

CITY OF ARCHER PERSONNEL POLICY



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CITY OF ARCHER
PERSONNEL POLICIES

Personnel Policy Manual Assignment Statement

I, _____, acknowledge receipt of this policy manual and understand it is my responsibility to maintain it in good condition. I also understand it is my responsibility to update the manual when updates and changes are provided to me and to return the manual to the personnel department upon termination of my employment. I understand that if I do not return this manual to the City of Archer upon termination a penalty of \$8.10 will be deducted from my final payroll check.

I understand this manual to be the official guide to administer my employment with the City although it does not constitute or imply any contractual relationship with the City. I understand that I am employed at-will by the city and may be dismissed in accordance with the procedures outlined in this manual.

Employee's Signature

Date Received

Representative of City of Archer
Signature and Title

Date Issued

CITY OF ARCHER PERSONNEL POLICY

ARTICLE I POLICY

Section 1.01 At-Will Employment

- (a) The employment relationship between the City and the employee is terminable at the will of either at any time, with or without cause and with or without notice. No employee, officer, agent or representative of the City has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or other provisions in these policies. Any exception to this policy of "at will" employment must be expressly authorized in writing, approved by the Commission, and executed by the officers designated by the City Commission.
- (b) None of the benefits or policies set forth herein are intended because of their publication to confer any rights or privileges upon employees or to entitle them to be or remain employed by the City. The contents of this document and procedure herein are presented as a matter of information. They are not conditions of employment.
- (c) These personnel policies are not a binding contract, but merely a set of guidelines for the implementation of personnel policies. The City explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees. Notwithstanding any of the provisions within these policies, employment may be terminated at any time, either by the employee or by the City, with or without cause and with or without advance notice.

ARTICLE II GENERAL PROVISIONS

Section 2.01 Purpose

The purpose of these policies are to establish a fair and uniform system of personnel administration which will recruit, select, develop and maintain an effective and responsible work force. These policies are established pursuant to Resolution No. _____, which the City Commission of Archer, Florida, read and duly adopted at its meeting on January 10, 2022, and in accordance with the applicable Florida statutes, including Chapter 112 of the Florida Statutes

Section 2.02 Coverage

This policy shall cover all regular and probationary employees except as specifically exempted. The City Attorney, members of the City Commission, members of advisory boards and Commissions, will be exempted except in sections where specifically included.

All City positions are subject to budget review and approval each year, and salary advancement is subject to annual funding and approval by the Board.

Section 2.03 Definitions

- (a) Probationary Employee. A person appointed to a budgeted position who has not yet completed the probationary period. (See Article V, Section 5.11 of these policies.)

- (b) Part-time Employee. An employee, either regular or temporary, who is regularly scheduled less than the number of hours per workweek designated by the City Manager as full-time.
- (c) Full-time Employee. An employee, either regular or temporary, who is regularly scheduled to work the number of hours per workweek designated by the City Manager as full-time.
- (d) Regular Employee. An employee who has successfully completed the prescribed probationary periods shall be considered regular. However, all City positions are subject to budget review and approval each year by the City Commission, and all employees' work and conduct must meet standards of performance and behavior. Therefore, reference to "regular" employees or permanent positions should not be construed as a contract or right to perpetual funding or employment.
- (e) Temporary Employee. A person appointed to serve in a position for a defined time period, usually less than six months.
- (f) Grievance. A claim or complaint based upon an event or condition which affects the circumstance under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions.
- (g) Adverse Action. A demotion, dismissal, reduction in pay, layoff, suspension, or position transfer.

Section 2.04 Merit Principle

All appointments and personnel actions shall be made on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and salary grade. No applicant for City employment or employee shall be deprived of employment opportunities or otherwise be adversely affected as an employee because of an individual's race, color, religion, sex, sexual orientation, national origin, political affiliation, non-job-related disability, or age.

Section 2.05 Responsibility of City Commission

- (a) The City Commission shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary. They also shall make and confirm appointments when so specified by the general statutes.
- (b) The City Commission will adopt resolutions concerning personnel policies and other measures that promote the hiring and retention of qualified, capable, diligent, and honest employees. The City Commission will prescribe the office hours, workdays, and holidays to be observed by the various offices and departments of the City.

Section 2.06 Responsibility of the City Manager

- (a) The City Manager shall be responsible for assisting in the preparation and maintenance of the position classification plan and the pay plan and shall perform such other duties in connection with a modern personnel program as are required. All matters dealing with personnel shall be routed to the City Manager, who shall maintain a complete system of personnel files and records. The City Manager may perform any or all of these duties and responsibilities or assign them to a staff employee designee.
- (b) The City Manager shall be responsible to the Commission for the administration and technical direction of the human resources program. The City Manager shall hire, promote, transfer, suspend, and remove employees.
- (c) The City Manager may delegate human resources functions, as appropriate. The City Manager or designee shall maintain the position classification plan and the pay plan and perform such other

duties in connection with a modern human resources program as the Commission requires. All matters dealing with human resources shall be routed through the office of the City Manager or designee who shall maintain a complete system of personnel files and records.

(d) The City Manager shall:

- 1) recommend rules and revisions to the personnel system to the Commission for consideration;
- 2) make changes as necessary to maintain an up to date and accurate position classification plan;
- 3) recommend necessary revisions to the pay plan;
- 4) determine which employees shall be subject to the overtime provisions of FLSA;
- 5) develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City;
- 6) perform such other duties as may be assigned by the Commission not inconsistent with this Policy; and
- 7) appoint an employee to the role of human resources officer or perform the role him or herself.

Section 2.07 Responsibility of Department Heads

The head of each City department, with the approval of the City Manager, shall promote, transfer, suspend and remove City officers or employees assigned to the department. Department heads shall accurately apply and follow the personnel policies consistently with all employees; communicate performance expectations and document relevant employee performance issues; and identify potential problems with personnel policies and procedures and recommend improvements to the appropriate authority.

Section 2.08 Responsibilities of Employees

Employees are expected to follow the personnel policies, request clarification when needed, and make recommendations for improvement through ongoing periodic staff meetings conducted by the City Manager.

Section 2.09 Application of Policies, Plan, Rules, and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be binding on all City employees. The City Manager, City Attorney, members of the City Commission and advisory boards and commissions will be exempted except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 2.10 Administration of Policies.

The City Commission of the City of Archer establishes these Personnel Policies and authorizes the City Manager to modify or supplement these policies with supporting policies and procedures, provided that those modifications or supplements are not in conflict with other policies or any Collective Bargaining Agreement. The City, therefore, reserves the right to make personnel policy changes when those changes are in the City's best interest. The City reserves the right to interpret policy. These policies are not to be interpreted as promises of specific treatment.

ARTICLE III CLASSIFICATION PLAN

Section 3.01 Purpose

The position classification plan provides a complete inventory of all authorized and permanent positions in the City service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 3.02 Composition of the Position Classification Plan

The classification plan shall consist of:

- 1) a grouping of positions in classes which are approximately equal in task responsibilities which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- 2) class titles descriptive of the work of the class;
- 3) written specifications for each class of positions; and
- 4) an allocation list showing the class title of each position in the classified service.

Section 3.03 Use of the Position Classification Plan

The classification plan is to be used:

- 1) as a guide in recruiting and examining applicants for employment;
- 2) in determining lines of promotion and in developing employee training programs;
- 3) in determining salary to be paid for various types of work;
- 4) in determining personnel service items in departmental budgets; and
- 5) in providing uniform job terminology.

Section 3.04 Administration of the Position Classification Plan

The City Manager shall allocate each position covered by the classification plan to its appropriate class and shall be responsible for the administration of the position classification plan so that it will accurately reflect the duties performed by employees in the classes to which their positions are allocated. Department heads shall be responsible for bringing to the attention of the City Manager (1) the need for new positions, and (2) material changes in the nature of duties, responsibilities, working conditions or other factors which may affect the classification of any existing position.

Section 3.05 Adoption of the Position Classification Plan

The position classification plan shall be adopted by the City Commission and shall be on file with the Public Records Custodian. Copies will be available to all City employees for review upon request. New positions shall be established upon recommendation of the City Manager and approval of the City Commission after which the City Manager shall either allocate the new position into the appropriate existing class or revise the position classification plan to establish a new class to which the new position may be allocated.

Section 3.06 Amendment of Position Classification Plan

Classes of positions shall be added and deleted from the position classification plan by the City Manager within existing City Commission approved Budget parameters.

Section 3.07 Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the City Manager. Upon receipt of such request, the City Manager shall study the request, determine the merit of the reclassification, and make a decision to revise the classification plan where necessary.

ARTICLE IV THE PAY PLAN

Section 4.01 Adoption

The Pay Plan includes the schedule of salary ranges and class titles assigned to salary ranges. The Pay Plan shall be adopted by the City Commission, and may be amended from time to time by the City Manager and as approved by the City Commission.

Section 4.02 Maintenance of the Pay Plan

- (a) The City Manager shall be responsible for the administration and maintenance of the Pay Plan. All employees covered by the Pay Plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new Pay Plan.
- (b) The Pay Plan is intended to provide equitable compensation for all positions, reflecting differences in duties and responsibilities, the rates of pay for comparable positions in private and public employment in the area, changes in the cost of living, the financial conditions of the City, and other factors. To this end, the City Manager shall from time to time make comparative studies of all factors affecting the levels of salary ranges and shall recommend to the City Commission such changes in salary ranges as appear to be warranted to maintain market competitiveness. Such adjustments will be made by increasing or decreasing the assigned salary grade for the class and adjusting the rate of pay for employees in the class when the action is approved by the City Commission.

Section 4.03 Use of Salary Ranges

Salary ranges are intended to recognize and reward meritorious performance of employees. The following general provisions will govern the granting of increases within the pay range:

- 1) **Hiring Rate:** All persons employed positions approved in the position classification plan shall be employed at the hiring rate for the classification in which they are employed except in those cases where unusual circumstances appear to warrant hire at a higher rate. Hire above the minimum step may be made with the approval of the City Manager when deemed necessary and in the best interest of the City. Above-the-minimum hiring rate of pay will be based on such factors as the qualifications of the applicant being higher than the desirable education and experience for the class, a shortage of qualified applicants available at the minimum step, the refusal of qualified applicants to accept employment at the minimum step, or other similar

factors.

- 2) Movement within range beyond the minimum rate shall be based on the level of performance as evaluated on an annual basis. Each year, the City Manager may require department heads to consider the eligibility of employees to receive performance increases and to recommend as appropriate. Department heads shall consider all factors affecting employee performance and shall submit their recommendations in writing, giving the reasons to grant an increase or retain the employee at the same rate. All such increases or salary rate retentions must be approved by the City Manager.

Section 4.04 Payment at a Listed Rate

All employees covered by the Pay Plan shall be paid at a rate within the salary range established for their respective job classes except for employees in a "trainee status", or employees whose present salaries are above the established maximum rate following transition to a new pay plan.

Section 4.05 Salary of Trainee

- (a) An applicant hired, or an employee promoted to a position in a higher class, who does not meet all the established requirements of the position, may be transferred at a rate in the Pay Plan below the minimum established rate for the position. In such cases, a plan for training, including a time schedule, will be prepared.
- (b) Trainee salaries may be no more than two steps below the minimum salary established for the position for which the person is being trained. An employee will remain on the trainee step until the department head determines that the trainee is qualified to assume the full responsibilities of the position. The department head shall review the progress of each employee in a trainee status monthly, or more frequently as necessary, to determine when the trainee is qualified to assume the full responsibilities of the position. Provided, however, that a trainee shall not be in such status for longer than one (1) year.

Section 4.06 Rates of Pay

Subject to availability of funds, when an employee is promoted, demoted, transferred, or reclassified, the rate of pay for the new position will be established in accordance with the following rules:

- 1) Promotion: When an employee is promoted, the employee's salary shall normally be advanced to the minimum level of the new position, or to a salary which provides an increase of no more than 3% of employee's salary before the promotion, provided, however, that the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.
- 2) Demotion: When an employee is demoted to a position for which he or she is qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job when the demotion is not the result of discipline. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 3%, and the decreased salary may not be greater than the maximum of the new range.
- 3) Transfer: The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

- 4) **Reclassification:** An employee whose position is reclassified to a class having a higher salary range shall receive a 5% pay increase in base salary or an increase to the minimum step of the new pay range, whichever is higher. If the employee has completed probation, the employee's salary shall be advanced to at least the probation completion amount in the new range.
- 5) If the position is reclassified to a lower pay range and the employee is receiving a salary above the maximum step established for the new class, the salary of the employee shall be maintained at the maximum step of the new class until the new class range maximum is increased.
- 6) **Probationary Period:** An employee who successfully completes the probationary period is entitled to a 3% increase in salary plus any Cost of Living that other employees received during his/her probationary period. (See Article IV, Section 6)

Section 4.07 Pay Rates in Salary Range Revisions

When the City Commission approves a rate change in salary ranges, or the City Manager changes the range for a class of positions, the salaries of employees whose positions are allocated to that class shall be affected as follows:

- 1) When a class of positions is assigned to a higher pay range, employees in that class may receive a 0% to 3% increase.
- 2) When a class of positions is assigned to a lower pay range, the salaries of employees in that class will remain unchanged. If the assignment to a lower pay range results in an employee being paid at a rate above the maximum step established for the new class, the salary of the employee shall be maintained at the maximum step of the new class until the new class range maximum is increased.
- 3) When transitioning to a new pay plan or when an adjustment is made to a pay range to reflect market changes, employees in classes within the affected pay range may or may not receive the adjustment, depending on the City's financial condition. Employees being paid at a rate lower than the new hiring rate established for their respective classes shall have their salaries raised at least to the new hiring rate for their classes, to the minimum if the employee has completed probation. All employees being paid at a rate above the maximum rate established for their respective classes shall have their salaries adjusted at that salary level maximum until such time as the employee's salary range is increased above the employees' current salary.

Section 4.08 Pay for Part-Time Work

The Pay Plan established by this policy is for full-time service. An employee appointed for less than full-time service will be paid an amount determined by using the hourly rate of the position classification assigned.

Section 4.09 Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the City Manager.

Section 4.10 Overtime

- (a) Employees of the City can be requested and may be required to work in excess of their regularly scheduled hours as necessitated by the needs of the City and determined by the Department Head.

- (b) To the extent that local government jurisdictions are so required, the City will comply with the Fair Labor Standards Act (FLSA).
- (c) The City Manager, following FLSA regulations, shall determine which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other flexible scheduling provisions. Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their positions (usually 40 hours in a 7-day period). Hours beyond the FLSA established limit will be compensated in the appropriate manner outlined in the next paragraph. In determining eligibility for overtime in a work period, only hours actually worked shall be considered.
- (d) Non-exempt employees who work overtime outside their normal scheduled hours (i.e. events, parades, meetings) on a compensatory basis shall be granted 1.5 hours for each hour worked over a normal 40-hour week, when time is scheduled off it shall be hour for hour. The time worked shall be reported in actual hours worked and it will be the responsibility of the Human Resource Director to convert to actual hours earned and keep appropriate records.
- (e) Whenever practicable, flexible work schedules will be used by departments on an hour-for-hour basis within the applicable work period for non-exempt employees, to manage budgetary payroll expenses. When time off within the work period cannot be granted, overtime worked will be paid at a time-and-one-half rate in accordance with FLSA regulations.
- (f) Overtime work must be of an unusual, unscheduled, or emergency nature and be directed or authorized by the department head or authorized representative of the department head, this also includes special events sponsored by the City of Archer.
- (g) Employees in positions determined to be "exempt" from FLSA (such as Executive, Administrative, or Professional staff) will not receive pay for hours worked in excess of their assigned and required work periods except as defined under Section 17 State of Emergency.

Section 4.11 Rest Periods and Breaks

Due to the variation in work schedules and needs among departments, the City makes no attempt to define a uniform policy for rest periods or breaks. Department supervisors may establish appropriate rest period practices which best serve the City's interest within the work units under their supervision. Such practices shall be subject to review of the City Manager and shall be limited to one rest period or break in the morning and in the afternoon for no longer than 15 minutes each. Each employee's regular work day schedule will include a meal break (normally mandatory) of at least 30 minutes, but not more than one hour, near the middle of their shift. The meal breaks are unpaid time and the two 15-minute rest periods are paid time. If an employee must miss a meal break due to an emergency situation, the supervisor will make a reasonable effort to accommodate a meal break later in the shift.

Section 4.12 Break Time for Nursing Mothers

Pursuant to the Fair Labor Standards Act, the City will provide a break time for any employee to express fresh milk for her nursing child for one year after the child's birth each time such employee has the need to express milk. The City will provide an employee with a place other than a bathroom that is shielded from co-workers and the public which may be used by an employee to express breast milk.

Section 4.13 Call-Back Pay

The City provides a continuous twenty-four hour a day, seven day a week service to its customers. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour

of the day or night. One of the conditions of employment with the City is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each job position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal by the City Manager and will not be paid for the "failure to respond to a reasonable call for emergency service either special or routine scheduled."

Any City employee eligible to receive overtime compensation under this policy will be guaranteed a minimum payment of two (2) hours wages for being called back to work outside of normal working hours. "Call-back" provisions do not apply to previously scheduled overtime work.

Section 4.14 Performance Pay System

- (a) When the quality of an employee's performance is worthy of special recognition, the employee may be granted an increase within the assigned salary grade. Such performance pay raise shall be done only after recommendation of the department head and based on the quality of the individual's work performance.
- (b) Following successful completion of an employee's probationary period, the quality of his or her performance shall continue to be reviewed and appropriate instruction and counsel shall be provided in methods for improving job performance.
- (c) Performance pay increases shall not be awarded automatically. When an employee's productivity, behavior, attendance or work quality need to be improved, the department head shall deny a salary increase with the approval of the City Manager, and the employee shall be provided a documented goal objective plan for improvement.
- (d) A pay increase of up to 3% may be granted with the approval of the City Manager to deserving full-time and part-time employees in accordance with the following provisions:
- (e) When a new employee has completed a year of continuous service following the initial probationary period, and annually thereafter following a year of continuous service.
- (f) A promoted employee may be eligible for an increase after a year of continuous service from the date of promotion.
- (g) When such an increase will not exceed the maximum salary rate for the class of his position.
- (h) When the work of the employee is determined to be "definitely above average" as documented on the employee's performance evaluation, the employee may be granted up to 3% pay increase.
- (i) When the work of the employee is determined to be "outstanding" as documented on the employee's performance evaluation, the employee may be granted a 0% to 3% pay increase.

Section 4.15 Performance Maximum Pay Plan

- (a) The purpose of the performance bonus is to reward employees who have reached the maximum rate in their salary range with a potential performance bonus of up to 3% when their work performance is determined to be meritorious.
- (b) The performance bonus payment (if any) shall be awarded based on the performance of the employee as reflected on the annual performance evaluation. Performance bonuses may be awarded every year after the employee reaches the top step of the salary range for the position classification. Eligible performance bonus payments shall be made in a one-time lump sum payout and will be paid on the pay-date following the effective date.

Section 4.16 Payroll Deductions

Only payroll deductions specifically mandated or authorized by federal, state, or City act may be deducted at each period from each employee's pay.

Section 4.17 Christmas Bonus

A Christmas bonus of \$350.00 will be paid on the first pay period of December.

Section 4.18 Pay for "Interim" assignment in a Higher-Level Classification

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the "acting" assignment. The employee shall receive a salary adjustment to the entry level of the job in which the employee is acting or an increase of 10%. Criteria involved in determining the amount of compensation shall include:

- 1) the difference between the existing job and that being filled on a temporary basis, and
- 2) the degree to which the employee is expected to fulfill all the duties of the temporary assignment.

The salary increase shall be temporary, and the employee shall go back to the salary he or she would have had if not assigned to the "acting" role upon completion of the assignment.

Section 4.19 State of Emergency

In the event of a significant natural disaster requiring or triggering the declaration of a State of Emergency in Archer, Florida, and lasting for the duration of the state of emergency, all employees assigned primary and emergency support function duties shall be compensated monetarily, for those hours that were actually worked in excess of the standard work period.

Exempt employees are included to receive monetary compensation during the declared period.

In computing the time worked in the event of the state of emergency, only time actually worked over the standard work period for the employee is to be computed as overtime hours. The normal work week consists of forty hours a week, although an exempt employee works the number it takes to get the job completed. However, in this type of emergency situation, the hours that the exempt employee will be compensated for under this provision are hours over and above 40 hours a week. Overtime rates will be computed as time and one half the employees regular pay rate.

ARTICLE V RECRUITMENT AND EMPLOYMENT

Section 5.01 Statement of Equal Employment Opportunity Policy

It is the policy of the City to foster, maintain, and promote equal employment opportunity. The City shall select employees on the basis of the applicants' qualifications and without regard to age, sex, sexual orientation, race, color, creed, religion, political affiliation, genetic predisposition or national origin. Applicants with disabilities shall be given equal consideration with other applicants for positions if such applicants can, with or without reasonable accommodation, perform the essential requirements of the position.

Section 5.02 Implementation of EEO Policy

All personnel responsible for recruitment and employment shall continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable performance-related job requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, sex, sexual orientation, race, color, creed, religion, political affiliation, genetic predisposition, national origin, or disability. Notices with regard to equal employment matters shall be posted in conspicuous places on City government premises in places where notices are customarily posted. Claims or complaints of a violation of the EEO policy should be made in accordance with the Grievance Procedure as outlined in Article X.

Section 5.03 Recruitment

All opportunities for employment shall be publicized, including applicable salary ranges and employment qualifications. Information on job openings and hiring practices shall be provided to recruitment sources including organizations and news media serving the appropriate labor market. In addition, notice of vacancies shall be posted at designated conspicuous sites within City buildings. Individuals shall be recruited from a geographic area as wide as is necessary to ensure that well qualified applicants are obtained for City service.

Section 5.04 Job Announcements

Jobs will be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. Employment announcements shall contain assurances of equal employment opportunity and shall comply with federal and state statutes regarding discrimination in employment matters.

Section 5.05 Applications for Employment

All persons expressing interest in employment with the City shall be given the opportunity to file an application for employment when a position is vacant or when the City is advertising to fill such positions. Applications will remain active for a period of 2 years.

Section 5.06 Application Reserve File

Upon inquiring, each potential applicant shall be informed of the current job openings. Applications shall be kept in a reserve file, in accordance with Equal Employment Opportunity Commission guidelines and Florida Public Records Law.

Section 5.07 Qualification Standards and Reference and Background checks

- (a) Employees shall meet the employment standards established by the position classification plan and such other reasonable, job-related minimum standards of character, aptitude, knowledge, skills, abilities, and physical condition as may be established by the City Manager with the advice and recommendation(s) of department heads.
- (b) Qualifications shall be reviewed periodically to assure that requirements are fair and conform to the actual job performance requirements.
- (c) The City may employ an applicant in a trainee status who does not meet all minimum qualifications for a particular job if the deficiencies can be eliminated through orientation and on-the-job training.
- (d) References and Background Investigations. Before any pre-employment job offering is made to an applicant, the City will conduct reference checks regarding the employee's qualifications and work

performance. In addition, physical examinations, drug screening, and criminal background investigations will be performed. Conviction of a crime is not automatically disqualifying. The City will consider the severity of the crime, degree to which the crime is job related to the job for which the applicant is being considered, and length of time since the conviction to determine the degree to which there is a business necessity for choosing not to hire the applicant.

Section 5.08 Selection

Department heads shall make such investigations and conduct such examinations as deemed appropriate to assess fairly the aptitude, education and experience, knowledge's and skills, character, physical fitness, and other qualifications required for positions in the service of the City. All selection devices administered by the City or by persons or agencies for the City shall be valid measurers of job requirements of each applicant, as applicable in the screening process.

Section 5.09 Medical Examination and Physician's Certification.

Prospective or current employees may be required to submit to a medical and/or psychological examination or inquiry to determine if they are able to perform the essential duties and responsibilities of the job. Such an examination by a qualified medical professional incident to obtaining written documentation from such medical professional of clearance to return to work shall be required in all instances where a current employee is seeking to return to work following diagnosis of an infectious disease communicable/transmissible by airborne or respiratory droplet transmission. The written documentation of the medical professional referenced herein shall state the employee is a) no longer capable to transmitting/communicating the infectious disease to co-workers and the public; b) is capable of reasonably performing the duties required of the employee to fulfill the employee's job description; and c) if applicable, whether certain reasonable accommodations for the employee are necessary for the employee to perform the employee's job duties.

Section 5.10 Appointments

It is the City's policy to create career opportunities for its employees when possible. Therefore, when a current employee applying for a vacant position possesses the best qualifications of all applicants, that applicant shall be appointed to that position. However, if other applicants possess comparable qualifications, and if the City would continue any perceived historical discriminatory employment practices by automatically promoting or transferring the current employee without considering other applicants, then the City must carefully consider the qualifications of other applicants in filling this position.

Section 5.11 Probationary Period of Employment

- (a) An employee appointed to a regular position shall serve a probationary period of six (6) months.
- (b) This time period is to be considered a continuation of the selection process. An employee serving a probationary period following initial appointment may be dismissed with or without cause and without right of appeal at any time during the probationary period. A regular employee serving a probationary period following a promotion shall be demoted as provided in Section 14 of this article if unable to perform assigned duties of the new job satisfactorily.
- (c) A probationary employee whose work is unsatisfactory may receive a written warning before being terminated by the department head. If the employee's work is not satisfactory during the probationary period, the employee may be terminated.
- (d) Before the end of the probationary period, the supervisor shall conduct a performance evaluation

documented review with the employee and outline accomplishments, strengths, and needed improvements. This should be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

- (e) In unusual cases, for specific reasons approved by the City Manager, the probationary period may be extended for a maximum of an additional six (6) months. In such cases, the employee must be notified of the purpose of the extension, the conditions and performance expectations, and the length of time of the extension in a documented review outline.

Section 5.12 Performance Evaluation

- (a) A supervisor shall evaluate performance beginning with the employee's first day on the job. Through open communications with his or her supervisor, the employee should obtain a clear understanding of what is expected related to job performance and a periodic assessment of his or her job strengths and weaknesses.
- (b) A formal documented evaluation shall be completed for an employee prior to the completion of his or her probationary period and at least once each year thereafter on the anniversary hire date or promotion. The City's performance evaluation program provides a system for appraising the employee's work and clearly outlining job performance goal objectives for the future.

Section 5.13 Notice of Action

When an employee is suspended, demoted, or dismissed, the department head shall immediately provide the employee with written notice of the policy and performance standard infractions not meeting expectation standards, the action taken, effective date of action, and the performance corrective action steps, if any, available to the employee.

Section 5.14 Promotion

- (a) It is the City's policy to create career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best qualified of all applicants, that applicant shall be transferred to that position. The City will balance three goals in the employment process: 1) the benefits to employees and the organization of promotion from within; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) obtaining the best possible employee who will provide the maximum productivity in that position.
- (b) Therefore, except in rare situations where previous City experience is essential or exceptional qualifications of an internal candidate so indicate, the City will consider external and internal candidates for selection rather than automatically promoting from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.
- (c) Candidates for promotion shall be chosen on the basis of existing or anticipated job openings, on their qualifications, and on their work records. Employees being promoted must meet the qualification standards to include education, training, and experience for the classification to which the promotion is being made.

Section 5.15 Demotion

- (a) Demotion is the movement of an employee from one position to a position in a class assigned to a

lower salary range. Any employee who fails to maintain high standards of personal conduct or whose work in his present position is unsatisfactory may be demoted provided the employee shows promise of becoming a satisfactory employee in another position. Such a demotion shall be preceded by the documented warning procedures outlined for cases involving inability to perform duties or failure in performance of duties. An employee who wishes to accept a position with less complex duties and responsibility may be demoted for reasons other than unsatisfactory performance of duties or failures in personal conduct.

- (b) In all cases involving demotion the employee shall be provided with written notice citing the recommended effective date, reasons for demotion, and appeal rights available, if any.

Section 5.16 Transfer

An employee who has successfully completed a probationary period may be transferred to the same or similar class in a different department. As vacancies occur in other departments to which an employee would be eligible for transfer, the employee shall notify his or her supervisor of interest in the transfer and submit notice of a desire for transfer to the various department head(s) for consideration. If a department head wishes to hire that employee, the employee must request a transfer to that specific department and have the transfer approved by the City Manager.

Section 5.17 Reduction in Force

In the event that a reduction in force becomes necessary, the needs of the City and the quality of each employee's past performance as well as seniority shall be considered in determining those employees to be retained, in that order. Regular employees who are to be terminated due to reduction in force shall normally be given at least 10 working days' notice of the anticipated layoff.

ARTICLE VI WORK CONDITIONS AND EXPECTATIONS

Section 6.01 Work Period and Attendance

- (a) The work period is defined as seven consecutive days. Full-time, non-exempt, employees normally work four (4) flexible ten (10) hour days per work period and are subject to the overtime provisions set forth in Section 4.10 of these policies. However, to better utilize flex-time, overtime in one (1) work period may be compensated for in the following work period, but must be compensated for in the same pay period.
- (b) Because City services are essential and continuous, an employee shall avoid unnecessary absences and tardiness. Attendance and punctuality are important responsibilities of the employee which may influence his/her future eligibility for a merit pay increase or promotion.
- (c) Exempt employees in administrative, professional or managerial positions as defined in FSLA shall work the number of hours necessary to assure the satisfactory performance of their duties. This does not restrict nor limit them to a 40-hour week, however time off shall be coordinated and approved by the City Manager.
- (d) When the activities of a particular department require flexible scheduling to meet work needs, the Department Head and/or City Manager may schedule a deviation from the normal schedule. (i.e. Monday through Thursday, with Friday, Saturday, and Sunday off)
- (e) If an employee is away from the job for 3 consecutive work days without notice, it may be presumed

that the employee has resigned and forfeited any claim to termination pay for accumulated vacation.

- (f) The City Manager shall designate each employee's primary worksite to which the employee shall report to work upon such employee being appointed to a position of employment with the City. For good cause the City Manager may temporarily designate an employee's home as the employee's worksite, provided such temporary home-designation shall not last longer than four consecutive work days in any thirty-day period.

Section 6.02 Standby Duty

- (a) Stand-by. Stand-by ("on-call") time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. Non-exempt employees required to be on "stand-by" duty will be paid for four hours of work at straight time for each week of stand-by time they serve.
- (b) Stand-by time requiring an employee to remain at a designated location or otherwise substantially restrict personal activities in order to be ready to respond when called is considered work time under the provisions of the FLSA.

Section 6.03 Volunteer Service

The City encourages and shall permit employees to participate as members of a volunteer emergency service to the extent that such volunteer activities do not interfere with the employee's responsibilities in the City service. However, no employee will be required or will be allowed to volunteer his or her time to the City to perform the same or similar work performed as a regular scheduled employee.

Section 6.04 Safety

- (a) It is the intent of the City to provide for an ongoing program that assures a safe, healthy work environment for all employees and complies with all safety laws and regulations. To that end, each supervisor shall be responsible for:
 - 1) Providing safe work procedures and environments;
 - 2) Implementing safety policies and programs;
 - 3) Informing and training employees in safe work habits;
 - 4) Detecting and correcting unsafe practices and conditions;
 - 5) Investigating accidents and preparing accident reports;
 - 6) Encouraging employees to report unsafe conditions and to submit practical safety suggestions;
 - 7) Making sure employees use and/or wear appropriate safety equipment;
 - 8) Likewise, each City employee shall be responsible for;
 - 9) Developing and maintaining safe work habits;
 - 10) Promptly reporting all accidents and injuries;
 - 11) Reporting what are believed to be dangerous practices and working conditions;
 - 12) Assisting with investigations of accidents and with preventive corrective action steps for the future;
 - 13) Taking proper care of safety equipment;

- 14) Wearing proper clothing and avoiding loose sleeves, cuffs, rings, bracelets and long hair around moving machinery;
 - 15) Knowing the location and use of fire extinguishers, the location of fire exits and the best method for reporting a fire; and
 - 16) Wearing and/or using proper safety equipment.
- (b) In addition to the above provisions, the City will maintain a safety manual which details safety related procedures and responsibilities. Employees shall be expected to comply with those provisions.

Section 6.05 Expectation of Ethical Conduct

- (a) The proper operation of City government requires that public officials and employees be independent, impartial, and responsible to the people; that governmental decisions and policy be made in the proper channels of the governmental structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government.
- (b) As stewards of public resources and holders of the public trust, City employees are expected to uphold the highest standards of ethical conduct while fulfilling their job duties and responsibilities.
- (c) No elected official or employee of the City shall accept any gift, whether in the form of service, loan, thing of value or promise from any person, organization, or business who, to the employee's knowledge, is interested directly or indirectly in any manner whatsoever in business dealings with the City. These limitations are not intended to prohibit the acceptance of articles whose value is less than twenty (20) dollars that are distributed generally, to prohibit employees from accepting social courtesies, which promote good public relations, nor to prohibit employees from obtaining loans from regular lending institutions. It is particularly important that inspectors, contracting officers and enforcement officers guard against relationships that might be construed as evidence of favoritism, coercion, unfair advantage, or collusion. Violations of this policy will result in disciplinary action.
- (d) No elected official or employee shall accept any gift, favor or thing of value that may tend to influence that employee in the discharge of duties.
- (e) No elected official or employee shall grant in the discharge of duties any improper favor, service, or thing of value.

Section 6.06 Political Activity Restricted

- (a) Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of Florida and in accordance with the Constitution and laws of the United States of America. However, no employee shall:
 - 1) Engage in any political or partisan activity while on duty;
 - 2) Use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
 - 3) Be required as a duty of employment or as a condition for employment, promotion, or tenure of office to contribute funds for political or partisan purposes;
 - 4) Coerce, solicit or compel contributions for political or partisan purposes by another employee

of the City;

- 5) Use any supplies or equipment of the City for political or partisan purposes; or
 - 6) Be a candidate for the City Commission or partisan election while in a pay status with the City. However, if the employee is a candidate for non-partisan election, (except the City Commission), the employee must take a leave of absence without pay 30 days prior to the primary election. If successful in any primary election, the leave without pay must be extended until the day after the general election.
- (b) Any violation of this section shall subject such employee to disciplinary action up to and including dismissal.

Section 6.07 Outside and Dual Employment

(a) Outside Employment

- 1) The work of the City will take precedence over other occupational interests of employees. All outside employment for salaries, wages, or other compensation and all self-employment must be reported to and approved by the employee's department head and City Manager.
- 2) Outside employment causing or perceived as a conflict of interest shall be disapproved.
- 3) Examples of conflicts of interest in outside employment include but are not limited to:
 - a) employment with organizations or in capacities that are regulated by the employee or employee's department; or
 - b) employment with organizations or in capacities that negatively impact the employee's perceived integrity, neutrality, or reputation related to performance of the employee's City duties.
- 4) The City Manager shall be responsible for final interpretation. Conflicting outside employment will be grounds for disciplinary action up to and including dismissal.
- 5) The City may require that employees report outside employment including salaries, wages, or commissions and all self-employment in advance to the employee's supervisor. The supervisor would review such employment for possible conflict of interest and then submit a record of the employment and review to the personnel file. Documentation of the approval of outside employment would be placed in the employee's personnel file.
- 6) An employee who sustains an injury or illness in connection with outside employment and is receiving worker's compensation from that employer shall not be entitled to receive City worker's compensation benefits or accrued City sick leave.

(b) Dual Employment

A full or part-time employee of the City may simultaneously hold another position with the City if the temporary position is in a different department and clearly different program area from that of the full or part-time position. However, the work of the full or part-time position shall take precedence over the temporary position.

Section 6.08 Limitation of Employment of Relatives

- (a) The City prohibits the employment of any person into a permanent position who is an immediate family member of individuals holding the following positions: Mayor, Vice Mayor, City Commissioners Member, City Manager, or City Attorney. Otherwise, the City will consider employing

family members or related persons in the service of the City, provided that such employment does not:

- 1) result in a relative supervising relative;
 - 2) result in a relative auditing the work of a relative;
 - 3) create a conflict of interest with either relative and the City; or
 - 4) create the potential or perception of favoritism.
- (b) This policy shall not be retroactive, and no action will be taken concerning those members of the same family employed in conflict with (a) above prior to the adoption of this policy.
- (c) Immediate family is defined for the purpose of this section as spouse, father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Section 6.09 Conformance to Immigration Law and Selective Service Requirements

All employees are required to furnish proof of citizenship or other required identification documents indicating a legal right to work in the United States. Copies of the completed form I-9 shall be maintained according to federal regulations.

Section 6.10 Confidential Information

No appointed official or employee shall, without the approval of his or her department head, disclose confidential information concerning the property, government, or affairs of the City. Nor shall they, under any circumstance, use such information to advance the financial or other private interest of themselves or others.

Section 6.11 Drug Free Work Place

(a) Purpose

- 1) As a part of its commitment to safeguard the health of its employees, to provide a safe place for its employees to work, and to promote a drug-free working environment, City has established this program relating to the abuse of drugs (including alcohol, as defined by Florida's Workers' Compensation Law, Fla. Stat. §440.101-.102, and rules promulgated pursuant thereto, hereinafter "FWCL") by its employees. This program is intended to conform to the requirements of the FWCL, as well as Fla. Stat. §112.0455. Drug abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. This program is established in part to detect and remove abusers of drugs from the workplace, to prevent the use and/or presence of these substances in the workplace, and to assist employees in overcoming any dependence on drugs in accordance with the following guidelines.
- 2) The FWCL provides, in part, that an employee who is injured in the course and scope of his/her employment and tests positive on a drug test may be terminated and shall forfeit his eligibility for medical and indemnity benefits under the FWCL. It is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and if an injured employee refuses to submit to a test for drugs or alcohol, the

employee forfeits eligibility for medical and indemnity benefits. Refusal to take a drug (urine) or alcohol (blood) test will result in the employee forfeiting his/her eligibility for medical and indemnity benefits under the FWCL and the employee will be subject to dismissal.

- 3) To the extent that the FWCL or the implementing rules are amended or other statutes and rules requiring drug testing are determined to be applicable to the City employees, the City's program will be amended to the extent required by such, without the necessity of further general notice.
- 4) The City's Drug-Free Workplace Program 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 employee and employer in America. Drug 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 abuse in the workplace.
- 5) A copy of the City's drug testing program will also be posted in appropriate and conspicuous locations on the City's premises and copies of the program will be made available for inspection during regular business hours at the City.

(b) Scope

All employees and job applicants are covered by this program and, as a condition of employment, are required to abide by the terms of this program. Any employee in doubt as to the requirements or procedures applicable to their situations may contact the City Manager for information.

(c) Definitions

- 1) The definitions of words and terms as set forth in the FWCL shall apply to the words and phrases used in this program unless the context clearly indicates otherwise.
- 2) The FWCL defines "drug" as: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCPP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic, a designer drug; or a metabolite of any of the substances listed in this paragraph.
- 3) The FWCL defines "safety-sensitive position" as: a position in which a drug impairment constitutes an immediate and direct threat to public health or safety, such as a position that requires the employee to carry a firearm, perform life-threatening procedures, work with controlled substances; a position subject to §110.1127; or a position in which a momentary lapse in attention could result in injury or death to another person.
- 4) The FWCL defines "special-risk position" as: a position that is required to be filled by a person who is certified under Chapter 633 or Chapter 943.

(d) Prohibitions

- 1) The use, sale, purchase, possession, manufacture, distribution, or dispensation of drugs or their metabolites on the City property, while at work, while on duty, during duty hours, while conducting the City's business, or while operating the City's vehicles or machinery is a violation of the City's Program and will result in discipline, up to and including immediate dismissal.
- 2) Off-duty use of drugs may adversely affect an employee's job performance or adversely affect or threaten to adversely affect other interests of the City, including but not limited to the employee's relationship to his/her job, fellow workers' reputations, or a goodwill in the community. Disciplinary action up to and including dismissal may be imposed on this basis.
- 3) An employee who management reasonably suspects is under the influence of drugs will be

removed immediately from the workplace and will be tested for drugs.

- 4) In response to a positive drug test, the City will take further action (i.e., further testing, referral to counseling, and/or disciplinary action) based on medical information, work history, and other relevant factors. The determination of appropriate action in each case rests solely with the City.
- 5) An employee in safety-sensitive position who fails a random drug test will be allowed a one-time opportunity to participate in an Alcohol/Drug Rehabilitation Program or the City's Employee Assistance Program (EAP) or other approved program as determined by the City, in lieu of being immediately dismissed based upon such failure. However, allowing the Employee to participate in such program in lieu of being dismissed is conditioned upon the Employee's meeting the requirements set forth in this program. Furthermore, such an opportunity will not be available to an employee who has previously participated in an Alcohol/Drug Rehabilitation Program, the City's EAP, or other approved, similar program, as an alternative to dismissal. Employees allowed the rehabilitation opportunity described herein may still receive disciplinary action short of dismissal in addition to required participation in the rehabilitation program. Participation in a treatment program, be it entirely voluntary or pursuant to this section, will not excuse additional violations of this Program, work rule violations, improper conduct, or poor performance and an employee may be disciplined or dismissed for such offenses or failure to perform. As to certain Departments or employee groups, the City may approve further limits on, or elimination of, the rehabilitation opportunity described above.
- 6) Legal medication (over the counter) or prescription drugs may also affect the safety of the employee, fellow employees or members of the public. Therefore, any employee who is taking any over-the-counter medications or prescription drug which might impair safety, performance, or a motor functions shall advise his/her supervisor of the possible impairment before reporting to work under the influence of such medication or drug. A failure to do so may result in disciplinary action. If the City determines that the impairment does not pose a safety risk, the employee will be permitted to work. Otherwise, the City may temporarily reassign the employee or place the employee in an appropriate leave status during the period of impairment. Improper use of prescription drugs is prohibited and may result in disciplinary action. Improper use of prescription drugs includes, but is not limited to, use of multiple prescriptions of identical or interchangeable drugs, and/or consumption of excessive quantities of an individual or therapeutically interchangeable drugs, and/or inappropriately prolonged duration of consumption of drugs, and/or consumption or prohibited drugs for other than a valid medical purposes. Excessive or inappropriate prescribing by the prescriber or prescribers shall NOT constitute a defense for the employee. Prescription medication shall be kept in its original container if such medication is possessed during duty hours or on the City property.
- 7) Efforts to tamper with, or refusal to submit to a drug test will subject the employee to dismissal.
- 8) Employees arrested for a drug-related incident, as indicated on the arrest report, shall notify, as soon as feasible, but in any event no later than the next business day after the arrest, the department head having direct administrative responsibility for the arrested employee of the arrest. Failure to comply with this subsection will result in disciplinary action up to and including dismissal.
- 9) Violations of drug use prohibitions can subject an employee to disciplinary action up to and including dismissal. Dismissal for a first offense will be considered an appropriate penalty.

(e) Testing

1) Testing of Job Applicants

- a) Prior to employment, job applicants, whether for temporary or permanent positions, will be tested for the presence of drugs.
- b) Any 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 pre-employment confirmatory drug test will not be hired.
- c) Employees who are not in a safety-sensitive or special-risk position and apply for a position designated as a safety-sensitive or special-risk shall be required to successfully pass a drug test within 48 hours of receiving notification that they have been selected to fill the safety sensitive or special risk position.

2) Reasonable Suspicion Testing

"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 Program, drawn from specific, objective and articulable facts and reasonable inferences drawn from those facts in light of experience. The City Manager or designee shall require an employee to undergo drug testing if there is reasonable suspicion that the employee is in violation of the Program. Circumstances which constitute a basis for determining "reasonable suspicion" may include but not limited to:

- a) 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.
- b) Abnormal conduct or erratic behavior while at work on a significant deterioration in work performance.
- c) A report of drug use, provided by a reliable and credible source.
- d) Evidence that an individual has tampered with a drug test during his employment with the current employer.
- e) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- f) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working or while on the employer's premises or while operating the employer's vehicle, machinery, or equipment.

3) Random Testing

- a) Employers in safety-sensitive or special-risk positions, including employees whose positions with the City require them to have a commercial driver's license, will be required to submit to drug testing on a random basis. Random drug testing shall not exceed once every three (3) months. A list of those job classifications determined to be safety sensitive or "special risk" will be compiled and kept on file by the City Manager. Such list will be periodically updated.
- b) For purposes of selection for testing, employees shall be identified only by Social Security Numbers and the selection of employees will be conducted through the use of random number generator or other neutral selection process. Therefore, based on random chance, an employee may be selected more than once during the year for testing, or not at all.

4) Follow-up Testing

If the employee in the course of employment enters an employee assistance program for drug-related problems, or a drug rehabilitation program, the employer must require the employee to submit a drug test as a follow up to such program, unless the employee voluntarily entered the program. In those cases, the employer has the option to not require follow up testing. If follow up testing is required, it must be conducted at least once a year for a two (2) year period after completion of the program. Advance notice of a follow up testing date must not be given to the employee to be tested.

5) Routine Fitness-for-Duty

An employee shall submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is routinely scheduled for all members of an employment classification or group.

6) Additional Testing

Additional testing, including confirmation testing, may also be conducted:

- a) As required by applicable state or federal laws, rules, or regulations and/or;
- b) To the extent that such testing is not prohibited by applicable state or federal laws.

7) Refusal to Test

Employees who refused to submit to a blood or urine test administered in accordance with this program forfeit their eligibility for all workers' compensation medical and indemnity benefits and will be subject to dismissal. Employees who refuse to submit to a chemical breath test or other mechanism determined by manager to be reliable will be subject to dismissal.

(f) Testing Procedure

1) Tested Substances

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

- a) Alcohol
- b) Amphetamines (Binhetamine, Desoxyn, Dexedrine)
- c) Cannabinoids (i.e. marijuana, hashish)
- d) Cocaine (coke, crack)
- e) Phencyclidine (PCP)
- f) Methaqualone (Quaalude, Parest, Sopor)
- g) Opiates (opium, heroin, morphine, codeine)
- h) Barbiturates (Phenobarbital, Tuinal, Amytal)
- i) Benzodiazophines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
- j) Methadone (Dolophine, Methadose)
- k) Propoxyphene (Darvocet, Darvon N, Dolene)

2) Consent Required

Job applicants and employees will be asked to sign Consent to Testing form. Refusal to execute the consent form constitutes a refusal to be tested, and will subject the employee/applicant to dismissal/failure to hire.

3) Designated Laboratory

Because of the potential adverse consequences of positive test results on employees, the City will employ a very accurate testing program. Specimen samples will be analyzed by a highly qualified, independent laboratory which has been selected by the City and certified by the appropriate regulatory agency. The name and address of the certified laboratory currently used by the City is on file with the City Manager.

4) Notification of Prescription Drug Use

Applicants and employees will be given an opportunity, prior to and after testing, on a confidential basis, to provide any information to the Medical Review Officer ("MRO") they consider relevant to the test including identification of currently or recently medical information on a Drug Use Information Form. This Program also provides notice of the most common medication by brand name or common name, as well as the chemical name which may alter or affect a drug test. Employees and job applicants also have the right to confidentially consult with the MRO for technical information regarding prescription or nonprescription medication.

5) Testing of Injured Employees

An employee injured at work and require 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 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 program and transported to an approved testing laboratory. No specimen will be taken prior to the administration of emergency medical care. An injured employee must authorize release to the City the result of any tests conducted for the purpose of showing the presence of drugs.

6) 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 any additional test not required by the City.

7) Collection Site, Work Site

- a) The City will utilize a collection site designated by an approved laboratory which has all necessary personnel, materials, equipment, facilities, and supervision to provide for the collections, 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 which meets the applicable requirements.
- b) 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 as applicable will meet FWCL guidelines.

8) Testing Laboratory

- a) The laboratory used to analyze initial or confirmation blood or urine specimens will be licensed or certified by the appropriate regulatory agencies to perform such tests.
- b) The MRO will provide assistance to the employee or job applicant for the purpose of interpreting any positive confirmed test result to determine whether the result could have been caused by prescription or nonprescription medication taken by the employee or job applicant.

9) Time to Report for Testing

Upon notification by management representatives that a drug test is required, the employee will report to the test site as designated by management no later than two (2) after notification, sign the appropriate consent forms, and submit to the test.

(g) Test Results

- 1) Every specimen that produces a positive, confirmed test result shall be preserved by the licensed or certified laboratory that conducted the confirmation test for a period of at least 210 days after the result of the test was mailed or otherwise delivered to the medical review officer. However, if an employee or job applicant undertakes an administrative or legal challenge to the test result, the employee or job applicant shall notify the laboratory and the sample shall be retained by the laboratory until the case or administrative appeal is settled. During the 180-day period after written notification of a positive test result, the employee or job applicant who has provided the specimen shall be permitted by the employer to have a portion of the specimen retested, at the employee's or job applicant's expense, at another laboratory, licensed and approved by the Agency for Health Care Administration, chosen by the employee or job applicant. 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 employer is responsible for the transfer of the portion of that specimen to be retested, and for the integrity of the chain of custody during such transfer.
- 2) Within five (5) working days after receipt of a positive confirmed test result from the medical review officer, the City will inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. The City will provide to the employee or job applicant, upon request, a copy of the test results.
- 3) Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the City explaining or contesting the test result, and explaining why the result does not constitute a violation of the City's Program.
- 4) If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the City, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive result, will be provided by the City to the employee or job applicant; and all such documentation shall be kept confidential by the City pursuant to the requirements of the FWCL and shall be retained by the City for at least one (1) year.
- 5) Employees may challenge employment decisions made pursuant to this program as may be authorized by the City Personnel Program or, as applicable, collective bargaining agreements, the Public Employees Relations Commission, or applicable court.

(h) Employee Assistance Program (EAP)

- 1) The City regards its employees as its most important asset. Accordingly, the City maintains an EAP which provides 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 the EAP or other community resources before drug or alcohol problems lead to disciplinary action. Employees may contact the City Manager for the name of the City's EAP.

However, use of the EAP or other community resources will not shield the employee from appropriate disciplinary action for violations of the City's Drug-Free Workplace Program if such violations come to the City's attention through other means, including, but not limited to, reports from employees or outsiders, direct observation, or drug testing.

- 2) Employees referred to the EAP as a result of a first violation of the City's Program may, at the City's discretion, be allowed to continue their employment with the City provided they contact the EAP and strictly adhere to all the terms of treatment and counseling.
- 3) Participation in any evaluation, treatment, or counseling program will be at the employee's expense unless participation in the particular program is required by the City, or unless the employee is entitled to such benefits under the terms of the City's group health plan or by other available benefits. 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 City, 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 a drug rehabilitation program. The City may select the employee assistance program or drug rehabilitation program if the City pays the cost of the employee's participation in the program. However, a special risk employee may be disciplined or discharged for a first positive confirmed drug test result when illicit drugs are confirmed.

(i) Confidentiality

- 1) Except as otherwise provided by the FWCL, all information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and exempt from the provisions of §119.07(1) and section 24(a), Article I of the State Constitution, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with the FWCL or in determining compensability under Chapter 440, Florida Statutes.
- 2) The City, laboratories, medical review officers, employee assistance programs, drug rehabilitation programs, and their agents may not release any information concerning drug test results obtained pursuant to the FWCL without a written consent form signed voluntarily by the person tested, unless such release is compelled by an administrative law judge, a hearing officer, or a court of competent jurisdiction pursuant to an appeal taken under this section or is deemed appropriate by a professional or occupational licensing board in a related disciplinary proceeding. The consent form must contain, at a minimum:
 - a) The name of the person who is authorized to obtain the information.
 - b) The purpose of the disclosure.
 - c) The precise information to be disclosed.
 - d) The duration of the consent.

- e) The signature of the person authorizing release of the information.
- 3) Information on drug test results shall not be used in any criminal proceeding against the employee or job applicant. Information released contrary to the FWCL is inadmissible as evidence in any such criminal proceeding.
- 4) The FWCL does not prohibit the City, an agent of the City, or laboratory conducting a drug test from having access to employee drug test information or using such information when consulting with legal counsel in connection with actions brought under or related to the FWCL or when the information is relevant to its defense in a civil or administrative matter.

(j) 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 information shall be made available at a reasonable time convenient to the City in a manner that permits discreet review by the employee. The City shall provide in their resource file a representative sampling of the names, addresses, and telephone numbers of employee assistance programs and local alcohol and drug rehabilitation programs to employees and applicants.

Section 6.12 Use of City Owned Equipment

(a) Generally

The City Commission specifically forbids the personal use of any City owned real property, tangible personal property, equipment, or supplies by any employee, elected official or individual, or appointed official or individual unless in furtherance of a valid public purpose and authorized by the City Manager. Should authorization be granted, use will be limited to the use specified in the authorization. No employee shall purchase for personal use any equipment or supplies through City purchase account.

(b) Use of City owned vehicles are governed by the following:

- 1) Vehicles owned by the City may be provided to one or more employees in connection with City business and shall be used only on City business. When the vehicle is not used in the City's business, it is kept on the City's business premises. Pursuant to Federal and State law, neither the employee, nor any individual whose use would be taxable to the employee, may use the City vehicle for personal use.
- 2) For bona fide non-compensatory business reasons, the City may require certain employees to commute to and from work in City vehicles that are not exempted by IRS regulations. In accord with federal and state law, an employee may not use the City owned vehicle for personal use other than commuting. Under these conditions the City will account for commuting use as specified and required in IRS regulations. Under no circumstance will these vehicles be driven more than 10 miles from Archer to a local residence.

Section 6.13 Travel and Expense Reimbursement

(a) Travel

- 1) Employees, elected and appointed officials will, from time to time, be involved in out-of-City

travel to attend schools, business meetings, conferences, etc. All travel must be by a usually traveled route. In case an employee travels by an indirect route for his/her own convenience, any extra costs shall be borne by the employee, and reimbursement for expenses shall be based only on such charges as would have been incurred by a usually traveled route. The City Manager shall designate the most economical method of travel for each trip, keeping in mind the following conditions:

- a) The nature of the business.
- b) The most efficient and economical means of travel (considering time of the traveler, impact on the productivity of the traveler, cost of transportation, and per diem or meal allowance required).
- c) The number of persons making the trip and the amount of equipment or material to be transported.

2) Use of Privately Owned Vehicles (POV)

- a) The use of privately owned vehicles for official travel in lieu of publicly owned vehicles or common carriers may be authorized by the City Manager. Whenever travel is by POV, the employee shall be entitled to a mileage allowance at the rate fixed by either the Florida Statutes or the IRS standard mileage rates for business, whichever is higher. Reimbursement for expenses related to the operation, maintenance, and ownership of a vehicle shall not be allowed when privately owned vehicles are used on City business
- b) All mileage shall be shown from point of origin to point of destination and, when possible, shall be computed on the basis of the current map of the Florida Department of Transportation.
- c) No employee shall be allowed either mileage or transportation expense when transported at no cost by another person or when transported by another employee who is entitled to mileage or transportation expense.
- d) Employees may be reimbursed for taxi fare; ferry, bridge, road, and tunnel tolls; and storage or parking fees if these expenses are incurred as part of travel for bona fide City business when substantiated by paid receipts.

(b) Travel Reimbursement

All travel payments must be approved by the City Manager in advance. Travel expenses shall be limited to those expenses incurred in the performance of City of Archer business. The City Manager may pay by advancement or reimbursement, or a combination of advancement and reimbursement for travel costs. All travel expenses shall be administered in accordance with Section 112.061, Florida Statutes, unless otherwise specified in this section.

(c) Per Diem

- 1) When an employee is in continuous scheduled travel away from the immediate vicinity of the City of Archer and it is considered reasonable and necessary to stay overnight and travel expenses are approved, the employee will receive per diem at a rate of \$80.00 per day. If actual expenses exceed \$80.00, the amounts permitted in paragraph "b" below for food plus actual expenses for lodging at a single-occupancy rate will be allowed when substantiated by paid receipts.
- 2) An employee traveling for short or day trips away from the immediate vicinity of the City of

Archer where he/she is not staying overnight will not receive per diem. Instead, the employee will receive a food allowance based on the following schedule:

- a) Breakfast: When travel begins before 6 a.m. and extends beyond 8 a.m. the employee will be allowed \$6.00 for a meal.
 - b) Lunch: When travel begins before 12 noon and extends beyond 2 p.m. the employee will be allowed \$11.00 for a meal.
 - c) Dinner: When travel begins before 6 p.m. and extends beyond 8 p.m. or when travel occurs during nighttime hours due to special assignment, the employee will be allowed \$19.00 for a meal.
- 3) These rates for meals are based on rates identified in Florida Statutes Section 112.061(6). Should these statutory rates change as a result of future amendments to the Florida State Statutes; the rates listed in this policy will automatically change to reflect the new statutory rate.
 - 4) When lodging or meals are provided at a public institution, the employee shall be reimbursed only for the actual expenses of such lodging or meals.
 - 5) No employee shall be reimbursed for any meal or lodging included in a registration fee paid by the City.
 - 6) Employees attending meetings, conferences, etc., where lodging is offered and available at the institution, shall be required to use such accommodations.
 - 7) All travel claims must be supported by detailed documentation, usually in the form of receipts or similar vouchers and use of the City Travel/meal/Mileage Reimbursement Form (Archer Travel Authorization Form 2016).
 - 8) The City Manager, upon the recommendation of the Accounting Department, may deny reimbursement of any questionable, unsupported, or excessive expense claims submitted by employees.
 - 9) Any violation of the provisions in this section shall be deemed improper conduct and may subject the employee to discharge or other disciplinary action.

Section 6.14 Harassment

- (a) Harassment on the basis of race, color, religion, sex, sexual orientation, national origin, age or disability constitutes discrimination. The City opposes harassment by supervisors and co-workers in any form. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, sexual orientation, sex, national origin, age, or disability, or that of his or her relatives, friends, or associates.
- (b) The City prohibits sexual harassment by supervisors and co-workers in any form. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment includes repeated offensive sexual flirtations, continual or repeated commentaries about an individual's body, offensive sexual language, and the display in the workplace of sexually suggestive pictures of objects.

- (c) Any employee who believes that he or she may have a complaint of harassment may follow the Grievance Procedure described in this Article X or may file the complaint directly with the City Manager, department head, City Clerk, City Attorney, or other City official. The City Manager will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.
- (d) Employees who are found to be engaged in harassment are subject to disciplinary action up to and including dismissal. Employees making complaints of harassment are protected against retaliation from alleged harassers or other employees.

Section 6.15 Personal Indebtedness

It is expected that each employee of the City will keep his/her financial affairs arranged in such a way that the City will not be embarrassed by excessive personal indebtedness.

Section 6.16 Surrender of Property

An employee who is suspended or terminated shall be required to return all items of equipment and supplies, including uniforms, owned by the City. Return of such equipment must precede the issuance of such an employee's final pay check.

Section 6.17 Uniform, Dress Code and Personal Appearance

- (a) The image of the City is directly related to the employees of the City and the way in which they conduct and present themselves. All employees are expected to dress at all times in an acceptable and professional manner which is consistent with good business practice and the provisions of the safety policy.
- (b) The City provides work clothing to some categories of employees for the purpose of employee protection and of identification of City employees to the public. The provision of work clothing also constitutes an important employee benefit. The City's basic policies with respect to providing work clothing shall be as follows:
 - 1) Utility Workers: Regular employees engaged in outside service, construction or repair work in these and similar departments shall wear City-approved uniforms at all times while on duty. The City will provide hard hats, safety vests, similar safety equipment, and rain gear. The cost of these uniforms will be provided by the City and is expected to be used by these employees.
 - 2) Administrative and Office Employees: Employees in these classes are required to wear appropriate attire. At the manager's discretion, Thursday may be considered a casual dress day in which jeans may be worn, but not on a daily basis. They may, at the manager's discretion, be provided with protective clothing for occasional use when their personal clothing might be damaged by their work or their work environment.
- (c) In departments where uniforms are required, supervisors shall be responsible for making sure employees wear the designated uniform in a clean and neat manner. Altering a uniform without prior approval is a violation of the dress code. The City Manager is responsible for determining what acceptable attire is for City employees.

Section 6.18 Credentials and Certifications

Some duties assigned to positions in local government service may be performed only by persons who are duly licensed, registered or certified as required by the relevant law, rule or regulation. Employees in such classifications are responsible for maintaining current, valid credentials as required by law, rule or

regulation. Failure to obtain or maintain the required credentials is a basis for immediate dismissal without prior warning. An employee who is dismissed shall be given a written statement of the reason for the action and his/her appeal rights.

Section 6.19 Genetic Information Non-Discrimination Act

- (a) Pursuant to the Genetic Information Non-Discrimination Act of 2008 (hereinafter “GINA”), the City of Archer does not and will not discriminate against applicants, employees, former employees, and all such individual and members with regard to genetic information that may have been inadvertently or otherwise obtained by the City. Furthermore, the City will take every action possible to avoid requesting, purchasing, requiring or in any way discriminating or retaliating against an active employee or former employee with regard to genetic information.
- (b) From time to time the City may request specific healthcare information from an applicant which could result in the City requiring genetic information. The City will take every possible action to avoid obtaining genetic information. To that end, the City will include the following language in all requests for any medical information to an applicant, employee, former employee or healthcare provider:

The Genetic Information Nondiscriminatory Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of employees or their family members. In order to comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. “Genetic Information” as defined by GINA, and includes an individual’s family medical history, the results of an individual’s family medical history, the results of an individual’s or family member’s genetic test, the fact that an individual or individuals family members sought or seek genetic services, and genetic information of a fetus carried by an individual or an individual’s family member or an embryo lawfully held by individual with family members receiving assistive reproductive services.

ARTICLE VII LEAVES OF ABSENCE

Section 7.01 Holidays

- (a) The following days, and other days as the City Commission may designate, are holidays with pay for employees and appointed officers of the City working the normal workweek as defined in Section 6.01(d) of these policies.
 - 1) New Year's Day
 - 2) Martin L. King Day
 - 3) Good Friday
 - 4) Memorial Day
 - 5) Independence Day
 - 6) Juneteenth National Independence Day
 - 7) Labor Day

- 8) Veterans Day
 - 9) Thanksgiving Day
 - 10) Christmas Eve
 - 11) Christmas Day
- (b) When a holiday falls on a Friday, Saturday, or Sunday, in lieu of observing said holiday during the basic four-day workweek employees and appointed officers shall be compensated for each such holiday based on compensation for one (1) ten-hour workday in addition to compensation for all other time worked during such workweek.
- (c) In addition to the holidays listed above, the City Manager has the authority to designate for each employee one (1) additional holiday with pay.
- (d) For employees having a work week with greater or fewer hours than the basic work week, holiday leave shall be granted in the same proportion as their work week is to a forty (40) hour work week.
- (e) In order to be eligible for holiday pay, an employee must have been in pay status for a full regularly scheduled workday before and after the holiday, unless excused by the Department Head.

Section 7.02 Effect of Holidays on Other Types of Leave

Regular holidays which occur during a vacation, sick or other leave period of any appointed officer or employee of the City shall not be considered as vacation, sick or other leave.

Section 7.03 Holiday - When Work Is Required

Employees required to perform work on regularly scheduled holidays will be paid at their hourly rate for the hours actually worked in addition to any holiday pay to which they may be entitled.

Section 7.04 Vacation Leave

(a) Generally

- 1) Full-time employees in the personnel system shall be eligible to accrue vacation leave. Part-time employees shall be eligible to accrue vacation leave in proportion to the number of hours worked, but an employee who is contracted to work fewer than 20 hours per week shall not be eligible to vacation leave. Temporary employees shall not be eligible for vacation leave.
- 2) Vacation leave accrues on the first day of each month.
- 3) Vacation leave accrues according to the following schedules:

Years of Completed Aggregate Service	Hours Earned In one month	Vacation Accrual per biweekly pay period
Less than 5	8 hours per month	3.69 hrs per pay period
5 to 9.11	12 hours per month	5.54 hrs per pay period
10 to 14.11	14 hours per month	6.46 her per pay period
15 to 19.11	16 hours per month	7.39 hrs per pay period
20 plus	18 hours per month	8.31 hrs per pay period

- 4) Part-Time Employees shall accrue vacation time in proportion to hours worked.

5) Temporary employees are not entitled to vacation leave.

(b) Accumulation

Full-time and part-time employees begin accruing vacation leave on the first day of the month following employment. Vacation leave may generally be accumulated from month to month.

However, vacation time may only be accumulated up to a maximum of twenty-four (24) working days (240 hours). At the end of each fiscal year, employees' vacation leave accounts will be reduced so that when the accounts are credited on the next day, the balance does not exceed twenty-four (24) days.

(c) Advance Of Vacation Leave Prohibited

No employee shall be granted vacation time unless the time granted shall have already accrued or will accrue during the vacation period.

(d) Requests For Vacation

Whenever possible, all requests for vacation shall be submitted in writing at least thirty (30) days prior to the desired commencement date. The City Manager shall approve vacation requests unless workload requirements preclude vacation during the time requested.

(e) Payment For Unused Vacation Leave

Employees are encouraged to use their vacation time. At the discretion of the City Manager, employees may be eligible to participate in an annual vacation leave buyback program. Employees may be denied the ability to sell their time back pursuant to the current adopted budget. An employee is only eligible to participate if the employee maintains eighty (80) hours of vacation leave AFTER the leave is sold. Buyback will be limited to a maximum of eighty (80) hours per employee each year and must be sold back by the end of the fiscal year of each available year. When an employee is separated from employment, he/she may be paid for all unused vacation leave. The official termination date shall be the last day of active employment and shall not be extended due to payment of vacation leave.

Section 7.05 Sick Leave

(a) Accrual Of Sick Leave

- 1) No sick time will be credited during the first six months of employment.
- 2) Between six months and one year of service, regular full-time employees are credited one-half ($\frac{1}{2}$) sick day per month. On the first day of the month following the sixth month anniversary of employment with the City, one-half sick day will be credited to the employee's sick leave account. On the first day of each of the next five months, one-half sick day will be credited to the employee's sick leave account.
- 3) After one year of employment with the City, regular full-time employees are credited one sick leave day per month. On the first day of the month following the employee's first year anniversary of employment with the City, one sick day will be credited to the employee's sick leave account. Sick leave will continue to accrue on the first day of each month at the rate of one day per month.
- 4) Employees contracted to work fewer than twenty (20) hours per week will not accrue sick time. Employees who are scheduled for at least twenty (20) but less than thirty-five (35) hour per week earn sick leave at $\frac{1}{2}$ the rate of forty-hour employees.

- 5) At the end of each fiscal year, all employees' sick leave accounts will be reduced to zero. At the beginning of each fiscal year, all employees' sick leave accounts will be credited according to the method described above.
- 6) Employees who use 50% or less of their annual sick leave during a period of one (1) fiscal year will be compensated for one half (½) of their unused sick leave time at the beginning of the following fiscal year at the employees' pay rate at the time the sick leave was credited.
- 7) Unused sick leave is forfeited when employment with the city ceases.

(b) Payment Of Sick Leave

- 1) Employees using sick leave shall be compensated at their regular hourly rate of pay. All employees are required to notify the City Manager as early as possible and no later than the starting of his/her normal workday when he/she is unable to report to work because of illness or injury, giving reason for absence. Employees failing to comply with this provision may not be allowed to charge their absence to sick leave unless approved by the City Manager.
- 2) Sick leave will not be granted for any sickness, injury or disability arising from a felonious act on the part of the employee or from injuries sustained as a result of the employee's misconduct.
- 3) Any absence may require a doctor's statement. After three consecutive sick days, an employee shall not be permitted to return to work without a doctor's statement indicating the employee is capable of returning to work. The doctor's statement shall also contain information as to any restrictions to the performance of all duties normally assigned to the employee.

(c) Advance Sick Leave

If an employee has insufficient sick leave credit to cover a period of absence, vacation leave may be used at the option of the City Manager.

(d) Accumulation Of Sick Leave

Sick leave may not be accumulated beyond the end of the fiscal year in which it is credited.

(e) Temporary Employees

Temporary employees are not entitled to sick leave.

(f) When Sick Leave Is Permissible

- 1) Personal illness or temporary disability over which the individual has no control. A doctor's statement will be required for a temporary disability indicating approximate length of absence.
- 2) Legal quarantine because of exposure to contagious disease.
- 3) For absence due to a compensable injury arising out of the course of City employment.
- 4) Illness of an employee's immediate family member defined as father, mother, foster parent, brother, sister, spouse, son, daughter, father-in-law, mother-in-law, grandfather, grandmother, step-mother, step-father, step-children, grandchildren, and foster children provided the employee's presence is needed. The City Manager may require confirmation of the family member's illness from the employee by furnishing a doctor's certificate or any other means necessary. (See also Family Leave)
- 5) Medical, dental or optical appointments.

Section 7.06 Leave Without Pay - Policy

- (a) The City of Archer will follow all standard Family and Medical Leave Act (FMLA) Federal Guidelines as it relates to leave without pay.
- (b) The employee shall apply in writing to the City Manager for leave, stating the reason and the length of time for the leave of absence request and submit all required FMLA Request Forms for review, authorization by City manager and processing.
- (c) The employee is obligated to return to duty within, or at the end of, the time determined appropriate by the FMLA Guidelines. Upon returning to duty after being on leave without pay, the employee shall be entitled to return to the same position held at the time leave was granted or to one of like classification, seniority and pay. If the employee decides not to return to work, the supervisor should be notified immediately. Failure to return at the scheduled return of a leave of absence or end of FMLA 12-week period as defined, (see Section 7.14 of this Article), unless an extension has been requested, shall be considered a resignation.

Section 7.07 Leave Without Pay - Effect on Benefits

An employee shall retain all unused vacation and sick leave while on leave without pay. An employee ceases to earn or accrue leave credits on the date leave without pay begins. The employee may continue to be eligible for benefits under the City's group insurance plans, subject to any regulations adopted by the City Commission and the regulations of the respective insurance carriers but will be required to pay the monthly premium.

Section 7.08 Workers' Compensation Leave

- (a) Employees are immediately eligible for statutory Workers' Compensation benefits after suffering compensable illness or injury. However, indemnity (wage loss) benefits are not paid until after the first seven (7) calendar days of job-connected disability. If the disability prevents the employee from returning to work for the City for more than seven (7) calendar days, then beginning the eighth (8th) calendar day of disability, the employee receives an amount equivalent to 66-2/3% of the average gross weekly salary, with a cap set according to Florida law.
- (b) During the first seven days of disability the employee may elect to use accumulated vacation and sick leave to provide a source of continued income. Also, after the first seven (7) calendar days of the disability, the employee may elect to use accrued leave to supplement Workers' Compensation benefits provided that when such leave is added to Workers' Compensation, the total will not exceed 100% of the gross pay the employee would have received if present for a normal work week. Accrued leave will not automatically be applied. In order to initiate this election it is the responsibility of the employee's Office/Department designee to contact the employee prior to the end of the first seven days of disability and verify if the employee has elected to take advantage of this provision. If so, the designee must immediately notify Human Resources personnel by phone and confirm it with written documentation of the election.
- (c) If the injury or illness results in disability of the employee for more than twenty-one (21) cumulative calendar days, the waiting period (first seven (7) calendar days of disability) will be paid to the employee at the appropriate Statutory rate and any corresponding amounts of leave previously used by the employee will be restored subject to the following procedure. In order to restore the accrued leave the employee will be required to repay to the City an amount equal to the statutory compensation pay received for used leave. The employee will receive a compensation check equal to the amount required by law and made payable to both the employee and the City of Archer. If

the employee chooses to have the accrued leave restored, the employee will endorse the check and return it to the employee's Office/Department payroll administration staff. The office/Department staff will forward a copy of the endorsed check to the Human Resources, with written payroll documentation, showing that accrued leave has been used and the employee is requesting restoration of the accrued leave. The Office/Department payroll section will deposit the check to the appropriate payroll fund and reinstate the accrued leave.

- (d) The employee may elect not to endorse the check and use accrued leave as the employee's sole source of income for the seven-day waiting period. If this option is selected the employee has chosen to receive salary in lieu of Workers' Compensation. Additionally, they must write void in bold letters on the face of the check, initial and date the check on the back, and then return it to Human Resources.
- (e) All injuries arising out of, and during, the course of employment should be reported by the injured employee to the immediate supervisor as soon as possible. The supervisor or department head shall file an injury report to Human Resources within twenty-four (24) hours of the time of the accident.
- (f) Human Resources personnel may assist any requesting employee in filing the claim for worker's compensation by providing the necessary claim forms and necessary information as to the procedure for filing a claim. However, the responsibility for claiming compensation under the Worker's Compensation Act is on the injured employee.
- (g) An employee on workers' compensation leave may be permitted to continue to be eligible for benefits under the City's group insurance plans.
- (h) Temporary employees will be placed in a leave without pay status and will receive all benefits for which they may be adjudged eligible under the Workers' Compensation Act.
- (i) Adverse Reaction to Smallpox Vaccine
- (j) If an employee is absent from work due to receiving the smallpox vaccination under the Homeland Security Act (42 U.S.C. Section 233 (p) and has:
 - 1) an adverse reaction to the vaccination; or
 - 2) an adverse reaction caused by exposure to an employee who has received such vaccination in employment of the City of Archer, then it shall be considered an occupation disease under the Workers' Compensation program. Therefore, the absence from work will not count against the employee's sick leave, Family Medical leave or vacation leave and the employee's salary shall continue during such absence.
- (k) A health care provider must certify the need for the employee to be out of work longer than 24 hours. The City reserves the right to have any employee get a second opinion on a medical condition by a doctor chosen by the City.
- (l) The City will cover any medical expenses incurred by the employee due to an adverse reaction to the smallpox vaccination. The method of payment or the source of funds expended will be at the exclusive discretion of the City.

Section 7.09 Bereavement Leave

An employee may have up to three (3) days leave at full pay granted when attending the funeral of an immediate family member as defined in Article VI, Section 8 of these policies. Additional time to settle affairs of the family may be taken with the approval of the department head and should be charged to

vacation leave. Leave to attend funerals of other than the immediate family may be granted by the department head and charged to vacation leave.

Section 7.10 Temporary Disability Leave

- (a) Accumulated sick leave is available to employees for the period of temporary disability in the same manner as for any other illness. Leave without pay may be used by the employee prior to, during or after the disability ends as long as a doctor's certification continues to support the disability.
- (b) The employee may elect to use accumulated vacation leave (1) before going on sick leave, (2) after accumulated sick leave has been exhausted, and/or (3) after the temporary disability has ended. If an employee is temporarily disabled and has exhausted all accumulated sick leave, that employee may be eligible to receive leave without pay for personal disability under the provisions of Section 8 of this article. If an employee wishes to retain all accumulated sick leave and vacation leave, leave without pay may be taken for the entire period.
- (c) Reinstatement to the same position or one of like classification, seniority and pay shall be made upon the employee's return to work if available.

Section 7.11 Military Leave and USERRA Leave

- (a) The City will fully comply with the requirements of the 1994 Uniformed Services Employment and Re-Employment Rights Act (USERRA) and related federal regulations. For the purposes of USERRA covered employees are the following:
 - 1) Armed Forces Active and Reserve (Army, Navy, Marine Corps, Air Force, Coast Guard)
 - 2) Army National Guard and Air National Guard
 - 3) FEMA's Disaster Assistance Teams
 - 4) Commissioned Corps of the Public Health Service
 - 5) Military Service Academies
 - 6) Reserve Officer's Training Corps (ROTC)
- (b) Employee taking leave under USERRA shall be eligible to take accumulated vacation leave, accrued compensatory time or be placed in a leave without pay status, and the provisions of that leave shall apply. While taking USERRA leave, the employee's unused leave balances will be retained and any seniority-based benefits such as leave accrual rates will not continue to accrue.
- (c) Employees performing USERRA duty of more than 30 days may elect to continue the City's health care for up to 24 months but will be responsible for paying the insurance premiums up to 102% of the premium costs. Employees whose USERRA duty is less than 31 days will have their health insurance coverage paid as if they were at work with the City.
- (d) Military Training
 - 1) In addition to complying with the requirements of USERRA, the City provides additional benefits for military training. Full-time employees who are members of an Armed Forces Reserve organization or National Guard shall be granted fifteen calendar days per year for military leave with pay. If the compensation received while on military leave is less than the salary that would have been earned during this same period as a City employee, the employee shall receive partial compensation equal to the difference. The effect will be to maintain the employee's salary at the normal level during this period.

- 2) If such duty is required beyond the fifteen calendar days, the employee shall be eligible to take accumulated vacation leave or be placed in a leave without pay status, and the provisions of that leave shall apply. While on military leave, seniority-based benefits such as leave accrual rates shall continue to accrue as if the employee was actively at work. Employees on extended military leave will remain eligible for health benefits on a voluntary basis, at the employee's expense for a period of 24 months.
 - 3) Part-time and temporary employees will be granted time off without pay to meet their military reserve or National Guard training obligations.
- (e) Reinstatement Following Military and other USERRA Service
- 1) An employee who volunteers or is called to active duty with the United States military forces, and who returns to work in less than five years will be returned to the same or like position he or she occupied prior to the active duty enlistment with full seniority, status, leave accrual rates and pay as if there had been no break in employment if available. A military discharge form "DD214" with an honorable discharge must be submitted with the notification of intent to return to work.
 - 2) Time limits for employees to reapply for return to work after release from military service are:
 - a) Less than 31 days absence - employee must report to employer by the next business day.
 - b) 31 days-180 days absence - notification to the supervisor must be submitted within 14 days.
 - c) More than 180 days absence - notification to the supervisor must be submitted within 90 days.
 - d) All reporting deadlines are extended for two years if the employee is injured during USERRA service.

Section 7.12 Civil Leave

- (a) A City employee called for jury duty or as a court witness for the federal or state governments or a subdivision thereof shall receive normal pay for such duty during the required absence and turn over any court fees paid to the employee.
- (b) The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the City any witness fees or travel allowance awarded by that court for court appearances in connection with official duties.
- (c) Employees in court for their own case or appearing voluntarily as a witness in another person's case must use annual leave or leave without pay for their time in court.
- (d) While on civil leave, benefits and leave shall accrue as though on regular duty.

Section 7.13 Educational Leave With Pay

- (a) A leave of absence with pay during regular working hours will be granted to an employee to take courses required by the City as a condition of employment. The City shall reimburse the employee for tuition, fees, and books for the courses, provided the employee submits a receipt for such expenses.
- (b) An employee on educational leave with full pay shall continue to earn leave credits and any other benefits to which City employees are entitled.

Section 7.14 Family and Medical Leave Act

- (a) The City will grant up to 12 weeks of family and medical leave per twelve months to eligible employees in accordance with the Family and Medical Leave Act of 1993 (FMLA). The leave may be paid (coordinated with the City's Vacation and Sick Leave policies), unpaid, or a combination of paid and unpaid. Earned compensatory time may also be used during FMLA leave. Unpaid leave will be granted only when the employee has exhausted all appropriate types of paid leave. Additional time away from the job beyond the 12-week period may be approved in accordance with the City's Leave without Pay policy (See Section 6 of this Article)
- (b) To qualify for FMLA coverage, the employee must have worked for the employer 12 months or 52 weeks; these do not have to be consecutive. However, the employee must have worked 1,250 hours during the twelve-month period immediately before the date when the FMLA time begins.
- (c) Family and medical leave can be used for the following reasons:
 - 1) the birth of a child and in order to care for that child;
 - 2) the placement of a child for adoption or foster care;
 - 3) to care for a spouse, child, or parent with a serious health condition;
 - 4) the serious health condition of the employee; or
 - 5) military exigency.
- (d) A serious health condition is defined as a condition which requires inpatient care at a hospital, hospice, or residential medical care facility, or a condition which requires continuing care by a licensed health care provider. This policy covers illness of a serious and long-term nature resulting in recurring intermittent or lengthy absences. Generally, a chronic or long-term health condition which results in a period of incapacity for more than three days would be considered a serious health condition.
- (e) If a husband and wife both work for the City and each wish to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (not parent in-law) with a serious health condition, the husband and wife together may only take a total of 12 weeks leave under FMLA.
- (f) An employee taking leave for the birth of a child may use paid sick leave for the period of actual disability, based on medical certification. The employee shall then use all paid vacation, accrued compensatory time and leave without pay for the remainder of the 12-week period.
- (g) "Military Exigency" is a qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military service member (reserve or national guard) under a call or order to federal active duty in support of a contingency operation. Qualifying events are:
 - 1) deployment of service member with seven or fewer days' notice;
 - 2) military ceremonies and events such as family-assistance or informational programs related to the family member's active duty or call to active duty;
 - 3) urgent, immediate childcare or arranging for alternative childcare for the children of service members;
 - 4) attending school or daycare meetings relating to the child of service member;
 - 5) making financial or legal arrangements related to a family member's active duty status or call to

active duty; or

- 6) taking up to five days leave to spend with a covered military member who is on short-term temporary rest and recuperation leave during deployment;
- 7) attending counseling provided by someone other than a health provider for oneself, the covered military member, or the child of the military member, the need for which arises from the active duty service or call to active duty status or the covered military member; or
- 8) post-deployment activities for a period of ninety days after the termination of the service member's active duty status.

(h) Military Caregiver Leave

An employee whose spouse, son, daughter, parent or next of kin is a current service member who is undergoing treatment, therapy, recuperation or outpatient treatment or has temporary disability retirement for injury or illness sustained in the line of duty, is eligible for 26 weeks of FMLA leave in a single 12-month period. During a single 12-month period, the employee is eligible for a total of 26 weeks of all types of FMLA Leave combined.

- (i) The request for the use of leave must be made in writing by the employee and approved by the department head or City Manager.
- (j) An employee who takes leave under this policy will return to the same job or a job with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which entails substantially equivalent skill, effort, responsibility, and authority.

(k) Family Medical Leave – Certification

- 1) In order to qualify for leave under this law, the City requires medical certification. This statement from the employee's or the family member's physician should include the date when the condition began, its expected duration, diagnosis, and brief statement of treatment. For the employee's own health condition, it should state that the employee is unable to perform the essential functions of his/her position. For a seriously ill family member, the certification must include a statement that the patient requires assistance and the employee's presence would be beneficial or desirable.
- 2) This certification should be furnished at least 30 days prior to the needed leave unless the employee's or family member's condition is a sudden one. The certification should be furnished as soon as possible (no longer than 15 days from the date of the employee's request). The certification and request must be made to the department head and filed with the Human Resources Representative.
- 3) The employee is expected to return to work at the end of the time frame stated in the medical certification, unless he/she has requested additional time in writing under the City's Leave Without Pay policy.

(l) Family Medical Leave: Retention and Continuation of Benefits

- 1) When an employee is on leave under FMLA, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work. If an employee chooses not to return to work for reasons other than a continued serious health condition, the City will require the reimbursement of the amount paid for the employee's health insurance premium during the FMLA leave period.
- 2) Other insurance and payroll deductions are the responsibility of the employee and the employee

must make those payments for continued coverage of that benefit by the first of each month.

- 3) After using all paid leave for which the employee qualifies, the employee on FMLA may use Leave without Pay for the remainder of the FMLA 12/26-week entitlement. An employee ceases to earn holiday or leave credits on the date leave without pay begins.

Section 7.15 Shared Leave

(a) Leave Sharing Eligibility Requirements

Use of shared leave must be for sickness of the employee, employee's spouse, employee's or spouse's child or children or employee's parent(s). To qualify for consideration of receipt of shared leave the employee must (a) have been employed at least one (1) year in a regular position with the City; (b) must be in a leave earning position; (c) must have exhausted all individually accrued sick leave, annual leave and compensatory time; and (d) have a balance of at least eighty (80) hours of sick leave prior to need of shared leave.

(b) Guidelines for Donating Shared Leave

- 1) Participation is totally voluntary.
- 2) All donations will be kept in strictest confidence.
- 3) Employees may donate sick leave or annual leave.
- 4) Employees wishing to donate leave time may donate up to thirty-two (32) hours of leave for a given employee per incident. The minimum amount of leave to be donated is eight (8) hours.
- 5) Employees donating leave time must have a minimum balance of forty (40) hours of annual leave and forty (40) hours of sick leave after their donated time is subtracted.
- 6) Employees wishing to donate time must complete a Shared Leave Authorization Form designating the number of hours being donated and to whom it is being donated. The employees must sign the form authorizing the transfer and giving up their claim to these hours.

Section 7.16 Adverse Weather Conditions

- (a) The City is responsible for emergency services. Adequate staffing is required to operate these critical services seven days per week and 24 hours per day in all weather. Department heads should designate which employees are in critical positions required to report to work regardless of weather or other hazardous conditions.
- (b) The adverse weather/hazardous conditions policy is established to be as fair as possible to all employees applying the following principles:
 - 1) Maintain adequate staffing at all times of emergency services;
 - 2) Provide for as much safety as possible for all employees in traveling to and from work in hazardous conditions; and
 - 3) Not pay regular salaries to some employees for not working when others are required to be at work.
- (c) City offices and departments shall remain open for the full scheduled working day unless authorization for closing or other deviation is received from the City Manager's office. The Manager will consider the hazard of driving conditions and other relevant factors in determining whether to close City offices. All departments and offices will be given sufficient advance notice of any

authorized closing of non-critical City functions. Upon authorizing a closing, non-critical staff may use vacation, earned compensatory time, or time without pay for the hours not worked. Employees who leave work before an official early closing time, as well as employees who report for work late or do not report for work because of hazardous conditions may also use earned vacation or compensatory leave for days or hours not worked.

- (d) Employees in critical positions are required to report in emergency situations and should make preparations for care of family and personal needs to allow them to report for duty when required.

ARTICLE VIII SEPARATION, AND REINSTATEMENT

Section 8.01 Types of Separations

All separations of employees from positions in the service of the City shall be designated as one of the following types and shall be accomplished in the manner indicated: resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 8.02 Resignation

- (a) An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two calendar weeks. Failure to provide minimum notice shall result in forfeit of payment for accumulated vacation unless the notification requirement is waived upon recommendation of the department head and approval by the City Manager. Thirty days' notice is expected of department heads and the City Manager.
- (b) Three consecutive days of absence without contacting the immediate supervisor or department head may be considered to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Section 8.03 Reduction in Force

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 8.04 Disability

- (a) The City will comply with the Americans with Disabilities Act and will make all reasonable efforts to provide reasonable accommodation to employees who may be or become disabled. An employee who cannot perform the essential duties of a position because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the City. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the City Manager. The City may require an examination, at the City's expense, performed by a physician of the City's choice.
- (b) Employees who meet the requirements of the Florida Retirement System (FRS) may qualify for a

disability retirement. Information about this option is available from the Human Resources Officer or the Retirement System.

Section 8.05 Voluntary Retirement

An employee who meets the conditions set forth under the provisions of the Florida Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 8.06 Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 8.07 Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8.08 Reinstatement

- (a) An employee who is separated because of a reduction in force or who resigns while in good standing may be reinstated within one year of the date of separation, upon recommendation of the department head, and upon approval of the City Manager.
- (b) An employee who is reinstated shall be credited with previous service and previously accrued sick leave and will receive all benefits provided in accordance with this policy and state law. The salary paid to a reinstated employee shall be as close as reasonably possible, given the circumstance of each employee's case, to the salary step previously attained by the employee in the salary range for the previous class of work, plus any across-the-board pay increases.

Section 8.09 Rehiring

An employee who resigns while in good standing may be rehired with the approval of the City Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

ARTICLE IX DISCIPLINARY ACTIONS

Section 9.01 Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the City Manager prior to giving final notice to the employee.

Section 9.02 Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspects of the employee's job which are not performed as required to meet the standards set by the Department Head or City Manager. Examples of unsatisfactory job performance include, but are not limited to, the following:

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;

- 2) Careless, negligent, unsafe performance actions or improper unsafe use of City property or equipment;
- 3) Physical or mental incapacity to perform duties;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Improper use of leave privileges;
- 7) Failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards;
- 9) Failure to meet work standards over a period of time; or
- 10) Failure to follow the chain of command to address work-related issues.
- 11) Failure to maintain certifications required by the job.

Section 9.03 Unsatisfactory Job Performance -- Communication and Warning Procedures

- (a) When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor shall meet with the employee as soon as possible in one or more counseling sessions to discuss document specific performance problems. A brief summary of these counseling sessions shall be noted in the employee's file by the supervisor as written documentation and such document of corrective action/improvement expectations provided to the employee.
- (b) An employee whose job performance is unsatisfactory over a period of time should normally receive at least two written warnings from the supervisor before disciplinary action resulting in dismissal is taken by the City Manager. In each case, the supervisor should document the dates of discussions with the employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:
 - 1) A final written warning from the supervisor serving notice upon the employee that corrected performance must take place immediately in order to avoid suspension, demotion, or dismissal.
 - 2) If performance does not improve, a written recommendation should be sent to the City Manager for disciplinary action such as suspension, demotion, or dismissal. Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment and should not generally exceed five days for nonexempt employees. Suspensions for exempt employees shall generally not exceed one full work week (in accordance with FLSA requirements to retain exempt status.) However, a suspension of up to one month without pay may be implemented by the City Manager in the case of employees with previous good work records who have an instance of significant unsatisfactory job performance or failure in conduct.
 - 3) Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job but shows promise and commitment to performing successfully in a lower level job. If no other options are available, dismissal is appropriate.
 - 4) If after suspension or demotion, the employee's performance does not reach an acceptable level, the employee may be terminated.

Section 9.04 Disciplinary Action for Detrimental Personal Conduct

With the approval of the City Manager, an employee may be placed on disciplinary suspension, demoted, or terminated without prior warning for causes relating to personal conduct detrimental to City service in order to

- 1) avoid undue disruption of work;
- 2) to protect the safety of persons or property; or
- 3) for other acts of misconduct.

Section 9.05 Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the City may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. Examples of detrimental personal conduct include, but are not limited to, the following:

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse of gross negligence in the handling of City funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary and to the extent that the employee can continue the essential physical requirements of their position safely.
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;
- 12) Engaging in political activity prohibited by this chapter;
- 13) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status; or
- 14) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations.

Section 9.06 Types of Disciplinary Actions and Pre-disciplinary Conference.

(a) Employees may be disciplined for unsatisfactory job performance or detrimental personal conduct at the recommendation of the department head or designee. The decision on the recommended appropriate discipline is made by the Manager.

- 1) Suspension: Disciplinary suspensions are for the purpose of communicating the seriousness of the performance deficiency, not for the purpose of punishment, and shall be without pay.

- 2) Non-exempt employees: May be for short periods and should not generally exceed five days (40hours) for nonexempt employees.
 - 3) Exempt employees: In accordance with FLSA requirements to maintain exempt status, suspensions for exempt employees shall not exceed one full work week, especially if the suspension is for unsatisfactory job performance issues. Under FLSA, suspensions of less than a week are authorized for major safety violations or infractions of workplace conduct rules (detrimental personal conduct).
 - 4) Demotions: Demotions are appropriate when an employee has demonstrated inability to perform successfully in the current job but shows promise and commitment to performing successfully in a lower level job.
 - 5) Dismissal: Terminations are appropriate when the employee has shown he/she is unwilling or unable to perform work in a manner that meets the work and conduct standards of the City.
 - 6) Pre-disciplinary Conference: Before suspensions, demotion, or dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the supervisor may conduct a pre-disciplinary conference. At this conference, the employee may present any response to the proposed disciplinary action.
- (b) The supervisor will consider the employee's response, if any, to the proposed disciplinary action, and will, within three working days following the pre-disciplinary conference, discuss proposed disciplinary action with the City Manager. If the City Manager approves, the supervisor will notify the employee in writing of the final decision to take disciplinary action. The notice of the final disciplinary action shall contain a statement of the reasons for the action and the employee's appeal rights.
- (c) If the employee was suspended without pay and the suspension is not upheld in the appeal process, the City Manager may authorize back pay for the time of suspension.

Section 9.07 Non-Disciplinary Suspension

- (a) During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head or City Manager, be in the best interest of the City, the Department Head or City Manager may suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the City Manager may:
 - (b) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
 - (c) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.
- (d) If the employee is reinstated following the suspension, such employee shall not lose any benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued annual leave and sick leave shall be maintained during the period of suspension.

ARTICLE X GRIEVANCE PROCEDURE

Section 10.01 Policy and Purpose

It is the policy of the City to provide a means whereby employees may freely discuss problems with supervisors and to provide a procedure for the presentation and mutual adjustment of points of disagreement that arise between employees and their supervisors. The purposes of this policy are:

- 1) to provide employees a procedure by which their complaints can be considered rapidly, fairly, and without reprisal;
- 2) to encourage employees to express themselves about the conditions of employment which affect them as employees;
- 3) to promote better understanding of policies, practices and procedures that affect employees;
- 4) to develop in supervisors a greater sense of responsibility in their dealings with employees.

Section 10.02 Definition

- (a) A grievance is any dispute concerning the interpretation or application of this personnel policy, or any other policy, practice or procedure affecting working condition for the City. A grievance might involve alleged safety or health hazards, unfair or discriminatory supervisory practices, misapplication of department work rules, unsatisfactory physical facilities or equipment or other complaints related to conditions of work or disciplinary action. Complaint processes involving issues covered by other parts of this policy are excluded from this procedure.
- (b) Certain management areas of decisions are non-grieve able. These areas of management discretion that are therefore non-grieve able subjects are as follows: Any condition of employment accepted at the time of employment and/or subsequent change(s) thereto; employee benefits and classification and pay; types of training; scheduling and distribution of personnel; methods, means, and personnel to carry out operations; relieving employees from work because of lack of work, funds or other valid reasons; hiring, promotion, transfer, non-disciplinary demotion and assignment decisions and maintaining the efficiency of governmental operations. While the foregoing is considered non-grieve able, employees are encouraged to express any concerns that they have concerning actions taken in these areas.

Section 10.03 Procedure

- (a) When an employee has a claim or complaint concerning employment with the City, the successive steps described below are to be taken toward resolution of the matter.

The number of days indicated at each step of the grievance procedure should be considered as the maximum number of working days allowed for presentation of and response to the grievance at that level. However, when mutually agreed upon, time limits given below may be extended by those concerned.

Employees (and Applicants) who use this procedure shall be free from discrimination, coercion, restraint or reprisal.

- 1) Step One. The employee with a grievance shall present the matter orally or in writing to the department head within ten (10) working days of its occurrence or within ten (10) working days of the time the employee learns of its occurrence. If the exact date cannot be established for

the occurrence of a grievance circumstance, the ten (10) working day limit will be waived, but the employee should file the grievance within a reasonable time period. The grievance shall specify the relief that he/she expects to gain through the use of this procedure. The department head should be and is encouraged to consult with any employee deemed necessary to reach a correct, impartial, and equitable determination and shall give the employee an answer as soon as possible, but within five (5) working days.

- 2) Step Two. If the decision is not resolved in Step 1, or if the employee fails to receive an answer within the designated period provided in Step 1, the employee may file the grievance in writing with the City Manager within ten (10) working days. The grievance shall specify the relief expected from the use of this procedure.
 - a) The City Manager, or his designee, shall hold a hearing thereon, consult with whatever sources deemed appropriate, and allow the employee to examine all the evidence and to present his/her case.
 - b) The City Manager shall review the case data and render a decision in writing within fifteen (15) working days after receipt, with one copy sent to the employee by certified mail and one copy placed in the employee's personnel file. There shall be no appeal from this decision.

Section 10.04 Discrimination Appeal Procedure

Any applicant for City employment, City employee, or former City employee who has reason to believe that employment, promotion, training, or transfer was denied him or her, or that demotion, layoff, or termination of employment was forced upon him or her because of age, sex, sexual orientation, race, color, national origin, religion, creed, political affiliation, or disability, except where specific requirements constitute a bona fide occupational qualification necessary to proper and efficient administration, shall have the right to appeal directly to the City Manager using the grievance procedure outlined in Section 3, of this article if so desired. An employee or applicant must appeal an alleged act of discrimination within thirty (30) days of the alleged discriminatory action.

Section 10.05 Back Pay Awards

Back pay and benefits may be awarded to reinstated employees in suspension, demotion, improper dismissal, and discrimination cases.

ARTICLE XI EMPLOYEE BENEFITS

Section 11.01 Insurance Benefits

The City offers group hospitalization, life insurance and a separate death benefit. The City may make other group insurance plans available for its employees upon authorization of the City Commission.

Section 11.02 Reemployment Assistance

In accordance with Florida Statute 443, local governments are covered by reemployment assistance. City employees who are laid off or released from the City service may apply for reemployment assistance through the local Employment Security Office who will determine the employee's eligibility for this benefit.

Section 11.03 Old Age and Survivor's Insurance

The City, to the extent of its lawful authority and power, has extended social security benefits for its eligible employees and eligible groups and classes of such employees.

Section 11.04 Retirement Benefits

The City offers a retirement plan through the Florida Retirement System (FRS) for all eligible employees. All regular, full-time employees shall participate in FRS immediately upon employment with the City. The city reserves the right to change and/or eliminate this plan. The City will contribute at the rate determined by FRS.

Section 11.05 Workers' Compensation

All employees are covered with workers' compensation insurance as required by the Florida Statutes and the City maintains a "Drug Free Workplace" status by Workers Compensation insurance standards.

Section 11.06 Employee of the Month and Year Recognition Program

The Commission values the contributions of employees in providing services to the citizens in an exemplary manner that reflects in a positive manner on City government. The City Manager will establish a process, procedures and rules to recognize and reward employees such contributions.

Annually, an employee will be selected to be honored as the employee of the year. The employee shall receive a \$100 savings bond, a certificate, and a day off within thirty days of the award presentation.

Section 11.07 Employee Recognition/Retirement Policy

- (a) Employee recognition is encouraged for all employees that have shown outstanding accomplishments. Each department head should notify the City Manager of any employees that they feel have shown outstanding accomplishments. The City Manager, in consultation with the department head, will decide on any recognition for the employee. If a department head has shown outstanding accomplishments, the City Manager will decide on any recognition for the department head.
- (b) All employees will be presented the appropriate certificate of service after each ten years of service to the City.
- (c) All employees who are retiring after significant years of service should be recognized for their service to the City. The department head will advise the City Manager and the following criteria will be followed:

<u>Years of Service</u>	<u>Means of Recognition</u>
Less than 10 Years	Framed Resolution of Appreciation
10 to 24.11 Years	Framed Resolution and a gift valued at \$10.00 per year of service
25 Years	Framed Resolution and a gift valued at \$300.00
Over 25 Years	Framed Resolution and gift valued at \$300.00 plus \$40.00 per year above 25

- (d) Department heads and Managers will receive a dinner in their honor with elected officials, department heads and spouses

- (e) Commissioners will receive Framed Resolution and dinner in their honor with elected officials, department heads, and Managers and spouses.

ARTICLE XII

EDUCATION REIMBURSEMENT PROGRAM

Section 12.01 Purpose

- (a) The City recognizes the value of working with its employees to further their education and basic training. Educational opportunities related to an employee's direct responsibilities or that serve to enhance an individual's general knowledge of the industries we regulate and/or management and leadership skills in operating the city itself are important. To assist staff in pursuing advanced opportunities and recognizing that a well-educated staff enhances the knowledge base and expertise of the city, the following Employee Education Reimbursement (EER) Program is established.
- (b) Through the EER Program, employees will be able to seek partial reimbursement for expenses, up to certain limitations, for qualifying educational courses after the course has been completed. This policy is not intended to interfere with employees fulfilling continuing education and/or specialty education requirements aligned with specific job responsibilities and at the direction of the City Manager.

Section 12.02 General Provisions

- (a) During the budgeting process preceding the fiscal year, the City will budget a maximum aggregate amount to be awarded under this program for the next fiscal year. Awards will be conditionally granted after the employee submits an application through the process described below. Final disbursement of funds will be made after the course(s) has been completed and final documents showing completion and a satisfactory grade are provided to the City Manager.
- (b) If funds are not available, the City is not otherwise obligated to implement any provisions of the EER. In addition, the City Commission may terminate this program at their discretion with or without notice. To the extent possible, all applications approved prior to termination will be honored.
- (c) For employees who receive an award under this program, the City will reimburse qualifying expenses up to \$1,000 per year to each employee, with a maximum limit of \$1,500 reimbursed for any one individual course.
- (d) Although an educational degree or license may enhance promotional opportunities, completion of a degree program or obtainment of a license in no way obligates the City to promote the employee to a higher pay range or grade or promote to a different position. Participation in the program does not affect the employees at will status.
- (e) Employees are required to sign a commitment to reimburse the City for amounts awarded in the eighteen months following completion of any course should the employee voluntarily leave employment with the City within said timeframe. Payment in full shall be made within 30 days of leaving employment with the City. To the extent allowable under the applicable laws, the City reserves the right to withhold any outstanding balance owed to the City from the final paycheck due the employee.

Section 12.03 Employee Eligibility

To qualify for the EER Program, employees must:

- 1) Be a regular status, full-time employee with at least two (2) years of tenure with the City of Archer.
- 2) Not currently, or within the last two (2) years, be subject to any corrective action as described in the Personnel Policy. An employee who is placed under a corrective action while participating in the EER program will not be eligible the next fiscal year to participate in the EER.
- 3) Have a satisfactory job performance evaluation on file.

Section 12.04 Application and Application Review Procedures

- (a) Employees who wish to participate in the EER Program must submit a request to the City Manager prior to registering for the class or training session. Request submitted after start of a class or session will not be accepted. The following documents are required to be submitted for each session or class:
 - 1) A detailed description of how the course content will benefit the employee's professional development and support the Cities' mission
 - 2) Copy of the applicant's degree plan from an accredited university or college (if applicable) and course description(s).
 - 3) Class schedule for the proposed course(s). If not available at the time of application submission, then immediately when it becomes available.
- (b) The City Manager will review the submitted application based upon various criteria, including the following:
 - 1) City's need for the skill or degree being sought by the employee;
 - 2) Number of employees in each Department of the City who have applied for the EER in the current cycle;
 - 3) Employee's tenure with the City; and,
 - 4) Quality of the application.
- (c) If sufficient funds are available, and the above criteria is met, the application may be approved. If the total number of applications submitted exceeds the funds allocated for the program, the applications may be held until the next fiscal year.
- (d) The City Manager will make the final determination of awards and will notify the recipients of the maximum amount of reimbursement. Awards will be announced in September of each fiscal year.

Section 12.05 Course Requirements.

- (a) To qualify for the EER Program, courses must meet the following requirements:
 - 1) Must be part of a degree or certificate program from an accredited university or college. Individual courses and seminars will be considered on a case- by-case basis.
 - 2) Must generally relate to the business or service industries that the City regulates, e.g. general business, accounting, economics, or law. For example, it would be permissible for a financial examiner to pursue a law degree. It is also permissible for an attorney to pursue an advanced business degree. Other permissible curriculum includes MBA programs, and courses required to obtain a CPA, or other specialized licenses.
 - 3) Must be limited to the courses the employee wishes to take during the approaching fiscal year.

- 4) Foreign language programs will be permitted on a case-by-case basis, if the employee is likely to use the foreign language in their day to day work.
- (b) Online or Internet based courses from accredited institutions are permitted.
- (c) The employee must be able to attend the class without causing an undue hardship on the employee's work schedule. The EER in no way obligates the City to allow an employee to take courses during work hours. Attending class must not result in any additional expense for the City.
- (d) Courses which the employee is repeating due to poor performance are not eligible for reimbursement under the EER for subsequent attempts.
- (e) Courses for which the employee is receiving financial aid from another source that will cover part or all of the applicant's tuition are not eligible for reimbursement under this program.

Section 12.06 Allowed Expenses.

- (a) Only expenses for tuition, textbooks, workbooks, lab fees, and other mandatory fees are eligible for reimbursement under the EER program. No expenses relating to mileage to and from the course, food while attending the course or general expenses may be claimed. No optional fees or late charges may be claimed.
- (b) Employees may only request reimbursement for course expenses for courses that have been approved through this process. Employees may not request reimbursement for course expenses that were incurred in prior years.

Section 12.07 Reimbursement Procedures.

Employees who have been approved through the application process described previously will be reimbursed under this program when they submit the following documents with the prescribed Reimbursement Application form (Form3-B):

- 1) Final invoices from the respective course provider showing actual expenses incurred.
- 2) End of semester grade reports showing the employee received an end of semester grade for each individual course of A or B. In the event of a pass/fail course, an end of semester grade report showing the employee passed the course.
- 3) Grade reports must be submitted before July 31st to be considered valid. The City reserves the right to deny reimbursement claims submitted after this date.

ARTICLE XIII PERSONNEL RECORDS AND REPORTS

Section 13.01 Personnel Records and Public Information

- (a) In compliance with Florida Public Records Act, Chapter 119 of the Florida Statutes, City employee personnel records are public record except where the State Legislature has expressly exempted certain personnel records from disclosure or authorized the City to adopt rules limiting access to such records.
- (b) Any person may have access to City employee personnel records, other than those records exempt and/or confidential under Florida Statute, for the purpose of inspection, examination, and copying, during regular business hours, subject only to such reasonable rules and regulations for the

safekeeping of public records as the City may adopt. An individual examining a personnel record may copy the information. The cost of photocopying may be assessed to the individual who requests the copies. HIPPA Privacy Act redaction will be followed regarding the public copying request process (i.e. ssn).

- (c) For the purposes of this subsection, the term “salary” includes pay, benefits, incentives, bonuses, deferred and all other forms of compensation paid by the City.
- (d) A record will be maintained of all disclosures of personnel records, except for authorized personnel processing personnel actions or supervisors in the line of authority of the employee. Upon request the records of disclosure will be made available to the employee to whom it pertains.

Section 13.02 Personnel Actions

The City Manager will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. There shall be one set of official personnel files, centrally located as designated by the City Manager, normally in the Manager’s Office. Any document not located there is not an official part of that employee’s personnel record. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement, letters of recommendation, and other personnel-related documents.

Section 13.03 Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 13.04 Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading.

Section 13.05 Penalties for Permitting Access to Confidential Records

Public officials and/or employees who violate the Public Records Act shall be subject to discipline consistent with Section 119 of the Florida Statutes.

Section 13.06 Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with retention schedules established by the Division of Library and Information Services of the Department of State, as outlined in Florida Statutes, Section 119 and Section 257.36

Section 13.07 Public Information and the Media

The City Manager is designated as the public information officer for the City. Employees shall direct all public records requests, and media inquiries to the City Manager who shall determine the City’s response to such requests and inquiries, and the appropriate personnel to provide such response. This provision shall not apply to members of the City Commission.

**ARTICLE XIV
IMPLEMENTATION OF POLICY**

Section 14.01 **Conflicting Policies Repealed**

All policies, ordinances or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 14.02 **Severability**

If any provision of these policies or any rule, regulation or order there under or the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies or such rules, regulations or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 14.03 **Violations of Policy Provisions**

An employee violating any of the provisions of these policies shall be subject to suspension and/or dismissal, in addition to any civil or criminal penalty which may be imposed for the violation of the same.

Section 14.04 **Effective Date**

These policies shall become effective _____

Date: _____

BY THE MAYOR OF THE CITY OF ARCHER,
FLORIDA

Iris Bailey, Mayor

ATTEST, BY THE CLERK OF THE CITY COMMISSION
OF THE CITY OF ARCHER, FLORIDA:

Tony Hammond, City Clerk

APPROVED AS TO FORM AND LEGALITY:

S. Scott Walker, City Attorney