



EMPLOYEE HANDBOOK  
FOR THE EMPLOYEES OF THE  
CITY OF NICEVILLE, FLORIDA

The City of Niceville Personnel Policies, Rules, Regulations and Procedures Manual does not constitute a written or implied contract of employment. The City reserves the right to amend this manual from time to time. Unless specifically noted to the contrary, this description of City policies, rules, regulations, and procedures applies to all City employees: regular full-time; part-time; probationary and temporary; administrative, supervisory, and non-supervisory; uniformed and non-uniformed; certified, deputized, or not; as a basic condition of employment.

## TABLE OF CONTENTS

|  |    |
|--|----|
| Welcome and Introduction from the City Manager | 4  |
| STANDARDS OF CONDUCT                           |    |
| Our Commitment to You                          | 5  |
| Work Periods                                   | 5  |
| Public Appearance and Conduct                  | 5  |
| Public Relations                               | 6  |
| Confidentiality                                | 6  |
| General Quality of Work                        | 6  |
| Economy and Use of City Property               | 6  |
| Use of City Vehicles                           | 6  |
| Personal Communications                        | 7  |
| Workplace Computer, E-Mail and Internet Use    | 8  |
| Work Space Conditions                          | 9  |
| Safety and Health                              | 9  |
| Equal Employment Opportunity                   | 9  |
| Employment of Relatives (Nepotism)             | 10 |
| Outside Employment                             | 10 |
| Conflict of Interest                           | 10 |
| Solicitation and Distribution                  | 11 |
| Elections and Political Activities             | 11 |
| Driver's License                               | 11 |
| Discrimination and Harassment Policy           | 11 |
| Merit Increase Policy                          | 13 |
| PAY AND BENEFITS ADMINISTRATION                |    |
| Policy and Intent                              | 13 |
| Wages and Salaries                             | 13 |
| Pay Periods                                    | 13 |
| Payroll Check and Deductions                   | 13 |
| Salary Advances                                | 14 |
| Overtime                                       | 14 |
| Stand-By Pay                                   | 14 |
| Call-In Pay                                    | 14 |
| Out-of-Title Pay and Promotion                 | 15 |
| Travel   | 15 |
| Uniforms                                       | 15 |
| Holidays                                       | 15 |
| Annual Leave                                   | 16 |
| Sick Leave                                     | 18 |
| Injury Leave                                   | 19 |
| Maternity Leave                                | 19 |
| Bereavement Leave                              | 19 |
| Military Leave                                 | 19 |
| Family and Medical Leave Act (FMLA)            | 19 |
| Court Leave and Jury Duty                      | 26 |

|  |    |
|--|----|
| Workers' Compensation and Disability Leave     | 27 |
| Unemployment Compensation                      | 27 |
| Group Health Insurance                         | 27 |
| Deferred Compensation                          | 28 |
| Florida Retirement System                      | 28 |
| <br>   |    |
| PERSONNEL RELATIONS                            | 28 |
| <br>   |    |
| Personnel Records                              | 28 |
| Employee Communications                        | 28 |
| Grievances                                     | 28 |
| <br>   |    |
| VI. PERSONNEL POLICIES, ACTIONS AND PROCEDURES | 30 |
| <br>   |    |
| Policies                                       | 30 |
| Recruitment                                    | 30 |
| Eligibility                                    | 30 |
| Appointments                                   | 31 |
| Probationary Period                            | 31 |
| Layoffs  | 31 |
| Resignation                                    | 32 |
| Exit Procedures                                | 32 |
| Reinstatement                                  | 32 |
| Disciplinary Actions - Causes and Guidelines   | 32 |
| Conclusion                                     | 36 |

## INTRODUCTION

TO ALL STAFF

It is a pleasure to welcome you as an employee of the City of Niceville. We would like for you to know that you are with us because you can make a valuable contribution in service to the people of Niceville. The special abilities or skills, which you bring to us, can make you an integral member of our team.

As an employee, you have an obligation to our fellow citizens to give them the best, most efficient and courteous service possible. In an effort to help you adjust to your new job, this handbook has been prepared to acquaint you with some of our more important policies, benefits to be enjoyed by you and your family and requirements of you as an employee. Please keep the following in mind as you go about doing your job each day:

1. You are a representative of the City. In a very real sense, each elected incumbent of the Council and, therefore, every employee are always visible and accountable to the public. Consequently, your conduct should meet the standard which the public should be able to expect from those they elect and from those they pay for.
2. Your position exists only because it contributes to the execution of the duties of the City Manager.
3. You bring value to the City Manager to the degree that you contribute the most to the position that you fill.
4. The administrative staff is responsible for ensuring that the duties of the City and its several functional divisions are maintained.

This handbook is effective January 2015 and supersedes all previously issued documents that may conflict with these policies. As the need arises, certain provisions of this handbook may be amended, revised, modified or deleted with or without notice.

We certainly hope you enjoy working here as an employee of the City of Niceville.

Sincerely,

Lannie Corbin  
City Manager

# STANDARDS OF CONDUCT

## Our Commitment to You:

We want you to know that the Administration for the City is committed to protecting certain rights and privileges for all employees. These include the following:

1. Equitable and fair treatment in the assignment of work and the compensation for work.
2. An opportunity to compete for advancement.
3. Safe conditions and the privilege to recommend means of creating safer working conditions.
4. Opportunities to communicate with management regarding job-related problems, suggestions, ideas, inquiries, etc.
5. Avenues by which complaints can be heard and resolved.
6. A work environment that is free and unimpeded by political, social or personal influences.
7. Reasonable standards of work and reasonable resources to accomplish work.
8. The privilege of merit and other fringe benefits as customarily provided by the City.
9. Constructive criticism and the avoidance of ridicule and embarrassment.
10. Nondiscrimination
11. All employment rights granted or implied by the Constitution of the United States, Florida State Statutes, and applicable federal and state regulations.

## Work Periods

The standard work week is 40 hours in five days, Monday through Friday. The standard work day is 4 hours, followed by a one-hour lunch period, followed by the remaining 4 hours. Due to the variety of work requirements, the beginning and ending times may be different for different departments. Unless otherwise authorized, office hours for the standard work day 8:00 A.M. to 5:00 P.M. (Lunch hours may be staggered by the administration so that an ample work force can be in each department during lunch time.) Work breaks of fifteen (15) minutes each are permitted in the morning and afternoon, also on a staggered basis. The precise timing of breaks will be determined by supervisors depending on work loads each day. Strict observance of these hours and time limits is expected.

Absences and tardiness affect the overall performance of the City. Serious abuses will become subjects of personnel actions. If you anticipate an unavoidable absence or tardiness, you are required to notify your supervisor as far in advance as possible. Specific reporting procedures will be determined by each department head. Supervisor's permission is required in advance for avoidable absence, tardiness or early departure.

## Public Appearance and Conduct

As representatives of the City, all employees are expected to know what is appropriate and acceptable attire, grooming and behavior for their work site and for the individual department or function. If any doubt exists as to what may be appropriate, the employee is encouraged to consult his/her supervisor. Employees are requested to

avoid extremes, particularly exotic or bizarre costumes and grooming which are not suited to a business or public service situation.

Supervisors will apply fair, consistent, professional standards in dealing with any problems and quietly discuss with the employees any attire, grooming, or behavior not suitable for the employees of the City.

### Public Relations

As an employee of the City, you should treat people and handle their matters in such a way as to instill respect for the reputation already earned for courteous and efficient service. Friendliness, cheerfulness, helpfulness, courtesy, informality and sincerity are expected from all employees, especially in service to the public.

### Confidentiality

Employees are expected to remain mindful of the confidential nature of many aspects of the work of some departments of the City. Good judgment should be exercised regarding the release or discussion of official matters or other information which may affect the personal or business affairs of others. Supervisory permission is required for release of sensitive or privileged information.

### General Quality of Work

Each employee is expected to achieve maximum efficiency and accuracy on assigned duties. Errors affect the performance of the employee, the work load of fellow workers and supervisors, the reputation of the department and the City and, most importantly, the lives of members of the public. Error-free work is our goal.

### Economy and Use of City Property

The City provides employees with necessary equipment and materials to carry out their job assignments. These equipment and materials are paid for by the taxpaying residents of Niceville. It is your duty to respect the value of all supplies, equipment and printed forms, regardless of their cost. It is important to handle with care the machines and equipment that are used in the work of this office. It is also important that pencils, stationery, forms, etc., be conserved. The taxpaying public is entitled to these considerations on everyone's part. Personal use of public equipment, materials or supplies is not permitted. This applies particularly to the unauthorized use of the City's stationery.

In order to ensure efficient and proper accountability, all employees are expected to adhere to required procedures regarding purchase orders, inventory, use of city vehicles, and checking in and out for use of the equipment.

### Use of City Vehicles

When you are assigned a City-owned vehicle or any equipment for your work, you are responsible for its proper use and maintenance. Any defects that you note should be reported to the appropriate personnel for repair.

All City vehicles must be operated according to the traffic laws of the City of Niceville and State of Florida. At no time should a City vehicle be used for purposes other than the transaction of City business. No unauthorized persons are allowed to ride in City vehicles.

Employees using cellular phones for any purpose (including sending or reading emails or text messages) while conducting company business in a vehicle are required to pull over to a safe location for the entirety of the phone conversation.

Smoking in City vehicles is prohibited.

## Personal Communications

Telephones, cellular phones, voice mail systems, and fax machines are provided for City business use.

Personal use, incoming or outgoing, should be restricted as much as possible. If use during office hours becomes necessary, it should be brief.

Similarly, employees should not receive personal mail or other deliveries at their place of work at the City. Such deliveries may be refused or opened in the course of the City's business. Personal visits by friends, relatives or other contacts should be restricted during work hours, and not within the working areas of the City.

### A. Text messaging:

Effective August 1, 2019, All City employees and elected or appointed officials are only allowed to send and receive text messages related to City business on a City issued phone. Text messaging City business on a personally-owned device is not allowed. Employees shall delete transitory (records created or received by the City which are typically of short-term, temporary informational use) text messages from their City phone as soon as they are no longer needed. Any non-transitory public record information should be forwarded to the employee's email account.

Text messages are subject to public disclosure under the Public Records Act. If the City receives a public records request for any text message correspondence, the City Clerk's Office will ask staff to produce any responsive text messages that exist on their City phones at the time of the request.

Text messaging should only be used to send messages of "transitory" nature. Messages relating to actions and outcomes of City business should be handled via email. No personal or exempt information shall be sent over text message, including but not limited to: attorney-client privileged communication, social security numbers, credit card numbers, and passwords.

Below is a list of examples that show when text messaging can be used and when it should not.

| <b>Allowed to Text</b>  | <b>Not Allowed to Text</b>   |
|---|--|
| I'll be late to the meeting.  | I'll be late, but I think we should appoint "_____" to the "XYZ" committee.                                    |
| I just sent you an email.   | We need a decision on the preferred alternative for this "_____" public contract. What do you think?           |
| Could you please call me?   | Use the following language in the press release "Announcing...."   |
| The Mayor is trying to get in touch with you.                         | The Mayor wants to know your thoughts on city council proposal for "_____".                                    |
| Can you pull the elected/appointed official out of this meeting?      | We need to schedule a closed door meeting with So and So Official and the other board members for later today. |
| Can you cover me in today's meeting?                                  | We need to meet with all the stake holders about this issue.   |
| I emailed you a draft, please review.                                 | Use this language in the staff report:<br>"_____"  |
| We're out of paper clips.   | Office Depot has a best price on paper clips. I'll send you the link so you can buy some for us.               |
| Please review the list of trees to be removed on the SharePoint site. | Please remove the hazardous tree at _____ park.  |

### Exceptions to text messaging policy:

Text messaging is an important communication for employees working in the field responding to an uncommon or major emergency, and is allowed to relay important time sensitive information. Once the emergency is over a copy of the text should be forwarded to the employee's city email account.

### Workplace Computer, E-Mail and Internet Use

Electronic mail, Internet access and other electronic media and equipment are business tools that are provided by the City of Niceville ("The City") to its employees to facilitate timely and efficient conduct of business. To help ensure that these tools are used appropriately, the City has developed the following acceptable use policy. This policy addresses access, use and disclosure of data, electronic mail, and Internet messages and material created, sent, or received by the City's employees using the City's workplace computers, e-mail, and internet system ("The System"). The City intends to honor the policies set forth below, but reserves the right to change and add to them at any time as may be required under the circumstances.

- The system is primarily for business use, but limited personal use shall be permitted, so long as such use is not excessive and does not interfere with business needs or operations;
- The e-mail system is the property of the City and all e-mail messages composed, sent, or received are the property of the City. The mere deletion of a message or file by an employee may not eliminate it from the system;
- Incoming and outgoing messages and attachments are subject to monitoring at the sole discretion of the City, at any time, with or without notice, and notwithstanding any password;
- The City reserves the right to track and monitor employee use of the Internet, including web sites visited and files downloaded by the employee;
- Employees must not consider any information on the system including e-mail messages and web sites visited to be private;
- The system must not be used to communicate improper messages or material (such as those that are defamatory, derogatory, obscene or otherwise inappropriate, including sexually harassing or other offensive messages);
- The system must not be used to visit offensive or inappropriate websites;
- The system must not be used to violate any law, regulation, or City policy;
- The system must not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior management authorization;
- Employee passwords are confidential and employees shall be held accountable for all usage under their password on the City's computer system;
- Confidential or privileged information should not be sent over the Internet unless they are sent with appropriate warnings, safeguards or encryption;
- Encrypted messages shall be read only by authorized employees using City approved encryption methods;
- Employees with Internet access must take particular care to comply with and understand the copyright, trademark, libel, slander and public speech control laws of other government and non-government agencies with which our City maintains business relationships;
- Executable files may not be downloaded without prior authorization; these include, but are not limited to, .exe, .vbs, .scr, and .dll file extensions;
- Employees should make clear when they are or are not representing the City in their e-mail or Internet communications;
- Employees must not send or forward "chain letter" e-mails;
- Employees should not open e-mail or attachments unless they are confident of the identity of the sender;
- Employees must not access other employee's e-mail without prior management authorization;



- Employees may not install or modify any software, including MS Windows settings and drivers, without prior authorization from the Information Systems Department;
- Care must be taken to insure that all software licensing laws are complied with;
- Each employee is responsible for storing and retaining all documents and correspondence, including e-mail and other electronic documents, as required by law.

A violation of the City's Workplace Computer, E-mail, and Internet Use policies may result in disciplinary action ranging from a verbal warning up to discharge from employment.

### Work Space Conditions

The office, shop, or site is a work space shared by all employees and a public space under public scrutiny. All work areas shall be kept orderly, clean, safe and well secured. Carelessness, horseplay, practical jokes, vandalism, and neglect will not be tolerated.

### Safety and Health

All employees are expected to strive for safe and healthful working conditions. Employees are encouraged to report all correctable working conditions which are felt to be harmful to employee's health and safety. Employees are required to use all appropriate medical or health needs; e.g., eyeglasses, hearing aids, orthopedic shoes, braces, etc., in the interest of safety; however, use of prescribed medications on the job, unless specifically directed by the physician as appropriate for the employee's work situation, is prohibited. The City may require a physical and psychological examination of an employee at any time to determine his/her continuing fitness for his/her duties

All employees are advised of their responsibility to immediately report to their supervisor all injuries, equipment damage or accidents that occur on the job. Delay in reporting injury can cause complication of the injury and may delay recovery.

For on-the-job injuries, the immediate supervisor will make an on-the-spot determination as to the seriousness of the injury, and direct the employee either to medical facilities or to the Safety Office for completing a "First Report of Injury" form when the injury is slight. In all cases, regardless of how slight or how major the injury, the first concern will be for the employee's health, and a "First Report of Injury" form must be filed and the accident immediately reported to the Safety Office.

In addition to accident prevention, safety and health consciousness is expected from all employees with regard to communicable diseases. Consider others as well as yourself. Stay home if sick, seek medical attention, and report serious diseases to the appropriate health officials.

### Equal Employment Opportunity

The City of Niceville is an Equal Opportunity Employer. People who are selected for employment in the City are hired on the basis of qualifications. No discrimination will be made concerning employment, compensation, promotion and other conditions of employment for reasons of race, color, religion, gender, national origin, handicap, age, or marital status.

### Employment of Relatives (Nepotism)

Under no circumstances will a member of a family be hired, transferred, promoted or assigned to a position within the employ of the City where that person has supervisory, training, or coordination, or responsibility for another

relative. Nor shall a person be hired, transferred, promoted or assigned to a position in which a relative would then have such responsibility. A relative is defined as a father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandmother, grandfather, grandson, granddaughter. The creation of any of the defined relationships between any two existing employees, one of which already having such responsibility for the other (such as by adoption or by marriage) shall call for resolution by transfer, reassignment or termination (in good standing) of one of the persons. Existing situations may be temporarily continued until satisfactory resolution can be achieved.

### Outside Employment

Full-time employment by the City shall be considered primary employment for regular full-time (40 hr. wk.) employees. If an employee must engage in outside employment during off-duty hours, such outside employment should not interfere with the general work quality or demeanor of the employee while on City duty. (The fact of outside employment shall not constitute a justification or excuse for an employee's failure to comply with personnel policies, standards of conduct or guidelines for disciplinary action.)

### Conflict of Interest

To avoid misunderstandings and conflict of interests which could arise, the following policy will be adhered to by all employees of the City. (This policy is in accordance with Florida Statutes, entitled "Code of Ethics for Public Officers and Employees."):

- A. Employees shall not accept any gifts, including Christmas gifts, favors or services that may reasonably tend to improperly influence them in the discharge of their official duties.
- B. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
- C. Employees shall not accept employment or engage in any business or professional activity which they may reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
- D. Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
- E. If an employee of the City is an officer, director, agent or member of, or owns controlling interest in, any corporation, firm, partnership or other business entity which is subject to current proceedings of the City, they shall file a sworn statement to this effect with the City Manager.
- F. Employees shall not transact any business in their official City capacity with any business entity of which he or she is an officer, director, agent, or member, or in which he or she owns a controlling interest, excluding civic, charitable or religious organizations.
- G. Employees shall not have personal investments in any enterprise which will create a substantial conflict between their private interest and the public interest.

### Solicitation and Distribution

- A. Employee membership or contributions to recognized organizations are purely voluntary. No coercion of an employee to become a member or to make contributions shall be permitted.
- B. Solicitation on City premises during working hours, however worthy, is not permitted without express authority from the City Manager. Unless authorized, salespersons or other calling upon employees during working hours should be informed in a courteous manner that solicitation is not permitted.

### Elections and Political Activities

No employee shall use their official authority or influence for the purpose of interfering with an election or a nomination of office or coercing or influencing another person's vote or affecting the result thereof.

No employee shall directly or indirectly coerce or attempt to coerce, command or advise any other officer or employee to pay, lend or contribute any part of his or her salary, kick back any sum of money, or anything else of value to any party, committee, or organization, agency or person for political purposes.

No employee shall participate in political activities of any kind during office hours, nor engage in unauthorized use of any City equipment or supplies for political purposes.

No employee shall engage in activities which bring discredit upon the City.

Notwithstanding the above, all employees shall retain the right to vote as they choose and to express their opinion on all political subjects and candidates. They shall also have the right to participate in any political campaign during off-duty hours so long as such activities are not in conflict with any provision of Florida law.

As responsible public employees, City employees are encouraged to be well-informed, registered voters (if eligible) in all elections.

### Driver's License

Those employees whose job description requires a valid Florida driver's license, Florida's chauffeur's license or a valid Florida CDL license are expected to keep that license current and free from jeopardy. Any change in the status of a required license must be reported to the employee's supervisor, and may affect the employee's job classification and possible employment.

### Discrimination and Harassment Policy

The City of Niceville is committed to providing a work environment free of all forms of discrimination and harassment based upon race, sex, color, religion, national origin, age, disability, marital status, veteran status, sexual orientation or any other legally protected status. As an employee, you have an obligation to refrain from discrimination and harassment. With regard to sexual harassment, no one (male or female) should be subjected to unsolicited and/or unwelcome sexual overtones, comments or conduct, either verbal or physical.

Sexual harassment refers to behavior that is not welcome, is personally offensive, fails to respect the rights of others, lowers morale and interferes with our work effectiveness. Sexual harassment may be overt or subtle. Forms of harassment include demands for sexual favors, sexual innuendos, suggestive comments, jokes of a sexual nature, sexual propositions, threats, sexually suggestive objects, e-mails, pictures and suggestive or offensive gestures or touching.

Administration strongly opposes any act of sexual harassment. It is illegal and against policy for any person connected with this Administration to make unwelcome sexual advances, requests for sexual favors, or verbal or physical conduct of a sexual nature when:

- (1) The employee's submission to the conduct is made a condition of employment;
- (2) The employee's submission to or rejection of such conduct is used as the basis of an employment decision affecting the employee; or
- (3) Such conduct interferes with an employee's job performance or creates an intimidating, hostile, or offensive environment.

The City of Niceville's intent is not to interfere in the relationships that people may enter into freely away from the workplace. However, such situations are often subject to misperceptions.

This Administration encourages employees to raise questions or seek clarification or advice regarding sexual harassment from the personnel office whenever necessary. All employees have the right to make a complaint if they feel they have been, or may have been, sexually harassed, or for any other employment related reason.

Other forms of harassment will also not be tolerated. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion towards a person because of sex, color, race, religion, national origin, marital status, veteran status, age, sexual orientation or any other protected category. It includes but is not limited to epithets, slurs or negative stereotyping, threatening, hostile or intimidating acts, and written or graphic material that denigrates or shows aversion towards a person.

All such forms of discrimination or harassment are strictly forbidden.

The Administration will promptly investigate every incident of claimed discrimination or harassment (whether sexual harassment or otherwise). This investigation will be conducted in a professional and confidential manner that, as much as possible, protects the identity of both the person lodging the complaint and the person accused. Pursuant to this, the City complaint procedure, which is available to every employee, should be followed.

#### Step 1. Talk with your supervisor

If you have a complaint, present the situation to your supervisor. Most complaints can be settled by a frank discussion of the facts. Your supervisor will contact the City Personnel Department to inform him/her of the situation. If the supervisor is personally involved, you may begin with Step 2. Or should the matter fail to be resolved, you may go to Step 2.

#### Step 2. Talk with your supervisor's immediate superior

Should the matter fail to be resolved in the first step, or if the complaint involves your supervisor, bring the matter to the attention of the City Manager directly, who will thoroughly investigate the complaint and make a determination as to the appropriate action required. All discussions will be confidential. The employee lodging the complaint will be advised as to the Administration's determination.

If the Administration determines that the actions violate this policy against discrimination and harassment, the guilty party will be subject to appropriate disciplinary sanctions, up to and including termination of employment.

Each alleged incident will be treated on a case-by-case basis, and therefore the outcome of each case will depend on its precise facts and individual circumstances.

Employees who make good faith complaints of discrimination or harassment or participate in an investigation will be protected against retaliation. If you believe that you have been subjected to retaliation, you should immediately report it using the complaint procedures set forth in this policy. Confidentiality will be protected to the extent possible.

#### Merit Increase Policy

1. A merit increase is an increase in an employee's salary to a higher step as a reward for meritorious service. It shall not be automatic, but shall be based on a positive recommendation on the employee's performance and made only if the employee is not at the maximum step of the salary range.
2. Employees shall be eligible for merit increases one year from the date of their last merit increase except that new employees shall be eligible after satisfactorily completing 90 days of employment.

## **PAY AND BENEFITS ADMINISTRATION**

### Policy and Intent

It is the policy of the City that wages, salaries, conditions, and benefits offered by the City make employment attractive and competitive, encourage career service and contribute to the security and motivation of employees. The employee pay and benefits program shall be administered in accordance with Equal Opportunity provisions.

### Wages and Salaries

The City budget adopted by the Council each year establishes the framework within which wages and salaries are maintained. The position classification plan and the pay plan further define the level and range of compensations permissible for each position.

Increases in wage/salary within the range for the employee's position will be based on performance. Increases beyond the range established for the position will require consideration of the need to either reclassify the position or transfer/promote the individual employee to a different position.

### Pay Periods

Wage/salary payments are made based on the regular one-week pay period of 40 working hours beginning Friday morning and ending Thursday evening.

### Payroll Check and Deductions

Payroll checks are issued on the Friday following the close of the preceding pay period. (New employees thus receive their first check-at the latest-on their 11th work day; terminating employees thus receive their last check week after the close of their final pay period; provided they have processed a clearance through all departments.) Pay checks are distributed by the department head during the work day. If an employee cannot personally receive his/her check, other arrangements should be made with one's department head.

Deductions (e.g., for Social Security and Withholding Tax) are made from the employee's payment. A list of the amounts for each of these deductions is shown on the paycheck stub. Employees are advised to promptly report

any changes which may affect payroll deductions to the Personnel Office. Errors in an employee's check should be reported immediately to the appropriate supervisor.

### Salary Advances

In extreme emergency cases, advance payment of wages/salary may be made to an employee up to the number of days already worked but not paid in the present pay period. Salary advances require written authorization by the City Manager.

### Overtime

It shall be the general policy of the City for each employee to be assigned regular work duties and responsibilities which can normally be accomplished within the established work day and work week. However, the appropriate supervisor may request an employee to work overtime when necessary in order to meet emergency situations or operating needs. The acceptance of overtime work by the employee shall be voluntary.

Each Department shall maintain records of all overtime worked by its employees. No overtime pay or authorized time off shall be granted except on the basis of such records, and all such records shall be available at all times for review by the Personnel Office.

- A. Overtime will be paid to regular employees for work required in excess of 40 hours per week. It will not be the policy of the City to consistently grant overtime, but, when necessary, employees physically working more than 40 hours during the regular work week will be compensated at time and one-half of their normal hourly rate for each additional hour worked.
- B. Employees (except for the ones considered exempt) cannot work hours over 40 per week at regular rate of pay unless time is given off within the work week, compensable at time and one-half with the exception of the Police Department and Fire Department which FLSA offers special regulations. If complied with, this will exempt them from overtime pay based on 40 hour work week.
- C. Otherwise, no compensatory time off will be given in lieu of overtime except for those in the following categories who are exempt from overtime status: Executive, Administrative, and Professional employees. All other employees who work overtime will be paid at the rate of time and one-half (unless allowed to take off during the work week compensated at time and one-half.) Compensatory time may only be accumulated (by employees in an exempt status) to a maximum of 240 hours per year. Anything over this amount at the end of the year would be forfeited.
- D. Only full-time employees (excluding the ones mentioned above) will be eligible for overtime payment.

### Stand-By Pay

All employees, except Police and Fire Department employees who will be eligible for standby pay only on holidays, shall be paid for unworked time in which they remain eligible for work at the request of the supervisor. Such standby pay shall be determined by the department head and City Manager.

### Call-In Pay

Employees summoned to work at times other than their regularly scheduled hours may be eligible for call-in pay. Hours worked in excess of the regular work week will be compensated in accordance with overtime provisions, with a minimum of two (2) hours pay or compensatory time off guaranteed for all call-ins. Call-in pay may not apply in instances whereby the employee works a scheduled standby shift.

### Out-of-Title Pay and Promotion

Employees may be temporarily assigned on occasion to perform duties in a higher classification on account of a vacancy in that higher classification, or because of the incumbent's illness or absence due to an authorized leave. In cases where such assignments exceed 80 continuous hours, the assigned employee will receive additional pay for the actual time exceeding 80 hours work in that higher classification. A record of accumulated "out of title" time will be maintained until the end of the fiscal year, after which time payment will be made to the employee for the accumulated time.

Promoted employees will receive pay at the higher classification commencing with the date that the duties of the assigned higher position were actually assumed (i.e., no 80 hour deductible).

### Travel

Employees authorized and ordered to travel on official City business shall account for overtime legitimately worked according to overtime rules, except that a one hour deductible shall apply to both morning (one hour prior to normal start of work) and/or evening (one hour following normal end of work) travel.

Travel expenses shall be authorized by the department head and City Manager in advance and reimbursed to the employee.

### Uniforms

City positions which require special uniforms shall be either provided such uniforms or paid a uniform allowance, according to the applicable policy of the department.

### Holidays

- A. The following days shall be observed as paid holidays by regular and probationary full-time (40 hr. wk.) employees:
- a. New Year's Day
  - b. Dr. Martin Luther King, Jr. Day
  - c. Memorial Day
  - d. Independence Day
  - e. Labor Day
  - f. Veterans' Day
  - g. Thanksgiving Day
  - h. Day After Thanksgiving
  - i. Christmas Eve; and
  - j. Christmas Day

In addition, full-time employees can take, if they choose, a day off for their birthday. The actual day they take off should be at their option, as long as scheduling conflicts do not occur.

B. When a holiday falls on a Saturday, the preceding Friday shall be observed as the holiday. If the holiday falls on a Sunday, the following Monday shall be observed.

C. Work on holidays shall be held to an absolute minimum, subject to work-load requirements.

D. If an employee is eligible for holiday pay and also works on the holiday, they are to be compensated at the rate of time and a half for those hours worked on the holiday. This is in addition to the normal pay for the holiday.

E. If an employee works more than eight (8) hours during a normal work day or is required to work on his or her normal day off, they shall receive an equal amount of time off as determined by the supervisor and approved by the City Manager.

F. To be eligible for holiday pay, employees shall have worked their last scheduled work day before the holiday and their first scheduled work day after the holiday, unless absence on either or both of these work days has been approved in advance by the appropriate supervisor. Holidays with pay will not be given to an employee if he/she is on leave of absence without pay, on suspension, or on any other non-paid status on the day before or after the holiday. Employees receiving Workers' Compensation benefits will not be entitled to additional holiday pay.

G. Temporary employees and part-time employees will not be entitled to paid holidays.

#### Annual Leave

A. Regular employees (i.e., other than part-time, temporary and probationary employees) will be allowed to take annual leave (vacation leave) with pay. Annual leave will be accrued for regular employees in the following manner:

1. Police Officers & Firefighters

Each full-time, sworn police officer and firemen, upon completion of twelve (12) months continuous service with the city, shall be entitled to 144 hours vacation pay. Thereafter, each regular full-time (40 hr. wk.) sworn police officer and firemen, shall accrue and be entitled to twelve (12) hours of paid vacation for each month of work with the City.

2. All Other Employees

Each full-time employee, upon completion of twelve (12) months continuous service with the City shall be entitled to 96 hours vacation leave with pay. Thereafter, each regular employee shall accrue and be entitled to eight (8) hours of paid vacation for each month of work with the City.



Each Full-time (other than 40 hr. wk.) will be computed as follows:

|               | <u>Accrue monthly</u> | <u>after completion of 12 months</u> |
|---------------|-----------------------|--------------------------------------|
| 37-39 hr. wk. | 7 hours               | 84 hrs.                              |
| 33-36 hr. wk. | 6 hours               | 72 hrs.                              |
| 30-32 hr. wk. | 5 hours               | 60 hrs.                              |

B. Upon completion of seven (7) years continuous employment, each full-time employee's annual leave shall increase by four (4) hours per month (except for full-time, sworn police officer's who get 144 hours per year from date of employment).

C. No annual leave will accrue to an employee during any period of work for which unpaid or uncompensated absence occurs. But, employees shall continue to accrue leave time while on vacation.

D. It is the City's policy to have employees take their annual leave yearly after the period for which it was earned. It is generally encouraged that annual leave be used in minimum increments of one week. With special permission of the supervisor, non-paid leave may be added to accrued leave to round out leave to whole weeks.

E. The maximum number of annual leave days which may be accumulated and paid for on termination is based on years of service. Upon termination, non-probationary employees with less than seven years will be paid for 240 hours; those with 7 - 15 years will be paid for 360 hours; those with over 15 years will be paid for 480 hours. NOTE: Failure to provide a minimum of 14 days notice prior to termination will result in denial of payment of any accrued annual leave.

F. Each department head or supervisor will present, on request to the Personnel Office a schedule detailing the planned vacation leaves of the department employees. Seniority will generally be the deciding factor in scheduling preferred leaves among employees, and the employee's preferences will be followed as far as practical.

G. Employees will not be allowed to work for the City during his/her annual leave (and receive both regular and annual leave pay) unless exceptional circumstances exist, as determined by appropriate supervisor and the City Manager.

H. Holidays occurring while an employee is on annual leave shall not be charged against annual leave.

I. Any absences from work not covered by sick leave, military leave or any other defined leave with pay shall be charged to annual leave.

J. Leave taken in excess of the amount of annual leave earned as of that date shall be without pay. Sick leave will not be "converted" to annual leave.

K. An employee who has resigned or has been terminated shall be paid only the maximum amount allowed to accrue for the years of service. (See (E) in this section.) All allowable leave will be paid to the employee in full in their last check the pay week after the effective date of termination or the date terminated, if deemed necessary.

- L. Request for vacation leave:
1. Employees shall submit a request for vacation leave not less than one week (5 working days) prior to date of beginning of the requested leave period.
  2. Vacation leave requests shall be honored in accordance with work load and manpower requirements as determined by the employee's supervisor.
  3. If a request for leave is rejected, the employee's supervisor will notify and explain reason to employee, who may then select another date for leave.
  4. Leave time shall not be so restricted to the extent that personnel are forced to forfeit earned leave time.
  5. If management has made it impossible to take time off, at any time during the year, by deny a written leave request submitted properly, any employee will be able to sell up to forty-eight (48) hours (on a one for one bases) of vacation back to the City as his or her hourly rate. All requests must be in after November 15<sup>th</sup> and no later than November 30<sup>th</sup>, and paid out no later than the second week of December.
  6. No paid leave in excess of the amount which could be earned in a five (5) month period shall be granted, except under special and/or emergency circumstances, as approved by the City Manager.

#### Sick Leave

- A. Each full-time employee, upon completion of twelve (12) months continuous service with the City shall be permitted 96 hours sick leave with pay. Thereafter, each regular employee shall accrue eight (8) hours of paid sick leave for each month of work with the City, with the unused portion to be continuously accumulated to an unlimited number of hours. Full-time employees other than 40 hr. wk., will accrue: 37-39 hr. wk.-7 hours; 33-36 hr. wk. - 6 hours; 30-32 hr. wk.-5 hours. However, upon termination no pay would be received for unused hours. In the event of the death of an employee, unused sick leave will be paid to their beneficiary. Probationary employees will not be eligible to use sick leave benefits until their status as a regular employee is confirmed except under special and/or emergency circumstances, as approved by the City Manager.
- B. Additional sick leave may be granted at the discretion of the City Manager.
- C. Sick leave may be used for the following purposes:
1. Employee's health.
  2. Medical, dental, or optical treatment or examination which is necessary during working hours.
  3. Quarantine due to exposure to a contagious disease.
  4. Maternity leave.
  5. As emergency leave (with supervisor's permission) in the event of serious injury or serious or contagious illness in an employee's immediate family. Proof of such illness may be required.
- D. Request for sick leave due to illness or injury shall be submitted before or as soon as possible after the beginning of the regular shift of the employee's first work day

of his absence and no later than four (4) hours (except for emergencies) after the start of absence.

E. If and whenever the use of sick leave may appear to be abused, or where an employee consistently uses sick leave as it is earned, the employee claiming/requesting such sick leave may be required to furnish acceptable proof of the necessity for such absence. The City Manager or the appropriate department head may, in all cases of illness, injury, or reported illness/injury in excess of three (3) working days, require the employee to furnish a doctor's certificate.

CAUTION: Use of sick leave on false claims of illness, injury or exposure to contagious disease, or falsification of proof to justify such sick leave may subject the employee to disciplinary action up to and including dismissal.

### Injury Leave

Leave for recuperation following injury or surgery shall be treated as sick leave except as Workers' Compensation rules may apply. If sick leave is exhausted, the employee may opt to use annual leave and/or leave without pay until the employee is able to return to work.

### Maternity Leave

Leave for maternity shall be treated as sick leave. If sick leave is exhausted, the employee may opt to use annual leave and/or leave without pay until the employee is able to return to work.

### Bereavement Leave

Bereavement leave with pay of up to three (3) consecutive working days (for each occurrence of death to a member of the employee's immediate family) will be granted for absence from duty of an employee in order to arrange and attend the funeral on account of a death in his/her immediate family. Any absence in excess of this amount shall be charged to annual leave or to leave without pay if the employee has no annual leave accumulated. The employee's immediate family shall be defined as the employee's spouse, father, mother, son, daughter, brother, sister, grandfather, grandmother, uncle, aunt, father-in-law, mother-in-law, or any relative who is living in the employee's immediate household. Bereavement leave shall not be charged to sick leave.

### Military Leave

A. Regular employees who are commissioned reserve officers or reserve enlisted personnel in the Armed Forces Reserves or members of the Florida National Guard shall be entitled to leave of absence from their respective duties for such time as they shall be ordered to military service or field training in an active duty or active/inactive duty for training status, in accordance with Federal and State laws.

B. Requests for such absences from work can be made by the employee either verbally or in writing. The submission of the applicable Reserve or National Guard training schedule will satisfy this requirement.

## Family and Medical Leave Act (FMLA)

Employees may be entitled to a leave of absence under the Family and Medical Leave Act (FMLA). This policy provides employees information concerning FMLA entitlements and obligations employees may have during such leaves. If employees have any questions concerning FMLA leave, they should contact the Personnel Office.

### I. Eligibility

FMLA leave is available to "eligible employees." To be an "eligible employee," an employee must: 1) have been employed by the City for at least 12 months (which need not be consecutive); 2) have been employed by the City for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave; and 3) be employed at a worksite where 50 or more employees are located within 75 miles of the worksite.

#### **A. Basic FMLA Leave Entitlement:**

The FMLA provides eligible employees up to 12 workweeks of unpaid leave for certain family and medical reasons during a 12-month period. The 12-month period is determined based on a fixed 12-month leave year (such as a fiscal year). Leave may be taken for any one, or for a combination, of the following reasons:

- To care for the employee's child after birth or placement for adoption or foster care;
- To care for the employee's spouse, son, daughter or parent (but not in-law) who has a **serious health condition**;
- For the employee's own serious health condition (including any period of incapacity due to pregnancy, prenatal medical care or childbirth) that makes the employee unable to perform one or more of the essential functions of the employee's job; and/or
- Because of any **qualifying exigency** arising out of the fact that an employee's spouse, son, daughter or parent is a covered military member on covered active duty or called to covered active duty status (or has been notified of an impending call or order to covered active duty) in the Reserves component of the Armed Forces in support of contingency operation or Regular Armed Forces for deployment to a foreign country. This leave also is available for family members of active duty service members.

A **serious health condition** is an illness, injury, impairment or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job, or prevents the qualified family member from participating in school or other daily activities. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than 3 consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing

treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

**Qualifying exigencies** may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, caring for the parents of the military member of covered active duty and attending post-deployment reintegration briefings.

### **B. Additional Military Family Leave Entitlement (Injured Service member Leave)**

In addition to the basic FMLA leave entitlement discussed above, an eligible employee who is the spouse, son, daughter, parent or next of kin of a **covered service member** is entitled to take up to 26 weeks of leave during a single 12-month period to care for the servicemember with a serious injury or illness. Leave to care for a service member shall only be available during a single-12 month period and, when combined with other FMLA-qualifying leave, may not exceed 26 weeks during the single 12-month period. The single 12-month period begins on the first day an eligible employee takes leave to care for the injured service member.

A "**covered service member**" is a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status or is on the temporary retired list, for a serious injury or illness. These individuals are referred to in this policy as "current members of the Armed Forces."

**Covered service members** also include a veteran who is discharged or released from military services under condition other than dishonorable at any time during the five years preceding the date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation or therapy for a serious injury or illness. These individuals are referred to in this policy as "covered veterans."

The FMLA definitions of a "serious injury or illness" for current Armed Forces members and covered veterans are distinct from the FMLA definition of "serious health condition" applicable to FMLA leave to care for a covered family member.

### **C. Intermittent Leave and Reduced Leave Schedules**

FMLA leave usually will be taken for a period of consecutive days, weeks or months. However, employees also are entitled to take FMLA leave intermittently or on a reduced leave schedule when medically necessary due to a serious health condition of the employee or covered family member or the serious injury or illness of a covered servicemember.

### **D. No Work While on Leave**

The taking of another job while on family/medical leave or any other authorized leave of absence is grounds for immediate termination, to the extent permitted by law.

### **E. Protection of Group Health Insurance Benefits**

During FMLA leave, eligible employees are entitled to receive group health plan coverage on the same terms and conditions as if they had continued to work.

## **F. Restoration of Employment and Benefits**

At the end of FMLA leave, subject to some exceptions including situations where job restoration of "key employees" will cause The City substantial and grievous economic injury, employees generally have a right to return to the same or equivalent positions with equivalent pay, benefits and other employment terms. The City will notify employees if they qualify as "key employees," if it intends to deny reinstatement, and of their rights in such instances. Use of FMLA leave will not result in the loss of any employment benefit that accrued prior to the start of an eligible employee's FMLA leave.

## **G. Notice of Eligibility for, and Designation of, FMLA Leave**

Employees requesting FMLA leave are entitled to receive written notice from the Personnel Office telling them whether they are eligible for FMLA leave and, if not eligible, the reasons why they are not eligible. When eligible for FMLA leave, employees are entitled to receive written notice of: 1) their rights and responsibilities in connection with such leave; 2) the Personnel Office's designation of leave as FMLA-qualifying or non-qualifying, and if not FMLA-qualifying, the reasons why; and 3) the amount of leave, if known, that will be counted against the employee's leave entitlement.

The City may retroactively designate leave as FMLA leave with appropriate written notice to employees provided the City's failure to designate leave as FMLA-qualifying at an earlier date did not cause harm or injury to the employee. In all cases where leaves qualify for FMLA protection, the City and employee can mutually agree that leave be retroactively designated as FMLA leave.

## **. Employee FMLA Leave Obligations**

### **A. Provide Notice of the Need for Leave**

Employees who take FMLA leave must timely notify the Personnel Office of their need for FMLA leave. The following describes the content and timing of such employee notices.

#### **1. Content of Employee Notice**

To trigger FMLA leave protections, employees must inform the Personnel Office of the need for FMLA-qualifying leave and the anticipated timing and duration of the leave, if known. Employees may do this by either requesting FMLA leave specifically, or explaining the reasons for leave so as to allow the Personnel Office to determine that the leave is FMLA-qualifying. For example, employees might explain that:

- a medical condition renders them unable to perform the functions of their job;
- they are pregnant or have been hospitalized overnight;
- they or a covered family member are under the continuing care of a health care provider;

- the leave is due to a qualifying exigency cause by a covered military member being on active duty or called to active duty status; or
- if the leave is for a family member, that the condition renders the family member unable to perform daily activities or that the family member is a covered service member with a serious injury or illness.

Calling in "sick," without providing the reasons for the needed leave, will not be considered sufficient notice for FMLA leave under this policy. Employees must respond to the Personnel Office's questions to determine if absences are potentially FMLA-qualifying.

If employees fail to explain the reasons for FMLA leave, the leave may be denied. When employees seek leave due to FMLA-qualifying reasons for which the Personnel Office has previously provided FMLA-protected leave, they must specifically reference the qualifying reason for the leave or the need for FMLA leave.

## **2. Timing of Employee Notice**

Employees must provide 30 days' advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, or the approximate timing of the need for leave is not foreseeable, employees must provide the City notice of the need for leave as soon as practicable under the facts and circumstances of the particular case. Employees who fail to give 30 days' notice for foreseeable leave without a reasonable excuse for the delay, or otherwise fail to satisfy FMLA notice obligations, may have FMLA leave delayed or denied.

### **B. Cooperate in the Scheduling of Planned Medical Treatment (Including Accepting Transfers to Alternative Positions) and Intermittent Leave or Reduced Leave Schedules**

When planning medical treatment, employees must consult with the City and make a reasonable effort to schedule treatment so as not to unduly disrupt the City's operations, subject to the approval of an employee's health care provider. Employees must consult with the Personnel Office prior to the scheduling of treatment to work out a treatment schedule that best suits the needs of both the City and the employees, subject to the approval of an employee's health care provider. If employees providing notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglect to fulfill this obligation, the City may require employees to attempt to make such arrangements, subject to the approval of the employee's health care provider.

When employees take intermittent or reduced work schedule leave for foreseeable planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition or to care for a covered service member, the City may temporarily transfer employees, during the period that the intermittent or reduced leave schedules are required, to alternative positions with equivalent pay and benefits for which the employees are qualified and which better accommodate recurring periods of leave.

When employees seek intermittent leave or a reduced leave schedule for reasons unrelated to the planning of medical treatment, upon request, employees must advise the City of the reason why such leave is medically necessary. In such instances, the supervisor and employee shall attempt

to work out a leave schedule that meets the employee's needs without unduly disrupting the City's operations, subject to the approval of the employee's health care provider.

### **C. Submit Medical Certifications Supporting Need for FMLA Leave (Unrelated to Requests for Military Family Leave)**

Depending on the nature of FMLA leave sought, employees may be required to submit medical certifications supporting their need for FMLA-qualifying leave. As described below, there generally are three types of FMLA medical certifications: an **initial certification**, a **recertification** and a **return to work/fitness for duty certification**.

It is the employee's responsibility to provide the Personnel Office with timely, complete and sufficient medical certifications. Whenever the Personnel Office requests employees to provide FMLA medical certifications, employees must provide the requested certifications within 15 calendar days after the City's request, unless it is not practicable to do so despite an employee's diligent, good faith efforts. The Personnel Office shall inform employees if submitted medical certifications are incomplete or insufficient and provide employees at least seven calendar days to cure deficiencies. The City will deny FMLA leave to employees who fail to timely cure deficiencies or otherwise fail to timely submit requested medical certifications.

With the employee's permission, the Personnel Office (through individuals other than an employee's direct supervisor) may contact the employee's health care provider to authenticate or clarify completed and sufficient medical certifications. If employees choose not to provide the the Personnel Office with authorization allowing it to clarify or authenticate certifications with health care providers, the City may deny FMLA leave if certifications are unclear.

Whenever the Personnel Office deems it appropriate to do so, it may waive its right to receive timely, complete and/or sufficient FMLA medical certifications. the need for such leave from their health care provider or, if applicable, the health care provider of their covered family or service member. If employees provide at least 30 days' notice of medical leave, they should submit the medical certification before leave begins. A new initial medical certification will be required on an annual basis for serious medical conditions lasting beyond a single leave year. If the Personnel Office has reason to doubt initial medical certifications, it may require employees to obtain a second opinion at the City's expense. If the opinions of the initial and second health care providers differ, the City may, at its expense, require employees to obtain a third, final and binding certification from a health care provider designated or approved jointly by the City and the employee.

### **2. Medical Recertifications**

Depending on the circumstances and duration of FMLA leave, the Personnel Office may require employees to provide recertification of medical conditions giving rise to the need for leave. The Personnel Office will notify employees if recertification is required and will give employees at least 15 calendar days to provide medical recertification.



### **3. Return to Work/Fitness for Duty Medical Certifications**

Unless notified that providing such certifications is not necessary, employees returning to work from FMLA leaves that were taken because of their own serious health conditions that made them unable to perform their jobs must provide the Personnel Office with medical certification confirming they are able to return to work and the employees' ability to perform the essential functions of the employees' position, with or without reasonable accommodation. The City may delay and/or deny job restoration until employees provide return to work/fitness for duty certifications.

#### **D. Submit Certifications Supporting Need for Military Family Leave**

Upon request, the first time employees seek leave due to qualifying exigencies arising out of the active duty or call to active duty status of a covered military member, the Personnel Office may require employees to provide: 1) a copy of the covered military member's active duty orders or other documentation issued by the military indicating the covered military member is on active duty or call to active duty status and the dates of the covered military member's active duty service; and 2) a certification from the employee setting forth information concerning the nature of the qualifying exigency for which leave is requested. Employees shall provide a copy of new active duty orders or other documentation issued by the military for leaves arising out of qualifying exigencies arising out of a different active duty or call to active duty status of the same or a different covered military member.

When leave is taken to care for a covered service member with a serious injury or illness, the Personnel Office may require employees to obtain certifications completed by an authorized health care provider of the covered service member. In addition, and in accordance with the FMLA regulations, the Personnel Office may request that the certification submitted by employees set forth additional information provided by the employee and/or the covered service member confirming entitlement to such leave.

#### **E. Substitute Paid Leave for Unpaid FMLA Leave**

Employees must use any accrued paid time while taking unpaid FMLA leave.

The substitution of paid time for unpaid FMLA leave time does not extend the length of FMLA leave and the paid time will run concurrently with an employee's FMLA entitlement.

Leaves of absence taken in connection with a disability leave plan or workers' compensation injury/illness shall run concurrently with any FMLA leave entitlement.

Upon written request, the City will allow employees to use accrued paid time to supplement any paid disability benefits.

#### **F. Pay Employee's Share of Health Insurance Premiums**

During FMLA leave, employees are entitled to continued group health plan coverage under the same conditions as if they had continued to work. Unless the Personnel Office notifies employees of other arrangements, whenever employees are receiving pay from the City during

FMLA leave, the City will deduct the employee portion of the group health plan premium from the employee's paycheck in the same manner as if the employee was actively working.

If FMLA leave is unpaid, employees must pay their portion of the group health premium through a method determined by the City upon leave.

#### **IV. Questions and/or Complaints about FMLA Leave**

If you have questions regarding this FMLA policy, please contact the Personnel Office. The City of Niceville is committed to complying with the FMLA, and whenever necessary, shall interpret and apply this policy in a manner consistent with FMLA.

The FMLA makes it unlawful for employers to complying with the FMLA and, whenever necessary, shall interpret and apply this policy in a manner consistent: 1) interfere with, restrain or deny the exercise of any right provided under FMLA; or 2) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or involvement in any proceeding under or relating to FMLA. If employees believe their FMLA rights have been violated, they should contact the Personnel Office immediately. The Personnel Office will investigate any FMLA complaints and take prompt and appropriate remedial action to address and/or remedy any FMLA violation. Employees also may file FMLA complaints with the United States Department of Labor or may bring private lawsuits alleging FMLA violations.

#### **V. Leave with Other Leave Coordination of FMLA Policies**

The FMLA does not affect any federal, state or local law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement that provides greater family or medical leave rights. For additional information concerning leave entitlements and obligations that might arise when FMLA leave is either not available or exhausted, please consult the other leave policies in this handbook or contact the Personnel Office.

#### Court Leave and Jury Duty

- A. All regular employees subpoenaed as ordinary citizens (not in connection with their job duties as City employees) to attend court during scheduled work hours are eligible for leave with pay. Those employees who become parties to litigation are not eligible for leave with pay, unless they become such parties in the course of their employment with the City.
- B. Employees who attend court for only a portion of their regular scheduled work day are expected to report to their supervisor when excused or released by the court.
- C. Employees required to attend court as stated above, while on scheduled vacation, may be allowed to take additional leave with pay for that court time.

D. Unless otherwise released by the Finance Office, all fees and subpoena allowances, except for travel pay, must be turned in to the Finance Office in order to receive compensation from the City for eligible court time. If not turned in, jury duty pay will be deducted from the employee's normal City pay. This does not apply in instances where the employee is called to court on designated time off.

Employees who appear in court on behalf of the City as part of their normal City duties will receive only their regular pay for court appearances made during their scheduled work hours.

### Workers' Compensation and Disability Leave

#### 1. Workers' Compensation:

A. All employees are protected by Workers' Compensation Insurance in accordance with the laws of the State of Florida. It is incumbent upon each employee to properly report Workers' Compensation claims in order to be eligible for benefits.

### Unemployment Compensation

The City of Niceville is registered with the State of Florida Bureau of Unemployment Compensation. Employees who are involuntarily separated from employment and who file a claim and meet certain qualifications may be eligible to receive unemployment compensation benefits.

### Group Health Insurance

The City provides a limited group health insurance plan to all regular employees. This program will be administered under Equal Opportunity provisions. The City will provide basic coverage under the plan for all employees and make available coverage to their dependents as a fringe benefit as long as budgetarily feasible.

It is the employee's responsibility to use available coverages in a wise and conscientious manner in order to keep plan costs to a minimum, and to obtain all information pertinent to the group health insurance plan which may be in effect. The Personnel Office maintains up-to-date information on group health insurance and its benefits.

Subsequent to August 23, 2001, those employees with 20 or more years of continuous full-time service with the City are entitled to remain on the City Group Health Insurance Plan. Responsibility for Employee premiums are as follows: 20-25 years, Employee pays entire premium; 25-30 years, Employee pays ½ premium, City pays ½ premium; Over 30 years, City pays entire premium. Employee is responsible for entire premium for eligible dependents or any plan option buy up costs. Employees at age 65 have the option to convert the City Insurance Plan to a Medicare Supplement with the same premium benefits as stated.

### Deferred Compensation

The City of Niceville presently participates in a deferred compensation plan with The Hartford. The City will contribute a matching portion according to years of service as provided in the plan document for those employees electing this plan instead of the Florida Retirement System prior to October 1, 2004, for police officers; and October 1, 2005, for all other full-time employees. Those eligible employees hired or rehired subsequent to October 1, 2004, for police officers; and October 1, 2005, for all other employees are not eligible to participate.

### Florida Retirement System

The City of Niceville presently participates in the Florida Retirement System. This plan is compulsory for those eligible employees hired or rehired after October 1, 2004, for police officers; and October 1, 2005, for all other employees. The Personnel Office maintains up-to-date information on the Florida Retirement System.

## **PERSONNEL RELATIONS**

### Personnel Records

The Personnel Office will maintain employee files containing employment and work history, records of personnel actions, and a current correct address, phone number, marital and dependent statuses. Employees must notify the Personnel Office of any change of address, phone number, or personnel status. Access to employee personnel files shall be in accordance with Florida State Statute.

The Personnel Office will monitor, coordinate, provide, support and maintain appropriate records data, analysis and reports on recruitment, selection, placement and all other personnel actions.

### Employee Communications

Several arrangements are available for employee communications. The first and most valuable is for the employee to discuss matters of mutual interest with the immediate supervisor. Communications needing to proceed further up the administrative staff should observe the appropriate chains-of-authority. The Personnel Office may be contacted at any time for communication of personnel-related information. Constructive suggestions, especially those which may improve the service of the City to the public, are always welcome.

### Grievances

#### A. Policy:

The Personnel System shall provide regular employees a fair and equitable review of any grievance without fear of discrimination, coercion, restraint or reprisal. Further, it shall insure that every reasonable effort will be made to resolve the matter as efficiently and effectively as possible. It shall be the policy of the City insofar as

possible to prevent the occurrence of grievances and to deal promptly with those which occur. It is the intent and desire of the City to resolve complaints or grievances informally, and both administrative staff and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances which will be resolved only after review. This grievance procedure is established to provide full opportunity to employees to bring to the attention of administrative staff or the City Manager complaints, grievances or situations that the employee feels need either resolution or information.

B. Grievances:

Grievances may grow out of an employee's feeling that he/she has been treated harshly or unfairly by the organization, by fellow employees, or by a supervisor, or to simply ask for information. An employee may file a grievance to register a complaint or to resolve a problem. The grievance process may also be used to request clarifications of existing rules, regulations, and policies and to recommend modifications of same, or to request information relative to respective job situations which is not otherwise privileged or confidential in nature.

C. Grievance Procedure:

In order to assure every regular employee of a method in which he/she can get a particular grievance considered rapidly, fairly, and without reprisal and to preserve an orderly chain of responsibility, the following levels are to be followed:

Level 1 - Whenever a grievance arises, the employee shall, within five (5) working days of the occurrence of the incident, explain and discuss the complaint, grievance, or inquiry orally with his/her supervisor who may call the department head into the discussion, in an effort to achieve a prompt, satisfactory adjustment. Once all relevant circumstances have been discussed with the employee, the cause of the problem will be removed by the supervisor or department head to the extent he/she deems advisable and possesses authority to act. The supervisor will make a decision and notify the employee within three (3) working days after the discussion with the employee. To assure consistent application of policy, the supervisor should consult with his/her department head, the City Manager and the Personnel Office before rendering a decision on the matter.

Level 2 - If the complaint is not resolved within three (3) working days as outlined in Level 1, the aggrieved employee may choose to submit his/her grievance in writing to the next highest level of supervision (usually the City Manager). A written grievance submitted above the level of immediate supervisor and department head will contain the following:

1. The date and place at which the grievance took place, if applicable.
2. A statement of the grievance and the facts upon which it is based.
3. The remedy, adjustment or information requested.

4. The signature of the aggrieved employee. A separate investigation of the grievance will be made by the City Manager and the aggrieved employee informed in writing of the decision within five (5) working days after receipt of the grievance at this level. The decision of the City Manager will be final.

## **Personnel Policies, Actions and Procedures**

### Policies

A. Employment of the Aged:

The City of Niceville complies with all State and Federal Laws regarding age in employment.

B. Veteran's Preference:

The City of Niceville complies with all State and Federal Laws regarding veterans in employment.

### Recruitment

A. In accordance with Equal Employment Opportunity (EEO) regulations, recruitment for the City's positions shall be carried out in the manner necessary to obtain well-qualified candidates and shall insure that all segments of the population are given an equal opportunity to apply and be considered for employment.

B. Publicly posted announcements of vacant positions shall specify the job title, the salary range, a description of duties, the qualification requirements, the method of applying, the closing date for applications and the nature of an examination, if any, to be given for the position.

C. All announcements shall indicate that the City is an equal opportunity employer.

### Eligibility

All applicants who meet the minimum qualification requirements for the position (as specified in the position description) shall be eligible for further consideration for employment and may be tested, interviewed, reference checked or similar selection processes. To qualify for any position that is identified "sensitive", will require a full background check.

## Appointments

### A. Temporary Employment:

Whenever the work load so requires, the City Manager may effect a temporary appointment. Temporary employment refers to those employees engaged to work into the future for a limited period of time. These positions are not subject to competitive examination until such time as their status with the City is considered for a regular appointment. At such time, the incumbent must compete for the regular positions on the basis of qualifications. Due to the temporary nature of their employment, temporary employees are not regularly established positions and will not accrue fringe benefits or holiday or overtime benefits afforded to regular full-time employees except as specifically authorized by the City Manager.

### B. Part-Time Employment:

This refers to all those employees who have been appointed for an indefinite period of time but who work for a period less than the regularly-established number of hours per week. Part-time employees may be appointed on a noncompetitive basis. Part-time employees are not regularly established positions and will not be eligible to receive any fringe benefits, holiday pay, overtime benefits, etc., afforded to regular full-time employees except as specifically authorized by the City Manager.

### C. Regular Full-Time Employment:

This refers to employment which is scheduled on a continuing career basis and for the standard number of working hours per week. Employees in this category are regularly established positions and receive all the rights and benefits as provided by the Personnel System.

## Probationary Period

Each new employee is considered on probation for a period of twelve (12) months following initial employment; and for a period of three (3) months following a promotion, transfer, or reinstatement.

## Layoffs

- A. 1. Temporary employees
2. New probationary employees
3. Part-time employees

4. Full-time regular employees

- B. The order of layoff of all employees within a particular status of employment shall be determined by the City Manager after he/she has given due consideration to all relevant factors which shall include, but not be limited to, seniority and the relative efficiency of the employee. Any employee who is laid off will be given a minimum of five (5) working days notice of the pending layoff.

Resignation

Any employee wishing to leave the City's service in good standing will file with his/her supervisor a written resignation stating the date the employee intends to leave and the reasons for leaving. The resignation should be submitted at least 14 days before leaving so as to allow the Personnel Office to make a proper replacement for the employee's class of work. Failure to comply with this procedure shall be cause for denying such employee future employment with the City; and will result in denial of payment of any accrued annual leave. Unauthorized absences from work for a period of three (3) consecutive working days may be considered as the employee's voluntary resignation, but not in good standing. The effective date of separation from the City shall be at the close of business on the last day an employee reports for duty; the date specified in the written resignation; or the last day of leave granted should the employee fail to report for duty on the first working day following the expiration of the leave.

Exit Procedures

An employee leaving the employment of the City shall, prior to departure, comply with the following required steps:

1. Notify the department head, Personnel Office, and Finance Office (with due advance notice) of the expected last day of work.
2. Turn in to the department head all equipment, supplies, keys, tools, files, documents, etc., issued to the employee.
3. Participate in an exit interview with the Personnel Office.
4. Leave adequate forwarding addresses and phone numbers.

Reinstatement

Employees returning from leaves of absence, those who were dismissed because of a reduction in force, or those who have otherwise been terminated in good standing shall be eligible for rehire into the same or comparable position without competitive application should such a position become available within one year of the layoff. Reinstated employees shall be placed in the same pay grade and step they were in at the time of the layoff.

Disciplinary Actions, Causes and Guidelines

The City cannot function without policies and rules designed to ensure smooth and order operations. The following is a partial list of actions prohibited by the City. Violation or work



rules may result in disciplinary action up to and including unpaid disciplinary suspension and/or dismissal. It is impossible to compile a complete list of offenses, so **you should use good judgment, responsible conduct and common sense as a guide.** Please note that violation of any of the policies in this handbook or violation of any other City policy or procedure may result in the denial of unemployment benefits. For the guidance of all employees, the following are examples of offenses which can result in disciplinary action:

1. Using or possessing power equipment to which the employee has not been assigned.
2. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.
3. Taking more than the specified time for meals or rest breaks.
4. Productivity or workmanship not up to required standards of performance.
5. Discussing, directly or indirectly, or the disclosure without authorization of any privileged information concerning a City matter learned in the course of working for the City.
6. Discourtesy to persons with whom the employee comes in contact while in the performance of duties. (Substantiated)
7. Unexcused or excessive absenteeism, tardiness, or leaving early.
8. Violating a safety rule or safety practice.
10. Creating or contributing to unsafe or unsanitary conditions, littering or poor housekeeping.
11. Threatening, intimidating, coercing, or interfering with fellow employees or supervisors at any time including use of abusive, offensive, or derogatory language; including racial or ethnic slurs, as well as sexually offensive language.
12. Sleeping or loafing during duty hours.
13. Publishing or causing to be published, false, vicious or malicious statements concerning any employee, supervisor, the City Manager or the operation of the City.
14. Reporting for work while under the influence of alcohol or drugs.
15. Mistakes due to negligence which affect the safety of other personnel, equipment or property.

16. Vending, soliciting or collecting contributions for any purpose whatsoever at any time at work unless authorized.
17. Knowingly harboring a serious communicable disease which may endanger other employees.
18. Wanton or willful neglect in the performance of assigned duties.
19. Deliberate misuse, abuse, destruction or damaging of any property of the City or the property of an employee.
20. Receipt from any person, or participation in, any fee, gift, or other valuable thing in the course of work, when such fee, gift or other valuable thing is given in the hope of or expectation of receiving a favor of better treatment than that accorded other persons in the line of official duty.
21. Dishonesty, including but not limited to the falsification of personnel records or any official records of the City.
22. Deliberately making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, or Workers' Compensation.
23. Insubordination or refusal to comply with the written or verbal instructions of a supervisor.
24. Drinking intoxicating liquor while on duty or habitual use or abuse of controlled dangerous substances.
25. Use or attempted use of political influence or bribery to secure an advantage of any manner.
26. Concerted curtailment, restriction of production, or interference with work in or about work stations, including, but not limited to: instigating, leading or participating in any walkout, strike, sit-down, stand-in, slowdown, or refusal to return to work at the scheduled time for the scheduled shift.
27. Conviction of any serious crime which brings disrepute or embarrassment to the City or which would be considered as not conducive to the employee's continuing his/her assigned duties, or which would affect coworker's morale adversely should the employee remain in the City's employment.
28. Engaging in horseplay, running, scuffling, throwing things, or similar types of disorderly conduct.
29. Distributing written or printed matter of any description on City premises unless approved by City Manager.

30. Making of false, vicious, or malicious statements concerning any employee, the City or its methods of operation.
31. Provoking, or instigating a fight, or fighting at any time on City premises.
32. Mistakes due to carelessness.
33. Causing material or parts to be scrapped due to carelessness.
34. Theft or removal from the premises without proper authorization, any City property or property of any employee.
35. Unauthorized possession of firearms or explosives on City premises.
36. Use or possession of another employee's tools without the employee's consent.
37. Engaging in sabotage or espionage.
38. Gambling while at work or on City premises.
39. Failure to contact your supervisor (at least one hour in advance of any absence from scheduled work time.
40. Smoking in areas not designated as smoking areas.
41. Failure to follow instructions or rules regarding the wearing of identification badges, Personal Protective Equipment or employee parking requirements.
42. Entering City premises when not authorized to do so.
43. Refusing to take a blood or urine test when requested by the City.
44. Failing to timely report an injury, accident, incident or unsafe condition to your supervisor or Personnel Office.
45. Failure to follow dress code that the City requires for your position.
46. Violation of any Federal or State law.

E. This is not intended to be an inclusive listing, and disciplinary action may result for any other valid cause.

F. In all cases, a memorandum of the disciplinary action shall be placed in the employee's personnel file and a copy thereof furnished to the employee.

### Conclusion

Your privileges, duties and responsibilities are, of course, much more numerous than those outlined in this manual. Should any questions arise about your job; your supervisor, department head, or the Personnel Office will be happy to answer them. Each supervisor or department head will issue policies at various times governing his or her department. Remember, as a public employee you are a public servant. Citizens, no matter who they are, should be treated with courtesy and consideration. You may be the only contact a citizen has with the City. The impression you make, whether good or bad, will be the one that the citizen will remember. He will assume your attitude toward him and his problem is the attitude of the entire City government. It is particularly important that a full, courteous explanation be given a citizen when it is necessary to refuse his request, or when the action requested lies outside the jurisdiction of the City. "The employee of the City of Niceville should not presume that the City of Niceville Employee Handbook is an employment contract. The City reserves the right to amend rules from time to time and policies."