

**ORDINANCE NO. 2019-13**

**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND ORDINANCES OR RESOLUTIONS IN CONFLICT.**

**WHEREAS**, it is the intent of the City of Madeira Beach, Florida, to adopt and provide a Personnel Policies and Procedures Handbook with the City's current personnel rules and policies; and

**WHEREAS**, the City Manager and the Civil Service Commission recommend that the Board of Commissioners amend the Personnel Policies and Procedures Handbook;

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF MADEIRA BEACH, FLORIDA that:**

**Section 1.** The City of Madeira Beach Personnel Policies and Procedures Handbook shall be restated as amended in accordance with Exhibit "A" attached hereto.

**Section 2.** Exhibit A to this ORDINANCE 2019-13, attached hereto, is the amended "City of Madeira Beach, Florida, Personnel Policies and Procedures Handbook."

**Section 3.** A copy of ORDINANCE 2019-13 and the Personnel Policies and Procedures Handbook be provided to all employees of the City.

**Section 4.** EFFECTIVE DATE. This ORDINANCE shall become effective immediately upon its adoption.

**Section 5. SEVERABILITY.** Each section of the City of Madeira Beach, Florida, Personnel Policies and Procedures Handbook is intended to be independently considered and separately approved by the City Commission. If any section, paragraph, sentence, words, provision or term of this Ordinance or the Personnel Policies and Procedures Handbook is determined by a Court of competent jurisdiction to be invalid, such decision shall not otherwise affect the validity of the remaining portions of this Ordinance or the City of Madeira Beach, Florida, Personnel Policies and Procedures Handbook that were not declared to be invalid.

**Section 6. REPEAL OF ORDINANCES OR RESOLUTIONS IN CONFLICT.** Any portion of any ordinance or resolution in conflict with the Charter, to the extent of such conflict, is hereby repealed.

PASSED AND ADOPTED this 13<sup>th</sup> day of August, 2019 by the Board of Commissioners of the City of Madeira Beach, Florida.

Maggi Black  
Maggi Black, Mayor

ATTEST:

Clara VanBlargan  
Clara VanBlargan, MMC, MSM, City Clerk



APPROVED AS TO FORM AND CONTENT:

Ralf Brookes  
RALF BROOKES, ATTORNEY, City Attorney

FIRST READING held on 7/9/2019

PUBLISHED on 7/28/2019

SECOND READING held on 8/13/2019

# Tampa Bay Times

Published Daily

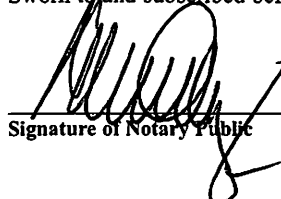
STATE OF FLORIDA }  
COUNTY OF Pinellas County } ss

Before the undersigned authority personally appeared **Amy Robison** who on oath says that he/she is **Legal Clerk of the Tampa Bay Times** a daily newspaper printed in St. Petersburg, in Pinellas County, Florida; that the attached copy of advertisement, being a Legal Notice in the matter **RE: MADEIRA BEACH -06, -** was published in **Tampa Bay Times: 7/28/19.** in said newspaper in the issues of **Baylink All Pinellas**

Affiant further says the said **Tampa Bay Times** is a newspaper published in Pinellas County, Florida and that the said newspaper has heretofore been continuously published in said Pinellas County, Florida, each day and has been entered as a second class mail matter at the post office in said Pinellas County, Florida for a period of one year next preceding the first publication of the attached copy of advertisement, and affiant further says that he/she neither paid not promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper

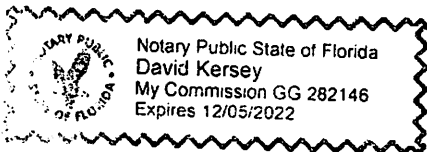
  
Signature of Affiant

Sworn to and subscribed before me this 07/28/2019.

  
Signature of Notary Public

Personally known \_\_\_\_\_ or produced identification

Type of identification produced \_\_\_\_\_



### NOTICE OF PUBLIC HEARING CITY OF MADEIRA BEACH

In accordance with the City of Madeira Beach Code of Ordinances, the City of Madeira Beach City Charter, and Florida Statutes §166.041(3)(a):

**NOTICE IS HEREBY GIVEN**, the Board of Commissioners of the City of Madeira Beach will conduct a **Second Reading and Public Hearing for the adoption of proposed Ordinance 2019-06 and Ordinance 2019-13 on Tuesday, August 13, 2019 at 6:00 p.m.** The meeting will be held in the Patricia Shontz Commission Chambers located at 300 Municipal Drive, Madeira Beach, FL 33708. The title of said Ordinance is as follows:

**ORDINANCE 2019-06**  
**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE FEES AND COLLECTIONS PROCEDURES, PROVIDING FOR CONFLICT, PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

**ORDINANCE 2019-13**  
**AN ORDINANCE OF THE CITY OF MADEIRA BEACH, FLORIDA, AMENDING THE CITY OF MADEIRA BEACH PERSONNEL POLICIES AND PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE; SEVERABILITY AND ORDINANCES OR RESOLUTIONS IN CONFLICT.**

A copy of the proposed Ordinances is available for inspection in the City Clerk's Office between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday. If you would like more information regarding the proposed Ordinances, please contact City Clerk Clara VanBlargan at 727-391-9951, ext. 231.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance. All persons are hereby advised that any presentation they make to the Board of Commissioners will be encouraged to be as precise as possible and will be limited to three minutes per speaker to permit maximum participation by the public at large.

Persons who wish to appeal any decision made by the Board of Commissioners with respect to any matter considered during a public hearing at this meeting will need a record of the proceedings, and for such purpose may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. It is the responsibility of the person making the appeal to bear the cost of hiring a private reporter or private recording firm to make the verbatim record.

In accordance with Section 286.26, Florida Statutes, persons with disabilities needing special accommodations to participate in this meeting should contact the City Clerk's office no later than 4:00 p.m. on the day prior to the meeting: (727) 391-9951, Ext. 231 or 223 or fax a written request to (727) 399-1131.

Clara VanBlargan, MMC, MSM, City Clerk (803300) 7/28/2019



City of Madeira Beach

# Personnel Policies and Procedures

Revised through Ordinance 2019-13

Office of the City Clerk  
8/13/2019



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## ARTICLE I. GENERAL PROVISIONS

**Section 101. PURPOSE.** *(Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

These Personnel Policies and Procedures have been adopted by Ordinance in fulfillment of, and pursuant to, Section 6.6(C) of the City Charter of the City of Madeira Beach. These Personnel Policies and Procedures are applicable to all employees of the City, except elected officials. While this manual is meant to provide general information, it is not inclusive of all policies and procedures. Employees who are covered under a Collective Bargaining Agreement shall also be subject to the City of Madeira Beach's Personnel Policies and Procedures. If any conflict occurs between the City and the Collective Bargaining Agreement, the Collective Bargaining Agreement shall take precedent.

**Section 102. ADMINISTRATION.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 0 1/05/1999; Ordinance 837-07/05/1995; Ordinance 2019-13: 08/13/19)*

The City Manager, as Chief Administrative Officer, shall be responsible for the administration and maintenance of the City Personnel Policies and Procedures, but may delegate responsibilities as he/she sees fit. These Personnel Policies and Procedures may be amended or revised by Ordinance or Resolution in the following manner:

- A. The City Manager may recommend amendment changes or revisions to these Personnel Policies and Procedures. Any amendment changes or revisions of these policies and procedures recommended by the City Manager shall be reviewed by the Civil Service Commission.
- B. The Civil Service Commission may propose amendments, changes or revisions to these Personnel Policies and Procedures. Any amendment, change or revision prepared by the Civil Service Commission will be submitted to the City Manager. If the City Manager concurs in the amendment, change or revisions submitted by the Civil Service, it will then be submitted to the Board of Commissioners for approval.

All references to employees in this Ordinance designate both sexes and wherever either gender is used, it shall be construed to include both genders.

**Section 103. JURISDICTION.** *(Resolution 07.06: 02/27/2007; Resolution 04.14: 09/28/2004; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

The Civil Service Commission shall have advisory only jurisdiction over classified City employees below department director level and as defined in these Personnel Policies and Procedures.

**Section 104. CIVIL SERVICE COMMISSION** *(Ordinance 2019-13: 08/13/19)*

The duties, powers and reservations on power shall be as set forth in these Personnel Policies and Procedures or as otherwise provided by Ordinance adopted by the Board of Commissioners.

**Section 105. CITY MANAGER**

As provided in Section 5.4 (C)(1) of the City Charter of the City of Madeira Beach, the City Manager will appoint and when deemed necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for or under this Charter that the City Manager is empowered to appoint, except as otherwise provided by law, this Charter, contract or personnel rules adopted pursuant to the Charter. The City Manager may authorize any administrative officer who is subject to the City Manager's direction and supervision to exercise those powers with respect to subordinates in that officer's department, office or agency.

Wherever this Ordinance conflicts with specific terms of any Collective Bargaining Agreement in effect, the Collective Bargaining Agreement shall apply.

**ARTICLE II. DEFINITIONS** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.23: 10/19/1999, and Resolution 9.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

**Anniversary Date.** The date that signifies one or more years of employment from the date of hire. It is used to calculate increases in annual leave accruals.

**City Manager.** Chief Administrative Officer of the organization authorized to appoint, assign, discipline or remove employees, subject to the provisions of the Civil Service and Personnel Policies.

**Civil Service Commission.** An advisory board consisting of five Madeira Beach residents who are appointed by a majority vote of the Board of Commissioners and serve overlapping three-year terms. The CSC works with the City Administration on relevant personnel matters and represents an impartial hearing board for all classified employees.

**Classified Employee.** All employees of the City not employed as a charter officer, department head or confidential employee.

**Non-Classified Employee.** Any employee who is not a classified employee.

**Demotion.** The change of an employee from one job title to another, when the move results in a lower pay scale. This will only occur by Department Director recommendation and City Manager approval. Demoted employees are subject to Intermediate Review and Evaluation.

**Department Director.** Non-classified employees who manages a recognized organizational subdivision of the City of Madeira Beach and who reports directly to the City Manager.

**Employee.** Employees are defined as follows:

- A. **Full-time** – position which requires a working schedule of thirty (30) hours or more per week. As such they are entitled to receive benefits and overtime compensation as described herein. A part-time employee going to full-time status must complete the benefit waiting period from the first date of full-time status.
- B. **Part-time** – A position which normally requires a working schedule less than thirty (30) hours per week. Part-time employees are not eligible to receive benefits. On occasion, employees considered part-time are required to work more than thirty (30) hours per week due to unforeseen circumstances. This will



not change the employees' classification as part-time, however, depending on an annual calculation of hours worked may be eligible for benefits as full-time employees receive as described by the Fair Labor Standards Act, as amended.

- C. **Probationary** – A newly hired employee performing assigned duties during an assessment period lasting six (6) months. Based on the recommendation of the Department Director and approval of the City Manager, this assessment period may be extended an additional three (3) months. Successful completion of the assessment period will be documented by an evaluation. During this time, a new employee may be discharged, demoted or suspended without right of appeal.
- D. **Seasonal and Temporary** - An employee who has been appointed to a position not to exceed four (4) months consecutively without City Manager approval. All such employees, as defined herein, are not entitled to benefits. Work hours are to be determined by the Department Director and not to exceed the City Manager's purchasing threshold. All applicants are subject to the same required screening process as regular employees.

***NOTE:*** *Temporary employees should not be confused with "Temps" or "Contract" employees, which are hired through an agency for specific assignments. These agencies are responsible for payments of the individual's salary and worker's compensation benefits. These people are not considered City employees.*

**Family.** For the purposes of the Family Medical Leave Act (FMLA), "family" shall consist of the employee's natural or foster child(ren), spouse or parent(s), as defined by the Federal guidelines.

**Interim Appointment.** An interim appointment may be needed and authorized by the City Manager to fill a vacant position. The appointment will not be for more than six (6) months pending the selection of an individual for regular appointment as prescribed in these rules. Employees may receive an additional 10% compensation or the bottom of the interim appointments now range of appointment.

**Merit Date.** The one-year "anniversary" of the employee's hire date. Any changes to specific employees' positions (promotion, demotion, or reclassification) will not change the merit date due to benefit and accrual purposes, unless otherwise agreed upon by collective bargaining unit.

**Pay Status.** Status of an employee who is working on a regular scheduled basis to include hours off for annual leave, sick leave, administrative leave, military leave, jury duty, bereavement leave, FMLA, leave with pay, training time or Workers' Compensation. Extended leave without pay is not considered a pay status.

**Probationary Period, Initial.** This assessment period is from employees' initial date of employment to the point where the supervisor has had an opportunity to decide whether the employee should be retained or terminated. Probationary periods will normally be six months. Successful completion of the Probationary Period will be documented by an evaluation at the end of the probationary period. During the probationary period, a new employee may be discharged, demoted or suspended without right of appeal.

**Promotion.** The change of an employee from one job description to another, when the move results in movement to a higher pay scale. This will occur upon Department Director recommendation and City

Manager approval. Promoted employees are subject to an assessment period that will normally be three months, followed by a performance evaluation.

Reclassification. The assigning of an employee to a different job description, regardless of whether or not it is considered a promotion or demotion. Reclassified employees are subject to an assessment period that will normally be three months, and followed by a performance evaluation.

Rehire. A previous employee in good standing is rehired and must complete the benefit waiting period the same as a new hire.

Seniority. City seniority is a member's most recent date of employment or re-employment. Seniority will continue to accrue during all types of leave except for leave of absence without pay for thirty (30) calendar days or more, which shall cause this date to be adjusted for an equivalent amount of time. Leaves of absence without pay for periods less than thirty (30) calendar days shall not cause the City seniority date to be adjusted. City seniority/anniversary date shall be used for computing vacations, merit, pensions, service awards, and other benefits on length of service.

Transfer. The lateral change of an employee from one job description to another, when the move results in an equivalent pay scale. This will occur upon Department Director recommendation and City Manager approval. Transferred employees are subject to an assessment period that will normally be three months, and followed by a performance review.

## **ARTICLE III. EMPLOYMENT PROCEDURES**

**Section 301. POLICY.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

There shall be no discrimination against any person in recruitment, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or marital status. The City will provide a reasonable accommodation as required by law to any qualified individual with a disability.

If any applicant feels he or she has been discriminated against in the opportunity for employment or promotion, a written appeal may be made to the Human Resources Personnel in writing. If the matter is not resolved to the satisfaction of the applicant a further appeal may be made to the City Manager in writing.

**Section 302. VACANCIES.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

As determined by the Charter, Section 6.6(A) All appointments and promotions of city employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence. Vacancies may be filled via promotion, transfer, advertisement or any other means deemed appropriate by the City Manager. After consulting with the City Manager and Department Director where the vacancy exists and the Human Resources Personnel may advertise the position in-house, publicly, or both.

**Section 303. APPLICATION FOR EMPLOYMENT.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

Applications for Employment are accepted during normal business hours, in person, by email or other supported methods and date stamped and time stamped at time of being received by the City or the Human Resources Personnel. Applications for announced vacancies must be submitted before the established deadline or as otherwise approved by the City Manager.

All submitted applications must be fully completed using the standard application form and signed by the applicant. The signature represents certification that the statements contained therein are true. Unsigned applications will not be considered. Resumes will be accepted as part of the application process but shall not serve in lieu of the completed application form.

Applications will be considered active for a period of six (6) months from the date of the application and retained for a period of two years. After which time inactive applications will be destroyed pursuant to State Law. Unsolicited applications have no retention requirements.

The City Manager may reject any applicant, who does not possess one or more of the minimum requirements as specified in the public announcement. Applicants may also be denied employment if the applicant is unable, with or without reasonable accommodation, to perform the essential duties of the position applied for. Grounds for rejection would also include a prior conviction for a felony or any misdemeanor, which directly relates to the position sought.

Fraudulent or false statements made by an applicant (orally or on the application itself), or by others at his or her request or with their knowledge represents cause for rejection from the employment process. Should any falsehood on the application become known after the employee is hired, regardless of the length of service, they will be terminated. Employees disqualified from this process will not be considered for future employment with the City of Madeira Beach.

**Section 304. EXAMINATIONS.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999, Ordinance 837: 7/05/1995)

Examinations, oral and/or written, may be used to determine the fitness of applicants for particular positions. The City Manager and appropriate Department Director will determine which positions require testing. Whenever testing is required, assistance may be sought from any source deemed appropriate in creating and administering the exam. All other aspects of the examination process will be determined and approved by the City Manager.

**Section 305. SELECTION.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/2019)

The Human Resources Personnel will provide the appropriate Department Director with the applications for employment and/or written examination results of each applicant who has applied or is on file for the vacant position. An initial interview may be conducted by the Human Resources Personnel with recommendations to the Department Director. Candidate(s) selected shall be interviewed by the Department Director, the supervisor (if appropriate), and the Human Resources Personnel prior to a final interview with the City Manager (if appropriate).

The Human Resources Personnel shall perform a 'due diligence' background check on the top candidate(s). Final selection of an individual for employment or promotion shall be made by the City Manager, using the

recommendation of the Department Director and the Human Resources Personnel.

Whenever an offer for employment is made, it is contingent upon the successful completion of a thorough background investigation, a pre-employment physical examination (by the City's designated physician), and when deemed necessary for safety sensitive positions a pre-employment drug screening.

**Section 306. VETERAN'S PREFERENCE.** *(Ordinance 837: 07/05/1995)*

U.S. Armed Forces Veterans will be given special consideration during the selection process as required by state and federal law.

**Section 307. EMPLOYMENT OF RELATIVES (NEPOTISM).** *(Resolution 07.06 – 2/27/07; 99.01- 01/05/99, Ordinance 837-7/5/95; Ordinance 2019-13: 08/13/19)*

Per Florida Statute 112.3135 (d) "Relative" for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

The City does not encourage the employment of relatives. This Section is not intended to serve as an absolute prohibition of the employment of relatives, or to impact on those City employees who are now related or who become related by this definition. However, in no instance will approval be granted for the employment, promotion or transfer of a relative as defined herein to a position where a City employee would be supervising or directly influencing the activity of a relative. Also included are person's co-habiting in the same household, but not necessarily legally married to the employee.

Where an employee is supervising or directly influencing the activity of another employee becomes related to that employee by marriage, one of the two employees may be transferred to the same job title, if such transfer is available, or may apply for another position if a vacancy exists. If a transfer or another position is not available, one of the two employees must resign.

## **ARTICLE IV. THE PAY AND CLASSIFICATION PLAN**

**Section 401. GENERAL PROVISIONS.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

**Purpose.** The Pay and Classification Plan provides a systematic method for identifying positions within the City and providing a basis of compensation.

**Use of the Plan.** The Plan will be used to draft job qualifications, prepare examinations, determine salaries to be paid for each position, identify lines of promotion, develop employee training programs, and to provide understandable and uniform terminology of jobs.

**Content of the Plan.** The plan consists of various elements which when grouped together provide an overall management tool.

- A. Classification Plan.** The classification plan consists of a grouping of related or similar work tasks within each department, an analysis of the actual tasks performed, and the conditions under which the work is accomplished.

B. Job Title. The identification of a job title, which clearly describes the work performed under a specific grouping of tasks in the classification plan.

C. Job Description. A detailed written analysis of the nature of work and responsibilities of the position, together with an outline of the knowledge, skill, abilities, experience, training, physical demands, work environment, selection criteria, and any tasks deemed necessary by the Department Director.

D. Pay Plan. A table of basic pay rates for each position categorized by jobclassification.

Administration of the Plan. The addition of new job titles, classifications, deletion of existing positions or classifications, or the change of either positions or classifications shall be executed by the Human Resources Personnel at the City Manager's direction. Upon completion, the City may present changes to the Civil Service Commission for review prior to the Board of Commissioners for final approval and adoption.

All related issues affecting employees as the result of any personnel change will be determined by the City Manager.

**Section 402. NEW APPOINTMENTS.** *(Ordinance 837: 07/05/1995)*

All new appointments in the City will be made at the lowest pay rate established for the job title to which the appointment is made or a higher rate depending on experience and/or qualifications. The City Manager may establish a higher starting salary provided the appointee has special qualifications.

**Section 403. MERIT INCREASES.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999, Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

The City Manager may approve merit pay increases within the established pay range. Increases will not be automatic and are dependent upon a written recommendation from each Department Director, based on standards of performance as indicated by the employee's performance evaluation. Under normal conditions, merit pay increase will not be considered more than once per fiscal year (12 months). No merit pay increase shall be granted above the maximum pay rate for the position. Any deviations from the normal merit pay increase dates will be only authorized by the City Manager.

No merit increase shall be granted to any employee who has received a formal disciplinary action (suspension or involuntary demotion) within the previous six months of anniversary date.

A lump sum merit pay-out shall be granted to all employees for excess hours over the maximum of their pay grade as a result of work requirements.

The amount of each merit increase will be decided upon by the Board of Commissioners based on an adopted budget and in coordination between the Civil Service Commissioner, Finance Director, Human Resource Personnel and the City Manager.

Effect of Personnel Changes on Pay Rate, Probationary Period, and Merit Eligibility. All (promotion, demotion, reclassification, transfers) personnel changes may result in:

- 1) A pay change, where applicable, to be determined by a performance matrix;
- 2) The initiation of probationary period; or appointment into acting or interim role.

The effective date of any pay change will be the first day of the closest complete pay period, to employee's anniversary date, or as determined by a Collective Bargaining Agreement.

**Section 404. WORK PERIOD AND CALCULATION OF OVERTIME.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Resolution 99.01: 01/05/1999; Ordinance 837-07/05/1995: Ordinance 2019-13: 08/13/19)*

Policy. The City's general policy is to avoid generating overtime. Department Directors may authorize or direct an employee to work overtime when necessary in order to meet operating needs of the City. All overtime hours must be authorized (in advance when not an emergency) by a Department Director before payment will be approved.

7-Minute Rule. The City adheres to the FLSA minimum wage and overtime pay requirements if the employer always rounds down. Employee time from 1 to 7 minutes may be rounded down, and thus not counted as hours worked, but employee time from 8 to 14 minutes must be rounded up and counted as a quarter hour of work time.

Work Period. Unless otherwise specified by collective bargaining agreement, the City policy for a work period will be 7 days (40 hours) in length. Overtime will be paid in accordance with City policy, and at the rate of one and one-half times over the employee's regular hourly wage during each 7 day work period. Overtime is payable in increments of quarter-hours. Sick leave, jury duty, bereavement leave, and any leave of absence without pay will not be considered as time worked for the calculation of overtime. Paid annual and holiday leave will be considered as time worked for the calculation of overtime.

Call Back. Any employee that is called back to work will receive a minimum of two hours pay, or as outlined in their respective collective bargaining agreements. Calculation of overtime will only be considered after first 40 hours worked in a 7 day workweek.

**Section 405. COMPENSATORY TIME.** *(Resolution 07.06: 02/27/2007; Resolution 99.15: 6/15/99, Resolution 99.01-01/05/99: Ordinance 2019-13: 08/13/19)*

In an effort to allow Department Directors the flexibility to meet their operational needs, the City does allow the use of compensatory time as a means by which they can better meet budgetary constraints without suffering a corresponding inability to maintain pace with the workload they have. In such cases, where the use of overtime is not feasible, the Department Directors may ask an employee to perform additional duties beyond the scope of their normal workweek, and that said time will be earned as compensatory time as opposed to overtime. Compensatory time is granted at one and one-half times the number of each hour of overtime worked and may be used within same pay period as accrued or at a later date.

Unused compensatory time as of separation of employment, or as of September 30 of each year for individuals still employed by the City of Madeira Beach shall be paid out to the employee during the first full pay period in October of the respective year.

On-Call Status. The City of Madeira Beach, Florida recognizes the needs of its citizens with regards to public work emergencies (i.e., sanitary and storm water) and authorizes the implementation of On-Call Status for affected City personnel. The affected job descriptions will include rotating on-call status as a form of "tasking" and a condition of employment. During the "On Call" period, an employee will carry a pager, cellular phone or other device, to be notified of, and respond to, emergency situations. Employee's on-call shall receive six hours of compensatory time. If an emergency situation arises and the employee is called back to work, the employee will receive two (2) hours minimum pay at time and one-half after first 40 hours

in the workweek, in accordance with the established Personnel Policy for Call Back Pay under Section 404.

**Section 406. PAY PERIOD AND PAYROLL TIME REPORTS.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 8/13/19)*

Unless otherwise specified by the City Manager, salaried employees are required to submit payroll sheets, indicating whether they physically worked on any given day on a timesheet for each pay period.

All hourly employees shall numerically indicate the number of actual hour's worked or leave hours recorded on a timesheet for each pay period. Time cards or timesheets must include clock in, clock out and time in/out for lunch. Any time card exceptions (i.e. missed punch, extended lunch, etc.) should include comments by the employee initialed for approval by the Department Director. Timesheets should be signed by the employee, approved by the respective Department Directors and submitted to the payroll administer in accordance with administrative procedures as established by the City Manager. The City reserves the right to make changes in the method of recording time worked when errors are identified.

**Section 407. PAY CHECKS.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

Employee pay checks will be electronically submitted through direct deposit to their perspective bank, credit union, etc. on the scheduled calendar pay date. Employees will access their pay check information through the payroll website used by the organization. Should a paper check stub be needed, the payroll administrator can provide a printed copy when requested. If a payday falls on a holiday, paychecks will be distributed on the last working day before the holiday.

Paychecks may be granted for advance use of annual leave subject to the approval of the City Manager. In no case shall an employee be paid for hours not yet worked, or for annual leave hours, which the employee has not accrued.

**Compensation for Hours Worked During a Declared State Of Emergency**

During the Emergency Period, non-exempt (hourly, overtime eligible) non-bargaining unit employees shall be paid at a rate of one and one-half times (1.5x) base straight pay for each hour of their normally scheduled hours that they work and one and one-half times (1.5x) for all hours worked outside their regular scheduled work hours during the declared emergency conditions, when other employees are allowed administrative leave, until the City Manager declares that it is safe for all employees to return to work. After such time, the employee will be paid according to the normal pay policy.

During the Emergency Period and Post Impact/Recovery period, exempt employees shall be compensated by receiving pay for all time worked in excess of their regularly scheduled hours in each work week during the declared emergency/disaster and Impact/Recovery period. However, in the case of exempt employees, the duration of the recovery period shall be determined on a department by department basis. The duration of the recovery period may be longer for some departments than for others. The rate of pay for such additional hours worked shall be equivalent to the exempt employee's hourly rate of pay computed as if the employee was not paid on a salary basis. The additional compensation shall be in addition to the employee's regular salary. Each department will provide the appropriate forms for exempt employees to document their hours worked. Nothing herein shall be construed to affect the exempt status of such employees.

Employees who are out on prior-approved leave or who called in sick or otherwise took personal leave during any of the three periods will continue to be charged for such leave.

## ARTICLE V. EMPLOYEE PERFORMANCE EVALUATIONS

**Section 501. GENERAL PROVISIONS.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, 99.01-01/05/99, Ordinance 837- 07/05/1995; Ordinance 2019-13: 08/13/19)

The City Manager or his designee will establish and administer a program for rating the work performance of all classified employees. The City Manager will establish and administer the program for rating the work performance of all non-classified employees, (normally directors, charter officers and confidential employees).

The evaluation is used to measure the employee's performance by reviewing the employee's achievement of assigned duties responsibilities and participation in continued training or learning opportunities. It can also be used in estimating an employee's potential for advancement or for documenting job performance in support of disciplinary actions. It may also be used as a factor in granting merit pay increases, or as evidence in a hearing before the Civil Service Commission concerning disciplinary actions. Merit increases are awarded on the basis of meeting or surpassing performance standards established. A satisfactory performance evaluation does not, in and by itself, guarantee a merit increase. Merit pay increases will not be retroactive unless authorized by the City Manager. A Supervisor may initiate an evaluation at any time during the year.

**Section 502. FREQUENCY.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

All City employees shall receive an evaluation at least once every twelve months. The date of evaluation will depend on the employment date for classified employees. Non-classified employees will be evaluated in the same manner as these described above, regardless of whether merit was awarded. Evaluation reminders shall be given to directors in accordance with the schedule maintained by the Human Resource Personnel.

## ARTICLE VI. BENEFITS

**Section 601. HOLIDAYS.** (Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Resolution 2014-52: 12/10/2014; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

The following days will be recognized as holidays for employees of the City of Madeira Beach:

New Year's Eve	Veteran's Day
New Year's Day	Thanksgiving Day
Martin Luther King Day	Day after Thanksgiving
Memorial Day	Christmas Eve
Independence Day (July 4)	Christmas Day
Labor Day	Floating Holidays (2)

Floating Holidays. May be requested by the employee with advance approval of the Department Director. Floating Holidays may be used after completion of first 30 days of employment and employees must use in 8 hour increments, unless otherwise documented by a collective bargaining agreement. The Floating Holidays must be used during the calendar year in which they were earned or they will be forfeited. Part-time employees will remain not eligible for floating holidays. (Res. 08.14, adopted 10/28/08, 2019-13: 08/13/19)

Eligibility for Holiday Compensation. Only full-time and part-time employees as defined herein, are eligible to receive holiday compensation. (Res. 08.14, adopted 10/28/08)



Full-time and Part-time employees required to work on the holiday shall receive either (8) eight hours or (4) four hours of holiday pay at the regular hourly rate in addition to the pay due for their normal hours worked. Unless otherwise documented by a collective bargaining agreement, employees required to work shall be given the option of taking another day off with pay within 30 days after the holiday, or receiving straight pay for the holiday. This option must be discussed and agreed upon with the employee's supervisor prior to the actual holiday.

Part-time employees required to work on the holiday shall receive (4) four hours of holiday pay for the number of hours they would otherwise have worked; in addition to their actual hours worked. *(Res. 08.14, adopted 10/28/08)*

In order to receive holiday compensation, employees are required to work their normal working day before and their normal working day after the holiday as a regular part of their scheduled work period, or as determined in a collective bargaining agreement. Should an employee call in sick the working day before or the working day after a holiday they will receive holiday pay only if a healthcare provider's note is provided otherwise will be required to use sick time for the holiday.

Holidays falling on a Saturday will be observed on the preceding Friday and holidays falling on a Sunday will be observed on the following Monday.

A new employee whose first day of work begins the day after a holiday will not be eligible for holiday pay.

Temporary and seasonal employees are not eligible for any holiday compensation.

Employees who do not work holidays as a regular part of the scheduled work period are eligible for holiday pay provided they work their scheduled working day before and scheduled working day after the holiday.

In order to meet the eligibility criteria for either of the above situations, the employee must work all scheduled hours of the workday to be considered in attendance, unless approved by the Department Director.

Eligible employees on Leave of Absence with pay will receive holiday pay as part of their regular leave pay, when substantiated by a healthcare provider's note. Otherwise, the employee will be charged sick leave for the holiday.

Eligible employees on Leave of Absence without pay on a holiday will not receive the holiday pay.

Employees whose normal work schedule requires them to work on the holiday must either work or take Annual Leave any hours over 40 in a work week will count towards overtime.

**Section 602. ANNUAL LEAVE.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

**Purpose.** The purpose of annual leave is to provide full-time employees with an opportunity to be absent from work for approved reasons without loss of pay or benefits and to enjoy periodic rest and relaxation. Only full-time employees of the City of Madeira Beach are eligible to receive annual leave benefits. Part-time and temporary/seasonal employees are not eligible for annual leave.

In order to be eligible to use annual leave, an employee must have successfully completed the probationary or rehire probationary period. A new hire or rehire will accrue leave at the listed rates, but cannot use it

until probation is complete. The City Manager may approve an exception to this policy for specific reasons. An employee who leaves the employment of the City before completing the probationary period will forfeit all annual leave. Annual leave will not be accrued while an employee is on a leave of absence without pay, or in any other non-pay status.

Accumulated annual leave will be tracked by the Human Resources Personnel. Maximum accrual for an employee is twice the annual accrual amount. On or about November 1st of each calendar year, notices will be sent to employees who are projected to have excess annual leave as of December 31 of each year. Employees may cash out any excess accrued hours, with the city managers approval, over the allowable amounts or it will be forfeited as of January 1st of the following year. The decision to make to cash-out excess annual leave must be made prior to the first full pay period in December and paid out on the second pay period of December.

Accruals will be tracked by the Human Resources Personnel on the last day of each calendar month, crediting each eligible employee with leave earned for the month past. Advance annual leave payments will only be made when approved by the City Manager and will be distributed on a regular payday. Advance annual leave payments will be considered along with early paycheck request provisions, as defined in Section 406.

Upon separation from City employment, employees, except for those on initial probation, will be paid for all accumulated annual leave pro-rated to the date of separation, at the employee's current hourly wage. The City does not pay-out annual leave for DROP participants. Annual Leave may not be used for last days of employment in lieu of working.

Request for annual leave use will be made in advance wherever possible. Department Directors will approve requests consistent with operational requirements. Restrictions regarding scheduling remain a management right and may be necessary during certain periods of the year. Annual leave may be taken in fifteen (15) minute increments.

Years of Service	Annual Leave Accrual Earned	Minimum Accrual	Maximum Accrual Allowed 400 hours
0 through 4 years, 11 months	10 days (6.66 hours per month)	80	160 hours
5 years through 9 years, 11 months	15 days (10 hours per month)	120	240 hours
10 years through 19 years, 11 months	20 days (13.33 hours per month)	160	320 hours
20 years or more	20 days plus one day per year of service over 20 years with a maximum of 25 days annual leave per year	160	320 hours
21 years	14 hours	168	336 hours
22 years	14.66 hours	176	352 hours
23 years	15.33 hours	184	368 hours
24 years	16 hours	192	384 hours
25 years	16.66 hours	200	400 hours

Employees may accrue up to two times their max but any over max must be used by Dec. 31 each year

Annual leave for department directors shall be 15 days (10 hours/month) for 0-10 years of service and shall thereafter follow the accrual rate of general employees.

Employees who become hospitalized while on annual leave may use sick time for such period of illness, provided they submit a doctor's certificate documenting same.

In the event of an employee's death, all accumulated annual leave time will be paid to the employee's estate or as otherwise defined by law.

**Section 603. SICK LEAVE.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

Sick leave is granted to all full-time employees at the rate of 96 hours per year (8 hours/month). Part-time and temporary employees are not eligible to receive this benefit. The use of sick leave for other than its intended use should not be considered as a right of the employee. Sick leave will be granted for the employee's personal illness, disability or other medical needs. Sick leave may be used for illness of a family member, which requires the employee to take time from work. Employees are encouraged to save their sick leave to meet serious illness situations.

Sick leave will NOT count as time worked for the calculation of overtime.

Cash-Out - Sick leave may be accrued with no maximum. Employees shall be allowed to cash-out up to 24 hours of their earned sick for having perfect attendance without sick leave used during that fiscal year. The final payout upon separation will be made on 25% of the accrued hours, subject to Article XI, Section 1101: Resignations. Employees shall not be permitted to use sick time during the last two weeks of employment unless a healthcare provider's note is submitted to the Human Resources Personnel.

When sick, annual leave, and accrued holiday or compensatory time has been exhausted, any additional leave will be without pay.

Notification Procedures. An employee who is unable to work must notify with their immediate supervisor, Department Director, or Human Resources within 4 hours of his/her scheduled reporting time giving the expected length and reason for the absence. Sick notices may be left on a voicemail system or emailed if unable to communicate directly. This procedure shall be followed for each day an employee is unable to work unless specific prior approval waiving this requirement is granted by the Department Director.

The Department Director may require a Healthcare Providers statement for the employee's absence prior to payment authorization regardless of the length of time away from the job.

Excessive Use of Sick Leave. An employee who utilizes excessive leave for reported illnesses or injuries, or is otherwise frequently absent from duty for medical reasons will be required to provide a physician's statement prior to being authorized sick leave. An employee failing to comply with this requirement shall not be granted sick leave. Excessive is defined as three (3) unexcused absences in a three-month period. However, one continuous week-long bout with the flu would be considered one (1) absence.

The City reserves the right in all cases of reported illness to require an employee to furnish a physician's report. Chronic use or abuse of sick leave or tardiness shall constitute grounds for discipline and/or review of an employee's fitness for duty (Section 610).

Unauthorized absences from work for a period of three consecutive workdays may be considered as the employee's voluntary resignation by the City Manager. Following this period, the City will notify the employee by certified mail or other means necessary, that the employee's actions are considered voluntary resignation. If the employee is unable to inform the City of their absence due to a valid substantiated reason such as temporary disability, then the absence will not be considered unauthorized.

**Section 604. INSURANCE.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995)

The City provides health, dental, group term life and long term disability insurance for all full-time employees, including firefighters, at no cost to the employee. The selection of providers for said coverage will remain at the discretion of the City Manager. Dependent coverage may be available; however, dependent premiums are the responsibility of the employee. Coverage ends on the last day of the month in which termination or resignation occurred. COBRA coverage will be offered at the time of termination, (unless termination was for misconduct) or upon resignation as long as employee completed probation period.

An employee moving from part-time to full-time must wait a full 30 days from date of change before becoming eligible for benefits which would start on the first day of the next full month after the 30 days and will immediately begin intermediate probationary period.

**Section 605. RETIREMENT.** (Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999, Resolution 2013-49: 09/10/2013; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

The City is currently a member of the Florida Retirement System (FRS) for all employees hired prior to 01/01/1996. All retirement benefits will be governed by the Florida Statutes. There is no cost to the employee for membership. All full-time employees hired after 01/01/1996, other than firefighters, will not participate in the Florida Retirement System (FRS).

The City provides a 401(a) Retirement Plan through the ICMA (International City Management Association) Retirement Corporation Governmental Money Purchase Plan & Trust for those employees hired or rehired after 01/01/1996. The ICMA Retirement Plan will be available to full-time employees, and after the completion of the six (6) month (or nine (9) month extended) probationary period, the benefits accrued will be retroacted to the employee's date of hire.

Vesting will occur as follows:

- a) Employees who have completed two (2) years of employment shall be vested at 25%
- b) Employees who have completed three (3) years of employment shall be vested at 50%
- c) Employees who have completed four (4) years of employment shall be vested at 75%
- d) At (5) five years of employment with the City the employee shall be vested at 100%

Details on the plan will be determined by the City Manager, and are available from the Human Resources Personnel. Should an employee leave employment with the City the vesting schedule above will determine their retirement benefit. Upon retirement, employees may choose to continue using the City's Insurance Plans or COBRA at their own expense.

Additional ancillary plan options, such as 457 Plan or a Roth IRA Plan, are available for the all full-time employees to purchase in addition to the 401(a) Plan provided by the City.

**Section 606. TUITION REIMBURSEMENT.** (Resolution 07.06: 02/27/2007; 00.10-10/17/00, Resolution 99.01-01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

**Purpose.** To encourage employees to obtain education and training to enhance job performance, and to prepare for broader job responsibilities. Tuition reimbursement may be granted for courses offered by educational institutions with prior approval by the City Manager.

Courses taken toward a college degree related to the employee's present job or a reasonable promotional

objective are acceptable. 'Reasonable promotional objective' will be determined by the employee's Department Head and the City Manager. Other vocational and/or technical courses may be considered on a case by case bases and approved by the City Manager.

Tuition reimbursement is available to any full-time employee under the following guidelines:

1. Employee must have successfully completed their employment initial probationary period and be in good standing with the City.
2. No tuition reimbursement shall be authorized to any employee who has had a formal disciplinary action (suspension, involuntary demotion, or probation) within the previous six months. Any employee receiving such action after pre-approval was granted shall not be reimbursed.
3. The maximum tuition rate authorized cannot, under any circumstances, exceed that of the University of South Florida (USF), for the appropriate level of course-work (graduate/undergraduate). In cases where rates vary from USF campus to campus, the USF Tampa rate will be used.
4. Whenever possible, the employee is to take courses at a Community College rather than at a higher institution.
5. In order to be eligible for reimbursement, the employee must submit an Educational Reimbursement Pre-Approval Form prior to the enrollment in the class or course of study.
6. If the employee is pursuing a degree, the employee is to provide proposed curriculum and estimated time for completion of degree to the City Manager for review.
7. At no time may an employee take more than two courses per semester.
8. Course attendance will be on the employee's own time and will not interfere with job duties.
9. Lab fees, books, student activity fees, flat fees, student athletic fees, room and board or application fees are not eligible for reimbursement.
10. After the completion of any class(es), the request for reimbursement must be made by submitting an original receipt showing specific amount of eligible payment, along with a school document indicating grade received to the Human Resources Personnel Assistant City Manager/Finance Director for processing.
11. The resignation or discharge of an employee automatically terminates their eligibility for benefits under this program. Voluntary separation from City employment prior to one year after completion of reimbursed courses shall cause the employee to repay, or have deducted from his/her salary, all costs incurred by the City under this reimbursement program.

**Reimbursement.** Employees shall be eligible for reimbursement with a passing grade of A or B at 100%. Courses offered on a pass/fail basis only must be passed in order to be eligible for 100% reimbursement.

**Section 607. LEAVE OF ABSENCE WITH PAY.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Ordinance 837- 07/05/1995; Ordinance 2010-13: 08/13/19)

The following leaves of absence with pay shall be allowed upon presentation to the City Manager and reviewed by the Human Resources Personnel for appropriate certification showing such leave is required. Such absences will not be charged against an employee's accrued annual leave.

Jury/Court Duty. A leave of absence with pay is granted to an employee when he is called for jury duty or subpoenaed as a witness on behalf of the City or any public agency. The City will pay the employee's regular salary. The employee will furnish proof of such service and will work any part of their regular schedule when not required to serve. Employees who appear as a voluntary witness or litigant against the City, its officers or departments, are not eligible for leave with pay.

Employees, who become involved in litigation not relating to their employment, may use accumulated annual leave.

If a holiday occurs during a court/jury assignment, the employee will be eligible to receive the holiday pay, subject to Section 601.

Proof of duty will be required before compensation is approved. Proof will be considered a Court Summons or Pay Voucher from the Court. The City reserves the right to require a signed statement from the Court Clerk noting each day spent on duty.

Reserve Training. An employee who, by reason of membership in one of the United States military reserve components, is ordered by an appropriate authority to attend a training period or encampment shall be granted leave of absence with supplemental pay corresponding to the time spent in active military reserve training. The City will supplement the employee's reserve training pay in order to bring the employee's salary to the level earned at the time he/she was called to military reserve training status. Such leave shall not exceed seventeen calendar days in any twelve-month period.

Active Military Service. In the event an employee who is a reservist is called to active military service, the employee may be granted a leave of absence to perform active military service

The employee will be granted up to ninety (90) days supplemental pay corresponding with the time spent in active military service thereby supplementing the employee's military pay to the level earned at the time he/she was called to active military duty. The employee will have health insurance and other existing benefits, where allowable, carried forward for this period. Should the active military status continue past ninety days, certain medical benefits may be continued through COBRA (Consolidated Omnibus Budget Reconciliation Act), depending on existing coverage. Upon return from active military service, the employee will be reinstated with the pay and benefits, which were allowed prior to being called to active duty as required by the USERRA Restoration Act. Each month of military service performed counts as a month actively employed by the employer.

Bereavement Leave. Full-time employees shall be granted time off with pay to observe the passing of an immediate family member. Three days shall be granted for in-state deaths or out-of-state deaths where the employee does not attend the funeral. Five days shall be granted for the employee to attend an out-of-state funeral. Immediate family shall consist of the employee's spouse, parent(s), child(ren), brother, sister, step-parent(s), step-child(ren), father-in-law, mother-in-law, sister-in-law, brother-in-law, grandparents, grandchildren. Bereavement Leave shall not be charged to annual or sick leave. Computation of leave shall be based on consecutive workdays, unless approved by the respective

Department Director. If requested, the employee shall provide the Department Director with evidence that the death occurred.

Bereavement leave required in excess of the above referenced leave will be charged to annual leave, or leave without pay at the employee's option.

Administrative Leave. Leaves with pay may be authorized by the City Manager for any reason, which is deemed to be in the best interest of the City and the employee. These may include leaves of absence pending investigations, or attendance at official and educational functions, threatening weather, fitness for duty physical, voting, etc. Each Administrative Leave shall be evaluated independently.

Flex Time. Salaried employees are to understand their positions are paid at a rate which anticipates more than a typical 8 hour day or 40 hour week. However, when extraordinary hours are demanded or required, the City Manager has the authority to grant up to three (3) consecutive vacation days without the use of benefit time, referred to as "flex salaried time." It is expected that salaried individuals shall be required to put in additional hours to complete their normal workload and such hours are not considered "extraordinary" for the purpose of this section.

#### Family and Medical Leave Act (FMLA) Eligibility:

Eligibility. An eligible employee is one who has been employed for at least 12 months and has been employed for at least 1,250 hours of service during the 12-month period immediately preceding the commencement of the leave.

Qualifying Events. Eligible employees have the right to take paid or unpaid leave for a period of up to 12 workweeks in any twelve-month period for the following reasons.

1. The birth of a child.
2. The placement of a child for adoption or foster care.
3. Care of a family member (child, spouse or parent) with a serious health condition.
4. Serious health condition, which renders the employee unable to do his/her job.

The Leave Year. The leave year is determined by calculating a 12-month period measured forward from the date an employee's first FMLA begins. An employee taking FMLA leave must first use any vacation or paid absence days as part of the leave. The remainder of the leave will be unpaid.

Application for Leave. An employee who requests FMLA must complete an Application for Family and Medical Leave Form. If an employee is requesting medical leave, his or her physician must complete the Certification of Physician or Practitioner Form prior to beginning leave. Both forms are available from the Human Resource Personnel and required to be returned in within 15 days of first date of absence. Holidays are considered paid absence days and therefore are paid during FMLA. Larger chunks of time when the city is closed, however, do not count as leave under FMLA.

Employees on FMLA are required to report on their status and intent to return to work by telephone to the Human Resources Personnel and/or Department Head bi-weekly.

Benefits/Contributions. An employee on FMLA is entitled to have health benefits maintained while on leave. The employee is responsible for making any required contributions on a monthly basis during the FMLA time.

*NOTE: If an employee is more than 30 days late in paying required contributions, coverage will terminate. The City reserves the right to seek recovery of any premiums paid for health insurance if the employee fails to return to work at the conclusion of the leave.*

Pay increases and further accumulation of benefits will be deferred during periods of unpaid FMLA.

Returning to Work After Medical Leave. If an employee takes FMLA due to a serious medical condition, he or she must be certified as able to return to work by a physician.

**Section 608. LEAVE OF ABSENCE WITHOUT PAY.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/1999; Ordinance 837-07/05/1995)

Involuntary. An employee may be placed on leave of absence without pay by the City Manager, pending investigation into the employee's conduct and potential disciplinary action or where the City Manager deems it to be in the best interest of the City.

Other Leaves. Other leaves without pay may be authorized by the City Manager for any reason that which is deemed to be in the best interest of the City and the employee.

While on any leave without pay employees will not accrue annual, sick leave or holiday benefits. If insurance benefits are extended to an employee on an unpaid leave, all premiums paid by the employee must be made in advance for the period of the leave.

An employee granted a leave of absence without pay in excess of twelve (12) weeks shall be permitted to return to work providing a vacancy exists in their prior position. If such vacancy does not exist, the employee shall be terminated and may reapply for a vacant position for which qualified.

Employees reinstated to their prior position from a leave without pay will be entitled to receive their prior rate of pay in addition to any cost of living increases applicable to all other employees.

A leave of absence without pay for thirty consecutive days or longer will result in a corresponding adjustment of the employee's anniversary date of employment and time in position.

**Section 609. EMPLOYEE ASSISTANCE PROGRAM.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999)

The City of Madeira Beach recognizes that personal situations which may affect an employee's well-being and job performance, and is committed to providing programs and services to assist those employees. Therefore, the City is sponsoring a confidential Employee Assistance Program (EAP) which offers employees and their families' short-term professional counseling and assistance for any type of personal problems including relationship issues, emotional distress, and chemical dependency.

Self-Referrals: An eligible employee may contact the EAP at any time for professional assistance by calling the telephone number noted in the EAP brochure to schedule a confidential consultation.

Management Referrals: If an EAP referral is indicated, based on performance issues, or the employee seeking advice regarding a personal problem, the City Manager or his designee shall contact an EAP counselor to review the issues and assist in scheduling a meeting with the employee. The employee will be instructed to arrange an appointment with the EAP counselor, and although the final decision to use the program is left up to the employee, the employee is still responsible for job performance related issues,



and may be subject to disciplinary actions for these issues. Failure to report for mandatory referral may result in administrative leave pending disciplinary proceedings, up to and possibly including discharge.

In safety sensitive occupations, the EAP referral may be mandatory as "fitness for duty". The employee will be responsible for providing proof of attendance, and if required, certification of Fitness for Duty.

Any time off from work to attend a counseling session is subject to established policy for absenteeism. If the counseling session is being mandated by the City, the employee must make every effort possible to make sessions during their time off from work. If not possible and the mandated session causes time off from work, the employee will not be penalized in accordance to the absenteeism policy.

#### **Section 610. FITNESS FOR DUTY**

The physical fitness of employees is vital to the level of service provided to the public. In the event an employee's mental or physical fitness for duty is questioned the following procedures will be implemented:

##### **A) If the employee has been seen by their licensed medical provider (MD):**

1. The employee is responsible for providing a medical release to their specific position when reporting back to work. If the employee does not have a medical release, the supervisor may request the employee to leave their shift until such time as the employee returns with the appropriate release. Time spent obtaining the form is charged to the employees sick leave bank.
2. Medical release must be returned to the City within three (3) calendar days of the request.
3. In the event an employee is not able to perform the essential functions of their position, the time from work will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated leave, holiday and compensatory time, if any.
4. The City reserves the right to request a second opinion when there is reason to question the employee's fitness for duty. The City shall determine the extent of the examination based upon the employee's job description, the physician, and bear the cost for the second opinion.

##### **B) If the employee has not been seen by any medical provider:**

1. The supervisor may send the employee to the City's physician, or local emergency room, if appropriate. The time spent in receiving initial medical evaluation is charged to Administrative Leave.
2. Whenever the City has cause to believe that an employee is unable to perform the essential functions of his position with or without reasonable accommodation, it may require a fitness for duty examination, which would be limited to the examination of the employee's fitness to perform the essential functions of the job.
3. If the medical provider states the employee is not able to perform the essential functions of their position, the time from work following the appointment, will be charged to their accumulated sick leave. If there is not sufficient sick leave available, the employee may use accumulated annual leave, holiday and compensatory time, if any.

**ARTICLE VII. EMPLOYEE TRAINING** *(Resolution 07.06: 02/27/2007; Resolution 00.10-10/17/00, Ordinance 837: 07/05/1995)*

The City Manager, through the Department Directors, may establish and develop an educational program for employees of the City, when deemed appropriate. The purpose of such a program is to increase the operational efficiency of employees in their present positions and to assist employees in preparing themselves for positions of increasing difficulty and responsibility. Employee participation in some training programs may be declared mandatory by the City Manager, while other non-mandatory trainings will be made available to all employees for completion towards merit evaluation/consideration.

Department Directors shall be responsible for determining which additional training programs will benefit the department and the employee(s).

Approval must be received prior to registering for training. The City reimburses the employee for mileage, meals and lodging, if applicable. No overnight stay will be approved for training within a 50 mile radius of the City. Any exceptions to this rule must be approved by the City Manager.

Internship – The City internship program provides students with paid and non-paid opportunities to experience and learn the inner workings of a local government. The City will provide legitimate opportunities for professional and educational experiences approximately equal in quality to those provided in a college classroom. Hours and day of employment will be specified at the start of the internship and maintained throughout the program. Under no circumstances will the City demand additional hours of work from the intern without appropriate permissions.

**ARTICLE VIII. ACCIDENT PREVENTION, WORK SAFETY AND WORKER'S COMPENSATION**

**Section 801. GENERAL PROVISIONS.** *(Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

The City of Madeira Beach, in the interest of both employee and public safety and its commitment to provide a safe working environment, will establish and maintain a Workplace Safety Program pursuant to the requirements of the Florida Occupation Safety and Health Act, Chapter 93-415, §52-74, Laws of Florida, and Rule 381-17 of the Florida Administrative Code.

**Section 802. INJURY TREATMENT AND REPORTING.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999)*

Medical treatment for all workers compensation injuries will be provided pursuant to Florida Statute 440.134 and in accordance with the Workers Compensation Procedures. A routine post-accident drug test will be performed on all employees who have contributed to an accident requiring medical treatment as well as employees who receive medical treatment for an injury obtained on the job.

**Section 803. VEHICLE ACCIDENT REPORTING PROCEDURE.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01-01/05/99; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

In all cases when a City-owned vehicle is involved in any kind of motor vehicle accident/incident, employees will immediately notify in addition to their supervisor, the designated Law Enforcement Agency, if within the City of Madeira Beach, or the appropriate law enforcement agency if outside the City. In the event the

employee's supervisor is not available, another supervisor from within that department will be dispatched to the accident scene.

Employees (operator) who are found to be at fault may be responsible for repair costs up to the current insurance deductible and will be subject to disciplinary action, up to and possibly including discharge.

The designated supervisor will insure that a Vehicle/Property damage form is completed on all accidents with involving a city vehicle and copies of this report shall be forwarded to the Human Resource Personnel and/or City Manager's office within three working days of the accident.

A routine post-accident drug test will be performed on all employees who have contributed to a motor vehicle accident where any liability to the City has occurred.

**Section 804. INCIDENT/LIABILITY REPORTING PROCEDURE.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

Any incident which happened or is alleged to have happened, where the City could conceivably share liability, will require an Accident/Incident form or a Notice of Injury to be completed, will be reported to the employee's immediate supervisor and the Human Resources Personnel within twenty- four hours of occurrence.

**Section 805. WORKERS COMPENSATION.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

Payment of Workers' Compensation to an employee, who is incapacitated, because of an injury arising out of and in the course of performing his/her duties, will be governed by the State of Florida Workers' Compensation Law. All City Employees, Interns, Temporary and Volunteers shall be covered under the City's Worker's Compensation Program.

Workers compensation injuries will, in many cases, constitute a "serious health condition" as the term is defined in the Family Medical Leave Act (FMLA). When an employee begins workers' comp leave, there will be a determination of whether that particular injury constitutes a serious health condition and whether the workers' comp leave will be designated as FMLA leave. While on workers' comp/FMLA leave, the employee's group insurances will be continued to the same extent as when they were working, and the right to be reinstated to their former position will be fully protected for up to twelve weeks, depending on whether they have previously used any of their annual twelve-week allotment of FMLA leave.

**Section 806. TRANSITIONAL DUTY ASSIGNMENTS.** *(Resolution 07.06: 0 2/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

The City may offer Transitional (not permanent) Duty Assignments (TDA) for eligible employees who have been restricted by their physician due to an on-the- job injury or job-related illness. If the employee is still unable to perform all the duties of his/her regular position at the end of the TDA, he/she may be placed on workers' compensation leave. A physician may be asked to re-evaluate the physical status of an employee on workers' compensation leave, or in a TDA every 30 days.

Employees in a TDA may be assigned to any department and on any shift. Employee in a TDA is bound by the same work conditions and requirements as any other employee, except as noted below. Only employees capable of performing all of the essential job functions of the position need be considered for that option. An employee who reaches maximum medical improvement (MMI) will no longer be considered for TDA.

If the employee is eligible for FMLA leave, and is offered a TDA with duties he/she is able to perform, he/she will have to choose between working or taking leave as explained below:

**Option 1 (Taking Leave):** Employees may choose to exercise their right to take FMLA leave instead of returning to work in the TDA. However, such employees will lose their temporary (wage loss) workers' compensation benefits because they declined available work. If they recover while on FMLA leave, they must be reinstated to their previous or like position in accordance with FMLA requirements. If they continue on workers' comp leave after their FMLA leave has expired, the City may terminate their group medical insurance and issue a COBRA notice. They may also be eligible for reinstatement if they are subsequently able to return to their former position, if there is a suitable vacancy. However, reinstatement need not be guaranteed after FMLA leave has been exhausted.

**Option 2 (Working):** Employees may accept the TDA. While working in the TDA they have the right to be reinstated to their regular position for up to 12 weeks. If they cannot return to their regular job, and they still qualify for FMLA leave, they have the right to take any balance of their 12-week entitlement not yet used. The employer may eliminate the TDA at any time, but the time spent working in the TDA does not count as part of the FMLA leave as provided by FMLA Regulation 825.2209(d).

Failure to accept a TDA within their physical restrictions by employees who are not eligible for FMLA will be considered grounds for termination.

## **ARTICLE IX. GRIEVANCES AND APPEALS.**

*(Resolution 07.06: 0 2/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

The Civil Service Commission may render advisory opinions based on its findings to the City Manager. The commission will provide the City Manager with a copy of its statement of opinions, which shall also be provided to the grieved employees.

Per the Charter Section 4.6 (c) Prohibitions - Interference with administration. Except for the purpose of inquiries and investigation, the Board of Commissioners or its members shall deal with the City officers and its employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Board of Commissioners or its members shall give orders to any such officers or employee, neither publicly nor privately, except as provided under the emergency powers section of this Charter. The Board of Commissioners or any of its committees or members, individually or collectively, shall not direct or request the appointment of any person or his/her removal from, office by the City Manager or any of his/her subordinates or in any manner, directly or indirectly, take part in the appointment or removal of any officers or employees or members of Boards in the Administrative Service of the City of Madeira Beach, Florida. The Board of Commissioners nor any member thereof shall give orders to any subordinate or Officer of said City, either publicly or privately.

In order to provide and maintain the best possible conditions of work for classified employees, and in order to preserve and improve cooperation between and among staff members, the City of Madeira Beach encourages the prompt, fair settlement of grievances through an orderly grievance appeal procedure, without interference or reprisal. A grievance is defined as a classified employees' expression of dissatisfaction concerning a job related action such as disciplinary action, including termination. The employee may not appeal verbal warnings or performance evaluations.

Temporary/Seasonal or probationary employees are not permitted to appeal disciplinary actions.

The grievance appeal procedure consists of three successive steps, which must be followed, in order and within the time frame provided for in this policy.

Grievances must be filed within ten (10) calendar days after the action or incident and contain the reasons why the employee considers the action inappropriate or inequitable. Appeals to the successive steps must be filed within ten (10) calendar days following receipt of the decision made in the preceding step, or the grievance will be presumed settled and not subject to further consideration. All notifications and filings must be in writing and signed by the author(s).

**STEP ONE – Immediate Supervisor**

The grievance must be submitted by the employee to the employee's immediate Supervisor. The Supervisor must address and respond to the grievance within five (5) calendar days. If the employee is not satisfied with the decision at Step One, or if the grievance directly involves the Supervisor, the employee has the right to present the grievance at Step Two.

**STEP TWO – Department Head**

The grievance must be submitted by the employee to the Department Director with a copy to the Human Resource Personnel and City Manager. A meeting will be held with the Department Director, the aggrieved employee and the Human Resource Personnel and City Manager. This meeting will be held within ten (10) calendar days of the filing of the grievance.

Within ten (10) calendar days of this meeting, Department Director must notify the employee of the decision. If the employee is not satisfied with the decision at Step Two, the employee has the right to present the grievance at Step Three.

**STEP THREE – Appeal to the Civil Service Commission**

A request for further consideration must be presented to the Civil Service Commission via the Human Resource Personnel in thirty (30) calendar days of receipt of the Step Two decision. The Civil Service Commission shall have the power to issue subpoenas to compel attendance so that it is limited solely to the grievances.

Per Charter Section 5.7. Grievance procedures, including procedures for the hearing of grievances by the Civil Service Commission, which may render advisory opinions based on its findings to the City Manager with a copy to the aggrieved employee.

The Civil Service Commission will conduct a comprehensive review of all available information concerning the grievance and if deemed appropriate will meet with the aggrieved employee. Following the investigation, the Commission's findings will be forwarded to the City Manager as a recommendation. The City Manager may request meeting with all parties. The aggrieved employee will be notified within ten (10) calendar days of the City Manager's decision, which is binding.

## **ARTICLE X. DISCIPLINARY ACTION**

**Section 1001. GENERAL PROVISIONS.** *(Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999: Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

The City Manager shall when he/she deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for or under this Charter, except as otherwise provided by law, this Charter, contract or personnel rules adopted pursuant to the Charter.

It is the policy of the City of Madeira Beach that discipline should be corrective rather than punitive. Guidance of employees for the following constitute the reasons for which an employee may be removed from employment. However, the City Manager is not limited to these offenses and may remove any employee from employment whenever it is deemed in the best interest of the City. Probationary and temporary employees who are disciplined, suspended, demoted or discharged by the City shall not be subject to any grievance or appeals procedure. Rules and regulations are necessary to insure efficiency and effectiveness and to promote proper employee conduct. When circumstances permit, supervisors are encouraged to utilize "progressive discipline" by administering gradually increasing disciplinary actions for each successive instance of employee misconduct. Each level of discipline shall be documented and placed in the employee's personnel file.

The following guidelines are divided into four levels, which reflect the seriousness of the offenses. These levels are written counseling, written reprimand, suspension and discharge. In each level and for each infraction, consideration will be given to the severity of the offense, the actual or potential cost or damage involved, time interval between infractions, the length and quality of service records and any other pertinent information. In considering disciplinary action on a current infraction or offense, the City will take into consideration any prior infractions and consider length and quality of service.

Probationary and temporary employees who are disciplined, suspended, demoted or discharged by the City shall not be subject to any grievance or appeals procedure.

The City retains the right to treat each occurrence of misconduct on an individual basis without creating a precedent for other future cases. The rules and regulations provide recommended progressive discipline to apply for specific offenses; however, the recommended penalties may be modified by management and may include a lesser or more severe penalty when extenuating circumstances exist. The following rules and standards of conduct are not to be construed as a limitation upon the retained rights of the City, but are to be used only as a guide.

Supervisors may use their discretion in determining or recommending appropriate disciplinary action. When an employee's conduct can be considered to fall into two categories provided in these guidelines, the Supervisor may select the category they believe to be the most appropriate. If an employee's conduct does not fall within any of the categories described, the supervisor may determine or recommend disciplinary action in accordance with the group offense they believed to be most appropriate. The following guidelines do not override any specific rule contained herein or any policy issued by the City.

Immediate supervisors have the authority to issue verbal warnings to all employees under their control and may recommend action of a higher degree as appropriate. Department Directors have the authority to issue disciplinary action up to and including a written reprimand based on the circumstances of the violation. Department Directors may recommend to the City Manager that the employee be suspended without pay or discharged.

No employee shall be terminated without a Pre-Termination Hearing by the City Manager as a time and date specified by him/her and with or without the employees presence. Pre-Termination Hearings shall mean those hearings, when it has been alleged that an employee has violated a Departmental or City rule that could lead to termination. The employee shall be given 72 hours' notice, in advance, of a Pre-Termination Hearing and shall be afforded due process during the hearing.

The City Manager or designee has the sole authority to suspend an employee with/without pay or to discharge an employee for cause.

**Section 1002. GROUP I OFFENSES.** *(Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

First Offense	Written Counseling
Second Offense	Written Reprimand
Third Offense	Suspension w/o pay and/or demotion
Fourth Offense	Discharge

1. Neglect, carelessness or failure to observe departmental safety rules or disregard of common safety practices.
2. Neglect or carelessness, which results in repetitive or preventable accidents, which do not involve personal injury.
3. Tardiness is defined as reporting late for work, over-extending breaks or meal periods. One offense is equal to three occurrences in any thirty calendar day period, or a continuous pattern, once documented.
4. Employee has hindered the regular operation of the department because of chronic or excessive absenteeism. Excessiveness is more than three occurrences in any thirty calendar day period which have not been approved.
5. Wasting time, loitering, or leaving assigned work areas during working hours without permission.
6. Competence, productivity and workmanship do not meet standards of performance, as established by the Department Director.
7. Engaging in horseplay and scuffling as determined by the Department Director.
8. Creating or contributing to unsafe and unsanitary conditions or the failure to keep work area clean.
9. Distributing written or printed matter of any description on City premises unless authorized by Department Director.
10. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.
11. Failure to carry out assigned work or instructions by a supervisor.
12. Discourtesy while in the performance of duties.
13. Pervasive negative attitude which affects the delivery of services by other employees.
14. Wearing a City uniform in a manner, which discredits the City, as determined by the Department Director, whether during normal working hours or after hours.
15. Operating a City vehicle without having the required driver's license in your possession.
16. Violation of any departmental rule or administrative policy. Which is considered within the Group level of severity, as determined by the Department Director with City Manager concurrence.
17. Unauthorized use of City telephones for charging personal long distance or toll calls to the city.

**Section 1003. GROUP II OFFENSES.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

First Offense	Written Reprimand
Second Offense	Suspension w/o pay and/or demotion
Third Offense	Discharge

1. Unauthorized use of City property.
2. Sleeping during working hours.
3. Operating a City owned or other vehicle (or piece of equipment) used in the service of the City in a negligent manner not involving personal injury.
4. Transportation of unauthorized passengers in City vehicles.
5. Failure to report an incident or accident occurring while on duty immediately to a supervisor, regardless of whether property damage or personal injury resulted.
6. Failure to comply with oral or written orders and instruction.
7. Mistakes due to carelessness causing material, parts or equipment to be damaged, scrapped or wasted.
8. Failure to report a request for information or receipt of a subpoena or summons from an attorney, law firm, or court of law in connection with City related business.
9. Engaging at any time in employment or activity, which creates a conflict of interest with the duties, functions and responsibilities of a City employee.
10. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, the City or its operation which would bring the company's reputation into disrepute, whether it was realized or not.
11. Conduct unbecoming a City Employee, as determined by the City Manager and supervisor in consultation with Human Resources Personnel.
12. Violation of any departmental or administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is considered to be within the Group II level of severity.
13. Permitting another person to use your City identification information, or using another person's identification card, or altering a City identification card.
14. Political activity while on City time.

**Section 1004. GROUP III OFFENSES.** (Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

First Offense	Suspension without pay and/or demotion.
Second Offense	Discharge

1. Provoking or instigating a fight.
2. Malicious mischief, demonstrations on the job, or other acts of disorderly conduct, as interpreted by the Department Director.
3. Driving a motor vehicle while on duty without a valid State of Florida driver's license (operator or CDL), or failure to report the loss or suspension of a driver's license, within one day of the loss or suspension, when an employee is required to drive while on duty.
4. Insubordination by the refusal to perform work assigned, or to comply with written or verbal instructions of supervisory personnel, including the use of abusive language or behavior directed toward a supervisor or a member of management.
5. Revealing confidential information without prior approval from the City Manager.



6. Disclosing or using information not available to the public for personal gain or benefit.
7. Failure to disclose partnership, controlling interest, or employment with a business entity subject to City regulations or that has substantial business commitments with the City. A sworn disclosure statement must be filed within forty-five days after employment with the City or after the acquisition of such position or material interest.
8. The unauthorized use of City equipment or vehicles for personal financial gain.
9. Violation of any Departmental or Administrative policy or rule, as determined by the Department Director with City Manager concurrence, which is considered to be within the Group III level of severity.

**Section 1005. GROUP IV OFFENSES.** (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

First Offense - Disciplinary action up to and including discharge

1. Serious neglect in the performance of assigned duties, as determined by the City Manager.
2. Drinking alcoholic beverages or using illegal drugs while on City property, including City vehicles.
3. Drinking alcoholic beverages or using illegal drugs while on City time.
4. Deliberately misusing, destroying, damaging, or causing any City property to be damaged, or the property of any employee.
5. Actively participating in a fight at any time while on City property or while acting as a representative for the City.
6. Dishonest, disrespectful, threatening, intimidating behavior or coercing fellow employees, supervisors or the public.
7. Making false claims or misrepresentations in an attempt to obtain accident benefits, workers' compensation, unemployment compensation, health insurance payments, or other benefits, or failure to repay overpayment for which not entitled, in a timely manner.
8. The possession or use of illegal controlled substances while on duty, including breaks and/or while on lunch periods. The consumption of alcoholic beverages while on duty, including breaks and/or while on lunch periods.
9. Violation of the City's Drug-Free Workplace Policy.
10. Receipt from any person of a fee, gift, or other item of value in the course of work when such fee, gift, or other item is given or accepted in the hope or expectation of receiving a favor or better treatment than is accorded other persons.
11. Deliberately hitting, shoving, striking or physically abusing another individual at any time.
12. Violation of the City's EEO or Harassment Policy.
13. Instigating, leading or participating in a strike or any concerted activity against the City as defined in Florida Statutes.
14. Failure to obtain and maintain licenses, certifications or other qualifications required for an employee's job, whenever a demotion is not possible or appropriate.
15. Knowingly falsifying the payroll record of an employee, or any unauthorized altering of all payroll related records.
16. Being absent from duty for a period of three consecutive working days without proper authorization.
17. Failure to return from an authorized leave of absence within three working days from scheduled date of return.
18. Failure to return from a Worker's Compensation Lost Time injury, whereupon the

- Managed Care Physician has rendered the opinion that the employee has reached MMI (Maximum Medical Improvement) and is capable of performing some kind of work.
19. Possession or use of firearms, explosives or other weapons on City property.
  20. Use or attempted use of political influence or bribery to secure an advantage of any kind.
  21. Theft of City property.
  22. Failure to report an arrest for a crime.
  23. Violation of any Departmental policy or Administrative rule, as defined by the Department Director with City Manager concurrence, which is considered to be within the Group level of severity.
  24. No employee is to report to or be at work under the influence of drugs or alcohol.

## ARTICLE XI. SEPARATIONS

**Section 1101. RESIGNATION.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01: 01/05/99; Ordinance 837: 07/05/1995)*

**Voluntary Resignation.** Any employee wishing to leave the City Service in good standing shall file with the Human Resource Office, through the Department Director, a written resignation stating the date on which the employee is leaving and the reasons for leaving. Such resignation must, unless reasonable extenuating circumstances exist, be submitted at least two weeks before the effective date of the resignation. Failure to comply with this procedure shall be cause for denying such employee future employment with the City, as well as forfeiture of all leaves and negating normal compensation for unused sick leave. Only dated and signed resignations will be accepted as such.

Any employee who resigns and is considered for re-employment within six (6) months may begin their employment, with "time in" grade, benefits (excluding insurances and retirement), and seniority, as approved by the City Manager.

**Involuntary Resignation.** If it becomes necessary for the City to terminate an employment relationship due to repetitive disciplinary actions, failure to abide by safety rules, or other incidents listed in Group Offenses, the employee will forfeit all accumulated sick leave and the employee's personnel records will reflect ineligibility for re-hire.

**Section 1102. DISABILITY.** *(Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995)*

An employee may be separated when a physical or mental impairment prohibits them from performing the essential functions of their position with or without reasonable accommodation. In all cases, such separations shall be supported by medical evidence acceptable to the City Manager. The City may require examinations at its expense, to be performed by physicians of its choice. Such examinations may include physical and/or mental evaluations, as well as the completion of current medical history reports to be reviewed by the City's physician.

**Section 1103. DEATH.** *(Ordinance 837: 07/05/1995)*

Separation shall be effective as of the date of death, unless already addressed by another applicable section of the Personnel Policies and Procedures. All compensation due to the deceased employee as of the effective date of separation shall be paid to the beneficiary of record, surviving spouse or the estate of the employee, as determined by law.

**Section 1104. RETIREMENT.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

Separation shall be effective as of the date of retirement. Terms of retirement will be governed by applicable State and Federal laws and current retirement system.

**Section 1105. EXIT INTERVIEWS.** *(Resolution 07.06: 0 2/27/2007; Resolution 00.10: 10/17/00, Resolution 99.01- 01/05/99; Ordinance 837: 07/05/1995)*

An Exit Interview may be conducted for all full-time employees leaving the City employment for any reason and may be used by the City's management as a tool in gaining an awareness of potential personnel problems. The Human Resource Personnel and/or Department Director will conduct these Exit Interviews utilizing a form/format approved by the City Manager.

**Section 1106. RETURN OF CITY PROPERTY.** *(Resolution 07.06: 02/27/2007; Resolution 99.01-01/05/99; Ordinance 837: 07/05/1995)*

Unless previously returned, upon separation and prior to receiving final compensation, all records, books, assets, uniforms, keys, tools, I.D. card, and City property in the employee's custody, shall be returned to the Department. Receipt of City property shall be documented by the employee's supervisor. Money or City property due to the City shall be collected through deduction from final compensation, or other appropriate action. In the event a terminating employee has payroll direct deposit, the Finance Department may choose to issue a manual check in order to recovery City funds or property.

**Section 1107. LAYOFFS.** *(Ordinance 837: 07/05/1995)*

The City Manager may layoff any employee whenever such action becomes necessary because of a shortage of work or funds, the abolishing of a position, organizational changes, or as described in the Disability section of the Personnel Policies and Procedures.

## **ARTICLE XII. MISCELLANEOUS POLICIES AND PROVISIONS**

**Section 1201. HARASSMENT POLICY.** *(Resolution 07.06: 02/27/2007; Resolution 00.10-10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

This section is applicable to all employees of the City.

All City employees have a responsibility for maintaining high standards of honesty, integrity, impartiality and conduct in order to ensure the proper performance of the City's business, and to maintain the confidence of the citizens. It is the policy of this City that any form of harassment in the workplace is unacceptable conduct, which may result in disciplinary action up to and including discharge.

Harassment on the basis of sex, ethnic origin or religious affiliation, is a violation of Title VII of the Civil Rights Act of 1964, as amended, and of the Equal Employment Opportunity Commission (EEOC) guidelines on discrimination.

Harassment shall include such behavior as sexual harassment, unreasonable conduct, discrimination, and/or unwelcome behaviors that create a hostile, intimidating, or offensive work environment. Employee conduct, which violates these standards, will not be tolerated. This policy is equally applicable to

harassment between supervisors and workers, between co-workers and/or between employees and non-employees on City property.

**Hostile Environment.** The safety and security of employees is paramount importance to the City of Madeira Beach. Threats, threatening behavior, or acts of violence against employees by citizens, visitors, or other individuals or acts of violence initiated by employee(s) of the City of Madeira Beach will not be tolerated. Violations of this policy will lead to disciplinary action, which may include dismissal, arrest, and prosecution.

Hostile environment occurs when discrimination, unreasonable conduct and/or unwelcome behavior create an intimidating or offensive work environment. To constitute "hostile environment" the action must be pervasive and repeated. The following examples are not intended to be inclusive:

**Discrimination.** Discrimination occurs whenever employment decisions are made based upon race, religion, color, national origin, age, sex, marital status, disability or handicap.

**Unreasonable Conduct.** Unreasonable conduct is treating individuals as if they were inferior. This behavior includes refusing to take someone's comments and concerns seriously and/or verbal abuse, and negatively impact the work performance of the targeted employee.

**Unwelcome Behavior.** Included in "unwelcome behavior" are: (1) unwanted, or unwelcome verbal and/or behavior that have overtones related to an individual's race, religion, color, national origin, age, sex, handicap, disability, marital status, and (2) verbal/behavior that an employee did not solicit or invite and the employees regards as offensive.

**Sexual Harassment.** Unwelcome sexual advances, request for sexual favors and/or verbal or physical conduct of a sexual nature constitute sexual harassment when:

Submission to such conduct is made explicitly or implicitly a term, or condition of an individual's employment. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting such individual;

Such conduct has the purpose, or effect, of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

For the purpose of this policy statement, an employee shall be defined as any individual, regardless of classification, employed by the City of Madeira Beach, or volunteer working under the supervision of the City.

**Prohibited Behavior.** Sexual harassment is a prohibited personnel practice when it results in the following (but not limited to incidents): discrimination for, or against, an employee on the basis of conduct not related to performance, such as the taking, or refusal to take, a personnel action, including promotion on the basis of whether or not employees submit to sexual advances or protest sexual overtures.

A supervisor who uses implicit or explicit coercive sexual behavior to control, influence, or affect the career, salary, or job of an employee, is engaging in sexual harassment. Similarly, a City employee who behaves in this manner toward his/her co-workers in the process of conducting City business is engaging in sexual harassment.

Any employee who participates in deliberate or unsolicited verbal comments, gestures, or physical contact

of a sexual nature which are unwelcome, and interfere in work productivity, is also engaging in sexual harassment.

Comments, gestures, or physical contact of a sexual nature are entirely inappropriate, unwelcome or not, and individuals who participate in such behavior shall be subject to discipline up to, and including, discharge.

Any employee who is found to be guilty of harassment shall be subject to discipline, up to and including dismissal, under the provisions as defined in these personnel rules and regulations.

In addition, any Department Director or Supervisor who observes, or has reported to them, instances of harassment shall take the following steps:

- 1) Report such action to the Human Resource Personnel or the City Manager as soon as possible so that corrective measures may be taken.
- 2) Take immediate action to prevent similar occurrences, and properly document such action taken.

Department Directors and Supervisors failing to obey the above directive shall be subject to discipline up to, and including discharge.

Remedies. Under applicable laws and regulations, the City of Madeira Beach is responsible for the acts of its agents and employees with respect to harassment, regardless of whether the specific acts complained of were authorized, or even forbidden by the City, and regardless of whether the City knew, or should have known, of their occurrence. Any employees who feel they are victims of acts of harassment are responsible for reporting such acts, as follow:

- 1) In the case of acts of alleged harassment by non-employees, the affected individual should immediately contact his or her Supervisor, or Department Director.
- 2) In the case of acts of alleged harassment by and between co-workers, the affected individual should immediately notify his or her Supervisor or, if appropriate under this regulation, the Human Resource Personnel or the City Manager.
- 3) In the case of acts of alleged harassment by supervisory personnel, the affected employee should immediately notify the Department Director or, if appropriate under this regulation Human Resource Personnel or the City Manager.

Any Supervisor, Department Director who becomes aware of alleged harassment anywhere within the agency shall promptly report the facts to the Human Resources Personnel, who shall initiate an investigation into the allegations. The results of the investigation will be forwarded to the City Manager for appropriate disciplinary action.

This policy authorizes employees to go beyond their immediate Supervisor in cases where the Supervisor is the one involved in the alleged harassment, or where the Supervisor fails to take appropriate action.

All City employees have an obligation to take appropriate actions to prevent harassment from becoming an issue in the work environment. On an annual basis, management and supervisory employees will be given appropriate training. In addition, this policy shall be circulated and posted along with EEOC guidelines relative to the subject.

**Section 1202. FLORIDA CLEAN INDOOR AIR ACT** (FS 386.201 through 386.211). (Resolution 07.06: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995; Ordinance 2010-12: 08/13/19)

The purpose of the Florida Clean Indoor Air Act is to protect the public and the environment by creating areas in public places and at public meetings, which are reasonably free from tobacco and e-cigarette smoke. No person may smoke tobacco, vape(ing), or use e-cigarettes in any City of Madeira Beach building, facility or vehicle. All offices workplaces and common areas are accessible to other employees and the general public at large and therefore are not eligible to be designated as a smoking area.

Any employee who smokes tobacco or e-cigarettes in a City building, facility or vehicle will be considered in violation of a Group Offense and will be subject to disciplinary action.

**Section 1203. CODE OF ETHICS.** (Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000, Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

Public Officials (Elected officials, City Board members) or employees, their spouses and minor children are prohibited from soliciting or accepting any compensation, payment or thing of value such as a gift, loan, reward for promise of future employment favor or service from any person or corporation when they know or with an exercise of reasonable care should know, it is given to influence their official action or judgment.

Public Officials or employees are prohibited from using or attempting to use their official position to obtain a special privilege for themselves or others.

Public officials or employees shall not directly or indirectly accept any gift, favor, or service in their official capacity from any person or corporation, including Christmas gifts, exceeding a value of \$100.00.

Employees acting as a purchasing agent are prohibited from purchasing, renting, leasing any realty, goods or services from any agency in which the employee, spouse, or child has any ownership or financial interest or who would financially benefit from the transaction, without the expressed, written consent of the City Manager.

Any public official or employee who violates this rule shall be considered in violation of misconduct and could be subject to review and appropriate disciplinary action.

**Section 1204. ARRESTS.** (Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)

Employees, who are arrested for any felony or misdemeanor, shall report such incident on the next scheduled workday to the Department Director. Failure to do so may result in disciplinary action, as described herein.

**Section 1205. ATTENDANCE.** (Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

Employees shall be in attendance at work by their established starting time in accordance with these rules and general departmental regulations. Employees shall notify with their Department Director and request authorization for leave whenever they cannot report to work on time or fulfill their work assignment. Employees who fail to verbally notify a supervisor, department director of human resources of an absence at least four hours prior to their starting period, or as reasonably practicable, report their absence in accordance with authorized leave are subject to disciplinary action. Voicemail and/or email notifications are accepted forms of notification, or as otherwise provided by a Collective Bargaining Agreement.

Unauthorized absences from work for a period of three (3) consecutive work days may be considered as the employee's voluntary resignation by the City Manager, as described in Section 1101.

**Section 1206. BORROWING CITY EQUIPMENT.** (Resolution 07.06: 02/27/2007, Resolution 00.10: 10/17/2000; Ordinance 837: 07/05/1995)

The use of any City equipment for City property for personal use is prohibited.

**Section 1207. APPEARANCE AND PERSONAL HYGIENE.** (Resolution 07.06: 02/27/2007; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

Public employees must be aware of the importance of appearance and good personal hygiene where the public and co-workers are concerned. While no attempt is made to set specific standards, the important factor is the overall impression created.

What is appropriate for employees in one function may not be appropriate for another. Work clothes and uniforms provided for many functions generally set the standard for the position. Determination of an employee's specific dress, appearance and personal hygiene is a proper supervisory function and will be treated as such.

**DRESS CODE:** All City of Madeira Beach staff are expected to present a professional and business-like image to clients, visitors, customers and the public. Supervisors should communicate any department-specific work place attire and grooming guidelines to staff members during new-hire orientation and evaluation periods

The following attire may not be appropriate for some departments and dressing appropriately will be required. For the recreational employees items such as sweatpants, leggings, exercise gear and shorts should only be worn when working in the department and as approved by the department director. All employees shall refrain from wearing low rise or crop tops, short shorts or extremely short skirts/dresses at any time. All clothing must be free of rips, tears and fraying, beachwear, showing midriffs, spaghetti straps or any clothing are excessively revealing is not allowed.

Any staff member who does not meet the attire and grooming standards set by the City will be subject to corrective action and may be asked to leave the premises to change clothing. Hourly paid staff members will not be compensated for any work time missed because of failure to comply with designated workplace attire and grooming standards. Acceptable personal appearance and proper hygiene is a requirement of employment with the City of Madeira Beach.

**Section 1208. OUTSIDE EMPLOYMENT.** (Resolution 00.10: 10/17/2000; Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)

Employees who wish to seek employment outside the City service may do so under the following conditions:

- a) An employee who wishes to engage in outside employment shall make arrangements to be relieved from their outside employment duties if and when called for duty by the City.
- b) All injuries sustained while engaged in outside employment must be reported to the employee's Department Director prior to his/her next scheduled working day. An employee may not use City Worker's Compensation benefits or accrued sick leave for sickness or injury sustained while engaged in outside employment.

- c) Outside employment may not, in any way, interfere or in any way cause a conflict of interest with City employment and must be approved by the City.
- d) Employees who expect to engage in any outside employment shall receive written authorization from the City Manager prior to accepting such employment. Employees who fail to notify their Department Director may be subject to disciplinary action.
- e) Employees who fail to notify their Department Director may be subject to disciplinary action as determined by the Department Director and City Manager.
- f) Outside employment requests shall include the location, nature and extent of such employment. Any change in this information shall be reported to the Department Director where a new determination will be made as to whether the position is acceptable.
- g) Employees holding a full-time position shall not hold any other position in governmental or private employment or as an independent contractor when such other position may have the effect of reducing the efficiency of such employee in the City's service. In determining whether outside employment is inconsistent, incompatible or in conflict with an employee's duties or responsibilities with the City, the City Manager shall take into account the following factors:
  - h) Impairment of efficiency as a City employee
  - i) Fatigue with respect to accident proneness
- j) Failure to abide by any of the aforementioned conditions may result in the City Manager requesting the employee's resignation from City employment, a modification in the conditions of the outside employment, or resignation from the outside employment. If the original request is disapproved, the employee will be disciplined in accordance with this paragraph if they are found to have accepted outside employment.

**Section 1209. REIMBURSEMENT FOR TRAVEL EXPENSES.** *(Resolution 07.06: 02/27/2007; 9.01: 0 1/05/1999, Ordinance 837: 07/05/1995)*

When an employee travels on City business, he/she is entitled to receive reimbursement for:

- a) Expenses pursuant to Florida Statutes 112.061: Per Diem and travel expenses of public officers, employees, and authorized persons.
- b) Travel authorization forms must be completed and approved before travel arrangements are performed. No deposits or expenses may be made before travel has been approved by the Finance Director and the City Manager.
- c) Actual expenses, identified with receipts, incurred for meals (excluding alcohol), lodging, registration, tolls, other forms of transportation, and any other expense approved by the Department Director and the City Manager.

In order to receive reimbursement, an After Travel Expense Report must be filled out by the employee and submitted to the Finance Department for processing. Failure to submit receipts, as proof of expenditure will eliminate those expenses submitted as being reimbursable. Forms are available in the Finance Department.



**Section 1210. DRUG-FREE WORKPLACE AND SUBSTANCE ABUSE PREVENTION PROGRAM.** *(Resolution 99.01: 01/05/1999, Ordinance 837: 07/05/1995; Ordinance 2019-13: 08/13/19)*

The City of Madeira Beach believes the safety and health of its employees and the public is of utmost importance, and does participate in random drug screening. In a commitment to provide a safe working environment for all employees and safeguard the health of our employees and the public, the City will establish and maintain a Drug-Free Workplace Policy pursuant to the Drug-Free Workplace Program requirements under Florida Statutes (FS) 440.102, and Florida Administrative Code Rules 38F-9.007 "cut-off" levels. The following employees may be subject to random testing for substance abuse at any time during working hours:

1. Employees whose job requires them to operate any city vehicle or use their own vehicle for city business.
2. Employees whose job requires them to operate machinery or heavy equipment.
3. Employees in public safety occupations such as police officer, firefighter, or emergency medical personnel.

Employees are prohibited from smoking, using e-cigarettes or vaping in places where smoking is banned, including City vehicles, child care facilities, state/government buildings and enclosed work spaces. The use of such products can lead to safety issues and is not consistent with the Florida Clean-Air Policy. Florida Law does provide employers the right of refusal to hire someone who is a smoker.

For employers of drug-free policies and programs, provides that "this section does not limit the ability of an employer to establish, continue, or enforce a drug-free workplace program or policy." Additionally, the statute expressly prohibits medical marijuana users from using medical marijuana at their place of employment without their employer's permission. Ref. Florida Statute §381.896.

**Section 1211. EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION PROGRAM.** *(Resolution 07.07: 02/27/2007; Resolution 99.01: 01/05/1999; Ordinance 837: 07/05/1995)*

- **Policy.** The government of the City of Madeira Beach exists to serve equally all people without regard to race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability or genetic information. The purpose of this Section is to express formally the policy of the City. The City has established and will maintain an Equal Employment Opportunity/ Affirmative Action Plan to provide Equal Employment Opportunities to all employees and applicants for employment in accordance with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of Federal, State and Local governing bodies or agencies thereof.

The City will take Affirmative Action to ensure all employment practices are free of such discrimination. Such employment practices include, but are not limited to, the following: hiring, upgrading, demotion, transfer, recruitment or recruitment advertising, selection layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training.

The City prohibits the harassment of any employee or job applicant on the basis of their protected class status.

The City will commit the necessary time and resources, both financial and human, to achieve the goals of Equal Employment Opportunity and Affirmative Action.

The City will evaluate the performance of its management and supervisory personnel on the basis of their involvement in achieving these Affirmative Action objectives as well as other established criteria. Any employee of the City or subcontractors to the City who do not comply with the Equal Employment Opportunity Policies and Procedures set forth in this Statement and plan will be subject to disciplinary action. Any subcontractor not complying with all applicable Equal Employment Opportunity/Affirmative Action laws, directives and regulations of the Federal, State and local- governing bodies or agencies thereof, will be subject to appropriate legal sanctions.

The City Manager or his designee will serve as the EEO Personnel to manage the Equal Employment Opportunity Program. The responsibilities will include monitoring all Equal Employment Opportunity activities and reporting the effectiveness of this Affirmative Action Program, as required by Federal, State and Local agencies. If any employee or applicant for employment believes he/she has been discriminated against, an appeal may be made to the designated EEO Personnel pursuant to the Internal EEO complaint Procedures. Notice of this policy and the designation of the EEO Personnel will be posted on the City Hall break-room bulletin board, and in a prominent place within each department.

Discrimination Complaints. Internal Complaint procedures have been established and will be maintained under the City's Equal Employment Opportunity/Affirmative Action Plan. An applicant or employee who feels they have been discriminated against may file a written complaint with the designated EEO Personnel. If complaint concerns the EEO Personnel, submit a written complaint to the City Manager or Human Resources Coordinator in accordance with the procedures. Alleged discrimination complaints must be filed within the appropriate guidelines for Equal Employment (EEO) or the Florida Commission on Human Relations (FCHR). Written complaint shall address:

- a) The complainant's name, address and phone number;
- b) The name of the employee(s) alleged to have committed the violation;
- c) The basis for the complaint (i.e., race, color, sex, sexual orientation, age, religion, national origin, handicap or any other reason prohibited by law);
- d) Date(s), location and circumstances surrounding the alleged act of discrimination, including names and addresses of any witness;
- e) Signature of the complainant.

**Section 1212. DONATION OF SICK OR ANNUAL LEAVE.** (Resolution 07.06: 02/27/2007; Resolution 99.23: 10/19/99; Ordinance 2019-13: 08/13/19)

- a) Policy. The City of Madeira Beach recognizes an employee, subjected to a long-term, non-work related catastrophic illness or injury, may deplete all of his or her accrued sick and annul leave allowance, leaving the employee without any form of continued compensation.
- b) The City of Madeira Beach also recognizes that some City employees may wish to contribute a portion of their accrued, unused sick or annual leave to the affected employee suffering from a catastrophic illness.

\* "Catastrophic illness or injury" is defined as being one which is unanticipated, non-job-related, not self-inflicted, and life threatening. Catastrophic illness or injury does not include short-term ailments such as flu, colds, virus, or doctor or dentist appointments.

- c) Eligibility. All full-time employees who have completed at least one year of service with the City of Madeira Beach.

- d) Procedure. The affected employee must have exhausted their own sick and annual leave before filing the necessary forms for benefits with the City Manager.

The Human Resource Personnel may request additional medical information during the benefit period. All donation requests must be approved by the City Manager, who shall have final authority in considering, approving or disapproving a request for donations.

Maximum donation period will be 90 calendar days at which time long-term disability will take effect. While receiving donated leave, the receiving employee shall not accrue sick or vacation leave. A paid holiday occurring during an approved benefit period will be paid as a sick day. In the event an employee does not utilize all donated leave, the remaining hours shall be pro-rated and returned to donating employees.

Donated leave shall be deemed used (spent) leave, removed from the donating employee's accrued leave account and is not refundable, unless as provided for in this section. Minimum donation is eight (8) hours. Maximum donation is twenty-four (24) hours. Donations are not converted based upon hourly wages, rather transferred "hour for hour".

**Section 1213. THE PINELLAS COUNTY SCHOOL PARTNERSHIP.** *(Resolution 07.06: 02/27/2007; Resolution 99.23: 10/19/1999)*

- a) Policy. The City of Madeira Beach, Florida desires to support our local elementary and middle school by means of encouraging staff to volunteer time as a Mentor or Tutor to children in need as determined by the participating school. Each volunteering staff member must be willing to make a commitment of one-half hour per week or one hour every two weeks to the program approved time with pay up to a maximum of two (2) hours per month. At no time will the Partnership Program take priority over the City's needs and responsibilities.
- b) Procedure. Each employee who is interested in participating in this program must receive approval from their respective supervisor/department head. All requests are subject to final approval from the City Manager.

The employee selects whether to participate as a MENTOR or TUTOR at Madeira Beach Fundamental K-8 School. Mentors work with discouraged students. The major task is to motivate the student to stay in school. Through tutoring, setting short-term goals and serving as a role model, volunteers can provide encouragement and friendship to a student who needs to build self-esteem. New school mentors are required to attend a Pinellas County Schools mentor workshop.

A tutor may work one-on-one with a student or with small group of students who need remedial help in academic subjects to reinforce basic skills. Placements are made with students from kindergarten through middle school.

**Section 1214. E-MAIL.** *(Resolution 07.06: 02/27/2007; Resolution 00.10: 10/17/2000; Ordinance 2091-13: 08/13/19)*

The E-mail system is to be used for business purposes to facilitate intra and inter-City transmittal of business related information.

All employees waive any right to privacy in e-mail messages, voicemail and text messages and consent to the access and disclosure these messages by authorized City employees. The City reserves the right to access and disclose the contents of any and all referenced messages.

Individuals shall not use discriminatory or otherwise offensive comments, vulgarities, obscenities, jokes, sarcasm or exaggeration in their e-mail messages. The use of such language is a ground for disciplinary action up to and including termination. Nor shall the e-mail system be used to solicit commercial ventures, religious or political causes, outside organizations or other personal matters unrelated to the job.

Email messages should be transmitted only to those individuals who have a business need to receive them. Distribution lists should be constructed and used carefully. Employees may make a public records request to gain access to another employee's personnel file of e-mail messages. Management, however, reserves the right to enter an employee's e-mail files at any time.

### **SOCIAL MEDIA POLICY**

The information that employees post or publish may be public information for a long time. Employees should be aware that the City may observe content and information made available by employees through social media. Employees should use their best judgment in posting material that is inappropriate including commentary, content or images that are defamatory, pornographic, proprietary, harassing, libelous, or that can create a hostile work environment. Employees are not to publish, post or release any information that is considered confidential or not public. The social media should be understood to refer to blogs, wikis, micro-blogs, message boards, chat rooms, electronic newsletter, online forums, social networking sites, and other site and services that permit users to share information with others in a contemporaneous manner. When using City computer systems the use of social media for business purposes is allowed but personal use of social media networks or personal use is discouraged and could result in disciplinary action. Subject to applicable law, after-hours online activity that violates the Cities Code of Conduct or any other company policy may subject to disciplinary action or termination.

### **CITY CELL PHONE POLICY**

When job or business needs demand immediate access to an employee, the company may issue a business cellphone to an employee for work-related communications. Employees in possession of company equipment such as cell phones or other electronic devices are expected to protect the equipment from loss, damage or theft. Upon resignation or termination of employment, or at any time on request, the employee may be asked to produce the phone for return or inspection.

This policy outlines the use of cell phones at work; email and texting for official business are subject to public information laws. Florida has moved to include records of these electronic communications as items subject to request under local Sunshine Laws. This policy applies to personal use of business and/or personal cell phones and the safe use of cell phones by employees.

Employees whose job responsibilities include regular or occasional driving and who are issued a cell phone or other electronic device for business use are expected to refrain from using their phone or other electronic device while driving; use of a cell phone or other electronic device is not required by the company for most employees. Safety must come before all other concerns. An employee who uses a City supplied vehicle is prohibited from using a cell phone, hands on or hands off, or similar device while driving, whether the business conducted is personal or company-related. Therefore, you are required to stop your vehicle in a safe location so that you can safely use your cell phone or similar device if you need to make or respond to a phone call. Employees who violate this policy will be subject to disciplinary action, up to and including termination.

**Section 1215. VIOLENCE IN THE WORKPLACE. (Resolution 08.14: 10/28/2008)**

The City of Madeira Beach clearly denounces and will not tolerate violence or any form of physical harassment and endangerment. No employee or visitor (with exception of sworn law enforcement officers) shall bring any weapon into any City facility, including but not limited to City Hall, Recreation, Marina, Public Works, out of doors work areas, etc.

The City of Madeira Beach exercises an Early Intervention and Low Tolerance philosophy towards threats and weapons of any kind. Employees shall report any threats of violence they anticipate, observe, or experience.

**DEFINITIONS OF WORKPLACE VIOLENCE:**

Aggression. A forceful act or pattern of actions usually intended to intimidate, dominate or master another individual or situation. The intent to hurt or gain advantage over another without resorting to physical injury. Also included are hostile actions and behaviors.

Assault. A violent attack, either physical or verbal.

Harassment. The act of creating a hostile work environment through unwelcome words, actions or physical contacts, but not resulting in physical harm. Persistent and inappropriate attention and annoyance which may inflict worry or other mental tribulation.

Physical Attack. Aggression resulting in a physical battery with or without the use of a weapon of any type. Setting upon someone or something with violent force.

Threat. Any words or actions involving or implying the intent to inflict harm or injury on oneself or any other person or damage to any property. An indication of impending danger, harm or menace.

Weapon. For purposes of this policy, any device intended for use in an offensive manner is considered a weapon. For example, a pistol, knife, rifle, black jack, brass knuckles, etc. Pepper spray or any type of defensive gas, MACE, or noisemaker is not considered a weapon.

Workplace Violence. Any physical assault, threatening behavior or verbal abuse occurring in any work setting. It includes, but is not limited to beatings, stabbing, suicides, shootings, and rapes, near suicides, psychological traumas such as threats, obscene phone calls, an intimidating presence and harassment of any nature such as being followed, sworn or shouted at.

Violent Acts in the Workplace. There are many acts that can be considered violent or predictive of violence. These include, but are not limited to:

- Prejudice or harassment
- Threats of violence (bomb, hostage, etc.)
- Acts of sabotage
- Destruction of property
- Violent confrontations
- Armed robberies
- Stalking
- Unauthorized carrying of a concealed weapon
- Work-related assaults or battery
- Random violence and un-precipitated attacks, i.e. shooting sprees, etc.

The City of Madeira Beach works diligently to provide safe, pleasant and professional working environments. However, perceptions of certain activities and situations may lead to violence. Some of these situations may involve:

- Motivation by intimidation or coercion
- Polarization between employees and management
- Chronic communication problems
- Inconsistency in policy and decision-making
- Discouragement of creativity and new ideas
- Continuous time pressures
- Reactive vs. proactive planning and decision-making

Even the perception of these types of activities and situations may lead to violence. This may be acted out in two ways: verbal (i.e. profanity, psychological threat) and/or physical (i.e. assault or physical attack).

As a public service organization, the City is subjected to continual exposure to the public and frequently must communicate with and serve hostile individuals. Therefore, it is paramount that we ensure both internal and external consistency in terms of proactive safety and anti-violence measures. Due to the enforcement nature of many of the City’s activities, certain departments and employees may be more likely than others to be exposed to or observe violent, threatening behaviors and actions.

WHAT, WHEN & HOW TO REPORT: If any employee or person associated with the City of Madeira Beach feels a genuine threat has been made against them (or their family); it should immediately be made known to their supervisor or the City Manager. Serious accusations and threats shall be treated with appropriate attention and confidentiality.

That all Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance be hereby repealed insofar as the same affect this Ordinance.

That this Ordinance shall take effect in the manner as provided by law.

PASSED ON FIRST READING at a meeting of the Board of Commissioners of the City of Madeira Beach, Florida, held on the 9<sup>th</sup> day of July, 2019.

ADOPTED ON SECOND READING AND PUBLIC HEARING this 13<sup>th</sup> day of August, 2019.

Ayes (5), Nays (0), Absent (0), Abstain (0)

Maggi Black

Maggi Black, Mayor

8/22/19

Date

ATTEST:

Clara VanBlargan  
Clara VanBlargan, City Clerk

8/22/2019  
Date