that another person has witnessed or received. Even without an actual threat, personnel should also report any behavior they have witnessed which they regard as threatening or violent.

No employee acting in good faith, who reports real or implied violent behavior will be subject to retaliation or harassment based upon his or her report.

The actions of a supervisor, manager, or other employee will be dependent on the seriousness of the situation. However, consistent with personal safety, managers and supervisors have a responsibility to make a good faith effort to defuse violent or potentially violent situations as quickly as possible in order to prevent their escalation and creating a threat to others.

### **IN IMMEDIATE EMERGENCY SITUATIONS – CALL 911**

As with any other emergency involving fire, violence, or medical incidents, the first thought and action is to call 911 and report as many details as possible so that the appropriate emergency response unit can be dispatched.

### **NON-EMERGENCY SITUATIONS**

Persons should report the situation to their immediate supervisor, their Department Head, or the Human Resources Director. In emergency situations, whereby a citywide threat to employees may be determined to exist, the Human Resources Director will contact the Public Safety Director to conduct an evaluation of the incident.

The Public Safety Director or designee will perform a threat assessment and evaluate the reported situation as well as prior incidents in its recommendation of an action plan which may include: addressing of workplace security matters, legal action through the State Attorney's Office and/or Police Department, issuance of trespass warnings by the Police Department, recommendations that an injunction or protective order be sought, a mandatory fitness for duty evaluation, Employee Assistance Program referral, suspension, termination, job reassignment, or any other means available to insure a safe working environment for all employees.

Revised 8/07

## **SECTION 11                    DISCIPLINARY ACTION**

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### **11.1    GENERAL STATEMENT**

It is the intent of the City of Holly Hill that effective management and supervision, as well as good employee-employer relations, will be preventive mechanisms. Positive working relations will avoid situations, which result in disciplinary action.

The policies contained herein, are intended to provide Supervisors/Managers with direction and guidelines for fair, equitable, and consistent application of solution-oriented discipline.

The initiation of disciplinary action for regular full-time employees shall:

- Identify elements of an employee's work habits that are contrary to the rules, regulations, policies, and/or procedures, of the City.
- Identify and measure work performance problems.
- Provide constructive feedback to the employee.
- Encourage employees to cooperate and be productive members of the work force.
- Plan and conduct a discussion to improve an employee's performance and/or work habit, which is less than acceptable.
- Provide documentation of the supervisor's efforts and communication to the employee regarding his/her performance and work habits.

### **11.2    DISCIPLINARY ACTION AUTHORITY**

It shall be the responsibility of the supervisor:

- Review the performance of his/her employees and identify deficiencies.
- Identify employee work habits that are contrary to the policies, procedures, and/or departmental operating procedures.
- Document, initiate, and select an appropriate action plan in conjunction with the employee.

- Forward appropriate proposed disciplinary actions to Department Head. Department Head's may recommend suspensions, demotions, and terminations subject to prior review of the Human Resources Director.
- Assure that the Human Resources Director receives completed copies of all official disciplinary actions.
- Obtain prior concurrence from the Human Resources Director in the event that disciplinary action deprives the employee of monies.
- Ensure the right of due process is provided for all employees without restriction.

### **11.3 DUE PROCESS**

Due process is the established course of disciplinary proceedings that safeguards the rights of the employee. Due process encompasses the progressive disciplinary process established in these policies that provides opportunity(s) for the employee to discuss the work habit or performance problem and establish a corrective action plan with the supervisor.

The City of Holly Hill requires a pre-determination hearing for all employees to respond to actions which may result in loss of monies; demotion (unless voluntary), suspension without pay, and termination, as required by law.

### **11.4 TYPES OF DISCIPLINARY ACTION**

The following guidelines are to be used when considering and selecting the most appropriate and effective type of disciplinary action:

- Each work habit offense or failure to perform must be viewed and judged individually dependent on the circumstances.  
  
The least severe action should be considered for each offense with the primary focus being resolution of the offense.
- Continued work habit offenses or poor performance may justify more progressively stringent discipline. This could lead up to and include termination.
- In determining the best course of disciplinary action to achieve a positive permanent change in behavior on the part of the employee, the supervisor will consider the following factors in each case:

- Seriousness and circumstances of the particular offense.
  - Lapse of time since an employee last received disciplinary action and frequency of the problem.
  - Counseling efforts to advise an employee of the problem.
  - Impact on an employee and implications for other employees.
  - Available justification and objective documentation to support the action.
- All of the above considerations may not apply if serious in nature where termination may be appropriate.

## **GENERAL PROVISIONS**

Acceptable disciplinary actions may, depending upon the circumstances, include, but are not limited to:

- Verbal Warning
- Written Reprimand
- Suspension
- Discharge

All disciplinary action measures shall be accomplished by discussion between the immediate supervisor, other reviewing supervisor as necessary, and the affected employee. However, in all cases, the supervisory employee initiating the disciplinary action shall be present in the disciplinary action discussion with the employee. When disciplinary action is recommended which may deprive an employee of monies, a pre-determination hearing must be held subject to provisions outlined in this policy manual.

## **VERBAL WARNING**

A Verbal Warning should be administered and documented by the immediate supervisor when the supervisor denotes early indications of less than acceptable performance or unacceptable work habits.

Verbal Warning Notices shall:

- Explain why performance or work habits are unacceptable.
- Describe or identify expected solutions and when and by whom such should be accomplished.
- Denote the consequences of continued undesirable work habits or performance.

A verbal warning should be given as soon as practicable after the most recent basis for the verbal warning is known by the employee's immediate supervisor.

### **WRITTEN REPRIMAND**

A Written Reprimand should be administered and documented by the immediate supervisor. A Written Reprimand will be placed in an employee's personnel file. A Written Reprimand should be given as soon as practicable after the most recent basis for the reprimand is known by the employee's supervisor.

### **SUSPENSION**

The immediate supervisor or other reviewing supervisor may recommend the suspension of an employee to the Department Head/City Manager.

Suspensions constitute disciplinary time away from the job, usually without pay.

Suspensions without pay should be considered and initiated when less severe disciplinary actions have been unsuccessful, when an employee fails to make corrective action as identified in previous disciplinary actions, or for serious situations.

Suspensions shall be for a period of no less than the balance of the employee's shift on the working day the action is taken and shall normally not exceed five (5) consecutive working days or shifts.

In accordance with the Fair Labor Standards Acts, deductions from pay are permissible for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions (see Section 11.6 Types of Offenses) by exempt employees.

An employee will be given the due process right of a pre-determination hearing prior to suspensions without pay. All such decisions must have the concurrence of the Human Resources Director for adherence to due process prior to announcement of final decision or implementation.

Relieving an employee of duties with pay may serve as interim disciplinary action when termination is warranted as a result of the employee's offense for the reasons that:

- Sufficient time is allowed for thorough investigation of the offense and circumstances.
- Such action provides the opportunity for the supervisor to request and/or accept written, signed statement(s) from the affected employee.
- Time is allowed for careful and supported determinations.

In event an employee is relieved of duties with pay, he/she may be required to call into work daily. The Department Head or City Manager may make this request.

## **DISCHARGE**

Discharge action requests may be initiated by the immediate supervisor or other reviewing supervisors to the Department Head when:

- The violation is a serious offense, or
- There are repeated offenses and all other disciplinary actions have been unsuccessful in effecting improved work habits or performance; or an employee has failed to take corrective action identified in other disciplinary actions.

Discharge is the most serious and the most severe disciplinary action and should be resorted to only when other efforts to bring about correction have been unsuccessful or conduct constitutes a serious offense.

An employee will be given the due process right of a pre-determination hearing prior to discharge. All such decisions must have the concurrence of the Human Resources Director for adherence to due process prior to announcement of final decision or implementation.

## **11.5 PREDETERMINATION HEARING**

Prior to any involuntary termination of employment, demotion, or suspension, the affected employee will receive written notice of proposed action, which shall include a statement of the reasons for such action and provide the affected employee with an opportunity to rebut such reasons.

The affected employee will thereafter have the right and opportunity to respond in writing to the proposed action and the reasons thereof, and to respond orally to such matters before the person having the responsibility for making the decision.

Following completion of the pre-determination hearing and concurrence of the Human Resources Director for adherence to due process, the person responsible for the decision will notify the affected employee in writing of the decision.

## **11.6 TYPES OF OFFENSES**

### **Work Habits**

The following are improper work habits that may be subject to disciplinary action. This list is not to be considered inclusive. Depending on the circumstances of the offense, management may enter into any phase of the disciplinary process deemed appropriate.

### **Insubordination**

- Refusal to carry out a reasonable request given by a supervisor.
- Abusive language toward a supervisor.

### **Physical Harm/Assault**

- Inflicting bodily harm, threatening, verbally or physically, directly or indirectly, another person or employee.

### **Theft/Destruction of City Property**

- Taking, removing, damaging, destroying, or tampering with City property without proper authorization.
- Damaging/destroying property due to failure to use proper care, equipment, or instruction.
- Personal use of City equipment, materials, tools, supplies, etc. without proper authorization.
- Unintentional loss or damage of City equipment could result in reimbursement to the City for the repair or replacement.

### **Fraud**

- Falsification of City records or record keeping (e.g., employment applications, attendance records, time cards, purchasing activities, etc.).

## **Misconduct**

- Smoking in restricted areas.
- Sleeping on City compensated time.
- Gambling on City compensated time or on any City work site.
- Rudeness or acts of disrespect to the public, elected officials, co-workers, or supervisors.
- Receiving personal phone calls or mail while on City compensated time which impacts performance.
- Violation of any City or departmental policy or procedure. Attempts to induce or inducement of any City employee to commit an action in violation of any lawful or reasonable policy or regulation.
- Revealing confidential information, removal of City records, falsifying City documents.

## **Harassment**

- Unwarranted intrusion, subjection to ridicule or threats of one employee to another for any reason (e.g. sexual, racial, religious, national origin, etc.).
- Making false statements, verbally or in writing, about the City, other employees, themselves,
- Supervision, or work situations.

## **Drug/Alcohol Use**

- Manufacture, distribution, dispensing, possession or use of drugs/alcohol in the employee's workplace, or reporting to work with drugs/alcohol in their system.

## **Violations of Law**

- Violations or failure to comply with any city, county, state or federal law or regulation that is job related or which violation or failure to comply, discredits the City of Holly Hill, public officials, fellow employees or themselves.
- Failure to notify supervisor of the above or in case of incarceration.

### **Conflicts of Interest**

- Beginning or maintaining an outside personal or business relationship that affords present or future financial benefits dues to the position of the employee.
- Promotion of private business within a City worksite or on work time.
- Hiring or recommending the hire of a relative in the same department over which one has some degree of authority.
- Acceptance of loans, advances, gifts, gratuities, favors, and/or entertainment from any party doing or seeking to do business with the City.

### **Safety Violations**

- Possession and/or use of weapons, ammunition or explosives without proper authorization on City property.
- Failure to comply with City safety practices and regulations or exposure of another person to same.
- Failure to wear specific safety equipment.
- Pranks resulting in physical harm or property damage.

### **Absences/Tardiness**

- Failure to report to work for three (3) or more consecutive working days without proper authorization.
- Habitual or excessive absence or tardiness for work for any reason, including legitimate illness.
- Leaving assigned work site without proper authorization.

### **Loss of Certification/Licensure**

- Loss of certification, licensure, etc. required to perform duties.
- Revocation, restriction, expiration, or suspension of drivers' license as required to perform duties.
- Failure to report any of the above to supervisor.

## **Performance**

Poor performance as described below will also initiate the disciplinary process.

- Failure to perform assigned duties according to prescribed standards.

Revised 8/07

## SECTION 12 GRIEVANCE PROCEDURE

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### 12.1 GENERAL STATEMENT

Employees who believe they have been treated unfairly in their job assignments, in being given opportunities for advancement, in receiving disciplinary action, or in other aspects of their employment with the City, may file a grievance.

The following shall apply:

- Any problem or situation which may result in a grievance must first be discussed with the employee's supervisor to determine if the problem or situation can be resolved informally and that there is an understanding of the underlying reasons, causes, etc. This discussion must occur within ten (10) working days of the occurrence of the problem or situation under review.
- If the problem or situation is not resolved by informal discussions between the employee and his/her supervisor, the employee may file a formal grievance using the appropriate form, within ten (10) working days after the initial informal discussion with his/her supervisor. Each step, or level of review, with the employee's supervisors, Department Head and the City Manager, shall be accomplished within ten (10) working days.
- If the grievance is not resolved to the satisfaction of the employee after review with City Manager, the employee may appeal to the Civil Service Board. The Civil Service Board's decision will be final.
- An employee covered by the competitive or noncompetitive service (see exception below) shall be entitled, after exhausting other channels of appeal defined in the implementing ordinances, to request a review by the Civil Service Board of any action taken by the administration of the city government pertaining to his employment or employment rights established under the rules and regulations of the Civil Service System.
- Exception: All employees whose rights are addressed by collective bargaining agreements. This applies to all employees in the bargaining unit regardless of whether he/she is a dues paying member.

## **12.2 ADA GRIEVANCE PROCEDURE**

The City of Holly Hill has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U.S. Department of Justice regulations implementing Title II of the Americans with Disabilities Act. Title II states, in part, that ‘no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination’ in programs or activities sponsored by a public entity.

Complaints should be addressed to the City Manager, City of Holly Hill, 1065 Ridgewood Avenue, Holly Hill, Florida 32117 (386) 248-9425 who has been designated to coordinate ADA compliance efforts.

- A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
- A complaint should be filed within five (5) business days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination that occurred before this grievance procedure was in place will be considered on a case-by-case basis.)
- An investigation, as may be appropriate, shall follow a filing of complaint. The investigation shall be conducted by the City Manager. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
- A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the City Manager and a copy forwarded to the complainant no later than fourteen (14) days after its filing.
- The ADA coordinator shall maintain the files and records of the City of Holly Hill relating to the complaints filed.

## **SECTION 13      DRUG & ALCOHOL TESTING**

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### **13.1    GENERAL STATEMENT**

The purpose of this policy is to communicate our position on drugs and alcohol in the workplace and provide guidance for the implementation of related programs.

All employees are covered by this policy and as a condition of employment, are required to abide by the terms of this policy. Due to state or federal laws and regulations, certain employees may be subject to additional requirements.

### **13.2    DRUG-FREE WORKPLACE POLICY DISSEMINATION**

The City of Holly Hill will give a general one time notice to all employees that it is a condition of employment to refrain from using drugs on or off the job and that a drug testing program is being implemented. A period of sixty (60) days shall elapse between the notice and implementation of the Drug-Free Workplace Policy. All applicants who become final candidates for initial employment must pass a drug test as a condition of employment. Any employee being considered for appointment to a vacant position shall not be required to take a drug test as a routine condition of such appointment.

A notice is placed on all job advertisements and employment applications indicating that the City of Holly Hill is a Drug Free Workplace Employer. All employees or job applicants for employment will be given a summary of the Drug-Free Workplace Policy.

### **13.3    ALCOHOL USE PROHIBITIONS**

The consumption of alcohol on City property while on duty is prohibited and will result in disciplinary action, up to and including discharge.

Off duty abuse of alcohol which adversely affects and employee's job performance.

The personal possession (e.g., on the person, or in a desk, or locker) of alcohol on City property or on duty will result in disciplinary action, up to and including discharge.

It is against City policy to report to work or to work under the influence of alcohol.

For the purpose of this policy, an employee is presumed to be under the influence of alcohol if a blood test or other scientifically acceptable testing procedure shows a forensically acceptable positive quantum of proof of alcohol usage.

An employee who is perceived to be under the influence of alcohol will be removed immediately from the workplace and may be evaluated by medical personnel, if reasonably available. The City will take further action (e.g. removal from service, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of what action is appropriate in each case rests solely with the City.

Refusal to submit to, efforts to tamper with, or failure to pass an alcohol test will result in termination.

Employees arrested for an alcohol related incident must immediately notify their supervisor, or the City Manager of the arrest if the incident occurs:

- During scheduled working hours.
- While operating a City vehicle on City or personal business.
- While operating a personal vehicle on City business.

Failure to notify an appropriate City official may result in disciplinary action, up to and including discharge.

An employee suspecting that another employee is using, selling, possessing, or under the influence of alcohol or drugs while at work must report that condition to a supervisor or else be liable for discipline.

#### **13.4 DRUG USE PROHIBITIONS**

The use, sale, purchase, possession, manufacture, distribution, or dispensation of drugs on City property by a City employee during working time is against City policy and is cause for immediate discharge.

It is also against City policy to report to work or work under the influence of drugs. This includes prescription drugs that induce an unsafe mental or physical state. Employees who violate this policy are subject to disciplinary action.

For the purpose of this policy, an employee is presumed to be under the influence of drugs if a urine test or other accepted testing procedure shows a forensically acceptable positive quantum of proof of drug usage.

Prescription drugs may also affect the safety of the employee or fellow employees or members of the public. Therefore, any employee who is taking any prescription drug that might impair safety, performance, or any motor functions must advise his supervisor before reporting to work under such medication. A failure to do so may result in disciplinary action. If such use impairs the employee's ability to safely or effectively perform his/her job, the City may temporarily reassign the employee or grant a leave of absence during the period of treatment. Improper use of 'prescription drugs' is prohibited and may result in disciplinary action.

Refusal to submit to or efforts to tamper with a drug or alcohol test will result in discharge.

## **13.5 TESTING**

### **Testing of Applicants**

- All new hire applicants considered final candidates for a position will be tested for the presence of illegal drugs as a part of the application process.
- Any new hire job applicant who refuses to submit to drug testing, refuses to sign the consent form, fails to appear for testing, tampers with the test, or fails to pass the preemployment drug test will be ineligible for hire.

### **Reasonable Suspicion Testing**

Employees must submit to a drug test if reasonable suspicion exists to indicate that their ability to perform work safely or effectively may be impaired. 'Reasonable suspicion testing' means drug testing based on a belief that an employee is using or has used drugs in violation of the City's policy, drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- A report of drug use, provided by a reliable and credible source, which has been independently corroborated.
- Evidence that an individual has tampered with a drug test during his employment with the City.
- Information that an employee has caused or contributed to an accident while at work.

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

If a supervisor believes reasonable suspicion exists, the supervisor should report his/her findings and observations to the Department Head and the Human Resources Director. Upon approval by the City Manager the employee will be asked to submit to a drug test and sign a form acknowledging his/her consent. Factors that substantiate cause to test should be documented by the supervisor on the Substance Abuse Investigation Report Form. A copy of this report will be given to the employee upon request and the employer will keep the original documentation for one (1) year.

### **Routine Fitness for Duty**

An employee will submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness for duty medical examination that is part of the City's established policy or that is scheduled routinely for all members of an employment classification or group, and approved as a prerequisite by the City. Such policy or classification shall be subjected to collective bargaining prior to implementation.

### **Random Drug Testing**

Employees subject to random drug testing include the custodian over property and evidence of the police department, the drug investigators, and employees whose positions are mandated under the Commercial Driver's License Drug/Alcohol Testing.

### **Follow-up Testing**

If the employee, in the course of employment, enters an employee assistance program for drug related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to such program, and on a quarterly, semi-annual, or annual basis for up to two (2) years thereafter.

### **Additional Testing**

Additional testing may also be conducted as required by applicable state or federal laws subject to the collective bargaining process prior to implementation.

### **Refusal to Test**

Employees who refuse to submit to a drug test forfeit their eligibility for all Workers' Compensation medical and indemnity benefits and will be terminated from employment or otherwise disciplined as provided in this policy.

## 13.6 TESTING PROCEDURE

The City may test for any or all of the following drugs:

- Alcohol (booze, drink)
- Amphetamines (Binhetamine, Desoxyn, Dexedrine)
- Cannabinoids (marijuana, hashish, hash, hash oil, pot, joint, roach, spleaf, grass, weed, reefer)
- Cocaine (coke, blow, nose candy, snow, flake, crack)
- Phencyclidine (PCP, angel dust, hog)
- Opiates (opium, dover's powder, paregoric, parepectolin)
- Barbiturates (Phenobarbital, Tuinal, Amytal)
- Benzodiazophines (Ativan, Azene, Clonopin, Dalmone, Diozepam, Halcion, Librium, Poxipam, Restoril, Serax, Transene, Valium, Vertron, Xanax)
- Methodone (Dolophine, Methadose)
- Propoxyphene (Darvocet, Darvon N, Dolene)

Job applicants and employees required to submit to drug or alcohol testing will be asked to sign a Consent to Employee Testing Form.

Due to the potential adverse consequences of positive test results on employees, the City will employ a very accurate testing program. Urine and blood samples will be analyzed by a highly qualified independent laboratory that has been selected by the City and approved by the Department of Health and Rehabilitative Services.

An employee injured at the workplace and required to be tested will be taken to a medical facility for immediate treatment of injury. If the injured employee is not at a designated collection site, the employee will be transported to one as soon as it is medically feasible and specimens will be obtained. If it is not medically feasible to move the injured employee, specimens will be obtained at the treating facility under the procedures set forth in this rule and transported to an approved testing laboratory.

No specimens will be taken prior to the administration of emergency medical care. Once this condition has been satisfied, an injured employee must release to the City the result of any tests conducted for the purpose of showing the presence of alcohol or drugs.

**Body Specimens.** Urine will be used for the initial test for all drugs except alcohol and for the confirmation of all drugs except alcohol. Blood will be used as the initial and confirmation test for alcohol. The physician will have the discretion to determine whether drawing a blood sample will threaten the health of the injured employee or if the employee has a medical condition unrelated to the accident which may preclude the drawing of the necessary quantity of blood for a testing specimen. Under these circumstances, no inference or presumption of intoxication or impairment will be made.

**Cost of Testing.** The City will pay the cost of initial and confirmation drug tests, which it requires of employees and job applicants. An employee or job applicant will pay the cost of additional drug tests not required by the City.

**Collection Site.** The City will utilize a collection site by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, chain of custody procedures, temporary storage and shipping or transportation of urine and blood specimens to an approved drug testing laboratory. The City may also utilize a medical facility as a collection site that meets the applicable requirements.

Security of the collection site, chain of custody procedures, privacy of the individual, collection control, integrity and identity of the specimen and transportation of the specimen to the laboratory will meet state rules and guidelines. Florida Department of Health and Rehabilitative Services Chain of Custody form (HRS form 1806, revised 5/91) will be used for each employee or job applicant tested.

**Collection Site Personnel.** A specimen for a drug test will be taken or collected by:

- A physician, physician's assistant, a registered professional nurse, a licensed practical nurse, a nurse practitioner, or a certified paramedic who is present at the scene of the accident for the purpose of rendering emergency service or treatment;
- A qualified person employed by a licensed laboratory who has the necessary training and skills for the assigned tasks.

### **Testing Laboratory**

- The laboratory used to analyze initial or confirmation drug specimens will be licensed by the Florida Department of Health and Rehabilitative Services to perform such tests. The Florida Department of Health and Rehabilitative Services has published Drug-Free Workplace Standards (Florida Administrative Code, Chapter 10E-18) that must be followed by laboratories and employers.
- All laboratory security, chain of custody, transporting and receiving of specimens, specimen processing, retesting, storage of specimens, instrument calibration and reporting of results will be in accordance with state laws and rules established by the Department of Health and Rehabilitative Services.
- The laboratory will provide assistance to the employee or job applicant for the purpose of interpreting any positive confirmed test results.

**Initial Tests.** Initial tests will use an immunoassay except that the test for alcohol will be an enzyme oxidation methodology. Minimum cutoff detection levels for each drug or metabolites of such alcohol or drug for the purposes of determining a positive test result are in accordance with the rules as outlined by the Agency for Health Care Administration and criteria established by the United States Department of Health and Human Services, per Florida Statutes 440.102.

- Alcohol
- Amphetamines
- Cannabinoids
- Cocaine
- Phencyclidine
- Opiates
- Barbiturates
- Benzodiazepines
- Synthetic Narcotics:
  - Methodone
  - Propoxyphene

**Confirmation Tests.** All specimens identified as positive on the initial test will be confirmed using GC/MS except that alcohol will be confirmed using gas chromatography. All confirmation will be done by quantitative analysis. Concentrations that exceed the linear region of the standard curve will be documented in the laboratory and recorded as 'greater than highest standard curve value'.

Minimum cutoff detection levels for each drug or metabolites of such alcohol or drug for the purposes of determining a positive test result are in accordance with the rules as outlined by the Agency for Health Care Administration and criteria established by the United States Department of Health and Human Services, per Florida Statutes 440.102.

- Alcohol
- Amphetamines
- Cannabinoids
- Cocaine
- Phencyclidine
- Opiates
- Barbiturates
- Benzodiazepines
- Synthetic Narcotics:
  - Methodone
  - Propoxyphene

Laboratories will report all quantitative alcohol results above the designated minimum cutoff level to the Medical Review Officer (MRO) who will be responsible for reporting results to the City if appropriate.

## **13.7 TEST RESULTS**

### **Reporting results**

The laboratory will report test results to the Medical Review Officer (MRO) within seven (7) working days after receipt of the specimen by the laboratory.

The laboratory will report as negative all specimens that are negative on the initial test or negative on the confirmation test. Only specimens confirmed positive on the confirmation test will be reported positive for a specific drug.

The laboratory will transmit results in a manner designed to ensure confidentiality of the information. The laboratory and MRO will ensure the security of the data transmission and restrict access to any data transmission, storage and retrieval system.

The MRO will verify that positive and negative test results were properly analyzed and handled according to HRS rules. The MRO will have knowledge of substance abuse disorders and shall also be knowledgeable in the medical use of prescription drugs and in the pharmacology and toxicology of illicit drugs. The MRO shall evaluate the drug test result(s), which is reported by the laboratory, verify by checking the chain of custody form that the specimen was collected, transported and analyzed under proper procedures, and determine if any alternative medical explanations caused a positive test result. This determination by the MRO can include conducting a medical review with the individual, review of the individual's medical history or the review of any other relevant bio-medical factors. The MRO shall also review all medical records made available by the tested individual. The MRO may request the laboratory to provide quantitation of test results.

The MRO will contact the employee or job applicant of a confirmed positive test result within three (3) days of receipt of the test result from the laboratory and inquire as to whether prescriptive or over the counter medications could have caused the positive test result. Within five (5) days of notification to the individual of the positive test results, the MRO will provide an opportunity for the employee or job applicant to discuss the positive test result and to submit documentation of any prescriptions relevant to the positive test result.

Unless otherwise instructed by the employer, in writing, all written records pertaining to a given specimen will be retained by the drug-testing laboratory for a minimum of five (5) years. The drug testing laboratory shall retain (on properly secured refrigerated or frozen storage) for a minimum period of one (1) year, all confirmed positive specimens. Within this one (1) year period an employer, employee, job applicant, MRO or the Department of Health and Rehabilitative Services may request in writing that the laboratory retain the specimen for an additional period of time. If no such request is received, the laboratory may discard the specimen after one (1) year of storage.

Within five (5) working days after receipt of a positive confirmed test result, the City will inform the employee or job applicant in writing of such positive test results, the consequences of such results, and the options available to the employee or job applicant, including the right to file an administrative or legal challenge.

The employer will provide to the employee or job applicant upon request a copy of the test results.

Within seven (7) days for all tests based on reasonable suspicion, the City will detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of the report will be given to the employee upon request. The original report will be kept confidential and retained by the employer for at least one (1) year.

### **Challenges to Test Results**

Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the City explaining or contesting the test results. The employee or job applicant will be notified in writing if the explanation or challenge is unsatisfactory to the City. The written notice will be given to the employee or job applicant within fifteen (15) days of receipt of the explanation or challenge, and will include why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results. All such documentation will be kept confidential and will be retained for at least one (1) year.

When an employee or job applicant undertakes an administrative or legal challenge to the test results, it shall be the employee's or job applicant's responsibility to notify the employer and laboratory in writing of such challenge and such notice shall include reference to the chain of custody specimen identification number. After such notification, the sample shall be retained by the laboratory until the case or administrative appeal is settled. (Florida Administrative Code, Section 10E-18.006(4)(h)1.)

The Department of Health and Rehabilitative Services, employer or MRO detecting a false positive error shall immediately notify the laboratory and the Department of any such error.

### **Employee Protection**

During the 180-day period after written notification of a positive test result, the employee will be permitted by the employer to have a portion of the specimen retested, at the employee's expense. The retesting must be done at another HRS licensed laboratory. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for the City will be responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody for such transfer.

The drug-testing laboratory will not disclose any information concerning the health or mental condition of the tested employee.

The City will not request or receive from the testing facility any information concerning the personal health habit or condition of the injured employee including, but not limited to, the presence or absence of HIV antibodies in the injured worker's body fluids.

The City will not discharge, discipline, refuse to hire, discriminate against, or request or require rehabilitation of an employee or job applicant on the sole basis of a positive test result that has not been verified by a confirmation test.

The City will not discharge, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment, while under the employ of the employer, for a drug related problem, if the employee has not previously tested positive for drug use, entered an employee assistance program for drug related problems, or entered an alcohol and drug rehabilitation program.

### **13.8 DISCIPLINARY ACTION**

In the case of a first time violation of the City's substance abuse policy, including a positive drug or alcohol test result (without evidence of use, sale, possession, distribution, dispensation, or purchase of drugs or alcohol on City property or while on duty), the following will apply:

- The employee will receive a written warning and be referred to the Employee Assistance Program (EAP).
- The City reserves the right to discipline for conduct rather than refer an employee to the EAP, unless there is a self-report.
- The employee must contact the City's EAP within 72 hours and participate in professional drug and/or alcohol evaluation, counseling, and/or rehabilitation as prescribed by the EAP. The employee must cooperate with the EAP staff in carrying out its responsibility to coordinate the evaluation, counseling, treatment, and follow up process.
- Employees who do not cooperate with the EAP, who refuse to participate in, or who do not satisfactorily complete a drug or alcohol abuse assistance or rehabilitation program, or who subsequently violate this policy will be discharged.
- The employee may require in-patient or outpatient treatment. If in-patient treatment is required, the employee will be placed on leave status without pay during his/her absence.

Any employee having a second positive drug test during his/her employment with the City will be discharged.

Any employee using, selling, purchasing, possessing, distributing, or dispensing drugs or alcohol on duty or on City property is subject to disciplinary action up to and including discharge without referral to the City's EAP.

### **13.9 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The City regards its employees as its most important asset. There are area agencies that provide help to employees who suffer from alcohol or drug abuse and other personal or emotional problems. Employees with such problems should seek confidential assistance from a mental health provider or other community resources before drug or alcohol problems lead to disciplinary action.

Information about a self-referred employee's contact with a mental health provider is confidential and will not be disseminated without the employee's permission. Further, an employee is not subject to discipline solely as a result of a self-referral for treatment.

However, the use of a certified mental health provider or other community resources will not shield the employee from appropriate disciplinary action for violation of the City's substance abuse policy if such violation comes to the city's attention through other means such as reports from employees or outsiders, direct observation, testing, etc.

Employees referred to a mental health provider as a result of a violation of the City's substance abuse policy may continue their employment with the city provided:

- Contact the provider and strictly adhere to all the terms of treatment and counseling prescribed by the provider.
- Immediately cease any and all use of alcohol and/or drugs; and consent in writing to periodic unannounced testing for a period of up to two (2) years after returning to work or completion of any rehabilitation program, whichever is later.

In keeping with the city's need for safety and security, the Human Resources Director will determine whether the city should grant a leave of absence or reassign an employee following a positive test or during the period of evaluation, treatment, or counseling.

Participation in any evaluation, treatment, or counseling program will be at the employee's expense unless the employee is entitled to such benefits under the terms of the City's group health plan or by other available benefits. Time lost from work for such a program will be without pay.

### **13.10 INVESTIGATION**

Searches will be conducted only where the city has reason to believe that the employee has violated the City's substance abuse policy. This will be substantiated by the completion of a Drug Abuse Investigation Report listing conditions observed.

To ensure that illegal drugs and alcohol do not enter or affect the workplace, the city reserves the right to search all city vehicles, containers, lockers, or other items on city property in furtherance of this policy. Individuals may be requested to display personal property for visual inspection upon city request.

Failure to consent to a search or display personal property for visual inspection will be grounds for discharge or denial of access to city premises.

Searches of an employee's personal property will take place only in the employee's presence. All searches under this policy will occur with the utmost discretion and consideration for the employee involved. No search will be conducted until the Drug Abuse Investigation Report has been completed and signed by the City Manager. The employee is entitled to have his union representative or some other witness present for the search.

Individuals may be required to empty their pockets, but under no circumstances will an employee be required to remove articles of clothing or be physically searched.

### **13.11 ARREST OR CONVICTION FOR DRUG RELATED CRIME**

If an employee is arrested for or convicted of a drug related crime, the city will investigate all of the circumstances, and City officials may utilize the drug testing procedure if cause is established by the investigation. In most cases an arrest for a drug related crime constitutes reasonable suspicion of drug use under this policy. The following procedures will apply:

- During investigation, an employee may be placed on leave without pay. After the investigation is completed, the leave may be converted to a suspension or the employee may be reinstated or terminated, depending upon the facts and circumstances.
- If convicted of a drug related crime, an employee will be terminated.
- If an employee has been suspended and the case has been dismissed or otherwise disposed of, the City will make a determination as to whether to authorize the employee's return to work based on its investigation. If the employee is authorized to return to work, the employee must agree in writing to unannounced, periodic testing for a period of up to two (2) years.

As a condition of employment, an employee will notify the City's City Manager of any criminal drug statute conviction for a violation that occurred on City premises. The employee must give notice to the City within five (5) days of such conviction.

- If the City is receiving Federal funds it will notify the granting agency within ten (10) days after receiving the notice in above.

### **13.12 CONFIDENTIALITY**

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the City as a part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the City will not release such information without a written consent form voluntarily signed by the person tested.

### **13.13 RECORDS AND TRAINING**

The City will maintain a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities or organizations designed to assist employees with personal or behavioral problems. The City will inform employees and new hires about various employee assistance programs that the employer may have available.

The City will provide an annual education course to assist the employees in identifying personal and emotional problems that may result in the misuse of alcohol or drugs. This course will also include a presentation on the legal, social, physical and emotional consequences of the misuse of alcohol or drugs.

### **13.14 CONCLUSION**

The City's drug free workplace policy has been prepared so as not to conflict with public policy and, further, not to be discriminatory or abusive. A drug free workplace should be the goal of every company in America. Drug and alcohol testing is only one of the several steps that must be taken to achieve this objective. When incorporated into a comprehensive anti drug effort, testing can go a long way in combating drug and alcohol abuse in the workplace.

### **13.15 COMMERCIAL DRIVER'S LICENSE DRUG/ALCOHOL TESTING**

#### **General Statement**

Effective January 1, 1996, the City of Holly Hill is federally required to begin random drug and alcohol testing for employees required to possess commercial driver's licenses. The federal guidelines state that 25% of affected employees will be randomly tested for alcohol and 50% will be tested for drugs. This provision also requires reemployment, reasonable suspicion, post accident, return to duty and follow up testing.

Post accident testing will be conducted if the accident involved a fatality, an injury treated away from the scene, a towed vehicle and/or the driver is cited for a moving violation.

Reasonable suspicion will be based upon specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odor of the driver.

Employees having an alcohol concentration of 0.04 or greater on the breath alcohol or positive on the drug test shall be referred to a substance abuse professional for evaluation. After completion of any recommended rehabilitative program, the affected employee will submit to at least six (6) follow up tests in the following twelve (12) month period. Costs and leaves of absence associated with rehabilitative programs will be at the employee's expense. Recurrence will result in termination.

### **Alcohol Testing**

**NO EMPLOYEE IS TO CONSUME ALCOHOLIC BEVERAGES WITHIN FOUR (4) HOURS OF REPORTING TO WORK.**

Employees required to submit to alcohol testing will be notified prior to, during or immediately after operation of a vehicle with a combined gross weight rating of 26,001 or more pounds.

Employees notified of the required test are not to use mouthwash or smoke 20 minutes prior to the test.

Positive tests will be confirmed by a second test. Test results greater than 0.02 will indicate a positive reading. Employees testing positive between 0.02 - 0.04 will be relieved from duty for twenty-four (24) consecutive hours. Before returning to duty, follow up testing will be required by the City.

Reasonable suspicion tests will be conducted within twenty-four (24) hours of the suspected conduct. Delays after that period will require documentation regarding the delay. No testing will be conducted after eight (8) hours following the suspected conduct.

Employees operating a CMV are not to consume medicines containing alcohol. Employees are not to be in possession of medicines, including over the counter medications, which contain alcohol unless the packaging seals are unbroken.

**EMPLOYEES ARE PROHIBITED FROM CONSUMING ALCOHOLIC BEVERAGES WITHIN EIGHT (8) HOURS FOLLOWING AN ACCIDENT OR UNTIL HE SUBMITS TO AN ALCOHOL TEST, WHICHEVER COMES FIRST.**

### **Drug Testing**

Employees will be required to submit to random drug testing. This testing will involve a urine split sample test. This test requires that the urine sample will be divided into two samples. If the first sample tests positive, the employee may, within 72 hours of notification, have the other sample tested at another laboratory. If second test is negative or for any reason is not available, the entire test will be considered negative.

Reasonable suspicion and post accident drug testing will be conducted no later than 32 hours following the suspected incident.

**NO EMPLOYEE SHALL REFUSE TO SUBMIT TO A POST ACCIDENT, RANDOM, REASONABLE SUSPICION, FOLLOW UP ALCOHOL OR CONTROLLED SUBSTANCE TEST. THE FOLLOWING WILL CONSTITUTE REFUSAL:**

- **FAILURE TO PROVIDE ADEQUATE BREATH OR URINE WITHOUT A VALID MEDICAL EXPLANATION FROM A MEDICAL PHYSICIAN**
- **ENGAGING IN ANY CONDUCT THAT CLEARLY OBSTRUCTS THE TESTING PROCESS**
- **REFUSAL TO SIGN THE APPROPRIATE FORMS**
- **VERBAL/WRITTEN REFUSAL TO CONSENT TO THE TESTING**

**REFUSAL TO SUBMIT TO TESTING SHALL RESULT IN TERMINATION.**

**THIS POLICY SUPERSEDES ANY INFORMATION PROVIDED TO APPLICANTS AND/OR EMPLOYEES, EITHER WRITTEN OR ORAL. THE CITY RESERVES THE RIGHT TO CHANGE THE PROVISIONS OF THIS POLICY AND TESTING PROGRAM AT ANY TIME IN THE FUTURE.**

Revised 8/07