

**CITY OF VERO BEACH  
PERSONNEL RULES**

**FOURTH EDITION**

**APPROVED BY CITY COUNCIL  
EFFECTIVE 10/1/02**

**WITH REVISIONS AND ADDENDUMS APPROVED BY  
CITY COUNCIL BY RESOLUTION**

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SECTION 1  
**GENERAL PROVISIONS**

In construing these rules and each and every word, phrase, or part here of, where the context will permit: 1) Singular will include the plural and vice versa, 2) The masculine will include the feminine and vice versa, 3) Reference to any department head, charter officer, manager, and supervisor includes any person authorized to perform the duties of that person.

1.1 **ORGANIZATION**

A five-member council governs the City of Vero Beach. The Council is elected at large on a non-partisan basis and serves two-year staggered terms. The City Council determines policy legislatively. A City Manager, appointed by the Council, administers and manages all city departments and enterprises. As the chief executive officer, the City Manager is responsible for the day-to-day activities of all departments and the successful completion of programs approved by the City Council. Refer to the organizational chart in the current Annual Budget for the City of Vero Beach.

1.2 **PURPOSE**

The purpose of these Personnel Rules is to establish and promulgate reasonable and appropriate standards of individual conduct and administrative policies, which will guide employees, supervisors, department heads, and charter officers in fulfilling their responsibilities and obligations as representatives of the City of Vero Beach. In the event these Personnel Rules conflict with the City Charter, city ordinances, preemptory state or federal laws, as now exist or may be amended, the city ordinances, or the state or federal law shall take precedence.

1.3 **POSITIONS COVERED**

These Personnel Rules cover all City employees except elected officials and nothing in these Personnel Rules shall negate any provision of existing labor contracts or City Charter.

1.4 **ADMINISTRATION**

- A. The Director of Human Resources shall be responsible for the development, administration, and technical direction of these Personnel Rules.
- B. Department heads, division heads, and supervisors will be responsible for the proper and effective administration of these Personnel Rules within their departments.
- C. Charter Officers shall administer their departments in accordance with these Personnel

Rules and to the extent necessary to be consistent with the City Charter, and shall have the authority vested in the City Manager within their departments.

1.5 **AMENDMENTS**

- A. The Director of Human Resources shall prepare and present to the City Manager such rules and changes thereto as are necessary for the effective administration of the human resource management system.
- B. Proposed amendments, changes or revisions of these Personnel Rules shall be prepared by Resolution and approved by City Council prior to becoming effective. If a change is required by adoption or modification of state or federal law or City ordinance, the City Manager shall be authorized to approve appropriate revisions to the Personnel Rules. The Director of Human Resources shall make ministerial changes as necessary for effective administration of these rules. In the case of ambiguity in the wording or applicability of a rule, the Director of Human Resources shall provide guidance to the City Manager who is authorized to determine the meaning or applicability of the rule. The City Manager is authorized to modify the list of Exempt Positions (Attachment 3) as may be appropriate to comply with the Fair Labor Standards Act or as required by normal business operations.



SECTION 2  
**DEFINITIONS OF TERMS**

**ACTIVE PAY STATUS**

Scheduled work time or authorized leave during which an employee is being fully compensated by the City, i.e. annual leave, holidays, paid military leave, or paid medical leave.

**APPEAL**

A written request by an employee for reconsideration of a disciplinary action.

**APPOINTMENT**

The offer by the City and acceptance by an applicant of a full-time, part-time, or temporary position.

**BUSINESS DAYS**

Monday through Friday except holidays recognized by the City.

**CHARTER OFFICER**

The Charter Officers are: City Manager, City Clerk, and City Attorney.

**CLASSIFICATION DATE**

The date an employee is hired or transferred (promotional, demotional, or lateral) to the current position classification. This is the date from which length of service in classification is computed for determination of probationary periods and trial periods.

**COBRA**

Consolidated Omnibus Budget Reconciliation Act.

**COMPENSABLE INJURY**

A job-related injury that qualifies for medical or indemnity benefits under the Florida Workers' Compensation Law.

**COMPENSATORY TIME (COMP TIME)**

Time off from work in lieu of overtime payment.

**CONTINUOUS SERVICE**

Employment which is uninterrupted by termination or a layoff.

**DEMOTION**

The transfer or reassignment of an employee to a lower job code.

**DEPARTMENT HEAD**

Chief operating officer of a department.

**DISABILITY LEAVE**

Leave arising from a work-related injury that results in the loss of ability to perform the essential functions of the job.

**DISCIPLINE/DISCIPLINARY ACTION**

Measures designed to address an employee's inadequate job performance, attendance or conduct.

**DISCIPLINARY PROBATION**

A period of probation resulting from disciplinary action.

**DISMISSAL OR DISCHARGE**

Involuntary separation from employment for cause.

**EMERGENCY APPOINTMENT**

Appointment made by the City Manager to prevent stoppage of public business or serious inconvenience to the public.

**EMPLOYMENT DATE**

The date an employee begins full-time employment.

**ESSENTIAL FUNCTIONS**

Required job duties of a position.

**EXAMINATION**

The process of testing, evaluating or investigating the fitness and qualifications of applicants and employees for present or future open positions.

**EXEMPT EMPLOYEES**

Employees whose position, responsibilities and/or compensation make them exempt from coverage under the Fair Labor Standards Act.

**FAMILY LEAVE**

Leave granted to care for an immediate family member.

**FULL TIME EMPLOYEE**

A non-temporary employee whose regular work schedule is 37.5 or 40 hours per week.

**IMMEDIATE FAMILY**

With respect to Family Leave and FMLA (Family Medical Leave Act), immediate family is defined as a spouse, child or parent.

For the purpose of bereavement leave, immediate family is defined as a spouse, child, parent, grandparent, sibling, grandchild, foster child, parent-in-law, grandparent-in-law, sister-in-law, brother-in-law, son-in-law, daughter-in-law, or legal guardian.

**INCENTIVE PAY**

Additional compensation paid to employees above and beyond the base pay for shift work, approved certifications (EMT, Intoxilyzer, Fingerprinting, etc.), and/or completion of specific educational courses.

**INSUBORDINATION**

An employee's refusal to submit to the authority vested in supervisors, department heads, and the City Manager as outlined in the Personnel Rules.

**JOB CODES**

A numeric system, which identifies positions of differing responsibility and complexity.

## **JOB DESCRIPTION**

A written document which identifies the title, major functions, and illustrative duties of a position, and which sets forth the education, experience, physical demands, licenses, and certifications needed in order to qualify for eligibility.

## **JOB TITLE**

A brief name given to a position, which describes the general nature of the work to be performed.

## **LATERAL TRANSFER**

The transfer of an employee to a position within the same job code.

## **LAYOFF**

Inactive employment status, not to exceed twelve months, due to a reduction in force, lack of work or funds, the inability of an employee to perform the essential functions of position or other factors.

## **LEAVE**

A period of absence from work, which is authorized under these Personnel Rules.

## **MAY**

The word "may" shall be interpreted as optional.

## **MEDICAL LEAVE**

Authorized absence from work for medical reasons which may be paid or unpaid.

## **NAME CLEARING HEARING**

A meeting intended to provide an opportunity for a probationary employee to provide explanation or justification following disciplinary action.

## **NON-EXEMPT EMPLOYEES**

Employees whose position, responsibilities and/or compensation make them protected by the Fair Labor Standards Act.

## **NORMAL WORK HOURS**

The period of time between the scheduled starting time and ending time of an employee's regular workday.

## **OVERTIME**

Time worked by non-exempt full time employees in excess of the regularly scheduled work week.

## **PART-TIME EMPLOYEE**

An employee working in a position where fewer than 30 hours per week are routinely scheduled. Part-time employees are not eligible for benefits provided by the City except as mandated by law.

## **PAY PERIOD**

The designated two (2) week cycle in which employees' payroll is calculated.

## **PAY RATE**

A specific dollar amount, expressed as either an annual rate, a bi-weekly rate, or a hourly rate.

## **PERMANENT EMPLOYEE**

A full-time employee who has successfully completed the probationary period.

## **PERMANENT DISABILITY**

A physical or mental condition resulting from a bodily injury, disease or mental disorder from which an employee is not expected to recover and renders an employee incapable of performing the essential functions of the job.

## **POSITION CLASSIFICATION PLAN**

A systematic arrangement of each job into a logical group, depending upon each job's range of duties, educational requirements, skill, responsibilities, and level of work performed.

### **PREMIUM PAY HOURS**

Hours worked that do not qualify as overtime hours, but are paid at one and one half times the employee's regular hourly rate of pay. Premium Pay Hours are not included in the weekly calculation of overtime.

### **PROBATIONARY PERIOD**

A minimum period of a six months provided to allow the department head an opportunity to evaluate a newly hired employee's performance and ability, and to decide whether or not the employee is to be retained in permanent status.

### **PROBATIONARY STATUS EMPLOYEE**

Any employee who is still within the probationary period.

### **PROMOTION**

The advancement of an employee to a position with a higher job code.

### **REGULAR RATE OF PAY**

The straight time hourly wage or annual salary or bi-weekly pay rate that an employee receives in accordance with the assigned pay code for the position exclusive of overtime, incentives, shift premium, or other forms of compensation.

### **RESIGNATION**

The voluntary termination of an individual's employment other than a retirement.

### **RETIREMENT**

The voluntary termination of an individual's employment whenever the employee meets the conditions set forth for retirement under the applicable retirement plan.

### **SALARY PLAN**

The official wage or pay schedule for each job code.

### **SHALL/WILL**

The words "shall" and "will" are to be interpreted as mandatory.

### **SINGLE RATE**

A pay rate assigned to a position classification within a particular department.

### **STANDBY DUTY**

An assignment which requires an employee to be available for emergency work on off-duty time.

### **SUPERVISOR**

Any employee who has the authority to direct the efforts of one or more subordinate employees.

### **SUSPENSION**

A period during which an employee is relieved from work, with or without pay, by the department head, or any other authorized supervisor, for purposes of enforcing disciplinary action or during an investigation of possible violations of these Personnel Rules.

### **TEMPORARY ASSIGNMENTS**

Any paid position that is anticipated to be short-term or for a specific period of time, usually fewer than six (6) months.

### **TEMPORARY STATUS EMPLOYEE**

An employee appointed for a special project or other work of a short-term, seasonal or transitory nature. Appointment will not exceed a six (6) month period unless specified by the project, program or grant. Temporary employees are not eligible for benefits except as mandated by law.

### **TERMINATION**

Severance of employment.

### **TIME WORKED**

Annual leave, holidays, paid court leave, and bereavement leave, will be considered time worked. Disability leave, medical leave, military leave, disciplinary suspensions and any unpaid leave will not be considered time worked.

**TRIAL PERIOD**

A period of the first six (6) months following a promotion, demotion, or lateral transfer during which a department head will evaluate the ability of the employee for the new job assignment.

**UNIFORMS**

Any article of clothing which identifies or is supplied by the City.

**WORK DAY**

The number of hours an employee is scheduled to work each day.



SECTION 3  
**STANDARDS OF CONDUCT**

3.1 **POLICY OF THE CITY**

- A. One of the primary objectives of the City of Vero Beach is to establish and administer a system of human resource management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.

To an unusual extent, and in a special way, employees in the City organization are "Good Will Ambassadors." Such status demands a degree of duty and obligation regarding public and private conduct which is not common to other classes of employment. The attitude and deportment of a City employee should at all times be such as to promote the good will and favorable attitude of the public toward the City and its programs, policies and personnel.

- B. The City Administration endorses the concept that public service at all levels of government will attain maximum efficiency and effectiveness through a human resource management system based on merit principles.
- C. City employees are encouraged to acquire additional skills and to seek opportunities for further training and education which will result in an overall improvement in quality of work and productivity of the City's work force.
- D. It is the policy of the City to expect from its employees compliance with all Personnel Rules, State Statutes, Federal Regulations and City Ordinances in the performance of duties, as well as compliance with all safety rules and standards.
- E. The City retains certain rights, in accordance with applicable laws, regulations, Collective bargaining agreements and provisions of the Personnel Rules. These rights are not all inclusive but indicate the type of matters or rights which belong to and are inherent to management. These rights include:
1. To determine the organization of City government.
  2. To determine the purpose and mission of each of its constituent agencies and departments.
  3. To exercise control and discretion over the organization and efficiency of the operations of the City.

4. To set standards for services to be offered to the public.
5. To manage and direct the employees of the City, and to determine the number of employees to be employed by the City.
6. To hire, examine, classify, reclassify, promote, train, transfer, assign, schedule and retain employees in positions with the City.
7. To suspend, demote, discharge, reprimand, or otherwise discipline employees.
8. To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duty because of the lack of work, funds or other legitimate reasons.
9. To determine location, methods, means and personnel by which operations are to be conducted, including the right to contract and sub-contract existing and future work.
10. To establish, change or modify the number, types and grades of positions or the skills required of employees assigned to an organization, unit, department, division or project.
11. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change, or operating requirements.

### 3.2 **EQUAL OPPORTUNITY POLICY**

- A. The City will not discriminate in any aspect of employment because of religious or political opinions or affiliations, race, color, national origin, sex, age, marital status, disability, or other non-relevant factors, except where such factor is a bona fide occupational qualification or is required by Florida State and/or Federal law.
- B. The City is morally and ethically committed to a policy of fairness and equity for all employees and will give every employee the opportunity to achieve maximum potential.

### 3.3 **CODE OF ETHICS**

To avoid misunderstandings and conflicts of interest which could arise, the following policy will be adhered to by all employees of the City. This policy is in addition to the requirements and restrictions set forth in Florida Statutes, Chapter 112, Part III Code of Ethics for Public Employees.

- A. City employees shall not accept any gifts, including Christmas gifts, tips, favors or services that might cause reasonably prudent persons to be influenced in the discharge of their official duties.
- B. City employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others.
- C. No employee shall have:
  - 1. Any financial interests in the profits of any contract, service or other work performed for or by the City;
  - 2. Personally profited directly or indirectly from any contract, purchase, sale, or service between the City and any person or company.
  - 3. Accepted any free or preferred services, benefits or concessions from any such person or company.
  - 4. Transacted any business in their official capacities with any business entity in which they are officers, directors, agents, council members, or in which they own a controlling interest, excluding civic, charitable, or religious organizations.
  - 5. Any personal investments in any business entity which will create a substantial conflict between their private interests and the public interest.

Any violation of the provisions of this policy shall be subject to review and appropriate disciplinary action. When an employee of the City has any doubt as to the application of this policy, the possible violation should be discussed with the department head.

#### 3.4 **POLITICAL ACTIVITY**

- A. No employee, official, or other person shall solicit, orally or in writing, or be in any other manner involved in obtaining any assessments, contributions or services for any political party from any employee during hours of duty, service, or work with the City.
- B. Nothing herein contained shall be construed to restrict the right of City employees to hold membership in and support a political party, to vote as they choose, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity.

### 3.5 **EMPLOYMENT OF RELATIVES**

- A. Employment of relatives is discouraged but may be allowed in appropriate circumstances as determined by the City Manager. Under no circumstances will a member of a family be in a position where that person has the responsibility for recommending a relative for promotion or advancement. The relevant provisions of Florida Statute shall govern the employment of relatives.
- B. All employees working under past policies will be grandfathered into this system. However, under no circumstances will a member of a family be transferred or promoted to a position where that person has the responsibility for recommending another relative for promotion or advancement. The City Manager, in carrying out the anti-nepotism policy set forth in these rules, may transfer any City employee. Whenever possible, such transfer shall not reduce the salary or pay grade of any transferred employee and the transfer shall be to a position of the same or similar classification.

### 3.6 **OUTSIDE EMPLOYMENT**

- A. City employment shall be considered the primary employment. No employee may engage in outside employment which would interfere with the interest of City service or present a conflict in any way with the employee's responsibilities within City employment. Departments may adopt reasonable rules to identify conflicts.
- B. Every employee engaged in outside employment shall agree to and shall be available for overtime duty and shall respond immediately to any emergency call to duty by the City whenever the department head or the City Manager shall determine that service to be necessary.

### 3.7 **RELEASE OF INFORMATION**

- A. The employee shall at all times be courteous, friendly and helpful to those members of the public who seek information.
- B. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion resulting in waste of time and money.
- C. Unless release of information is a normal part of their duties, employees will decline courteously to reveal information and shall direct such inquiry to the department head or

City Manager. It is not the intent of the City to be secretive, or to withhold public records, but to assure that all information released is true and accurate.

- D. From time to time, City employees, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. Should such an employee receive such a request or subpoena regarding City business, the matter shall promptly be brought to the attention of the department head who will notify the City Attorney's office who shall provide legal advice and defense as appropriate.

3.8. **SOLICITATION AND DISTRIBUTION**

- A. Employee contributions to recognized charitable organizations are purely voluntary.
- B. City employees are prohibited from soliciting any other employee of the City on behalf of any organization including employee organizations, during their working hours or the working hours of the employee to be solicited except with approval of the department head.

3.9 **DRESS CODE/UNIFORMS**

- A. As representatives of the City, employees are expected to maintain high personal and ethical standards. One of the most noticeable expressions of these standards is dress and appearance. Employees shall present a positive, business-like image through a neat, clean and professional appearance. What is appropriate for one department may not be appropriate for another, therefore, determinations of an employee's specific dress are a supervisory responsibility and different personal appearance standards may be established as they relate to specific positions and functions.
- B. Work clothes and uniforms are mandatory in many departments. Uniforms are designed to identify employees to the public, to give employees a consistent and professional appearance, and to contribute to comfort and safety on the job. Employees are responsible for keeping uniforms clean, neat and in good repair at all times and department heads may require employees to use contracted weekly cleaning services. Uniforms are the property of or rented by the City and are not to be used for purposes other than what is required by the employee's position. Uniforms should not be worn before or after an employee's normal working hours except while traveling to and from work each workday.
- C. City approved employee identification is required to be displayed upon request or worn as requested by each department head.

### 3.10 **RESIDENCY**

All City employees are encouraged to reside within the City limits.

### 3.11 **DISCRIMINATION**

It is the policy of the City that each employee be allowed to work in an environment free from any form of illegal discrimination and harassment. Discrimination and harassment are in violation of Title VII of the 1964 Civil Rights Act, Florida Statutes and these Personnel Rules. Without a prompt report of a violation of this policy, the City is hampered in its ability to take corrective action to remedy the situation. Therefore, the prompt reporting of a violation of this policy is strongly encouraged.

#### A. Types of Harassment:

1. Sexual harassment: Unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, or physical conduct of a sexual nature from or involving an employee's supervisors, peers, subordinates or any other persons in contact with an employee during the course of the conduct of the employee's business when:
  - a. Submission to such conduct is made either explicitly or implicitly a term or condition of employment; or
  - b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
  - c. Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. Other Harassment: Conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment when the nature of such intimidation is based on race, color, religion, national origin, age, marital status, gender identity, disability, or any other characteristic protected by state or federal law.

#### B. Other types of harassment may include, but not limited to, the following:

1. Displaying demeaning or offensive pictures, calendars, graffiti, or objects;
2. Telling offensive or obscene off-color jokes;
3. Teasing or making threats or insults;
4. Commenting on physical attributes;

5. Using demeaning, degrading, or offensive terms;
6. Using indecent gestures or looks;
7. Making inappropriate physical contact;
8. Making insensitive or offensive racial jokes, teasing, or other conduct;
9. Mocking or insulting a person's disability or religious status; or such other conduct or behavior that has the purpose of effect of creating a harassing or hostile work environment based on the person's protected status.

- B. Procedures for Filing Complaints regarding discrimination and harassment: An employee may, only if they feel comfortable and safe in doing so, tell the person engaging in the discrimination or harassment that their behavior, actions, words, etc. are being construed as offensive and request that they cease such offense. If such actions, words, behavior, etc., do not cease, or if the employee otherwise wishes to file a complaint, then the employee should promptly file a written complaint with the immediate supervisor, if said supervisor is not the subject of the complaint. If said supervisor is the subject of the complaint, then the employee should file the complaint with that supervisor's superior. Any supervisor who receives a complaint must confer with the department head who, in turn, shall report the incident to the Director of Human Resources. Should the department head be the subject of the complaint, the supervisor who receives the complaint shall report the incident directly to the Director of Human Resources. In all cases, an employee is free to bypass their supervisor(s) and file the complaint directly with the Director of Human Resources.
- C. Investigation of the Complaint: This complaint will be promptly and thoroughly investigated by the individual to whom the complaint was made, or the designee of such person. A report of such investigation shall be filed with the Director of Human Resources.
- D. Disciplinary Action: Any employee who has been found to have engaged in discrimination and/or harassment of another employee or applicant for employment shall be subject to disciplinary action up to and including dismissal.
- E. Corrective Action: Supervisors who have actual knowledge of discrimination and/or harassment being committed by one of their staff members must take immediate corrective action, or be subject to disciplinary action up to and including dismissal. The supervisor shall promptly report the facts to the Director of Human Resources.
- F. Retaliation: Retaliation against employees for either filing a complaint of discrimination or harassment or providing information regarding such complaint is prohibited. Employees found to be engaging in such retaliation shall be subject to discipline up to and including dismissal.

G. False Complaints: Any employee who knowingly files a false complaint of discrimination and/or harassment against another employee shall be subject to discipline up to and including dismissal.

3.12 **CRIMINAL OFFENSES ON OFF-DUTY TIME**

City employees have a solemn obligation to conduct their personal lives in a manner which will earn and maintain the trust and confidence of the citizens of this community. Any employee who is charged with a felony or a first degree misdemeanor, is obligated to notify his or her department head as soon as possible after an arrest or after charges have been filed. Failure by an employee so charged to notify the department head as required by this subsection shall be considered just cause for disciplinary action up to and including dismissal.

The department head will notify the Director of Human Resources promptly upon learning about the charges. The Director of Human Resources will conduct an investigation of the circumstances surrounding each case and shall review the findings with the department head. Together, they will make a determination as to what discipline, if any, should be taken against the employee. Regardless of the action taken, employees will retain their rights to challenge the decision through the appeals process.



3.13 **AMERICANS WITH DISABILITIES ACT POLICY**

The City supports the Americans with Disabilities Act (ADA), Public Law 101-336. This law provides protection for individuals with disabilities in areas of employment and access to government facilities, services, and programs. The City will not discriminate in hiring practices and will consider all applicants equally who are able to perform all essential functions of a position, with or without a reasonable accommodation. The City will make reasonable accommodations for employees and members of the public with disabilities to allow access to City jobs, facilities and programs.

3.14 **LOST AND FOUND POLICY**

An on-duty employee who finds property lost by another party shall not retain the property but shall turn the item in to the employee's supervisor or representative designated by the supervisor. The supervisor or designated representative will attempt to identify the owner or turn the item over to the Vero Beach Police Department. The Vero Beach Police Department shall determine the final disposition of the item.

3.15 **WORKPLACE VIOLENCE**

It is the intention of the City of Vero Beach to provide a safe workplace for all employees and also for customers, the general public and anyone who does business with the City. In order to accomplish this goal and to reduce the risk of violence, all employees should review and understand the provisions of this Workplace Violence policy.

A. Prohibited Conduct

1. The City will not tolerate any type of workplace violence committed by or against employees.
2. Employees are prohibited from making remarks threatening physical violence, engaging in violent activities, or exhibiting any form of violent conduct.
3. The following, while not all inclusive, will not be tolerated whether on or off the job:
  - a. any incident that may cause physical injury to any other person
  - b. menacing behavior such as oral or written statements, gestures or expressions that implicitly or expressly communicate a threat of direct or indirect physical harm

- c. aggressive, hostile or disruptive behavior that creates, in the perception of any observer, a reasonable fear of physical injury to any other person, or subjects any other person to emotional distress
- d. intentionally damaging City property or the property of any person
- e. except upon prior written authorization by the City Manager, bringing onto City-owned property, or transporting in a City-owned vehicle, or possessing while on City business elsewhere, any device commonly considered a weapon (including but not limited to knives, firearms, handguns, ammunition or explosive devices of any type or material) regardless of whether the person is licensed to carry the weapon
- f. committing acts motivated by, or related to, illegal harassment (sexual or otherwise), or domestic violence, at any time or place.

#### B. Reporting Procedures

If an employee observes or experiences a situation that is perceived as potentially dangerous, he or she must report this immediately to the appropriate department head or supervisor. The Human Resources Department must be notified as soon as possible. All reported incidents will be fully and immediately investigated. Reports or incidents warranting confidentiality will be handled appropriately and information will be disclosed to others only on a need-to-know basis. **[Note: Should any threats of physical violence or actual assaults occur, please immediately notify the Police Department at 978-4600 or 911.]**

#### C. Risk Reduction Measures

1. During the hiring process, Human Resources will take reasonable measures to conduct background investigations of employment candidates to reduce the risk of hiring individuals with a history of violent behavior.
2. Employees are not expected to be experts at identifying potentially dangerous people or situations; however, employees are expected to exercise good judgment and to inform their department heads, supervisors and the Human Resources Department if any employee exhibits behavior which could be a sign of a potentially dangerous situation such as those behaviors included in **Section A. - Prohibited Conduct** in this policy and also the following behaviors:
  - a. apparent obsession with weapons or bringing weapons into the workplace

- b. displaying extremely overt signs of stress, resentment, hostility or anger
- c. making threatening remarks
- d. sudden or significant deterioration of work performance or attendance
- e. displaying irrational or inappropriate behavior
- f. signs of being impaired by drugs/alcohol
- g. deteriorating or strained relationships with co-workers
- h. making statements that appear irrational

#### D. Dangerous/Emergency Situations

Employees who encounter an armed or dangerous person, whether employee or non-employee, should not attempt to challenge or disarm the individual. If possible, the employee should call 911 or instruct someone else to do so. Employees should remain calm, cooperate with and follow the instructions being given by the potentially dangerous person.

#### E. Restraining Orders

1. City employees may sometimes be involved in personal disputes with family members or neighbors that can sometimes cause the employee to seek a restraining order. For the protection of him/herself and co-workers at the jobsite, such an employee should seek entry of an order which protects him/her at his/her work address as well as his/her home address. If an employee has a restraining order against anyone, the employee should inform his/her supervisor of its terms and the person(s) against whom it is directed.
2. In the event an employee does not have a restraining order, or the entry of a restraining order is imminent, and the employee is nonetheless fearful for his/her safety, the employee should notify his/her supervisor.

#### F. Enforcement

1. Any employee whose conduct is found to be in violation of this **Workplace Violence Policy** may be removed from the premises and subjected to disciplinary action, (up to and including termination) and/or criminal prosecution. Should management, at its sole discretion, decide that the offense does not warrant termination, the employee may be required to execute and adhere to a "last chance agreement" in order to remain employed.

2. If it is suspected that an employee might constitute a threat to the safety of co-workers or others, the City may send the employee for evaluation by a medical professional (of the City's choice) who is trained in violent behavior. The expense of this evaluation will be paid by the City and will be conducted on City time. If an employee refuses or fails to present him/herself for such an evaluation, the employee will be terminated. In order to retain employment, an evaluated employee will be required to comply with any and all recommendations made by the counselor. Any required follow-up care will be at the expense of the employee.
3. Non-employees who engage in violent acts, as prohibited herein, on City property will be reported to the appropriate authorities for prosecution.

SECTION 4  
**EMPLOYMENT APPLICATIONS AND EXAMINATIONS**

4.1 **ELIGIBILITY**

Individuals shall be recruited from a geographic area as wide as necessary to assure well-qualified candidates for the various positions are available. In cases where City residents and non-residents are equally qualified for particular vacant positions, the City residents shall receive first consideration in filling vacancies.

4.2 **REQUEST FOR PERSONNEL**

- A. To enable the Human Resources Department to recruit qualified staff, department heads will forward to the Human Resources Department a completed and signed Employment Requisition Form as far in advance of the actual need as possible.
- B. The Human Resources Department will post all non-bargaining unit positions internally for seven (7) calendar days.

4.3 **NOTIFICATION**

The Director of Human Resources, in conjunction with department heads, shall prepare recruiting notices for publication in order to attract qualified applicants.

4.4 **ACCEPTANCE OF APPLICATIONS**

- A. Applications will be accepted only for currently open positions or positions that are expected to be open in the near future.
- B. When open positions become available to the public, no cutoff date for accepting applications shall be indicated except when the applicant response is so great that review of all applications creates a hardship, or a sufficient number of qualified candidates has been located and the Human Resources Department wishes to exercise its right to discontinue the recruitment process.
- C. Application for a given position is generally made on a standard form designed and prepared by the Human Resources Department. Applicants may revise their applications, provided they do so in person, and prior to any applicable cutoff dates.
- D. Applications for positions shall be under active consideration by the Human Resources Department for a term of two (2) years from the date the position is filed, or until the position is filled. If, within one year of the application file date, the applicant would like to be considered for a newly opened position, that person must

fill out an Applicant Update Request Form. After the expiration of the one (1) year period, the application, along with all attachments, shall be handled as mandated by law.

- E. Any contracts for fees, contingent or otherwise, entered into between applicants and commercial employment agencies are purely private matters between those parties and the City assumes no liability for any payment or other consideration to these agencies.

#### 4.5 **BASIS FOR EMPLOYMENT**

- A. Employment with the City shall be based on merit, ability, and physical and moral fitness as evidenced by one or more of the following:
  - 1. Training and experience as reflected on the application form and other documentation such as certificates, registrations, academic degrees, etc.
  - 2. Written examination or performance test, if applicable.
  - 3. Physical examination, inclusive of a drug test after offer of employment.
  - 4. Personal background investigation.
  - 5. Customer service orientation, loyalty, and demonstration of ability to serve the public in a professional manner under the most trying circumstances.
  - 6. In accordance with the Americans with Disabilities Act, the City will make a good faith effort to find reasonable accommodation for any individual with a disability who requests an accommodation and can perform the essential functions of a given job.
- B. The City Manager, in conjunction with the Human Resources Department, will make a final determination as to what additional factors should be considered important to each unfilled position.

#### 4.6 **REFERENCES AND BACKGROUND CHECKS**

As part of the pre-employment procedure, former employers and references shall be checked. Reference checks made by either personal, written, or telephone contact will be documented and made part of the applicant's file. The Human Resources Department reserves the right to conduct personal background checks, to include credit, driver license, criminal, or any other that the City deems relevant to the position being sought.

4.7 **REJECTION OF APPLICATIONS**

- A. Applications may be rejected if the applicant has any prior conviction for a crime if the crime was a felony or first degree misdemeanor and is in any way related to the position or employment sought, has submitted an incomplete application, has made false statements, or failed to disclose, of any material fact in the application, has ever been an active member of an organization which advocates the overthrow of the Government of the United States of America by force or violence, or whose past employment record is "unsatisfactory" as determined by the department head.
- B. The Human Resources Department or department head may also reject an application for any other reason.

SECTION 5  
**FILLING VACANCIES**

5.1 **TYPES OF APPOINTMENTS**

The City will appoint employees in one of the following categories:

- A. PROBATIONARY
- B. PERMANENT
- C. PART-TIME
- D. TEMPORARY

5.2 **PROMOTIONS, DEMOTIONS AND LATERAL TRANSFERS**

A. The purpose of a promotion is to allow employees an opportunity to advance in responsibility and compensation. Although lateral transfers and demotions are not encouraged, they may occasionally occur or be necessary if the Director of Human Resources and the department head deem the change to be in the best interest of the City.

1. Promotions

- a. Provided that there are employees who are qualified to perform the duties of an open position, vacancies shall be filled as often as practicable by employees already with the City.
- b. Promotional examinations may be held for specific positions or occupations when it is in the best interest of the City.
- c. Applicable promotional examinations will be available to any City employee who may be qualified for the open position, based on a review of personnel records and the availability of supporting documentation, except as may be restricted under any collective bargaining agreement or the Police Department Operations Manual.
- d. When an employee is granted a promotion from one position to another, the promotional transfer date will be no later than four (4) weeks from the time



the employee transfer decision is made. In the event of unusual or extraordinary circumstances, the four (4) week period for a promotional transfer may be extended. For any period of time beyond the initial four (4) weeks, the promoted employee will be compensated at the higher rate by the releasing department. However, the six-month trial period will begin on the actual date of transfer.

2. Demotions or Lateral Transfers: The department head, with the concurrence of the Director of Human Resources, may demote or laterally transfer an employee in the following instances:
    - a. When an employee would otherwise be laid off and is qualified to take a position in the same or lower code.
    - b. When an employee does not possess the necessary qualifications to render satisfactory service in the current position held.
    - c. If an employee voluntarily requests a demotion or lateral transfer and management determines that the transfer or demotion is in the best interest of the City.
    - d. For any other valid reason at the discretion of the department head with concurrence of the Director of Human Resources, including disciplinary action.
    - e. An employee accepts a promotion, but does not successfully complete the trial period.
- B. Promotions, demotions and lateral transfers may be initiated in one of three ways:
1. Employee Request for Inter or Intra Departmental Transfer: The employee applies for an open position that has been posted by the Human Resources Department. This is done by completing a "Request for Transfer" form which must be signed by the employee's department head, a copy of which is forwarded to the Human Resources Department.
    - a. Inter-Departmental Request: Such a change requires the recommendation of the new department head and the Director of Human Resources, and the approval of the City Manager. The current department head will initiate and sign the Employee Status Change/Termination form and forward it to the new department head for completion. The new department head is responsible for completing, signing and submitting the form to the Human Resources Department.

- b. Intra-Departmental Request: If such employee is recommended for the position, the department head will submit a completed and signed copy of the “Employee Status Change/Termination” form to the Director of Human Resources who, after review, will submit it to the City Manager for approval.
- 2. Employer Required Transfer: The employee is needed for the good of the City to fill an assignment in the same or another department. This form of transfer will require the approval of the City Manager. This action shall be coordinated with the Human Resources Department, the appropriate department heads, and the employee. This transfer will require an Employee Status Change/Termination form.
- C. When an employee is promoted, demoted or laterally transferred, the employee will be subject to a trial period. Trial periods in the position to which the employee is transferred shall be as follows:

If, during the trial period, the employee is found to be unqualified for the new position or incompetent to perform the duties of the new position, every effort will be made to either place the employee in the previously held position, if open, or in a comparable position. The department head or designee must give written notice to the trial period employee stating the reason(s) the employee is not able to successfully complete the trial period. This must be coordinated through the Human Resources Department. If a vacancy does not exist and it is impossible to create a new position, the employee will be laid-off and placed on a reduction in force recall list.

SECTION 6  
**PROBATIONARY PERIOD AND TRIAL PERIOD**

6.1 **PURPOSE**

The probationary period and the trial period are an integral part of the employment and retention process. These periods are used to closely observe the employee's performance on any new assignment, to secure the most effective adjustment of an employee to the position, and to identify those employees whose performance does not meet the required work standards. During the course of probation, the Human Resources Department will conduct two follow-up interviews with a new employee.

6.2 **DURATION**

- A. All promoted, demoted, or laterally transferred employees shall serve a six (6) month trial period in the new position.
- B. All newly hired employees shall serve a six (6) month probationary period, or twelve (12) months in the case of police officers. At successful completion of the probationary period, the employee will be placed on permanent status.
- C. If employees experience circumstances resulting in excusable absences, the probationary period may be extended by an equivalent number of days. However, the probationary period shall not be extended for any purpose other than providing a full six or twelve months, if needed, to ensure a thorough evaluation.

6.3 **EVALUATION OF PERFORMANCE**

During the probationary period or trial period, the department head will request a report of the supervisor's observation of the employee's work and a judgment as to the employee's willingness and ability to perform the job duties satisfactorily. During the probationary or trial period, the employee's supervisor will notify the employee when performance is not satisfactory and/or if requirements are not being met. The department head will make a written recommendation as to whether the employee is to be retained.

6.4 **DISMISSAL OR DEMOTION OF PROBATIONARY OR TRIAL EMPLOYEES**

- A. If a probationary employee has been found to be unqualified to perform, or will not properly perform the duties of the position, the employee may be dismissed by the department head or the department head's designee. The department head or

designee must coordinate this action with the Director of Human Resources. Probationary employees do not have the right of administrative appeal or grievance.

- B. If an employee who is serving a trial period is found to be unqualified to perform the duties of the new position, action will be taken as outlined in section 5.02 C.

SECTION 7  
**ATTENDANCE**

7.1 **HOURS OF WORK**

- A. The City Manager shall establish the hours of work, which insofar as practicable, shall be uniform within occupational groups, shall be determined in accordance with the service requirements of the City, and shall take into account the needs of the public who may be required to do business with various City departments.
- B. If the City provides full-time employees with a lunch period, this period is in addition to normal working hours and is not paid time.
- C. All employees shall be entitled, under normal conditions, to one brief break period during the first half of each shift and one brief break period during the last half of each shift. Scheduling of such break periods shall be the responsibility of the supervisor, foreman, or crew leader in charge as delegated by the department head. Break periods may be postponed or waived completely by the individual in charge if the work being performed involves the health, safety or welfare of the public or is of any other emergency nature. Such waiver shall not be considered additional working time for overtime purposes.

7.2 **ATTENDANCE**

- A. Each department head shall be responsible for monitoring punctuality and the regular attendance of all employees in the department.
- B. Dependability of employees is vital to the success of the City mission. All employees are expected to report for duty and be ready to start work at the scheduled time, and to maintain a satisfactory attendance record.
- C. If unable to work for any reason, the employee must personally notify the employee's supervisor as far in advance as possible prior to the scheduled reporting time, if possible. If that is not possible, such notification should be given immediately following the start of the shift.
- D. Excessive or unjustified absenteeism and/or frequent lateness are sufficient causes for disciplinary action.
- E. Absence from work for a period of three (3) work days without authorization shall constitute abandonment of the job and voluntary termination.

SECTION 8  
**ANNUAL LEAVE (VACATION)**

8.1 **ELIGIBILITY AND RATE OF EARNING**

Each full-time, permanent employee, except department heads and certain professional employees designated in writing by the City Manager will earn annual leave with pay on the following basis:

- A. Ten working days of annual leave shall be earned each year for the first five years of continuous employment commencing with the employment date.
- B. Fifteen working days annual leave shall be earned starting with the sixth year of continuous employment through the end of the tenth year of continuous employment.
- C. For each additional year of continuous employment, an additional day of annual leave shall be earned up to a maximum of twenty-five working days per year as follows:

<b><u>CONTINUOUS EMPLOYMENT</u></b>	<b><u>ANNUAL DAYS EARNED</u></b>
11 years	16 days
12 years	17 days
13 years	18 days
14 years	19 days
15 years	20 days
16 years	21 days
17 years	22 days
18 years	23 days
19 years	24 days
20 years	25 days

- D. Department heads and any other professional employees specifically designated in writing by the City Manager, will earn annual leave at the rate of ten working days per year for the first year of employment, twenty days per year in years two through five inclusive, and 25 days per year thereafter.
- E. The maximum annual leave which may be earned by any City employee is twenty five working days per year.
- F. After completion of six months of continuous, full-time service, employees shall be eligible to use such leave. Newly hired employees may use a maximum of three days of annual leave during their first six months of employment in accordance with Section 8.03C.

G. In the event that the employee leaves the City's employment prior to the end of the anniversary year, the value of any unaccrued annual leave used by the employee will be deducted from the employee's final check

H. There is no annual leave accrual for part-time or temporary employees.

I. If an employee transfers from a part-time or temporary position to a full-time position, accrual will start as of the date the person becomes a full-time employee.

## 8.2 **CHARGING LEAVE**

A. Annual leave time shall be scheduled and charged for non-exempt employees for the actual time the employee is away from work.

B. The minimum charge to annual leave shall be 15 minutes for non-exempt employees.

C. Exempt employees shall not be charged annual leave unless absent from work for a minimum of one full work day.

D. Recognized holidays that occur during the employee's annual leave time, shall not be charged against such annual leave.

E. For purposes of computing overtime, authorized annual leave hours shall be construed as time worked.

## 8.3 **REQUESTS FOR LEAVE**

A. Requests for annual leave shall be made to the employee's department head for approval.

B. Annual leave may be taken only after approval by the appropriate department head.

C. Except as outlined in 8.01 G, annual leave shall not be allowed in advance of being earned. However, newly hired employees may be advanced a maximum of three days annual leave during their first six months of employment to facilitate personal, family or transition needs to the City of Vero Beach. In extraordinary circumstances, the

City Manager may approve additional advanced leave. This advancement shall be automatically repaid as the employee accrues leave. In the event the employee leaves the City's employment prior to the repayment of the leave, the value of the remaining unpaid leave will be deducted from the employee's final check. The employee's probationary period will be extended by an equal amount for any additional leave approved by the City Manager beyond the three days.

- D. Department heads may arrange annual leave schedules and reallocate duties on such a basis as to cause minimum interference with normal operation and minimize overtime or temporary labor requirements.
- E. Every employee shall be encouraged to take at least ten days annual leave during the year.
- F. Employees are responsible for monitoring of their annual leave accrual and usage.
- G. When employees transfer from one department or division to another department or division which observes seniority as a basis for granting leave, they shall not be permitted to exercise their seniority to replace employees already on the leave schedule in their new department or division.

#### 8.4 **ACCRUAL**

- A. It is the intent of these rules to have employees use their annual leave during the year in which it was earned.
  - 1. However, except as otherwise restricted in this subsection employees carrying unused annual leave shall be afforded the opportunity to use the accrual within the next anniversary year.
  - 2. Effective July 15, 2012 those employees whose position is not represented by a union shall have their annual leave hours balances frozen and placed into an account. Effective March 22, 2015 those employees who are represented by Teamsters Local Union No. 769 shall have their annual leave hours frozen and placed in a account. All employees shall continue to accrue annual leave at their designated rate, but shall be limited to a maximum accrual of twenty-five (25) days.
  - 3. Employees may use annual leave from their frozen account if desired. However, once used, those hours in the frozen account cannot be replaced.
- B. No employee shall be permitted to take more than twenty (20) days of annual leave at any one time without the approval of the City Manager.



- C. Employees shall not be paid for unused annual leave, except upon termination.
- D. In the event an Employee has reached maximum accrual of twenty-five days, or will reach the maximum accrual by the next pay period, and he gives at least five (5) day's notice of the need to take annual leave but the request is denied, the City will pay the Employee for the value of the accrued annual leave the Employee will not accrue because he has reached the maximum accrual.
- E. Annual leave will cease to accrue as of the fifteenth consecutive work day that an employee is out on medical leave. Annual leave will accrue again upon return from any such leave commencing with the first day of the next pay period. Department heads shall not authorize annual leave for the purposes of manipulating annual leave accrual.
- F. No annual leave will be earned while a person is on any type of leave without pay, disability leave, unpaid FMLA leave or military leave that is considered either Full-time Active Duty or Short-term Active Duty for Training in excess of 17 days in any fiscal year.
- G. Annual leave shall be based on the employee's regular hourly rate of earnings applicable at the time the annual leave is taken, exclusive of shift or overtime premiums.
- H. Annual leave shall accrue prior to an employee's attaining permanent status, but it shall not be compensable until the employee achieves permanent status.

8.5 **PAYMENT FOR UNUSED ANNUAL LEAVE**

- A. Permanent employees leaving City employment shall be eligible to receive any annual leave earned as of the date of termination at the current rate of pay. Payment for accrued annual leave does not apply to employees having fewer than six months of employment.
- B. Any unused annual leave accrued by an employee who dies while employed by the City shall be paid in accordance with Section 14.06.

8.6 **SPECIAL PROVISIONS**

- A. Employees will not be called in to work during their annual leave period unless an emergency has been declared by the City Manager.
- B. In the event an employee is called in to work while out of town on annual leave, the City will assume all costs involved in recalling that employee from the vacation site.

SECTION 9  
**MEDICAL LEAVE**

9.1 **PURPOSE**

The purpose of the medical leave program is to allow employees a reasonable amount of time away from work to deal with medical problems. Medical leave may be either paid or unpaid depending upon the amount of paid medical leave employees have accrued and used during the term of their employment. A medical leave of absence may be granted for the following reasons:

- A. The employee is unable to perform the essential functions of the position because of a health condition.
- B. Treatment by a medical doctor, dentist, optometrist, chiropractor, or any other type of physician, surgeon, or health practitioner who is recognized by the State of Florida.
- C. Afflicted with a contagious disease which could endanger others.
- D. An employee may take up to ten (10) days of paid medical leave per calendar year to care for members of the employee's immediate family. In cases of very extreme family illness, the department head may authorize the use of up to five (5) additional days of accrued paid medical leave per calendar year. If the family member illness continues, the employee may use accrued annual or holiday leave for the remaining medical leave for family. Upon exhaustion of all eligible paid leave, the leave will be without pay.

Medical leave is a benefit and is not a right except to the extent FMLA applies. Employees are expected to make judicious use of medical leave so it will be available for true medical conditions. Claiming medical leave for reasons other than those listed above shall be subject to disciplinary action up to and including discharge.

9.2 **ACCRUING AND CHARGING PAID MEDICAL LEAVE**

- A. All permanent full-time employees accrue paid medical leave at the rate of one (1) day per month, starting with the first full calendar month of employment.
- B. Paid medical leave may be taken during the employee's probationary period.
- C. Part-time and temporary employees are not eligible to accrue paid medical leave. If such employees later become permanent full-time employees, paid medical leave will begin to accrue with the first complete calendar month that permanent full-time status begins.

- D. The minimum charge to paid medical leave shall be 15 minutes for non-exempt employees.
- E. Exempt employees shall not be charged medical leave unless absent from work for a minimum of one full work day.
- F. Paid medical leave will cease to accrue as of the fifteenth consecutive work day an employee is out on medical leave. Paid medical leave will accrue again upon return from any such leave commencing with the first full calendar month of employment. Department heads shall not authorize annual leave for the purposes for manipulating medical accrual.
- G. No medical leave will be earned while a person is on any type of leave without pay, disability leave, unpaid FMLA leave or military leave that is considered either Full-time Active Duty or Short-term Active Duty for Training in excess of 17 days in any fiscal year.
- H. Effective July 15, 2012 those employees whose position is not represented by a union shall have their medical leave hour balances frozen and placed into an account. Effective March 22, 2015 those employees who are represented by Teamsters Local Union No. 769 shall have their medical leave hours frozen and placed in a account. That leave balance shall be paid out according to Section 9.05A1 and 9.05A2. Those employees shall continue to accrue medical leave in a new account up to a maximum of 180 days. There shall be no payout for accrued and unused leave in the new account. Employees may use medical leave from their frozen account if necessary. However, once used, those hours in the frozen account cannot be replaced.
- I. Upon the recommendation of the department head, the City Manager may advance up to thirty (30) days of paid medical leave. Should an employee require an advance of more than the thirty (30) days, the City Manager shall seek City Council approval. Upon the employee's return, any advanced leave will be repaid as medical leave is accrued on an hour for hour basis with the provision that the employee will be allowed to use up to three days of paid medical leave per year until the total advanced leave is repaid. Any additional medical leave will be charged to accrued annual leave and then leave without pay in that order until the advanced leave is repaid.

### 9.3 **REQUEST FOR LEAVE**

#### A. Planned Medical Leave

1. If an employee is requesting a planned medical leave, such as for surgery, the

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supervisor should be notified of the leave dates as soon as is reasonably possible in order to allow sufficient time to plan work schedules.

2. Serious illnesses or injuries will be covered under the Federal Family and Medical Leave Act - Section 9.06.

B. Unplanned Medical Leave

In the event of an unplanned medical leave, an employee must notify the immediate supervisor or department head prior to the scheduled reporting time, if possible. If that is not possible, such notification should be given immediately following the start of the shift. The supervisor or department head may require a physician's confirmation and/or daily reporting while the employee is on an unplanned medical leave.

9.4 **SPECIAL PROVISIONS**

- A. Employees are expected to return from medical leave as soon as they are capable of performing the essential functions of the job. Employees who take leave for personal illness may be required to present medical certification verifying that they are able to perform the essential functions of their job prior to being returned to duty.
- B. It shall be considered to be an absence without authorization if an employee does not return from a medical leave on either the planned return date, or on the date the physician in charge approves the employee's return to work, whichever comes first.
- C. During paid medical leave, health and life insurance will be provided at the same levels and conditions that coverage would have been provided had the employee not been on such leave.
- D. Medical leave may only be taken for normal work hours.
- E. An employee who requests a medical leave of any kind will be required to use any accrued paid medical leave for that period. If the medical leave exceeds the amount of accrued paid medical leave, the employee will be required to use any accrued annual leave up to the end of the leave period.
- F. If a non-exempt employee is on medical leave, the non-exempt employee will not be eligible for overtime assignments until they return to the next regularly scheduled shift.
- G. Employment elsewhere will not be permitted while an employee is on a medical leave of absence from the City.

H. Misuse of medical leave will constitute grounds for disciplinary action, including discharge.

9.5 **MEDICAL LEAVE PAYMENTS**

A. Employees will be paid for medical leave only as follows:

1. An employee who is eligible for an immediate retirement benefit by reason of age and City service and who retires under one of the City's retirement plans (excluding disability retirement), or would have been eligible for an immediate annuity payment except for having elected not to participate in such a plan, will be paid for the number of unused paid medical leave days accrued up to a maximum of one hundred and twenty (120) days at the employee's base rate of pay in effect at the time of retirement. Any paid medical leave in excess of one hundred and twenty (120) days remaining at retirement shall be added to an employee's length of continuous service.
2. Employees who leave the City due to resignation, permanent disability, or death, and who have been employed by the City for at least one year, will be paid an amount equal to the employee's accrued medical leave (up to a maximum of 120 days) multiplied by 3.5% per year of service with the City, at the employee's final pay rate. For employees with more than one year of service but less than 3 years of service, the minimum payment shall equal 10% of accrued medical leave

Example: An employee resigning after 10 years of service with an accrued sick leave balance of 60 days:

$$60 \text{ days} \times 3.5\% \times 10 \text{ years} = 21 \text{ days} \times \text{final daily pay rate.}$$

3. All exempt employees and other professional designated by the City Manager shall receive the same benefit as set forth in Section 9.05A2. Except that the percentage shall be 3.5% for exempt employees and 4.0% for charter officers and department heads.
4. Other incentives, if any, will be awarded at such time as deemed appropriate by the City Manager and funded by the City Council.

**SECTION 10**  
**HOLIDAYS**

**10.1 DAYS OBSERVED**

A. The City of Vero Beach will observe the following holidays plus any others which, from time to time, may be declared by City Council. These days off with pay shall be granted to all eligible full time employees who, except for it being a holiday, would have been scheduled to work.

1. New Year's Day	January 1
2. Martin Luther King's Day	Third Monday in January
3. Good Friday	
4. Memorial Day	Last Monday in May
5. Independence Day	July 4
6. Labor Day	First Monday in September
7. Veterans' Day	November 11
8. Thanksgiving Day	Fourth Thursday in November
9. Friday after Thanksgiving Day	Fourth Friday in November
10. Christmas Eve Day	December 24
11. Christmas Day	December 25

B. When a holiday falls on a Saturday, except for Christmas Day, the proceeding Friday shall be designated a substitute holiday and observed as the official holiday for that year. If Christmas Day falls on a Saturday, then the proceeding Thursday and Friday will be observed as Christmas Eve Day and Christmas Day for that year. When a holiday falls on a Sunday, except for December 24, the following Monday shall be designated a substitute holiday and observed as the official holiday. If December 24 falls on Sunday, then the following Monday and Tuesday will be observed as Christmas Eve Day and Christmas Day for that year. If Christmas Eve Day is on a Saturday, and Christmas Day on a Sunday, the holidays observed will be the Friday prior to that weekend as Christmas Eve Day, and the Monday after that weekend as Christmas Day.

**10.2 COMPENSATION FOR EMPLOYEES NOT SCHEDULED TO WORK ON A HOLIDAY**

A. For each holiday listed in Section 10.01A above, all full-time City employees, including probationary employees, shall be entitled to one day off with pay. Employees who are on a normal weekly schedule of forty hours are entitled to eight hours of pay for each holiday at their regular straight time hourly rate. Employees

who are on a normal weekly schedule of thirty-seven and one-half hours are entitled to seven and one-half hours of pay for each holiday at their regular straight time hourly rate.

- B. An employee must be on active pay status on the normally scheduled work day prior to and the normally scheduled work day following the holiday to qualify for holiday pay.

### 10.3 **COMPENSATION OF EMPLOYEES WHO ARE SCHEDULED TO WORK ON A HOLIDAY**

- A. In addition to regular holiday pay, employees who are scheduled to work on any one of the observed or designated holidays shall receive premium pay for all time actually worked at one and one-half times their regular hourly rate.
- B. Upon employee request, it may be arranged so that in lieu of receiving holiday pay, another normal working day may be taken off provided all of the following conditions are met:
  - 1. Such alternate time off must be earned before it is taken.
  - 2. Time off in lieu of holiday pay must be taken within the same fiscal year.
  - 3. Time off, in such cases, may be taken only with the approval of the employee's department head.
  - 4. A request to exercise the alternate day off option must be made in writing to the department head at least seventy-two hours prior to the end of the pay period which contains the holiday. Lack of such written notice will result in the employee being paid the holiday pay in the normal manner and the privilege of scheduling the optional day off later will be forfeited.
  - 5. Although the official record of accrued holiday time will be maintained in the Accounting Division, each department is responsible for tracking the accrual for its employees.

### 10.4 **HOLIDAY FALLING ON AN EMPLOYEE'S DAY OFF**



When one of the City's observed or designated holidays coincides with an employee's scheduled day off, the employee's next scheduled work day will be considered as the holiday.

10.5 **HOLIDAY ON LEAVE DAY**

- A. When a holiday falls within a period of paid annual, paid military leave or bereavement leave, the employee will receive holiday pay in lieu of leave pay for that holiday.
- B. When a holiday falls within a period of leave of absence without pay, the employee shall not be paid for the holiday.
- C. When a holiday falls within the first 15 consecutive days of an employee's paid medical or disability leave, holiday pay will be paid in lieu of leave pay for that holiday. Thereafter, a person will not be paid for the holiday.

10.6 **OVERTIME PAY IN A HOLIDAY WEEK**

- A. For purposes of computing overtime pay in any week which includes a holiday, the number of hours of holiday pay which are credited to an employee shall be counted as time worked.
- B. Holiday pay counts as time worked for over time purposes, premium pay does not.

SECTION 11  
**LEAVES OF ABSENCE**

11.1 **BEREAVEMENT LEAVE**

- A. Full-time employees shall be granted a leave of three (3) working days with pay for a death in the immediate family without charge to medical leave, annual leave, holiday time, or other accumulated time. Up to three (3) additional days leave with pay may be granted by the department head depending upon such factors as the travel distance involved, whether the employee has been named executor of the deceased's estate and any other compelling factors. Probationary employees may be granted Bereavement Leave at the discretion of the department head.
- B. Any desired additional time requires approval by the department head and shall be charged to the employee's annual leave. If the employee has no accrued annual leave, then leave without pay will be taken.
- C. Time off to attend funerals of persons other than members of the immediate family may be charged to annual leave. If an employee has exhausted their annual leave then the time may be taken as leave without pay subject to department head approval.
- D. The employee may be required to provide the department head with proof of death and/or family relationship before compensation is approved.
- E. During normal working hours, employees wish to attend brief, local funeral services for deceased former City employees, requests should be directed to the department head who will have the authority to approve or deny time off with pay as dictated by the staffing requirements of the department.

11.2 **COURT LEAVE**

- A. Employees subpoenaed on behalf of the City of Vero Beach or any other public entity during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court.
- B. Employees who have been called for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court.
- C. Non-exempt employees who attend court representing the City on their day off will be compensated in accordance with the Fair Labor Standards Act.

- D. Employees on court leave for only a portion of a regularly scheduled work day are expected to report to their supervisor when excused or released by the court.
- E. Non-exempt employees required to attend court under A through D above, while on scheduled vacation or a City holiday, may be allowed to take additional leave with pay for that court leave.
- G. Any remuneration from the court received by an employee shall be turned over to the City.
- H. Those employees who become plaintiffs, defendants or witnesses in matters unrelated to the City or other public entities are not eligible for paid court leave.

11.3 **PERSONAL LEAVE**

Annually, employees may use 5 of their accrued medical leave days as personal leave. Department Heads shall have the discretion to determine the method by which personal leave shall be requested and granted; and shall have the discretion to determine the minimum increment of personal leave to be taken at any one instance.

11.4 **CONFERENCE LEAVE**

The department head may grant conference leave with pay, together with necessary travel expenses, in order that employees may attend conferences, schools, and similar events designed to improve their knowledge and efficiency, if considered to be in the best interest of the City.

| 11.5 **MILITARY LEAVE – See revisions Section**

11.6 **LEAVE WITHOUT PAY**

- A. Leave without pay may be considered only when the employee has exhausted all appropriate accrued leaves and holidays. The decision to grant leave without pay is a matter of administrative discretion. It shall be incumbent upon each department head to weigh and determine each case on its own merits. Any request for a non-FMLA leave of absence without pay for a period of thirty days or more may be granted only by the City Manager. Any appointment made to a position vacated by an employee on leave without pay shall be conditioned upon the return of the employee from leave.
- B. Failure to return to work at the expiration of the approved leave without pay within three (3) work days shall be considered a resignation.

- C. No medical or annual leave will be earned by an employee for the time that the employee is on leave without pay.
- D. A leave without pay shall not constitute a break in service, but time off will not be credited as service towards retirement.
- E. Health insurance will be continued under COBRA for any employee on a leave of absence without pay over thirty (30) days. The employee will be responsible for the entire premium.
- F. Life insurance will be terminated for any employee on a leave of absence without pay over thirty (30) days. Life insurance will be reinstated within 30 days of the employee's return to work.
- G. Employees are expected to make arrangements in advance, whenever possible, for any deductions which would normally be taken from an employee's paycheck.

#### 11.7 **WORKERS' COMPENSATION LEAVE**

Any employee who is disabled may receive pay for the period of the disability subject to the following conditions:

- A. The disability resulted from a compensable injury or an illness sustained directly in the performance of the employee's employment with the City of Vero Beach, as provided in the Florida Workers' Compensation Law.
- B. If incapacitated for regular duty, the employee may be assigned other duties within the employee's medical restrictions during the period of recuperation. Unwillingness to accept such an assignment as directed by the department head or Risk Manager will make the employee ineligible for Workers' Compensation indemnity benefits during the time of refusal. (See Appendix D - Light Duty Assignments)
- C. A physician selected by the City may be used to determine the duty status of the employee (full duty, limited duty, or totally disabled) and determine the appropriateness of limited duty assignments.
- D. If the accident/injury is determined to have been caused by conditions beyond the control of the employee, the employee will be eligible to remain in a full pay status without using accrued sick and annual leave to supplement statutory workers' compensation benefits for a period of three months following the date of accident/injury. The City Manager must approve this full pay status and consider recommendations from the department head and Risk Manager. After three months

the employee may remain in a full pay status by supplementing statutory workers' compensation benefits with accrued sick and annual leave.

- E. The first seven days of Workers' Compensation leave will be charged to the employee's accrued medical leave. Annual leave may be used if the employee has exhausted all accrued medical leave.
- F. After the first seven days, the employee will be entitled to statutory workers' compensation benefits. Full-time employees may be eligible to receive their regular bi-weekly paycheck if the employee elects to supplement the statutory workers' compensation benefit amount with accrued medical leave first, then annual leave. If the employee exhausts all accrued medical and annual leave, the employee will receive workers' compensation benefits only.
- G. Medical and annual leave will cease to accrue as of the fifteenth consecutive work day an employee is on disability leave.
- H. The employee will not be entitled to supplement the statutory workers' compensation benefits for any disability leave after the first anniversary following the date of the injury or illness.
- I. Health and life insurance will continue for any disability in which the employee continues to receive a regular payroll check. However, health and life insurance will be continued at the employee's expense for any employee receiving statutory workers' compensation indemnity benefits only.
- J. Employees on a disability leave in which the employee continues to receive a regular payroll check will continue to make contributions into the appropriate pension plan. However, when the employee receives statutory workers' compensation indemnity benefits only, this time spent on disability leave shall not constitute a break in service, but the time off will not be credited as served towards retirement.

SECTION 12  
**POSITION CLASSIFICATION PLAN**

12.1 **USES**

The Position Classification Plan shall be used to:

- A. Standardize salaries to be paid for the various classes of work.
- B. Establish lines of promotion.
- C. Assist in developing an employee training program.
- D. Provide an understandable and uniform terminology of jobs.

12.2 **CONTENT**

The Position Classification Plan consists of:

- A. A grouping of positions on the basis of approximately equal difficulty and responsibility, which requires the same or similar level of qualifications and which can be equitably compensated with the same pay codes or single rate;
- B. A job title which is used on all personnel, accounting, budget, and related official records. No person will be appointed to a position in the City personnel structure under a title not contained in the Position Classification Plan;
- C. Written descriptions for each position classification containing:
  - 1. Nature of work
  - 2. Responsibilities
  - 3. Illustrative duties
  - 4. Knowledge, abilities and skill requirements

12.3 **ADMINISTRATION AND MAINTENANCE**

The Human Resources Department will maintain the Position Classification Plan.

#### 12.4 **DETERMINING JOB CODES/SINGLE RATE**

Whenever a new position is established or duties of a current position changed, the Human Resources Department will prepare, in conjunction with the department head, a comprehensive job description identifying the duties of such position. Human Resources will evaluate the actual or suggested duties, assign the position to an existing code or existing single rate or establish a new code or single rate, and submit this to the City Manager for approval.

#### 12.5 **POSITION AUDIT AND RECLASSIFICATIONS**

The Human Resources Department has the responsibility of conducting periodic position audits that may result in some changes in the codes. Recommendations for any change will be based on internal structure, increased or decreased responsibility of an incumbent, salary survey information, difficulty in recruiting and retaining a qualified employee for a given position, interviews with department heads, and any other relevant factors.

#### 12.6 **RECLASSIFICATION**

A. If (due to additional duties, knowledge, skill, etc.) a reclassification results in an upgrade, the department head reserves the right to administer a job related test to the incumbent in order to document that person's ability to perform the duties of the new job description. Any determination of qualifications may be based upon written or oral examinations, interviews, or performance tests depending on the position involved.

Should the employee fail the examination, or for some other valid reason is not promoted to fill the vacancy, the department head will have the option of either not accepting the upgraded position as part of the department and allowing the incumbent to stay in the current position, or filling the new position with a different candidate who is qualified. Every effort will be made to place the employee in an open position.

B. If a position reclassification results in a lower pay code or single rate than that of the original classification, the employee shall be offered the re-classified position at commensurate pay for the position or transfer to a vacancy, if one exists, in the original classification in the same or another department.

#### 12.7 **POSITION CONTROL**

All positions in the City are established and maintained through a personnel budget in accordance with established budget and accounting procedures. For each fiscal year, new or additional positions will be added at the discretion of the City Manager with approval of the

City Council. When necessary, the City Manager may re-allocate authorized positions within or between any City department.



SECTION 13  
**SALARY PLAN**

13.1 **PURPOSE**

The salary plan is directly related to the position classification plan and provides the basis of compensation for employees. The salary plan is constructed with regard to the following:

- A. Relative difficulty and responsibility existing between the various classes of work within the City structure.
- B. Prevailing rates of pay for similar types of work in the private and public labor market where the City recruits for employees.
- C. Availability of candidates to fill positions in the City.
- D. Economic conditions of the area.
- E. Financial policies of the City.

13.2 **USE OF THE SALARY PLAN**

The salary plan is to compensate an employee for satisfactory performance of the job duties and to provide incentives to improve the quality and performance of work in anticipation of promotional opportunities. The City reserves the right to make appropriate changes to the salary plan if it is determined to be in the best interest of employees, taxpayers, ratepayers, and/or management.

13.3 **CONTENT OF THE SALARY PLAN**

- A. The salary plan contains a schedule of the salary ranges or the single rate for all jobs. Unless designated by the City Manager, every full-time job in the City will use one (1) of the four (4) salary plan schedules:
  - 1. Blue collar bargaining unit
  - 2. Police bargaining unit
  - 3. Non-bargaining employees working 40 hours per week
  - 4. Non-bargaining employees working 37.5 hours per week

#### 13.4 **AMENDMENT**

Amendments to the salary plan shall be considered by the Director of Human Resources when changes in responsibilities, work or job content, availability of labor supply, surveys of prevailing rates of pay, the City's financial condition and policies, or other pertinent economic considerations warrant such action. The Director of Human Resources, after consultation with department heads and other concerned parties, may recommend amendment of the salary plan to the City Manager.

#### 13.5 **APPOINTMENT RATES**

##### A. Positions that utilize job codes:

1. The minimum salary established for a position is considered the normal appointment rate for new employees.
2. Appointments at any rate in the first one-third of the salary range for the authorized position being filled may be made with the recommendation of the department head and approval of the Director of Human Resources.
3. Appointments at any rate greater than one-third of the salary range may be made only with the authorization of the City Manager.

##### B. Positions that utilize the single rate:

1. Single rate jobs will pay only the wage listed on the job posting or other supporting documentation, such as a bargaining contract.
2. With this classification of job, there are no discretionary pay adjustments that may be made.

#### 13.6 **PERIODIC SALARY INCREASES**

- A. It shall be the responsibility of the City Manager, through the annual budget preparation process, to recommend to the City Council the appropriate amount to budget for salary adjustments.
- B. The amount of individual salary increases for bargaining unit employees will be determined through the collective bargaining process. All other salary adjustments are determined by the City Manager within the budgetary guidelines established by City Council.

- C. No increase in salary will be approved during an employee's probationary period, unless approved by the City Manager.

### 13.7 **PROMOTIONS**

When deemed in the best interest of the City, an employee may be promoted to a job classification in a higher code after successfully meeting the prerequisites for that position. Upon promotion, the employees shall have their pay grade, pay, classification date, and trial period adjusted as follows:

#### A. Pay Grade and Pay Rate

##### 1. For those positions that utilize pay codes:

- a. When an employee is promoted, the employee's new salary shall be increased to at least the minimum of the code for the new position. The amount of such increase will not be less than five percent of the salary in effect prior to the promotion, provided that no increase may result in an employee's salary exceeding the maximum of the range for such position.
- b. An increase of more than five percent may be recommended by the department head, depending upon such factors as the number of codes between the current and proposed classifications, the employee's relative position in the new range, the compensation of employees currently in the new classification, and the qualifications of the employee being promoted. Approval must be received from the City Manager.

##### 2. For those positions that utilize the single rate:

- a. When an employee is promoted, the employee's new salary shall be the single rate base wage as determined by the City and/or applicable bargaining unit.
- b. With this classification of job, there are no discretionary pay adjustments that may be made.

#### B. Classification Date and Trial Period

Promotions shall establish a new classification date. Employees who are promoted will serve a trial period in accordance with the applicable rules. The effective date of promotion will coincide with the employee's departmental payroll period beginning date unless otherwise approved by the Director of Human Resources and Finance Director.

## 13.8 **DEMOTIONS**

### A. Reasons for Demotion

1. When an employee would otherwise be laid off and is qualified to take a position in a lower code or job classification.
2. When an employee does not possess the necessary qualifications to render satisfactory service in the current position held.
3. If an employee voluntarily requests and is approved by the department head for a demotion.
4. When an employee can no longer perform the essential functions of the job and reasonable accommodations cannot be made.
5. An employee accepts a promotion, but does not successfully complete the trial period.
6. For any other valid reason at the discretion of the department head with concurrence of the Director of Human Resources, including disciplinary action.

### B. Effect of Demotion on Pay

1. The pay of an employee with job codes demoted to a classification having a lower code than the present classification shall be based upon the following guidelines:
  - a. An employee demoted to the classification held immediately prior to being promoted will be paid the pay rate for the lower position formerly held that the employee would have been paid had the employee not been promoted to the higher classification, including any City-wide salary increases granted since accepting the position in the higher classification.
  - b. Except as stated above, an employee demoted to a lower classification will be paid as if the employee started in that position at the bottom of the pay code existing on the employee's date of hire plus any City-wide salary increases granted during that period.
  - c. In no event shall an employee's salary exceed the maximum rate of the new code.
  - d. A raise will not accompany a demotion.

2. The pay of an employee with single rate demoted to a classification having a lower single rate than the present classification shall be based upon the following guidelines:

- a. The classification held immediately prior to being promoted will be paid the single rate for the new position.

C. Effect of Demotion on Classification Date

An employee who is demoted to a classification held immediately prior to being promoted will have the date in the lower classification adjusted to reflect the time served in that classification. All other demotions will establish a new classification date.

D. A demotion will be implemented only if it is in the best interest of the City to do so.

13.9 **LATERAL TRANSFERS**

A. Lateral transfers will be permitted only when management determines that such a transfer is in the best interest of the City.

B. Adjustments to current salary may not necessarily accompany a lateral transfer.

C. A change in classification date will occur, and the employee will be subject to a trial period.

13.10 **STANDBY/DISASTER DUTY**

A. Any employee who is required for standby/disaster duty shall receive one hour of pay at one and one-half times the regular hourly rate for each work day on such standby duty, Monday through Friday, and two hours of pay at one and one-half times the regular hourly rate for Saturdays, Sundays, and holidays in addition to any earnings that may be received for work actually performed when called in to work while on standby duty.

B. Stand-by List

Qualified employees may request to be added to or deleted from the list of those serving in a standby capacity. Any employee who requests to be relieved from the rotation of standby duty, however, shall lose the right to be reinstated to the standby list until there has been one full rotation of employees serving on the list from the time the employee's request for reinstatement has been received in writing or until a period of six months has passed since the employee's name was removed from the

list, whichever comes later. An exception to this rule may be made if, in the judgment of the department head, it is in the City's best interest to have the employee reinstated earlier. Standby hours away from work shall not be considered as "time worked" when computing an employee's eligibility for weekly overtime pay.

C. Special Provisions of Standby Duty

1. Employees who are officially on standby duty, but fail to respond to a call to work, are subject to disciplinary action. Under such circumstances, the department head, who has the responsibility to arrange coverage for standby duty, may seek volunteers. In the event volunteers are not available, qualified employees will be required to take the assignment in order to maintain effective, proper and superior service to the community. The distribution of standby duty will be made as equitably as possible.
2. The standby employee must remain in communication.
3. If an employee is on standby duty they are not eligible for scheduled overtime.

13.11 **MEALS**

A. The City will pay employees an allowance not to exceed \$14.00, unless otherwise modified by the City, for meals (in event of call out or hold over) under the following conditions:

1. If an employee is called out for work two hours or more prior to the regular starting time of the shift and continues to work until there is less than one hour remaining before the regular shift starting time. Thereafter, the employee will receive additional meal allowances at six (6) hour intervals so long as the employee remains at work.
2. If an employee is held over, or called out within two hours after the regular quitting time, and continues to work for more than two hours. Thereafter, the employee will receive additional meal allowances at six (6) hour intervals so long as the employee remains at work.
3. If an employee is called out during a scheduled day off, at any time other than as described above, and the employee continues to work for six consecutive hours, a meal allowance will be paid at six-hour intervals, as long as the employee is actively at work.

B. All meal allowances shall be in an amount adjusted periodically by the City.

C. The City reserves the right to provide a meal in lieu of paying the meal allowance.

### 13.12 **OVERTIME**

Except as may be provided otherwise in any applicable collective bargaining agreement, the following rules will prevail.

#### A. Overtime Provisions

1. Overtime will be authorized or directed in each department only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines.
2. Holidays, annual leave, medical leave, paid court leave, and bereavement leave taken during an employee's normal work week shall be considered as time worked for overtime purposes.
3. For non-exempt employees, overtime shall be compensated at one and one-half times the employee's regular rate of pay for all hours worked or considered as time worked which are over the employee's normally scheduled work week.
4. Employees shall be required to work overtime when requested, unless excused by supervisors. In the event part-time or temporary employees work more than 40 hours in a work week, they shall receive overtime pay for those hours in excess of 40.
5. Department heads and other exempt employees do not receive overtime pay for any hours worked in excess of their normally scheduled work week.
6. If an employee works overtime without authorization from the employee's supervisor, the employee will be subject to disciplinary action.

#### B. Distribution of Overtime

1. All overtime will be distributed equally by classification to the best ability of the supervisor in charge, using a bi-weekly overtime list as a guide for such distribution.
2. In compiling the bi-weekly overtime list, the following conditions will be adhered to:
  - a. All assigned overtime hours worked by the employee will be included in totals shown on the over-time list.

- b. When an employee enters a new classification, the employee will be placed on the overtime list at the highest overtime of the new classification.
- c. If an employee refuses overtime or fails to respond to an overtime call, the overtime will be charged against the employee. If an employee is in line for an overtime assignment because of the employee's position on the overtime list, the employee will be charged as having refused the assignment if the employee cannot be contacted.
- d. If an employee refuses overtime because the employee is on authorized leave, the employee will not be charged for the overtime. This is not to be interpreted as meaning that an employee is not subject to call back while on vacation. For distribution of overtime purposes, an employee shall be considered on annual leave from the time work is finished on the last scheduled work day before going on annual leave until the scheduled starting time on the first scheduled work day after the annual leave. If a non-exempt employee is on medical leave, the non-exempt employee will not be eligible for overtime assignments until they return to the next regularly scheduled shift.
- e. At the end of the payroll period nearest the end of each fiscal year, the accumulated overtime of the lowest person in each overtime shall be deducted from the overtime standings of all others in such overtime group.
- f. Reliable, prompt service to the public is a priority. As such, an employee is expected to respond when an emergency exists. Continued failure to do so will be cause for disciplinary action, up to and including dismissal.

### C. Compensatory Time

1. Although the use of compensatory time (comp time) in lieu of overtime pay for non-exempt, non-bargaining employees should be discouraged by supervisors and managers, there are occasions where it may be granted by the department head, provided it is in the best interest of the City. All comp time must be calculated at one and one-half hours off for every hour of overtime worked. The comp time must be taken within two pay periods of when it was earned, and the maximum accrual shall be the hourly equivalent of two (2) work days. Upon separation, any accrued comp time will be paid to the employee. Accrued comp time must be taken before any accrued annual leave is used. Each department is responsible for tracking, reporting and administering the comp time hours of its employees.
2. Exempt employees do not receive compensable time or overtime pay.



#### D. Flexible Scheduling

Although flexible scheduling should be discouraged by supervisors and managers, there are occasions when a non-bargaining employee's work hours might vary from the norm. At the employee's request, and with the supervisor's consent, the employee may work fewer or more hours on a different day in that pay period, so that the total hours worked in the bi-weekly pay period equals the employee's normally scheduled amount of work hours. Managers and supervisors are responsible for ensuring that there are adequate staffing levels to maintain service at all times.

#### 13.13 **CALL-OUT PAY**

When a non-exempt employee is required to report for work at a time other than the regular work schedule and fewer than twelve hours of notice have been given, the employee shall be paid a minimum of two hours at one and one-half times the non-exempt employee's regular hourly rate, except if the employee is called out before the employee's regular starting time and works through the employee's regular shift schedule, then the employee shall be paid at time and one-half only for the time actually worked. If a non-exempt employee is on medical leave, the non-exempt employee will not be eligible for overtime assignments until they return to the next regularly scheduled shift.

#### 13.14 **PREARRANGED OVERTIME**

In the case of prearranged overtime, which involves twelve hours or more of notice, and where such overtime assignment occurs at a time other than immediately prior to or immediately following an employee's regular shift hours, the employee shall be paid a minimum of four hours at not less than the regular hourly rate, except in the case of meetings such pay shall be limited to a minimum of two hours. If such prearranged overtime assignment results in the employee actually working more or being paid for more than the regularly scheduled work week, then the time and one-half rate shall apply for the time worked in excess of the regularly scheduled work week.

#### 13.15 **BUSINESS TRAVEL REIMBURSEMENT**

A. An employee who must be away from home on City business should travel comfortably, but with the recognition that the employee's expenses are being paid for by the taxpayers. The employee, therefore, should try to travel as economically as possible. Although every contingency cannot be foreseen, employees are expected to exercise sound judgment in incurring travel expenses and to obtain prior management approval before travelling. Generally, the City will follow the practice of reimbursing employees for reasonable and customary expenses related to business travel when appropriate records of expenditures are presented. When receipts or other

documentation of expenditures have not been provided or retained, the employee will receive reimbursement based on the per diem rates established and periodically updated by the U.S. Government in CFR 41, Subtitle F, Chapter 301. These rates may be found on the Internet at <http://policyworks.gov>. Once there, click on "Programs" and select the guide to per diem rates.

B. Allowable Business Expenses:

1. airline tickets (most economic fare)
2. car rentals
3. meals and gratuities
4. lodging
5. mileage or gas
6. business-related telephone calls
7. seminar fees
8. one (1) family phone call per day
9. tolls
10. parking
11. any other business-related expense authorized by the department head

C. Travel Advances/Reimbursement

1. Travel advances are available for an employee planning a business trip. In order to secure a travel advance, the employee must make the request on the travel advance form, secure proper authorization, and retain all receipts for reconciliation purposes.
2. Travel expenses can be reimbursed post-trip for an employee who did not secure a travel advance. The proper forms must be filed, along with receipts, in order to obtain approval of reimbursement.
3. Petty cash may be available for small expenses. In order to receive reimbursement, the employee must submit a petty cash slip with receipt(s) attached to the department head for approval.
4. Credit/telephone cards are available to department heads, assistant department heads, or other personnel as designated by the department head. The provisions governing the use of a credit/telephone card are:
  - a. The cardholder, responsible for its safe keeping, will use it for authorized business-related travel expenses.

- b. At the end of each credit/telephone card billing cycle, the cardholder will, within 5 days, compare the card charges to the receipts for accuracy then submit such documentation to the department head for approval.
  - i. If all charges are correct, the receipts, attached to the appropriate accounting paperwork, will be forwarded to the Finance Department for payment.
  - ii. If all charges are not correct, the cardholder must resolve any disputes before submitting the invoice to the Finance Department for payment.

#### D. Incidental Charges

If, during the course of travel, the employee has incurred incidental or additional charges such as having a spouse on the business trip or purchasing alcoholic beverages, tobacco, gifts, or other non-authorized items, the employee will reimburse the City for those expenses if such expenses were paid for with advanced dollars or on the City credit card.

#### E. Abuse of Privileges

Abuse of any reimbursement privileges, such as failure to reimburse incidental charges, allowing others to use the credit card, falsifying receipt records, failing to report a lost or stolen card, exceeding authorized limits, and so forth may result in disciplinary action up to and including termination depending upon the severity of the situation.

#### F. Vehicle Usage

When using a vehicle for travelling, employees should refer to the City's Vehicle Usage Policy, Appendix A, which is available from each department.

#### G. Travel Out of the Area

##### 1. One-Day Trips

When a non-exempt employee who normally works at one location is given a special one-day assignment that requires them to travel out of the City, all travel time involved counts as time worked. The only amounts of time that can be excluded are meal periods and the time spent traveling between the non-exempt employee's home and point of departure.

## 2. Overnight Travel

When non-exempt employees are required to travel away from home overnight, all time spent traveling during the hours corresponding to the non-exempt employees' normal working hours must be counted as time worked. Travel hours on Saturdays, Sundays, and holidays that correspond to an employee's normal working hours on other days of the week also must be counted as time worked. However, bona fide meal periods shall be excluded.

SECTION 14  
**SEPARATIONS**

14.1 **TYPES OF SEPARATIONS**

All pertinent information concerning the separation of an employee from City service shall be included on the Employee Status Change/Termination form. Separations from employment shall be designated as one of the following types:

- A. Resignation
- B. Retirement
- C. Disability-Permanent
- D. Expiration of Accrued Leave(s)
- E. Death
- F. Reduction in Force and Lay Off
- G. Discharge
- H. End of Temporary Assignment
- I. Other

14.2 **RESIGNATION**

- A. It is the responsibility of an employee who plans to resign in good standing to notify the employee's immediate supervisor in advance, as follows:
  - 1. At least fourteen (14) calendar days for employees in non-exempt positions, and thirty (30) calendar days for exempt positions.
  - 2. At least four (4) calendar days for employees in temporary positions.
  - 3. The department head may waive this requirement for good and sufficient reason.
- B. Employees who resign in good standing shall be eligible for re-employment according to the provisions of these Rules.

C. Unauthorized absences from work for a consecutive period of three scheduled workdays shall constitute the employee's voluntary resignation.

14.3 **RETIREMENT**

Retirement occurs when an employee, who is eligible for retirement under one of the City's retirement plans, elects to retire. The retirement plan documents of the applicable plan contain the specific provisions of each of these plans, and copies of each plan are available in the Human Resources Department. Any person who has retired from the City of Vero Beach shall not be employed by the City in any capacity for more than 60 days cumulatively in any calendar year without notice to and approval by the City Council.

14.4 **DISABILITY-PERMANENT**

A. As a condition of continuation of employment, employees must be fully capable of performing the essential functions of the position for which they were hired or promoted. When an employee becomes totally and permanently disabled, and all leaves have been fully utilized, the employee shall be separated from employment.

B. In determining whether an employee is permanently disabled, the Director of Human Resources will inquire as to whether there is a reasonable accommodation that can be made in order to assist the employee in performing the essential functions of the job. If no reasonable accommodation is available, an attempt will be made to place the employee in an open position, if one exists, that can be performed successfully. If no reasonable accommodation or alternate position is available, the employee shall be separated from employment.

14.5 **EXPIRATION OF LEAVE**

Failure of an employee to return to work within three (3) days at the expiration of approved FMLA leave at the end of twelve (12) weeks or upon exhausting all medical leave, annual leave, or other leave without pay, whichever is later, shall cause the employee to be terminated from employment.

14.6 **DEATH**

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the employee's designated beneficiary, surviving spouse or, if none, to the personal representative of the employee's estate or as provided by state law.

14.7 **REDUCTION IN FORCE OR LAY OFF – See Revisions Section**

14.8 **DISCHARGE**

An employee may be discharged for the reasons, and in accordance with the procedures, set forth in Section 18 of these Rules. Severance pay may be granted to a separated employee upon the recommendation of the appropriate department head. Unless authorized by the City Manager, the amount of severance pay shall not exceed ten (10) working days of the employee's regular pay. In the case of department heads, the period shall not exceed thirty (30) working days. In the case of a Charter Officer, severance pay shall not exceed ninety (90) days and must have the approval of the City Council.

14.9 **RETURN OF CITY PROPERTY**

At the time of separation, and prior to receiving final compensation and reimbursement due, all records, books, assets, uniforms, keys, tools, and any other items of City property in the employee's custody shall be transferred to the department and certification to this effect shall be made by the employee's supervisor. Any monies due the City because of any shortages, unearned tuition reimbursement, or unpaid debts owed the City may be offset against pay due to the employee or, if the shortage exceeds the pay due, may be collected through appropriate legal action.

14.10 **EXIT INTERVIEWS**

Human Resources shall conduct exit interviews wherever or whenever possible.

SECTION 15  
**SAFETY**

15.1 **ACCIDENT PREVENTION**

The City of Vero Beach is committed to providing a safe workplace for each employee. The development of safe working conditions, practices, habits, and thinking are the objectives of the City Safety Program. Reaching those objectives will result in benefits to all employees and to the City. Accidents, injuries, disabilities, damaged equipment, lost time and improper use of equipment are all operational problems which will be reduced or eliminated through the conscientious safety efforts of every employee.

All department heads, supervisors and employees must recognize their responsibility for a successful safety program, and will participate in the development, implementation and improvement of this program. Supervisors must, however, have a continuing concern with all possible operational considerations consistent with safe work practices. Inadequate safety training, improper equipment handling, and carelessness can increase costs, cause accidents and reduce available manpower.

15.2 **ACCIDENT REPORTING**

- A. Each employee shall be responsible for immediately reporting to the supervisor all injuries, accidents and incidents that occur on the job.
- B. Each supervisor shall be responsible for insuring that the appropriate law enforcement agency and the Risk Management Office are notified immediately in case of employee injury, death, or vehicle accident.
- C. Each department head shall be responsible to insure that all accident reports including the State required Notice of Injury are submitted within twenty-four hours after the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident reports shall be submitted within twenty-four hours of the beginning of the next regular work day.

15.3 **SAFETY EQUIPMENT**

The City will provide appropriate safety equipment and devices for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices must be used. Failure to utilize provided equipment or devices will be cause for disciplinary action and/or reduced workers' compensation benefits. Nothing in this section shall limit the right of any supervisor to require each employee at the employee's expense to provide and



use appropriate clothing or other personal items traditionally supplied by the employee-

15.4 **JURISDICTION OF THE RISK MANAGER**

Should a safety hazard or violation of federal or state standards with potentially serious consequences be observed, the Risk Manager has the authority to direct the immediate discontinuation of the work being performed until the hazard or violation has been properly corrected or removed.

15.5 **EMPLOYEE SAFETY AWARDS AND SUGGESTION PROGRAM**

The City may institute an Employee Safety Award Program. Safety awards may be made either to groups or individuals and will normally be made in recognition of praiseworthy or outstanding safety performance. The Risk Management Office will administer the Safety Award Program.

The City may institute an Employee Safety Suggestion Program. Awards for safety suggestions will be determined based on relative seriousness of the condition identified by the suggestion. The Risk Management Office will administer the Safety Suggestion Program.

15.6 **SAFETY COMMITTEE**

The City-wide Safety Committee will meet once a month to review recent accidents and recommend measures to prevent similar incidents, discuss current safety concerns, and conduct safety training. One or more representatives from each department may be appointed by the department head to attend each meeting. The meetings are open to all employees subject to the authorization of the individual's department head and the need for the employee's services on the job.

15.7 **SAFETY TRAINING**

Department heads and supervisors are responsible for conducting all safety training including but not limited to Florida Right-to-Know Act, confined space entry, lock out/tag out, trenching and shoring, fall protection, personal protective equipment, safe operation of equipment, accident reporting, new employee orientation, etc. Department heads and supervisors are responsible for maintaining training records. The Risk Management Office is available to provide assistance as necessary to insure that employees receive required and appropriate safety training.

15.8 **DEPARTMENTAL SAFETY MEETINGS**

Supervisors are encouraged to conduct job-specific safety meetings frequently with their employees. Job-specific topics and training should be reviewed during the meetings. The Risk Management Office shall provide various resources and assistance with these meetings upon request.

15.9 **VEHICLE USAGE POLICY (APPENDIX “A”)**

The City has adopted a Vehicle Usage Policy which governs the use of City vehicles and privately owned vehicles used while on City business. Each employee who operates a vehicle while on City business is responsible for being familiar with and abiding by all provisions of the Vehicle Usage Policy. Department heads are responsible for insuring each employee who operates a vehicle while on City business receives a copy and is familiar with the Policy. Supervisors are responsible for insuring that employees are properly qualified and licensed to operate the vehicle they are required to drive.

15.10 **FLORIDA RIGHT-TO-KNOW (HAZCOM) LAW**

Every employee has a right to know important information about hazardous chemicals used in the performance of their job. The supervisor shall insure every employee receives initial training prior to working with any hazardous chemicals. Such training shall include proper use of the chemical, hazards of the chemicals, protection from exposure, use of the Material Safety Data Sheet (MSDS) and emergency procedures. This training shall be provided any time a new chemical is used in the workplace.

Each department shall obtain and maintain a MSDS for each hazardous chemical used in the workplace. The MSDS shall be made immediately available to an employee upon request. The Risk Management Office shall maintain a secondary file of all MSDS's.

15.11 **EMERGENCY PROCEDURES**

The City is committed to emergency preparedness. An emergency can occur any time and readiness is vital to insuring that normal City operations are disrupted as little as possible. The City has a comprehensive emergency plan which provides guidance for various types of emergencies that may be encountered in the workplace. Employees should review this plan and be familiar with procedures.

15.12 **SECURITY IN THE WORKPLACE**

The City will endeavor to provide a secure workplace for each employee. Employees are responsible for taking reasonable steps to avoid situations which may lead to security

deficiencies. These steps include insuring that City facilities and equipment are secured, keeping designated doors locked, controlling public access to restricted areas of City buildings, and other measures that will increase security of City personnel and property.

SECTION 16  
**EMPLOYEE TRAINING AND EDUCATION**

16.1 **PURPOSE**

- A. It is the responsibility of the City Manager, in conjunction with department heads and the Human Resources Department, to foster and promote the training and education of employees. The purpose is to improve the level of service rendered to the public, to enhance the quality of personnel, and to assist employees in preparing themselves for advancement in the City. Each department will establish standards for training and education programs, assure that these programs are carried out as approved, and provide recognition to employees who satisfactorily complete the programs.
  
- B. Positions are authorized within the City based upon a demonstrated need for a particular job to be done. Positions are not created for specific skills of incumbent personnel when such skills are not needed to further the operation of the City. Attainment of a degree or professional certification would not, by itself, be justification to award a salary increase. The added educational accomplishment coupled with demonstrated superior performance would provide the necessary foundation under which a merit increase or future promotion could be awarded.

16.2 **REQUIRED TRAINING**

- A. This type of training occurs when, as a requirement of the job or as deemed necessary by the department head, an employee takes a course, seminar, or class. The department shall pay 100% of the fees including cost of the books, fees or other special charges. If this type of training is conducted during an employee's regular business hours, the hours spent in training are treated as hours worked for overtime purposes. A training session may be deemed mandatory by:
  - 1. The City Manager
  - 2. A Department Head
  - 3. The Human Resources/Risk Management Department

16.3 ~~**EDUCATION REIMBURSEMENT EXPENSE**~~ **SUSPENDED UNTIL FURTHER NOTICE.**

~~Education Reimbursement Expense through the Human Resources Department is available for permanent employees who would like to acquire a degree or take a course that will enhance their career or ability to perform their current or future job assignment at the City.~~

~~Education under this program is voluntary on the part of the employee and is not intended to reimburse an employee for classes normally taken through the department. Classes that qualify for this type of reimbursement will be taken on the employee's own time and will not be considered as time worked nor will the class conflict with normal work schedules.~~

~~A. Procedure:~~

- ~~1. In advance of enrolling in a class, an employee must fill out an Education Reimbursement Expense Request form and submit it to the Human Resources Department.~~
- ~~2. The Human Resources Department will review the request for consistency with City policy and will note, for budgeting purposes, that the request has been made. The Human Resources Department will forward a copy of the approval or denial to the employee with a copy to the department head.~~
- ~~3. After successful completion of the course (normally a grade "C" or better), the employee will submit to Human Resources proof of such completion and a receipt that payment had been made for the course.~~
- ~~4. The failure of an employee to follow the procedures for reimbursement may result in the City's refusal to reimburse the employee for such expenses.~~

~~B. Special Provisions:~~

- ~~1. Any class or degree program in which the employee intends to enroll must be with an educational organization accredited in the United States and must be approved by the Human Resources Department.~~
- ~~2. For employees working a full time schedule, reimbursement shall be limited to the greatest of two courses or the equivalent of 13 quarter hours or 8 semester hours for each enrollment period. Employees may be reimbursed for fees charged by any U.S. accredited college. However, for employees who enroll for the first time in eligible programs after the fall semester of 2006-2007, reimbursement will be limited to the rate charged per semester hour by the University of Central Florida regardless of the actual fees charged.~~
- ~~3. An employee's request for education reimbursement expense must be submitted to the Human Resources Department within two (2) weeks of the employee receiving the course grade.~~

- ~~4. For employees who are already enrolled in eligible programs through the fall semester of 2006-2007, the City will pay the full cost of tuition and compulsory fees. For employees who enroll for the first time in eligible programs after the fall semester of 2006-2007, reimbursement will be limited to the rate charged per semester hour by the State of Florida University System regardless of the actual fees charged. In addition, the City will cover up to 50% of the cost for course-required textbooks. Any other fees, including laboratory fees, and expenses will be the sole responsibility of the employee.~~
- ~~5. The City shall not pay the cost of tuition, which has been advanced or reimbursed from other sources such as scholarships, grants or other subsidies. In the event of a partial scholarship, grant or other subsidy, refund should be based on the actual expense to the employee.~~
- ~~6. If an employee makes a request for reimbursement, then the employee's employment is terminated for any reason other than a reduction in force prior to receiving a refund, the City will be under no obligation to reimburse any part of the employee's educational expenses.~~
- ~~7. Any employee who takes a course under this Education Reimbursement Expense program shall remain in the employ of the City for at least one (1) year after such reimbursement is paid. In the event such employee fails to do so, the amount of any reimbursements made to the employee within one (1) year of the date of termination of employment shall be deducted from any funds to which the employee may be entitled.~~

Section 17

**RECORDS AND REPORTS**

17.1 **RESPONSIBILITY**

- A. As the Records Management Liaison Officer, the City Clerk is responsible for the development of the City's records management program and making sure that records that are no longer needed are properly disposed.
- B. Public records requests may be made in writing or orally to the City Clerk. All public records requests should be referred to the department head who will be responsible to appoint someone to gather the requested documents and then either arrange a time for inspection of the documents or make copies of the requested document. If in doubt as to whether something is a public record or contains exempt information, the department head should contact the City Clerk.

17.2 **RECORDS**

- A. The Human Resources Department is responsible for establishing and maintaining the only official personnel files for each employee. Additionally, all medically related documents shall be maintained separately from the official personnel files.
- B. All personnel records concerning employees of the City and all other records and materials relating to the administration of the City personnel management system shall be considered the property of the City.
- C. Employees shall keep their personnel records current. The Human Resources Department shall be immediately notified, in writing, of any change such as physical and mailing address (even if temporary), telephone number, beneficiary, number of dependents, divorce, marriage or any change not previously reported.
- D. The Human Resources Department should be informed by the department heads of any special training courses completed by an employee. Copies of diplomas, certificates, or degrees shall be forwarded to the Human Resources Department to become a permanent addition to the employee's personnel file.
- E. The Director of Human Resources, after consultation with department heads, shall make recommendations for job requirements and position descriptions for the positions throughout the City and maintain an official copy for each. The department head can periodically make amendments with the approval of the Director of Human Resources.

### 17.3 **RECORDS RETENTION AND DISPOSITION**

Each department head will be responsible for assuring that all public records are maintained and preserved according to (Florida Statutes) Florida General Records Schedule for State and Local Government Agencies (Schedule GS1). A copy of the records schedule can be obtained from the City Clerk's Office.



SECTION 18  
**DISCIPLINARY ACTION**

18.1 **POLICY**

The City of Vero Beach will establish and secure cooperation in the orderliness of daily work operations, safeguard optimum working conditions, address improper behavior, and maximize productivity by administering efficient and effective personnel management.

18.2 **GENERAL**

City employees are expected to maintain high standards of conduct, and to perform their work efficiently and effectively, ever mindful of the expectations the public has of its employees. Acceptable personal conduct in the workplace involves exercising good conduct, good judgment, and integrity at all times.

Disciplinary action is a means of holding employees accountable for acts which are detrimental to the City, elected officials, management, employees, business relationships, or the citizens we serve. Discipline shall be administered in a progressive and constructive manner. Progressive discipline is defined as the administration of more severe discipline for violations of the same type or multiple offenses of the same or different type over a period of time.

The severity of the disciplinary action shall be relative to the gravity of the offense, the employee's record of prior disciplinary actions and, when appropriate, the employee's length of service. However, department heads have the authority to discharge an employee without administering progressive discipline if the violation is of a serious nature. Eligible employees who have been disciplined shall be advised of their grievance rights. (Refer to the "Grievance Section" in this manual for additional information.)

18.3 **GUIDELINES FOR DISCIPLINARY ACTION**

Disciplinary action shall be progressive and corrective in nature to encourage employees to perform in an effective and efficient manner. Although discipline is meant to be administered progressively, it is not necessary to follow the progression if warranted by the severity of the action. The list of offenses warranting discipline is not all inclusive and shall be used as a guide. Each department head shall have the authority to develop written departmental policies unique to, and necessary for, the efficient and safe operation of the department. The departmental policies shall be used in addition to the guidelines in this manual. The guidelines for disciplinary action shall be used by management and supervisory personnel to provide standard and equitable treatment of employees. In determining the disciplinary action to be taken, a supervisor should take

into consideration the employee's entire work history, disciplinary history, time intervals between each infraction, and the seriousness of the last infraction.

#### 18.4 **EMPLOYEE RESPONSIBILITIES**

If an employee has knowledge of a co-worker who has violated any law, regulation, policy or procedure, it is the employee's responsibility to come forward and be forthright and cooperative in providing information to the employee's supervisor, department head, or the Director of Human Resources. It is expected that all City employees conduct themselves in a manner which contributes to building and maintaining a positive and productive work environment.

#### 18.5 **TYPES OF CORRECTIVE AND DISCIPLINARY ACTION AND PROCEDURES**

Disciplinary action shall be administered to the employee as soon after the event as possible. No advance notice to the employee is required before the disciplinary steps below are administered. The employee may have a witness present during these proceedings. Disciplinary action will be administered according to the severity and frequency of the violation(s) and does not necessarily have to be in the following order:

- A. Verbal Counseling: Verbal counseling is used to notify and counsel an employee so that corrective action can be taken prior to formal written documentation. A record of such counseling shall be retained by the supervisor in the event further disciplinary action is necessary and a copy will be given to the employee and the Human Resources Department. Verbal counseling is considered to be informal corrective action and is not subject to the grievance procedure.
- B. Written Warning: The counseling shall be documented in written format as follows:
  1. The employee's personnel record and department file should be reviewed by the supervisor prior to preparing the Notice of Disciplinary Action.
  2. The Notice shall include the specific nature of the violation, an explanation of reasons and circumstances surrounding the violations(s), and notice that future occurrences could result in further progressive discipline.
  3. The employee will be counseled as to the necessary corrective action and any established period of time for the corrective action to take place.
  4. If the employee is not on probation, the employee shall have the right to grieve.

5. A copy of the Notice shall be provided to the employee, receipt of which shall be acknowledged and witnessed. The original shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

#### 18.6 **REIMBURSEMENT FOR DAMAGES**

Employees may be required to repay the City for damage caused to City property or equipment as a result of intentional and willful accidents on the employee's behalf. A Notice of Disciplinary Action is the appropriate documentation to utilize for this type of offense.

#### 18.7 **SUSPENSION**

An employee may be immediately placed on suspension with or without pay when the employee's presence or the severity of the action or behavior creates a continuing threat or danger to persons or property or interrupts the orderly operation of the work unit. Additionally, the department head may utilize this suspension for a non-probationary employee when the department head feels the seriousness of the offense could result in discharge.

Prior to a suspension without pay, the department head or supervisor shall contact the Director of Human Resources and take the following steps:

- A. The employee's personnel record and department file will be reviewed by the Director of Human Resources and department head prior to preparing the Notice of Disciplinary Action.
- B. The Notice shall include the specific charges, an explanation of the exact reasons and circumstances surrounding the incident, the reasons for and length of the suspension, corrective measures to be taken, and the period of time for such measures to be completed. When determining the length of suspension, the department head should consider the seriousness of the infraction, the impact of the suspension on the City and department operation, and other pertinent factors.
- C. If the employee is not on initial probation the employee shall be advised of the right to grieve. (Refer to the "Grievance" section in this manual for additional information.)
- D. A copy of the Notice shall be provided to the employee, receipt of which shall be acknowledged and witnessed. The original Notice shall be forwarded to the Human Resources Department for inclusion in the employee's official personnel file.

## 18.8 **DISCIPLINARY PROBATION**

An employee may be placed on disciplinary probation for below satisfactory or marginal job performance, or for violation(s) of City rules and procedures.

When an employee is placed on disciplinary probation as a result of poor job performance or as a result of violation(s) of City rules and procedures a formal Notice of Disciplinary Action should be completed.

## 18.9 **DEMOTION**

In circumstances where there has been a pattern of disciplinary action or an employee's performance has deteriorated, a demotion may occur. The department head shall contact the Director of Human Resources prior to taking action as follows:

- A. The employee's personnel record and department file should be reviewed by the Director of Human Resources and the department head prior to preparing the Notice of Disciplinary Action.

The Notice shall include the specific charges, an explanation of the exact reasons and circumstances surrounding the demotion, and the reasons for the demotion.

- B. If the employee is not on initial probation the employee shall be advised of the right to grieve. (Refer to the "Grievance" section in this manual for additional information.)
- C. A copy of the Notice shall be provided to the employee, receipt of which shall be acknowledged and witnessed. The original notice shall be forwarded to the Human Resources Department for inclusion in the employee's personnel file.

## 18.10 **DISCHARGE**

The department head shall have the authority to discharge. However, in the absence of the department head, the authority to discharge may be delegated to the assistant department head. The Director of Human Resources must review the circumstances and notices provided to the employee prior to any action to discharge. Discharges must be handled according to the employee's status as follows:

- A. Probationary Employee: An employee on probation may be released from employment during the probationary period without cause. The department head and the immediate supervisor shall advise the employee that the probationary period has not successfully completed and that they are being discharged.

B. Permanent Employee: A permanent employee may be discharged for cause in accordance with the Personnel Rules as follows:

1. The employee's personnel record will be reviewed by the Director of Human Resources and department head or supervisor prior to preparing the Notice of Disciplinary Action.
2. Within five (5) business days of the City's knowledge of the infraction, a formal Notice of Disciplinary Action will be completed suspending the employee with pay pending discharge. The Notice will include the specific charges, an explanation of the exact reasons and circumstances leading to the recommendation for discharge, and the date, time, and location for a pre-discharge meeting to be held with the department head and the Director of Human Resources or designee.
3. The department head shall allow five (5) business days after receipt of the Notice for the employee to review the charges and prepare for the pre-discharge meeting. If the employee does not respond to the Notice in writing within the period, the employee will be discharged the next business day.

The purpose of the pre-discharge meeting is for the employee to provide information to the department head bearing on the question of whether or not the employee should be discharged. Once the meeting has concluded, the department head may take alternate disciplinary action based on the information received at the hearing.

4. If the department head's decision is to discharge the employee, a Notice of Disciplinary Action shall be completed. The Notice shall include the specific charges, an explanation of the exact reasons and circumstances leading to the discharge, and the effective date of discharge. The employee shall be furnished with a copy of the Notice, receipt of which shall be acknowledged and witnessed. The original Notice shall be forwarded to the Human Resources Department in order to complete the discharge process. The Notice shall be included in the employee's official personnel file.
5. If the decision of the department head is not satisfactory to the employee, within three (3) business days after the termination date the employee shall have the right to appeal to the Assistant City Manager whose decision is final. This final stage of the appeal process will be without pay.

## 18.11 **TYPES OF OFFENSES**

The offenses listed below are examples of unacceptable conduct and shall serve as a guideline for department heads and supervisory personnel and is not all inclusive. Offenses committed which are not listed here shall not interfere with the right or duty of the department head or Assistant City Manager or designee to discipline or terminate employees on other grounds which are considered justifiable and in the best interest of the City of Vero Beach. This may include administering discipline outside the normal progression depending upon the severity of the violation.

- A. Violation of a Federal, State, County, or City law.
- B. Failure to carry out any lawful direction or work assignment from an authorized authority where such failure amounts to an act of insubordination or a serious breach of proper discipline, or has resulted (or reasonably might be expected to result) in loss or injury to the City, co-workers, or the public.
- C. Use of wantonly offensive conduct, language, or gesture toward the public, supervisors, or co-workers.
- D. Preventable or willful damage of City or public property.
- E. Continued or gross neglect of duty.
- F. Intentional falsification or misrepresentation of any record, report, verbal or written statement, or document.
- G. Misuse of leave, excessive tardiness or unauthorized absence from duty without satisfactory explanation.
- H. Failure to report absence from duty to supervisor within required time.
- I. Failure to report for duty after leave of absence has expired, been disapproved, or revoked.
- J. Exercising poor judgment on the part of the employee or supervisor when such judgment results in a negative impact on the department or City organization.
- K. Failure to be forthright, truthful, and cooperative in providing information during any internal, administrative, or external investigation or hearing.

- L. Display of antagonism towards supervisors or fellow employees or criticism of orders, rules and policies of the City in a manner which interferes with the proper cooperation of employees and impairs the efficiency of public service.
- M. Unauthorized taking, wasting, or using of City time, property, equipment, or funds for personal use.
- N. Any violation of the City's Drug Free Workplace in accordance with policy. See Appendix "B".
- O. Assault, attempted assault, or striking any City employee, a supervisor, or a member of the public.
- P. Failing to maintain adequate physical health or fitness to satisfactorily perform essential functions of the job with or without reasonable accommodations.
- Q. Failing to maintain a personal driving record which enables the City to maintain driver standards in accordance with the Vehicle Usage policy. See Appendix "A".
- R. Unauthorized solicitation of employees during working hours.
- S. Distribution of unauthorized union literature during working hours.
- T. Participation in a strike against the City by instigating or supporting, in any manner, a strike, work stoppage, or work slow down.
- U. It is the policy of the City that no person shall bring onto City-owned property or transport in a City-owned vehicle, any firearm, handgun, ammunition, or explosive device of any type or material regardless of whether the person is licensed to carry the firearm or not, except when authorized in writing by the City Manager.

SECTION 19  
**MISCELLANEOUS RULES AND BENEFITS**

19.1 **PENSION PLAN**

A. Eligibility

1. Excluding sworn police officers, full time employees and part-time employees whose normal work schedule is at least 1000 hours per year, will be eligible for participation in the General Employee Retirement Plan after completing three years of continuous service with the City of Vero Beach. Employees will be given only one opportunity to participate in the plan. If the employee elects not to join, the employee will lose their right to participate. Refer to the Plan for benefit details.
2. Full time sworn police officers will become eligible for participation in the Vero Beach Police Officer's Retirement Trust Fund upon hire. Refer to the Plan for benefit details.

B. Purchase of Military Credit

Participants of the City of Vero Beach retirement plans may be eligible to purchase military time upon becoming vested. Employees will be responsible for notifying the City of their desire to purchase this credit. Refer to the appropriate Plan for details.

19.2 **UNEMPLOYMENT COMPENSATION**

The City is registered with the Florida State Department of Labor and Employment Security, Division of Unemployment Compensation. Terminated employees who file a claim and are determined qualified under the Florida Unemployment Compensation Law may be eligible to receive unemployment compensation benefits. Copies of the Florida Unemployment Compensation Employer Handbook containing an explanation of employer's responsibilities is available in the Human Resources Department.

19.3 **HEALTH INSURANCE**

- A. Health insurance is provided for all full-time employees, which term "full-time employees" shall include city council members for purposes of such health insurance. The coverage for full-time employees will be effective starting the first day of the month following the one-month anniversary of the employee's hire date. The coverage for city council members will be effective starting the first day of the month following the one-month anniversary of the city council member's first taking office. All participants will receive a benefits booklet outlining the details of the plan.



- B. The City currently bears the entire cost of insuring eligible employees. Participants may elect to cover all or some of their eligible dependents under the City health insurance plan. The City will pay a portion of the cost of insuring dependents. Future increases in dependent coverage shall be divided between the City and the employee. The employee's portion of the dependent coverage will be paid through payroll deduction and will be taken in advance of the premium period. Employees will be responsible for determining the accuracy of the coverage they have elected.
- C. Employees shall have the right to add eligible dependents to their insurance during enrollment periods specified under the HIPAA laws in effect at the time or to terminate coverage for dependents during the year. The City will follow the COBRA laws in effect at the time to determine eligibility for continued coverage of the terminated dependents. Information regarding COBRA and HIPAA is available in the Human Resources Department.
- D. Employees who retire from the City of Vero Beach in accordance with the appropriate retirement plan or would have been eligible to retire had the employee joined the pension plan will be allowed to continue the health insurance under the City's group health insurance plan. Upon age 65 the retiree may elect to continue the coverage or change to the City's group supplement coverage. In either case, for employees retiring after October 1<sup>st</sup> 2006, the City of Vero Beach will pay 2.75% of the premium for single health insurance coverage or Medicare supplemental policy offered by the City for each year of service with the City.
- E. The City reserves the right to change carriers and coverage at any time.

#### 19.4 **LIFE INSURANCE**

- A. The City of Vero Beach will provide all full time permanent employees term life insurance equal to their base annual pay rounded up to the nearest thousand. The City will keep in force a term life insurance policy of \$50,000 for each active City Council member.
- B. The individuals stated above will have the option of purchasing additional life insurance in an amount equal to two times the amount provided for him/her by the City provided that the City's life insurance carrier agrees and the employee complies with all of the carriers terms and conditions for life insurance. The premium for this additional coverage will be at the City's group rate and will be processed through payroll deduction. Premiums are taken in advance of their effective date.
- C. The amount of life insurance provided or purchased for each employee will be reduced by half at age seventy. The premium for the reduced policy will be adjusted accordingly.

- D. The anniversary date for calculating the amount of life insurance shall be the first payday in January. The effective date for any changes in coverage amounts will be February 1st of each year.
- E. Each insured employee will receive a policy from the insurance company describing the benefits. It is the responsibility of the employee to read and understand the policy terms and conditions.

19.5 **DEFERRED COMPENSATION PLAN**

- A. The City will make available a deferred compensation plan. Full time permanent employees will be eligible for participation upon completion of their probationary period. Plan details can be obtained from the Human Resources Department.
- B. Employees will be responsible for the allocation or transfer of funds for their own account.

19.6 **DIRECT DEPOSIT**

Full-time and those part-time employees hired on a long-term basis are eligible to use direct deposit for any or all of their paychecks. Employees will be responsible for determining the accuracy of such deposit and notifying the City of any necessary changes. The appropriate forms can be obtained through the Human Resources or Finance Departments.

19.7 **CREDIT UNION**

City of Vero Beach employees are eligible to join the Indian River Federal Credit Union. Members of the Credit Union may transfer funds to their Credit Union account(s) from their City paychecks. Employees will be responsible for notification to the City of such a request, the completion of appropriate forms and verifying the accuracy of such transfer. Appropriate forms can be obtained from the Human Resources or Finance Departments.

19.8 **PAYROLL DEDUCTIONS**

Deductions will be made from employees' paychecks for the following: Federal Income Tax withholding, social security, medicare, optional life insurance, the employee's portion of the dependent health insurance premiums, deferred compensation, pension, credit union, and any other deductions requested by the employee, or as directed by a court order, and approved by the Finance Director and City Manager. If a terminating employee owes the City remuneration for education reimbursement, uniforms, City

property, and any other outstanding City debts, these amounts may be deducted from the employee's final paycheck.

19.9 **EARLY RELEASE OF PAYCHECKS**

- A. The Finance Department will be responsible for determining, on a payday to payday basis, the ability of the department to make early release of paychecks possible.

Employees are expected to understand when situations such as short weeks, holidays or technical problems occur. The early release of paychecks is a privilege that may be terminated at any time by the City Manager.

- B. The department head may apply to the Finance Department for early release of paychecks for those employees who work an evening or night shift ending at 11:00 p.m. or later, or for those employees who will be on approved leave on the actual payday.
- C. The department head will designate a responsible employee to distribute the paychecks of those employees on shift. This designee will take possession of the paychecks at a time specified by the Finance Department on the day preceding payday. The department head is responsible for assuring that no employee receives a paycheck until the end of the shift.
- D. Employees violating this rule will be disciplined in accordance with the Section 18.

19.10 **EMPLOYEE RECOGNITION AWARDS**

- A. Employee of the Quarter/Year

This program was developed to give special recognition to those employees whose work performance is considered outstanding. A committee of employees runs this quarterly program. An Employee of the Year is selected at the end of the calendar year from the four Employees of the Quarter.

- B. Service Awards

Employees completing five years of service with the City of Vero Beach will receive a service pin and letter of recognition. Employees reaching ten, fifteen and twenty years of service are invited to a luncheon and are awarded with a service pin and letter of recognition.

C. Twenty Five Year Club

This program was developed to give special recognition to employees who have completed at least twenty-five years of service with the City. These employees are presented with a gold watch at the annual twenty-five Year Club dinner. Those who reach thirty, thirty-five and forty years of service receive bonds in the face amount of \$500, \$1,000 and \$2,000 respectively.

E. Other awards as prescribed by the City Manager.

19.11 **EMPLOYEE HARDSHIP DONATION PROGRAM**

The purpose of this program is to allow employees to donate accrued annual or sick leave to an individual employee during a prolonged illness and/or injury that extends past the employee's own accrued leave balances. The employee must be unable to return to any form of employment due to illness and/or injury, either with the City or outside employment, while receiving donated hours.

Nothing in this program will prohibit an employee, through his/her department head, from requesting additional sick hours from the City Manager as described in the **City of Vero Beach Personnel Rules**. However, the employee must have exhausted his/her accrued leave balances and all hours donated from the **Employee Hardship Donation Program** before requesting further assistance from the City Manager.

The employee may forward the "Request for Donations Form" to the Employee Benefits Administrator. The employee must explain the need for the donation, including a description of the illness/injury, an accompanying physician's statement with the anticipated length of disability, the number of hours already used, and the balance of hours available (total of sick, annual, etc.). Should the employee be completely incapacitated due to the illness/injury, a member of the employee's immediate family, i.e., the spouse, may apply for these hours.

**This is a totally voluntary program enabling city employees to freely give annual or sick leave hours to other employees they believe are worthy to receive them. Any employee who falsifies, deliberately prolongs a medical leave under this program, attempts to buy, sell or coerce individuals into donating hours or abuses this program will be subject to disciplinary action by the City.**

A. Criteria For Requesting Hours:

The requesting employee must:

1. Be employed in a permanent full-time, benefits eligible position by the City of Vero Beach for at least one year.
2. Verify the gravity of the illness with documentation from the treating physician to include the anticipated return-to-work date.
3. Have exhausted all accrued leaves (sick, annual, etc.) and any other hours due the employee before requesting hours.
4. Be on leave (paid or unpaid or a combination of the two) for a period of at least 4 weeks before requesting hours.
5. Request only enough hours to cover the employee's regularly scheduled hours and at the employee's regular base hourly rate.

B. Limitations:

1. The donated hours will cease when the physician returns the employee to any form of employment.
2. The requesting employee may receive up to a maximum of 12 weeks of donated hours.
3. The employee may not make further requests for additional hours for 12 months after receipt of maximum hours allowed.

C. Exclusions:

1. Hours may not be requested by an employee who is on a leave due to any elective or planned medical condition/procedure unrelated to a serious or prolonged health condition or injury which requires the employee to be away from work for an extended period of time.
2. Hours may not be requested by an employee to supplement workers' compensation benefits.

3. Hours may not be requested by an employee for any injury resulting from an accident caused by alcohol or illegal drug use on the part of the injured employee.

The Employee Benefits Administrator will distribute a notice for posting after verification that the employee has met the criteria listed above. This memorandum will be posted on all bulletin boards until the maximum donations have been made or the need for hours has ended.

D. Employee Donating Hours:

1. The employee electing to donate hours will complete the “**Donation Form**” and return it to the Employee Benefits Administrator.
2. An employee must have a balance of 80 sick hours and/or 40 annual accrued hours on the books after their donation.
3. An employee may donate up to 10% of the employee’s accrued balances, to a maximum of one week – up to 40 hours. Donations must be in full day accruals with the minimum donation being a full day accrual.
4. Donated hours will be deducted in the order they are received by the Employee Benefits Administrator and will not be deducted from the employee’s balance unless or until needed.
5. Donated hours will be based on the donating employee’s base hourly rate.

E. Terminology:

1. \$ Donations = # of Hours Donated X the Donating Employee’s Base Hourly Rate.
2. \$ Withdrawals = # of Hours Requested X the Requesting Employee’s Base Hourly Rate.

F. Disclaimer:

Any and all hours donated by employees to the **Employee Hardship Donation Program** will not adversely affect them in regards to any established and/or future attendance or incentive programs referencing the use of sick and/or annual leave accruals.

SECTION 20  
**GRIEVANCES**

20.1 **POLICY**

The City of Vero Beach will ensure that permanent employees are given the opportunity to use a grievance procedure with regard to disciplinary matters without fear of reprisal or prejudice.

20.2 **TYPES**

A. Non-Bargaining Employees

A City grievance is a complaint resulting from a formal disciplinary action concerning interpretations, applications, and alleged violations of the Personnel Rules.

B. Bargaining Unit Employees

A contract grievance consists of a dispute concerning interpretations, applications, and alleged violations of the appropriate bargaining unit contract including formal disciplinary action. Please consult the appropriate contract for grievance and appeal procedures.

20.3 **ELIGIBILITY**

A. Non-Bargaining Grievance

Only permanent employees are eligible to use the City grievance procedure. Probationary employees may request a name clearing hearing with their department head. In the case of a probationary department head, the name clearing hearing shall be with the City Manager.

B. Bargaining Unit Grievance

Bargaining unit employees, City management, and supervisors are responsible for adhering to the established procedure and designated time frames for bargaining unit contract grievances. Consult the appropriate contract for information regarding deadline provisions and eligibility information.

C. City department heads are employees at will and their final recourse is through the City Manager.

D. Charter Officer grievances are regulated by the City Charter and not these rules.

#### 20.4 **FILING A NON-BARGAINING GRIEVANCE**

##### A. Step One

An employee aggrieved by any action may submit such grievance form to the immediate supervisor. The grievance must be filed by the aggrieved employee within five (5) business days, excluding date of action, from the time the employee had knowledge or should have had knowledge of the subject of the grievance. The supervisor has ten (10) business days from receipt of the grievance to hold a meeting. A response from the supervisor shall be sent to the grievant within five (5) business days of the meeting. Untimely grievances are forever barred.

##### B. Step Two

If the employee is not satisfied with the disposition of the grievance at step one, the employee may appeal to the next higher authority, up to the department head, who shall hear the grievance and render a decision.

Grievances advanced to this step shall be filed in writing within five (5) business days after a decision is rendered in step one, excluding the date of action. The response must be submitted on the grievance form.

The City shall hold a grievance meeting with the employee, within ten (10) business days of the date filed, excluding date of action, and a decision shall be rendered within five (5) business days. Any non-compliance by the City with the above time requirements shall be cause for the employee's grievance to advance to the next higher step.

##### C. Step Three

If the decision of the department head is not satisfactory to the aggrieved employee, the employee shall have the right to appeal the grievance to the City Manager or designee.

At the City Manager's discretion, the format, parameters and procedures of each hearing may vary. Grievances advanced to this level shall be heard within ten (10) business days unless other work commitments by the City do not permit this. In such cases, a future date will be established and agreed upon by all parties involved.

The City Manager shall render a written decision within five (5) business days of the hearing on the appropriate response form. The decision of the City Manager will be



final. The final decision shall conclude the third and final step of the administrative procedure available to the employee through the City's grievance procedure.

- D. Employees filing a grievance at any level shall have the right to be represented by legal counsel at their own expense, to present information, evidence, and relevant witness or witnesses' statement(s) on their behalf. Time requirements at any step may be extended with the mutual agreement of all parties involved. If an employee does not advance an appeal to the next step within the required time limit, it will be considered settled with the last response of the City and forever barred from proceeding further.
- E. The dates and time periods shall be adhered to by the grievant or the grievant shall be forever barred from proceeding to the next step.

## 20.5 **RESPONDING TO ALL GRIEVANCES**

Prior to responding to a City grievance, each supervisor or manager shall:

- A. Determine if the grievance is a Non-Bargaining or Bargaining Unit grievance. If contractual, refer to the appropriate contract for specific procedures and time limitations.
- B. If a union representative is involved in the filing process, ensure that person is a designated representative of the appropriate union.
- C. Review the official personnel file of the affected employee(s).
- D. Verify that the grievance was filed at the first step within the time allowed by contract or Personnel Rules.
- E. Notify the Director of Human Resources of the grievance and forward a copy of the grievance and all written responses the next business day.
- F. The supervisor should be familiar with all issues and contract articles, rules, policies and procedures applicable to the grievance, including past practices.
- G. Review the grievance and subsequent information with the Director of Human Resources in order to obtain background information and determine if other grievances of a similar nature or of the same issue have been filed.

## **APPENDIX “A”**

### **CITY OF VERO BEACH**

#### **VEHICLE USAGE POLICY**

##### **1. INTRODUCTION**

The operation of City vehicles is necessary in conducting the day-to-day business of the City. This use of City vehicles represents one of the greatest liabilities facing the Self-Insurance Fund. Recognizing this, it is imperative that the City take reasonable steps to control the use of City and privately owned vehicles used while performing City business. This policy sets forth the guidelines and policies governing the operation of vehicles used in the performance of official City business. Department heads are responsible for implementation and enforcement of this policy for all vehicles and drivers assigned to their department.

##### **2. SCOPE**

This policy applies to all City owned vehicles operated on public roads and includes special-use vehicles such as construction and excavation equipment designed to operate primarily off-road but driven on public roads to a job site. (Police vehicles are covered by the Police Operating Policies.) Where appropriate, this policy applies to the operation of privately owned vehicles used while performing official City duties.

##### **3. GENERAL GUIDELINES**

- 3.1. Except as detailed in 3.2, only City employees are authorized to operate City vehicles. Persons volunteering services to the City are considered employees of the City for purposes of this policy and may operate City vehicles when their duties require travel as long as such travel is under the approval or direction of the department head and necessary in the course of performing official City business.
- 3.2. Employees of other public entities may operate City vehicles under the specific approval of the department head as long as such operation is essential in conducting City business. Department heads granting permission for non-City employees to operate City vehicles are responsible for insuring that the driver is properly licensed, trained and qualified to operate the vehicle.
- 3.3. Intentional abuse, moving violations, reckless operation, or negligent actions while operating any City vehicle may result in the suspension of the employee's driving privileges and is grounds for further disciplinary action.

- 3.4 Employees shall obey all City, County, State and Federal laws while operating City vehicles and any time personal vehicles are used on official City business.
  - 3.5 City-owned vehicles are to be used only for official City business and shall not be used by employees for personal reasons.
  - 3.6 Upon approval by the department head, City vehicles may be used to transport employees to an appropriate restaurant during scheduled lunch breaks.
  - 3.7 Only persons being transported in connection with official City business shall be passengers in any City vehicle.
  - 3.8 When cargo, materials or tools are being transported, the driver is responsible for assuring that all items are properly secured to prevent them from shifting or falling from the vehicle or trailer.
  - 3.9 No person shall be allowed to ride on running boards, fenders, hoods, tailgates, beds, or other locations on a vehicle not designed or approved by the vehicle manufacturer for passenger seating. An exception to this prohibition shall be vehicles assigned to the Solid Waste Division which are suitably designed and equipped for passengers outside the cab area.
  - 3.10 The driver shall not operate any vehicle when normal vision is obstructed.
  - 3.11 Alcoholic beverages shall not be transported or placed in any City vehicle.
  - 3.12 A qualified operator must be positioned at the vehicle's controls any time it is running unless otherwise approved by the manufacturer. No vehicle shall be left unattended without first stopping the motor, locking the ignition, removing the key, setting the parking brake and locking the doors or otherwise securing the vehicle to prevent theft, vandalism, and unintentional movement. Requirements of 3.12 are not applicable to vehicles parked to perform a brief job related function as long as the vehicle is in constant view of the operator.
  - 3.13 The City will not be responsible for any personal property left in City owned vehicles unless the personal property is a required by the City to be maintained in the vehicle.
4. PRE-OPERATION INSPECTION
- 4.1 An employee who operates a City vehicle, regardless of frequency, is responsible for the proper care and operation of that vehicle.

4.2 Pre-operation Inspection for Passenger Sedans, Light Duty Pick-Up Trucks and All Other Vehicles that do not Require a Commercial Driver License.

At least once per day, the operator of these vehicles is responsible for insuring that all vehicle safety equipment including headlights, turn signals, brake lights and horn are functioning properly. The operator is also responsible for insuring that fluid levels including brake, transmission, engine oil and coolant are properly maintained.

4.3 Pre-operation Inspection for All Vehicles That Require a Commercial Driver License.

In addition to the requirements of 4.2 above, the operator of these vehicles is responsible for insuring that all pre-operation checks as required by Department of Transportation CDL rules are complied with. In addition, the operator shall complete the Vehicle Condition Report (Attachment 4) at the beginning of the first shift of each day. At the end of the week the form shall be forwarded to the Central Garage for archiving. A new form shall be initiated at the beginning of each week.

4.4 Any defects which will affect safe operation of the vehicle will be promptly reported to the driver's supervisor or Central Garage. No employee shall operate a City-owned vehicle in an unsafe condition. Any vehicle damage, which is beyond normal wear and tear must be documented and reported to the employee's supervisor and Central Garage.

5. OPERATOR'S LICENSE

5.1 A valid Florida vehicle operator's license must be in the employee's possession at all times while operating a City-owned vehicle. In the case of commercially rated vehicles, the proper commercial driver's license for the vehicle's weight and class must be valid, and of the driver's possession.

5.2 Any employee who operates a vehicle in the performance of official City duties and whose operator's license is suspended or revoked shall immediately report this fact to the appropriate department head.

6. TAKE HOME VEHICLES

6.1 The decision regarding assignment of City vehicles to employees as vehicles allowed to be driven to and from work shall be left to the discretion of the department head and is subject to City Manager review. Examples of situations warranting a City vehicle to be taken home include the following:

A. Managerial employees whose personal use of a City owned vehicle is consistent with the requirements of the position.

- B. Employees who are subject to 24 hour call out or have job responsibilities requiring highly irregular work hours.
- C. Duty vehicles designed or equipped for high priority response where response time will be enhanced by allowing the vehicle to remain in custody of individual employee. Employees assigned to duty vehicles which are taken home must be available to respond upon request on a 24-hour basis any time the employee has custody of the vehicle.
- D. To prepare for a post-disaster response in order to plan an effective and efficient recovery.

6.2 City vehicles taken home overnight shall be locked and secured in the responsible employee's driveway or other designated parking space which is in close proximity to the employee's residence.

6.3 Employees taking a vehicle home are permitted to stop briefly at a grocery store, pharmacy, etc., for reasons of personal convenience. Such stops must be completed within one half hour of the end of the employee's shift.

## 7. OUT OF TOWN TRAVEL AND MEETING ATTENDANCE

With department head approval an employee may take a City vehicle home prior to leaving for an out-of-town trip or attending a late evening or early morning meeting which would require a return to the work place after normal duty hours. The employee may use the City vehicle only for travel necessary to accomplish official City business.

## 8. TRAILERS AND TOWING

8.1 A driver whose vehicle is towing a trailer, dolly, or other equipment shall assure that the trailer hitch is securely latched, adequate for the load being towed, properly installed on the towing vehicle, and that safety chains are properly attached.

8.2 The driver shall insure that the trailer or other towed equipment is supplied with proper lighting including brake lights, turn signals, and running lights.

8.3 Any vehicle having a load which extends more than four (4) feet beyond the rear shall have the end of the load marked with a red flag which shall be at least twelve (12) inches square.

9. LEASED/RENTED VEHICLES

- 9.1 When it is necessary for a City employee to use a rental vehicle for City business, the employee shall utilize a City approved leasing agency. If a City approved leasing agency is not available, the employee's department shall purchase optional comprehensive/collision damage coverage through the leasing agency at the time the vehicle is rented.
- 9.2 Long term leases (longer than 30 days) may be insured under the City's self-insurance program upon written approval from the Risk Management Division.

10. PARKED VEHICLES

- 10.1 Any vehicle left unattended shall be legally parked in a designated parking space. Vehicles responding to emergency situations or those parked on job sites shall be parked with due regard to safety and security considerations.
- 10.2 City vehicles not taken home shall be secured in City parking lots during non-duty hours. When it is necessary to leave a vehicle at a job site over night, the operator shall insure the vehicle is parked and secured in an area which provides reasonable security.

11. ACCIDENT REPORTING REQUIREMENTS

- 11.1 Any accident involving a City owned, rented or leased vehicle or privately owned vehicle used in the performance of City duties shall be reported as follows:
- (1) Summon medical care for any injured parties.
  - (2) Notify appropriate law enforcement authorities.
  - (3) Notify employee's immediate supervisor.
- 11.2 The supervisor shall immediately notify Risk Management.
- 11.3 The supervisor shall be responsible for initiating the departmental investigation of the accident, completing all required City reports and recommending any follow-up preventative actions.
- 11.4 When the City driver is determined to be at fault in a vehicle accident, the supervisor shall recommend disciplinary action subject to review and approval by the department head.

12. BACKING GUIDELINES FOR LARGE VEHICLE AND CONSTRUCTION EQUIPMENT

Whenever possible, the driver will position the vehicle so as to avoid the necessity of backing. Before entering the vehicle, the driver shall check the rear clearance of the vehicle. The driver shall not back the vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. A spotter should be used whenever possible. Before and during backing movements, the driver and spotter will check blind zones for objects not visible in rear-view mirrors, watch both sides for adequate clearance, and limit speed to allow a full stop.

13. PERSONALLY OWNED VEHICLES USED FOR CITY BUSINESS

13.1 The City's Self-Insurance program provides limited coverage for employees while operating personally owned vehicles to conduct City business. This coverage is limited to protection from claims made against the City and the employee while serving in the course of employment. The coverage provided by the City's Self-Insurance Program is subject to the statutory limitations provided by Section 768.28, Florida Statutes.

13.2 The Self-Insurance Program will not provide coverage for physical damage to an employee's privately owned vehicle. Employees who use personally owned vehicles for City business should confirm that their personal auto insurance policy provides coverage for this use.

13.3 Employees who receive a monthly vehicle allowance shall maintain liability coverage in an amount not less than \$100,000 per occurrence/\$300,000 annual aggregate, and property damage coverage in an amount not less than \$50,000 per occurrence. Annual verification of minimum coverage will be requested.

14. USE OF SAFETY RESTRAINTS

14.1 All City vehicles must be equipped with seat belts and all occupants of City vehicles must properly wear seat belts any time the vehicle is in motion.

14.2 The operator of construction, excavation and other off road equipment shall use the occupant restraint system any time the vehicle is in operation.

14.3 Employees are prohibited from removing, deactivating, modifying or otherwise defeating any occupant restraint system installed by the manufacturer unless approved or instructed by the manufacturer.

15. MOTOR VEHICLE DRIVING RECORD REVIEW

Employees whose job requires the use of a City or privately owned vehicle are expected to maintain driving records that reflect the practice of safe driving habits both on and off the job. The City shall use the State of Florida individual driving record and corresponding point system to monitor the risks associated with operating vehicles while in the City's employ.

- 15.1 The Risk Management Division will request a copy of the transcript of driving record from the Division of Driver Licenses for each employee whose position requires operation of a City vehicle.
- 15.2 An accumulation of eight or more points in the previous 12 month period or an accumulation of 12 or more points in the previous 18 month period shall be cause for disciplinary action up to and including suspension of City driving privileges. The Risk Manager shall advise the employee's department head and Human Resources Director when a driving record meets this threshold.
- 15.3 Any DUI conviction or refusal to submit to a lawful road side sobriety test shall result in disciplinary action up to and including suspension of City driving privileges.
- 15.4 An employee whose driver license has been suspended for any reason shall not be allowed to operate any over-the-road City vehicles.
- 15.5 Employees who have obtained temporary driving permits or hardship licenses shall not be permitted to operate over-the-road City or privately owned vehicles in the performance of official City duties.
- 15.6 An employee who has been determined to be "at fault" in two or more accidents within a 24 month period while driving a City or privately owned vehicle in the performance of official City business shall be subject to disciplinary action up to and including suspension of City driving privileges.
- 15.7 Temporary or permanent suspension of City driving privileges shall be considered loss of a job required prerequisite for employees whose position requires operation of an over-the-road vehicle.
- 15.8 If an employee has had City driving privileges suspended, the City will attempt to arrange for the employee to perform the essential functions of the job. If such accommodation is not possible or creates an unreasonable hardship for the City or coworkers, loss of City driving privileges shall be considered just cause for reassignment to a position that does not require operation of a vehicle at a pay rate commensurate with that position. If no such position is open, the employee shall be placed on lay off status.



## APPENDIX “B”

### CITY OF VERO BEACH DRUG-FREE WORKPLACE POLICY

#### 1.0 AUTHORITY

The Drug-Free Workplace Policy (“Policy”) is in accordance with the Florida Workers’ Compensation Drug-Free Workplace Program, section 440.101, et. seq., F.S. and Florida Department of Transportation (DOT), 49 CFR Part 40 Parts 382, 392, and 395, including all statutory definitions.

#### 2.0 POLICY STATEMENT

It is recognized by all parties that the City has a critical responsibility to the citizens of Vero Beach to provide highly effective and efficient governmental services and programs. This can be accomplished only if City employees are unimpaired physically and mentally from the effects of alcohol, drugs, narcotics or any other controlled substance. Therefore, this Policy is established in part to detect users and remove abusers of drugs and alcohol from the workplace, to prevent the use and/or presence of these substances in the workplace, and to assist employees in overcoming any dependence on drugs and/or alcohol in accordance with DOT regulations and the Florida Workers’ Compensation Drug-Free Workplace Program.

Any employee, who is arrested or convicted of any violation regarding a criminal drug statute or driving under the influence of alcohol or drugs, must notify the City in writing within five (5) calendar days of being arrested or convicted.

Employees who violate this Policy as set forth are subject to discipline up to and including termination of employment.

Any member of a collective bargaining unit has the right to appeal to the Public Employees Relations Commission; any City employee has the right to appeal to a court of competent jurisdiction.

The Policy will be posted in an appropriate location, including departmental bulletin boards, during regular working hours.

#### 3.0 DEFINITIONS

**Adulterated Specimen:** A specimen that contains any foreign substance that is not expected to be found in human urine or, a substance that is expected to be found, but is

in such a high concentration that it is not consistent with human urine.

**Alcohol:** An intoxicating agent in beverage alcohol, ethyl alcohol, or low molecular weight alcohols including methyl or isopropyl alcohol.

**Alcohol Concentration:** Alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath.

**CFR:** Code of Federal Regulations.

**City:** City of Vero Beach.

**Confirmatory Drug Test:** A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

**Controlled Substance:** Any substance as outlined in Table 1 of this Policy or a prescription drug not intended for your personal usage or not used as prescribed. The list at Table 1 includes only examples of controlled substances. A complete list can be found at section 893.03, FS.

**Designated Employer Representative (DER):** An employee of the City authorized to take immediate action to remove employees from safety-sensitive duties. The DER receives test results and other communications for the City. The City's designated DERs are the Risk/Safety Administrator, the Benefits Administrator, the Director of Human Resources and the Human Resources Specialist.

**DOT:** U.S. Department of Transportation

**Drug:** Includes alcohol and any illicit drugs as stated in section 440.102, FS definition section and/or DOT Title 49 Part 40 definition section.. (Table 4 is a modified list of such drugs)\_

**Employee Assistance Program (EAP):** A rehabilitation program designed to aid employees who abuse drug/alcohol or who have other personal or emotional problems.

**Enzyme Multiple Immunoassay Test:** A common process used for screening drug tests for five different substances with the aid of a spectrometer to measure for specific drug metabolites.

**FS:** Florida Statutes

**GC/MS (Gas Chromatography/Mass Spectrometry):** A quick method to analyze mixtures and vapors. Gas Chromatography sorts the individual molecule and a Mass spectroscopy is then used to identify each molecule type based on its weight.

**HHS:** Department of Health and Human Services

**Job Applicant:** A person who has applied for a special-risk position, a mandatory-testing position, or a position in which a Commercial Drivers License is required.

**Mandatory-Testing Position (Non-DOT):** A job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances, or a job assignment that requires an employee security background check, pursuant to s. 110.1127, FS or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

**Medical Review Officer (MRO):** A licensed physician employed with or contracted with the City, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

**NIDA:** National Institute on Drug Abuse

**Non-negative Specimen:** A urine specimen that is reported as adulterated, substituted, positive (for drugs) or drug metabolite(s) and/or invalid.

**Oxidizing Adulterant:** A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

**Reasonable Suspicion Drug Testing:** Drug/alcohol screenings administered on a belief that an employee is either using or has used drugs/alcohol in violation of the City's Drug-Free Workplace policy.

**Safety-Sensitive Function (DOT):** 1. Operating a nonrevenue service vehicle, when required to be operated by a holder of a Commercial Driver's License; 2. Operating a revenue service vehicle, including when not in revenue service; 3. Controlling dispatch/movement of a revenue service vehicle; 4. Maintaining a revenue service vehicle or equipment used in revenue service; and 5. Carrying a firearm for security purposes.

**Split Specimen:** A part of the original testing specimen that is retained unopened by the laboratory in the event an employee requests that it be tested following a verified positive test. Split Specimens will be tested at a different laboratory.

**Substance Abuse Professional (SAP):** An individual who evaluates employees that have violated the Drug-Free Workplace Policy, makes recommendations concerning education, treatment, follow-up testing, and follow-up care.

**Special- Risk Position (Non-DOT):** Employees who are required as a condition of employment to be certified under Chapter 633 (**Fire Fighter's Standard**) or Chapter 943 (**Police Officer's Standard**).

#### **4.0 GENERAL INFORMATION**

As a condition of employment, employees will refrain from using, being under the influence of, having present in their systems, possessing, purchasing or distributing any illegal substance at any time. The City understands that there may be circumstances where law enforcement personnel may be required to deal with illegal substances as part of their official law enforcement duties. However, such official duties shall not be construed as approval for usage or possession outside the normal parameters of official law enforcement duties.

No employee shall report to duty or remain on duty if the employee has tested positive for drugs or alcohol as described in this Policy unless an employee has a legally prescribed drug which has been medically determined to have no effect on the employee's ability to perform the job duties in a safe, proficient manner. Employees shall not consume intoxicants while off-duty to the extent that the evidence of such consumption is apparent when reporting for work.

Any employee who is taking a Schedule II or Schedule III (see Table 2- 5 for some common examples) prescription medication as identified in section 893.03, FS shall notify their supervisor prior to the first shift the employee is scheduled to work after taking such prescription medication. The supervisor may assign regular, modified or restricted duty, if available, or request clarification from the prescribing physician regarding work restrictions.

When an employee represented by a Union recognized by the City is to be tested under this Policy, the employee may request the presence of a Union Representative. If the representative has been requested, and is on duty, and can be present within 15 minutes, the representative will be permitted to consult with the employee who is to be tested prior to the time he/she goes to the specimen collection facility. If the representative is not actively at work or will not be able to respond promptly, an alternate representative will

be contacted and will be given 15 minutes to respond. This consultation shall not interfere with nor delay the provision of medical attention during post accident testing.

Any employee who tests negative to any drug or alcohol test required by the City under this Policy, shall be compensated for all associated time at his/her regular hourly rate of pay and any overtime if applicable with time associated with drug/alcohol testing. Associated time under such circumstances shall be treated as time worked for purposes of computing weekly overtime eligibility where applicable.

## **5.0 CONFIDENTIALITY**

- A. All information produced as a result of testing shall remain confidential unless the employee authorizes the release by written consent or such a release is compelled by a hearing officer or court of competent jurisdiction, or for determining qualification for unemployment compensation benefits.
- B. The City, its agents, or the drug testing laboratory may have access to employee drug testing information or use such information when consulting with legal counsel in connection with actions brought under this statute or when the information is relevant to a defense in a civil or administrative matter.

## **6.0 REHABILITATION ASSISTANCE**

Employees who feel they have developed an addiction to, dependence upon, or problem with, alcohol or a controlled substance are encouraged to seek rehabilitative assistance. Although rehabilitation is the employee's responsibility, the City's Human Resources Department has developed an Employee Assistance Program (EAP). This program is a 24-Hour Care line that provides counsel from Licensed Professionals. Employees can refer to Table 6 for contact information.

The City shall not discipline an employee on the first occurrence where the employee voluntarily comes forward at a time when there are no work related problems and advises the City that he/she has developed an addiction to, dependence upon or problem with drugs or alcohol and voluntarily seeks rehabilitation. However, participation in an EAP, whether voluntary or involuntary, will not relieve an employee from responsibility for satisfactory work performance when on the job.

Use of alcohol or drugs shall not be a defense to disciplinary action for unsatisfactory job performance or conduct. However, participation in a rehabilitation program will be taken into account in considering appropriate disciplinary action. If an employee is given the opportunity to enroll in a rehabilitation program and refuses or fails to

comply with the requirement of the program, his/her employment will be terminated.

An employee who is covered by the City's group medical insurance plan and who is seeking medical attention for alcoholism or addiction to controlled substances will be entitled to any benefits which are available under the plan up to its stated limits.

If the employee seeking help enters an approved rehabilitation center, or if an employee is required to enter a rehabilitation center as a condition of continued employment, time missed will be charged against accrued medical leave. If the employee has insufficient medical leave accrued, time missed will be charged against annual leave providing the employee has time remaining. If the employee has no available leave time accrued, the employee will be placed on leave without pay status.

Upon successful completion of treatment at an approved rehabilitation center the employee will be returned to active status. After returning to active status, the employee, as a condition of continued employment must comply with any and all treatment or therapeutic requirements imposed by the City or the treating facility. , including periodic follow-up drug/alcohol testing at least once a year for a two (2) year period after completion of the program. Advance notice of a follow up testing date must not be given to the employee to be tested.

## **7.0 TYPES OF DRUG/ALCOHOL TESTING**

The following are types of drug/alcohol testing that may be conducted by the City:

### **A. Job Applicant Testing**

All final candidates for a City special-risk positions or mandatory-testing positions or who perform safety-sensitive functions must submit to and successfully pass a drug/alcohol test. For those candidates, offers of employment are contingent upon successfully passing a drug/alcohol test in accordance with this Policy. Included in this category are those current City employees who are selected for or transferred to any special-risk or mandatory -testing position or a position that requires safety-sensitive functions to be performed.. Refusal to submit to a drug/alcohol test or a positive confirmed test will result in rejection of the candidate for employment.

### **B. Routine Fitness for Duty Testing**

Special-risk employees may be asked to submit to a drug test as part of a routinely scheduled fitness for duty medical examination.

### **C. Reasonable Suspicion Testing**

Any employee may be tested on reasonable suspicion of using or having used drugs/alcohol in violation of this Policy. A “Reasonable Suspicion Test” will be based on the recommendation of the employee’s immediate supervisor. In determining reasonable suspicion officials must point to specific objective facts and rational inferences that they are entitled to draw from these facts in light of their experience. Reasonable suspicion will be based on any of the following:

1. Direct observation of drug/alcohol use.
2. The symptoms of being under the influence of a drug or alcohol to include observable physical signs and/or incoherent mental state.
3. Marked changes in personal behavior that are otherwise unexplainable.
4. A significant deterioration in work performance, that is otherwise unexplainable.
5. A report of drug/alcohol use provided by a reliable and credible source.
6. Evidence that an individual has tampered with a drug/alcohol test.
7. Evidence that an employee has used drugs or alcohol, possessed, sold, or solicited drugs while working or while on City premises or while operating the employer’s vehicle, machinery or equipment.
8. An attempt to conceal an accident or injury.
9. Accidents or other actions that provide reasonable cause to believe the employee may be under the influence.

If testing is conducted on a “reasonable suspicion” basis, a supervisor or manager will, within 24 hours of the observed behavior, detail in writing the circumstances which formed the basis of the determination that reasonable suspicion existed to warrant the testing. A copy of this documentation shall be provided to the employee on request, and the City must keep the original documentation confidential. All documents shall be retained by the City for at least one (1) year or as required by the state Public Record law and state retention schedules.

#### **D. Post Accident and Injury Testing**

Post accident and/or post injury drug/alcohol testing will be required under the following conditions:

1. When an employee may have caused or contributed to an on-the-job accident that resulted in either loss of life or bodily injury.
2. When while operating a motor vehicle or equipment, an employee has been involved in an accident resulting in bodily injury, and/or property damage, where the value of the property damage exceeds Five Hundred dollars (500.00) as estimated by the City or when any vehicle is towed away from the accident site.
3. An employee was involved in either a vehicle or equipment incident that causes reasonable suspicion of drug/alcohol use.
4. When an employee is involved in two or more similar incidents/accidents, e.g., backing, in a 12-month period.
5. When an employee is injured and requires treatment by a medical professional, with the exception of insect bites.
6. When an employee's job related injury could have been prevented if the proper personal protective equipment had been worn.
7. Employees shall be subjected to drug and alcohol testing for work-related motor vehicle accidents regardless of whether the accident occurred on or off City property or in a City vehicle, as long as the accident was work-related.

The employee will be escorted to a designated collection point after the accident. However, the specimen collection shall not interfere with medical treatment. If required to take a post-accident drug/alcohol test, the employee shall not use alcohol or non-prescribed controlled substances for eight (8) hours following the accident, or until the post-accident testing has been completed, whichever comes first. A positive post-accident test, refusal to submit to a post-accident test or tampering with a test specimen, may result in denial of worker's compensation benefits and or discipline up to and including termination of employment.

Post accident tests will be done as soon as possible; however in any case, all reasonable efforts shall be made to test the employee within two (2) hours of the accident and/or injury, but not after eight (8) hours for alcohol testing and 32 hours for drug testing. The City will document the reasons any test was not performed during these time periods.



The employee has the responsibility to make himself/herself available for post accident testing within the eight (8) hours for alcohol testing and the 32 hours for drug testing. The City will be responsible for providing an appropriate collection site for the appropriate tests.

**E. Police Department Random Testing**

Random testing shall be conducted for sworn Police Department employees in accordance with this Policy. Police Department random testing does not preclude other types of testing conducted in accordance with this policy.

**Department of Transportation Random Testing**

Random drug/alcohol testing shall be conducted on employees who hold a Commercial Driver's License or who perform or supervise safety-sensitive functions.. Employees tested under DOT requirements will be selected at random for alcohol/drug testing during their normal shift. Dates and times for random testing will not be announced prior to employee notification.

An employee who is required to take a DOT alcohol test will report to the testing site where an initial alcohol breath test will be administered.

1. If an employee tests positive for a drug or alcohol test, the employee will be transported home, relieved of duty for 24 hours, and disciplined as outlined in Section 14 of the Policy.
2. If an employee's drug test results are reported as a verified adulterated or substituted drug result, the employee will be taken out of a safety-sensitive function position and disciplined as outlined in Section 14 of this Policy.
3. If an employee's DOT alcohol breath test is above 0.02g/dl%, but below 0.04g/dl% the individual will be removed from a position that requires safety-sensitive functions to be performed for 24 hours. Upon availability a non safety-sensitive function position will be assigned if available.
4. When an employee's DOT alcohol breath test is above 0.02g/dl% an alcohol confirmatory test will be administered. If the confirmatory test is above 0.02g/dl% and below 0.04g/dl%, the individual will be removed from performing safety-sensitive functions. Non safety-sensitive function will be assigned upon availability. The individual will be referred to the City's EAP and disciplined as outlined in Section 14 of the Policy.

5. When an employee's DOT alcohol breath test is 0.04g/dl%, and above the individual will be relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this Policy. Additionally, the employee will be referred to the City's EAP and relieved of safety-sensitive functions until returned to work by an EAP counselor. The employee will be required to take an alcohol test prior to returning to a position that requires safety-sensitive functions.
6. Any lost time will be counted as annual leave.

#### **F. Random Testing for Mandatory- Testing Positions**

All City of Vero Beach employees in mandatory-testing positions not covered by DOT Random Testing will be subject to random drug/alcohol testing pursuant to this Policy. This type of testing shall be conducted separate from any DOT testing. Employees who test positive will be subject to all disciplinary actions as outlined below:

1. If an employee tests positive for a drug/alcohol test, the employee will be transported home, relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this policy.
2. If an employee's drug test results are reported as a verified adulterated or substituted drug result, the employee will be taken out of a mandatory-testing position and disciplined as outlined in Section 14 of this policy.
3. If a mandatory-testing employee's confirmatory alcohol breath test is above 0.01g/dl%, and up to 0.079g/dl% the individual will be removed from a mandatory-testing position that requires safety-sensitive functions to be performed for 24 hours. Upon availability a non-safety sensitive function position will be assigned if available.
4. When a mandatory-testing employee's confirmatory alcohol breath test is 0.08g/dl% and above the individual will be relieved of duty for 24 hours, and disciplined as outlined in Section 14 of this policy. Additionally, the employee will be referred to the City's EAP and relieved of safety sensitive functions until returned to work by an EAP counselor. The employee will be required to take an alcohol test prior to returning to a position that requires safety sensitive functions.

#### **H. Return to Duty and Follow-up Testing – DOT and Mandatory-Testing Positions**

In the case where a positive test is a first time offense, the employee will be referred to the City's EAP and be required to submit to follow-up testing on the first day the employee returns to duty. As a condition of continued employment, follow-up testing will be conducted at least once a year for a two (2) year period after completion of the EAP program. If the employee refuses to comply with the EAP or continued follow-up testing the refusal will result in his or her termination of employment.

Follow-up testing does not preclude other types of testing conducted in accordance with this policy.

## **8.0 RANDOM SELECTIONS FOR TESTING**

Random selections of employees to be tested will be made by a third-party contracted firm utilizing a Department of Transportation (DOT) approved random selection computer program. The third-party firm will then forward the random list directly to the Human Resources Department of the City of Vero Beach.

Any employee returning from leave and whose name was selected for a random test while on leave will be advised by his/her immediate supervisor to report to the designated specimen collection facility on his/her first scheduled work day. However, if the employee was out due to a prearranged leave, he/she will not be required to report to the specimen collection facility upon his/her return.

## **9.0 COST OF TESTING**

The City will pay the cost of initial drug tests, required by this policy. An employee or job applicant will pay the cost of any additional drug/alcohol test not required by the City.<sup>1</sup>

## **10.0 MEDICAL REVIEW OFFICER (MRO)**

The City has the right to select the physician to be used as the MRO. The MRO cannot be an employee of the testing laboratory.

The MRO responsibilities are as follows:

- A. Interpret the drug/alcohol test results.
- B. Contact the donor who has a confirmed positive test result before reporting the results of the test to the employer. The MRO will determine if the donor has a plausible and verifiable explanation for the positive test result and if so, will report the test result as negative to the employer.
- C. Notify the City's DER of the result of the drug/alcohol test administered under this policy.

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<sup>1</sup> FS112.8(r)

An employee or job applicant tested pursuant to this Policy has the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication. The employee or job applicant may contact the designated MRO and confidentially report the use of prescription or non-prescription medications before or after being tested. The employee or job applicant may make such contact with the MRO by telephone, in person, or in writing. The Agency for Health Care Administration has developed a list of the most common medications that may alter or affect a drug test. This list is attached as Table 4 and incorporated into this Policy by reference.

## **11.0 SPECIMEN COLLECTION/TESTING PROCEDURES**

When an employee or job applicant is required to be tested under the provisions of this policy, the employee or job applicant will report with proper identification to the collection facility. The City reserves the right to accompany an employee or job applicant to the collection facility. Each specimen collection will be accomplished in a manner compatible with employee dignity and privacy.

The City may designate any qualified specimen collection facility. Either the collection facility or the testing laboratory may be changed if the City finds such change to be necessary or desirable. In the event of a change, the last approved facility/laboratory will be used until a new one is selected.

The laboratory selected to complete the required tests will, upon request of the City, the employee or the job applicant, identify the drugs tested for, the methods used, the manufacturers of the test, the methods of reporting results and verify the chain of custody. The laboratory will furnish the information required in writing. The written statement of the testing laboratory will be admissible as evidence in any disciplinary proceeding. The laboratory will make such written information available to an authorized representative of the City and a certified copy of the results will be furnished to the affected employee or job applicant. The test facility may use a screening test (EMIT ) but positive screen results must be confirmed by Gas Chromatography/Mass (GC/MS) or similar equivalent scientifically accepted method of confirmation.

At the time of collection, the employee will provide a specimen sample, which will be sent to a NIDA or HHS CERTIFIED laboratory designated by the MRO. The monitoring and observation of any specimen collection will be conducted in accordance with law.

The standard drug test thresholds for positive screen and GC/MS Confirmatory Drug Tests shall be consistent with limits established by the HHS Mandatory Guidelines for

both DOT and Non-DOT testing results for all employees.

The testing facility, at its option or at the direction of the City, may omit the “EMIT” test and use either the GC/MS test.

## **12.0 REPORTING RESULTS**

The MRO and/or the alcohol testing contractor and/or law enforcement agency will submit the results, reports and related information to the City’s Risk/Safety-Administrator, Director of Human Resources, or the SR. Human Resources Specialist. The results will be placed in a medical records file that will be maintained separately from employee personnel files. The City will take all reasonable steps to maintain the confidentiality of the results.

### **A. Drug Test Results**

The MRO, after first speaking with the donor, will report in writing to a DER whether the sample tested was positive, negative, non-negative, or diluted.

Within five (5) working days after receipt of the confirmed positive test result, the City shall notify the individual being tested in writing of the positive test result and the consequences of the result. Upon request the City shall supply a copy of the test results to the employee.

If the MRO reports that a positive test is diluted, the test is considered a verified positive. If the MRO reports that a negative test is diluted and recommends that collection of another test sample be taken under direct observation, the second collection shall be taken as soon as possible.

### **B. Alcohol Test Results**

Breath test results obtained from an alcohol testing contractor and/or law enforcement agency shall be considered confirmed if the results for two breath tests administered within not less than 15 minutes but not more than 30 minutes of each other reveal an alcohol concentration of 0.02g/dl% or greater. The confirmed results from a breath test shall be considered final.

The testing contractor shall release the quantitative results of the alcohol test to a DER.

Either the Risk/Safety Administrator or the Human Resources Director shall be

present during the Drug/Alcohol testing period. The testing contractor will immediately advise the on site DER staff of any positive drug/alcohol testing results. They will then notify the employee's supervisor and appropriate action will be taken as outlined in Section 14.

### **13.0 CONTESTING TEST RESULTS**

#### **A. Confirmatory Drug Test Results**

If the results of the first test are positive, an employee may, at the employee's own expense; request that the split specimen, taken at the original collection facility, be tested by a different certified laboratory. This second test will be coordinated through the MRO and must be requested within 72 hours after the employee receives notification of the positive test results. If the second test results are negative, the employee will report to the collection facility as soon as possible, and will provide another urine sample for an additional test. If the second and third tests are negative the City will reimburse the donor for the cost of the tests. If an employee fails to report to furnish the additional specimen for testing, such employee will be terminated.

#### **B. Contesting a Positive Test Result**

Within five (5) working days after receipt of a positive confirmed test result from the MRO, the City shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant. Upon request of the employee or job applicant, the City shall provide a copy of the test results.

Within (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the City explaining or contesting the test result, and explaining why the result does not constitute a violation of this Policy.

If the employee's or job applicant's explanation or challenge of the positive test results is unsatisfactory to the City, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory along with the report of positive results shall be provided to the employee or job applicant. All related documents should be kept confidential and retained by the City for at least one (1) year.

### **14.0 DISCIPLINARY ACTION**

Employees who are required to take a test in accordance with this policy and refuse or fail to do so when directed, or who tamper with or falsify the test sample so as to affect the results, will be dismissed from employment with the City. Employees who take any type of test under this policy must agree to the release of the results of such tests by the City's MRO to the City's DER or be subject to disciplinary action up to and including termination of employment.

A. If an employee's drug/alcohol test results are positive, or reveals that an individual has taken non-prescribed controlled substances; or if the employee has reported to work under the influence of controlled substances or alcohol, the City can take the following disciplinary actions:

1. Special risk employees will be subject to termination of employment for a first offense..
2. Other than a special risk employee, a first time offense for a positive drug result will constitute a referral to the City's EAP and disciplinary action up to and including suspension without pay.
3. All employees performing safety-sensitive functions will be placed in a position that does not require the performance of safety-sensitive functions. If such a position is not available, the employee will be required to use either annual leave or leave without pay.
4. A first time offense for possession with the intent to sell or distribute, will result in disciplinary action up to and including suspension without pay or termination.
5. A second violation of this policy, will result in termination of employment.

B. If an employee drops out of the EAP prior to satisfactory completion, that employee's employment will be terminated.

C. If an employee's drug test results are positive, the employee will be relieved of duty for 24 hours, referred to the City's EAP, and will be subject to disciplinary action pending the employee's appeal process. Once released by the EAP counselor, the employee will be required to take a return to duty drug test and a negative test result must be received prior to the employee's return to work status. The employee will be required to complete a two (2) year follow-up testing period.

- D. If a DOT employee's confirmatory alcohol test result is over 0.02g/dl% and under 0.04g/dl%, the employee will not be allowed to perform safety-sensitive functions, will be referred to the City's EAP and will be subject to disciplinary action. Once released by the EAP counselor, the employee will be required to take a return to duty alcohol test and a negative test result must be received prior to the employee's return to work status.
- E. If a DOT employee's confirmatory alcohol test is 0.04g/dl% and above the employee will not be allowed to perform safety sensitive function the employee will be referred to the City's Employee Assistance Program, subject to disciplinary action, the employee will be required to complete a two year follow-up testing, and a negative test result must be received prior to the employee's return to work status.
- F. If a DOT employee takes a breathalyzer test, and any detectable amount of alcohol is present, ~~they~~ he/she will not be allowed to perform a safety sensitive function for 24 hours.
- G. If a mandatory-testing position employee's confirmatory alcohol test result is over 0.02g/dl% and under 0.079g/dl%, the employee will not be allowed to perform safety sensitive functions, the employee will be referred to the City's EAP, and will be subject to disciplinary action. Once released by the EAP counselor, the employee will be required to take a return to duty alcohol test and a negative test result must be received prior to the employee's return to work status.
- H. If a mandatory-testing position employee's confirmatory alcohol test is 0.079g/dl% and above the employee will not be allowed to perform safety sensitive functions, the employee will be referred to the City's EAP, The employee will be subject to disciplinary action, the employee will be required to complete a two year follow-up testing, and a negative test result must be received prior to the employee's return to work status.
- I. If the employee refuses to provide a second test sample, his/her employment will be terminated.

Flow charts are attached for quick reference of disciplinary steps.



Table 1  
 Random Testing Flow Chart  
 For  
 Mandatory Testing Positions  
 First Offense Excluding  
 DOT and Special Risk Employees

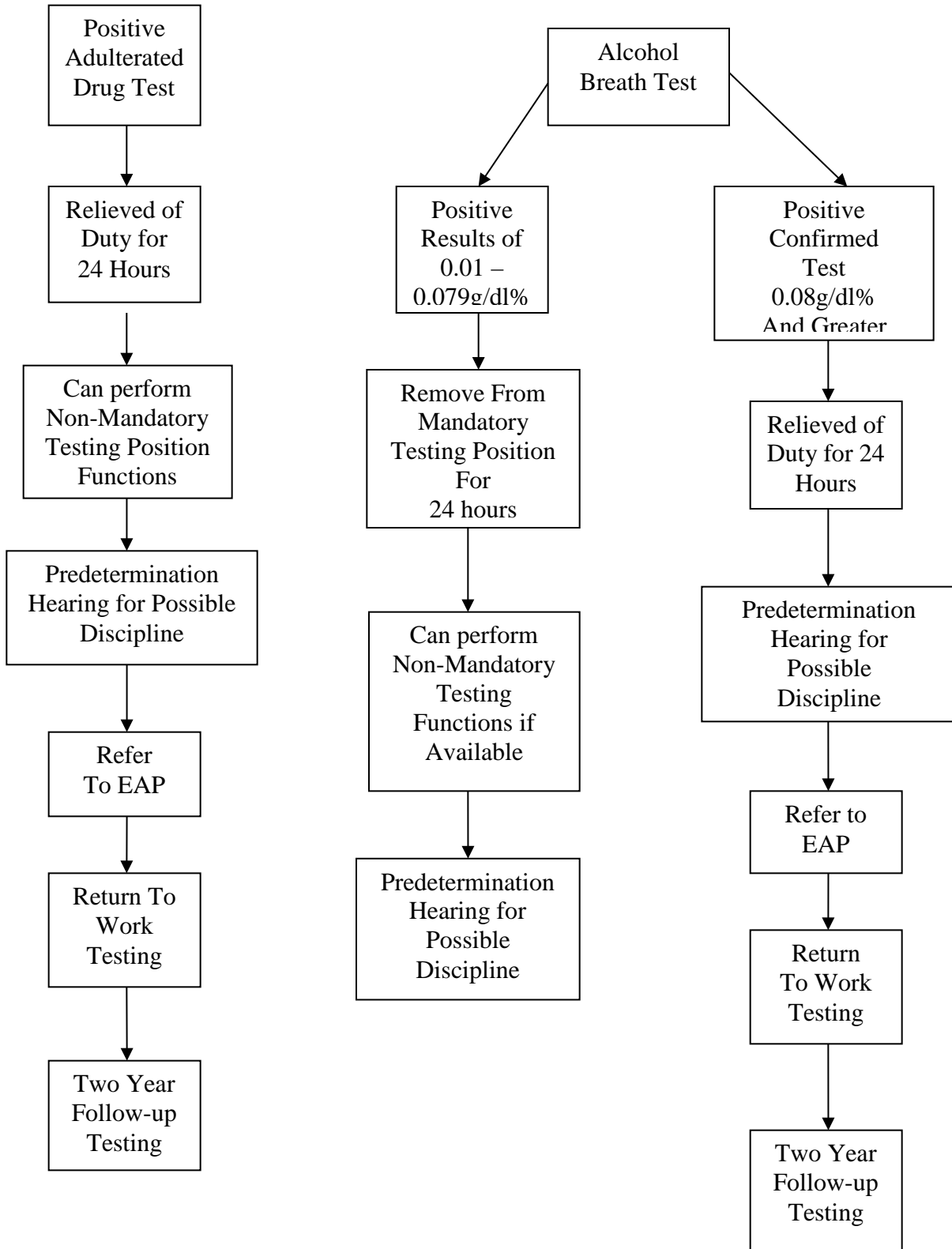


Table 2  
Random Testing Flow Chart  
For DOT

First Offense Excluding  
Mandatory Testing Positions  
and Special Risk Employees

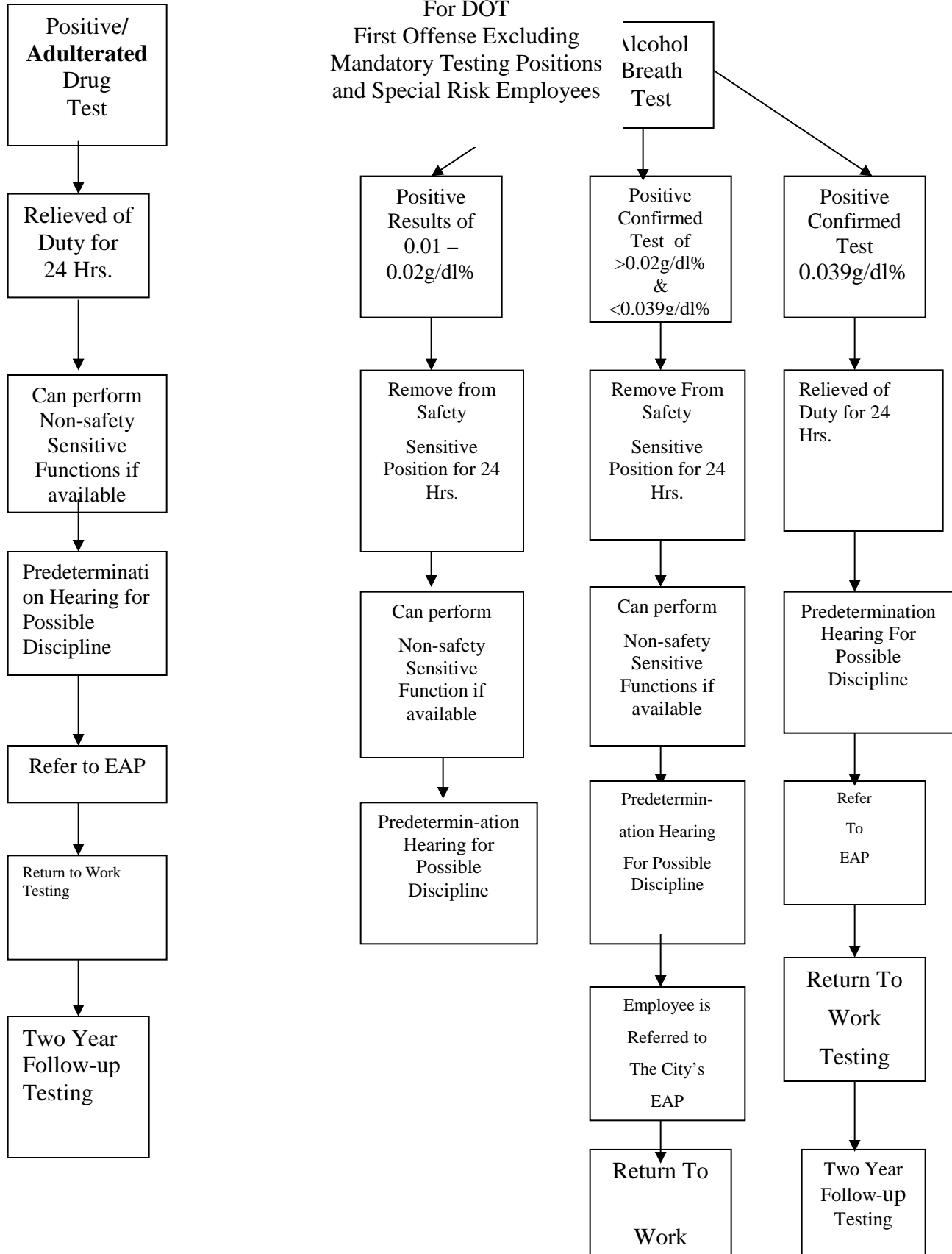
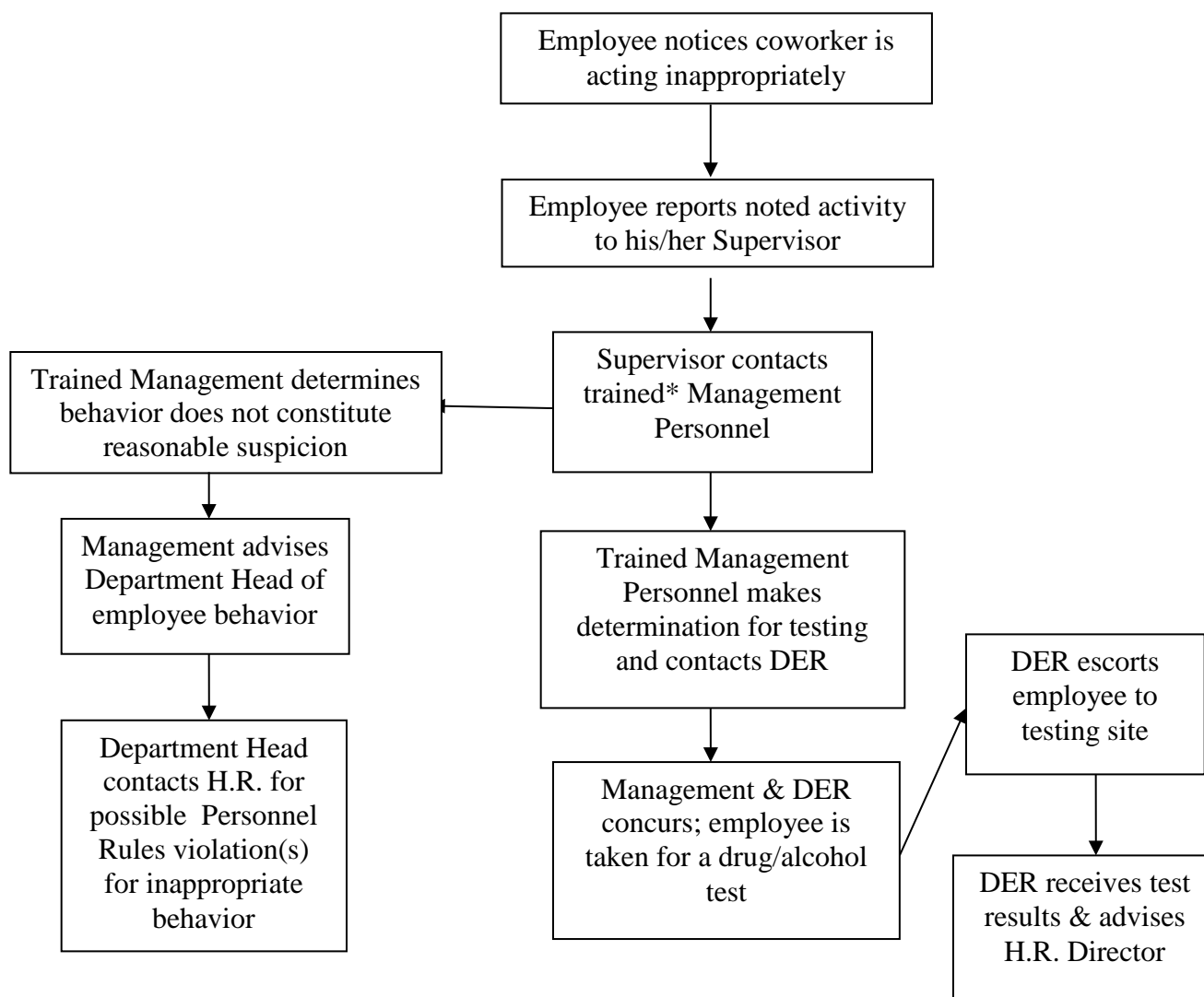


Table 3  
Reasonable Suspicion Drug/Alcohol Notification  
Flow Chart



\* Department of Transportation, 49 CFR 382.603, requires that all supervisors in a position to determine whether reasonable suspicion exists for improper use of alcohol or drugs and if a drug/alcohol test should be conducted, must receive at least 60 minutes of training on alcohol misuse and at least 60 minutes of training for controlled substances usage.

\*\* DER: Designated Employee Representative

TABLE 4

AGENCY FOR HEALTH CARE ADMINISTRATION

OVER THE COUNTER AND PRESCRIPTION DRUGS WHICH COULD ALTER OR AFFECT DRUG TEST RESULTS\*

Alcohol	All liquid medications containing ethyl alcohol (ethanol). Read labels for alcohol content. i.e., Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtres is 20% (40 proof), and Contact Severe Cold Formula Night Strength is 25% (50 proof), and Listerine is 26.9% (54 proof).
Amphetamines	Obetrol, Biphphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, and Fastin.
Cannabinoids	Marinol (Dronabinol, THC).
Phencyclidine	Not legal by prescription
Methaqualone	Not legal by prescription
Opiates	Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with codeine, Emprin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin, etc.
Barbituates	Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebral, Butabarbital, Butalbital, Phenrinin, Triad, etc.
Benzodiazepines	Ativan, Azene, Clonopin, Dalmine, Diazepan, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipan, Restoril, Centrax.
Methadone	Dolophine, Metadose
Propoxyphene	Darvocet, Darvon N, Dolene, etc.

\*Due to the large number of obscure brand names and constant marketing of new products, this list cannot and is not intended to be all-inclusive.

The above list was taken from the Agency for Health Care Administration in Tallahassee, Florida

## **Appendix C**

### **Cellular Telephone & Electronic Communication Devices Policy**

#### **Use of Privately owned Communications Devices:**

The City of Vero Beach recognizes that in today's society employees want to stay connected with family and friends. However, we do not want to compromise our customer service or safety standards. Therefore, we expect that employees make and receive personal communications with discretion.

Privately-owned communications devices (pagers and cell phones) may be carried by City employees provided that the device(s) are carried discretely and do not in any way interfere with the employee performing his or her job duties or compromise the safety of any employee or the public. Personal **communications** shall be made during lunch or break times or with the employee's supervisor's approval.

The use of privately-owned communications devices during work hours should be restricted to high-priority personal communications with family – not for casual use. Use of such equipment shall be kept to a minimum.

Due to the variety of positions we have throughout the City, some positions have heightened customer service and or safety standards. Each department should have standards that would allow an employee to receive messages of an emergency nature. Access to employees for emergency reasons will always be allowed. In case of emergency, employees should provide their families and associates the emergency contact number for their department. Emergency messages will be relayed to the employee without delay.

Cell phone usage to conduct business, other than City business, will be prohibited during work hours. These types of calls shall be limited to designated lunch or break periods.

#### **Cell phones**

Employees who bring personal cell phones to the worksite do so at their own risk. The City is not responsible for privately-owned communications devices and will not reimburse employees for any damage or loss that may occur while carrying such devices at work.

Cell phones and pagers shall be set to "vibrate" mode, if available, if not, the ringer volume must be kept at a minimum as not to startle other workers performing tasks.

If a call must be received or made, the employee must ensure that the work area and all personnel in the work area are safe before answering or placing a call.

Cell phones will be prohibited from the work zone while performing any task in which the supervisor/foreman determines that the use of the phone could compromise employee safety. These include but are not limited to the following tasks:

Performing work on energized equipment or high voltage systems. This would include gas-powered equipment.

Working from the bucket of an aerial device or scaffold.

Climbing, or while belted off on wooden poles or ladders.

Working in a "Permit Required" confined space.

During operations, maintenance or inspection of generation related equipment. This would include lock-out/tag-out procedures.

Climbing, or working from, the steel structure of a substation or any other structures.

Performing work with a crew or by one's self, by which the call could create a safety issue or unnecessary work stoppage.

**Driving or operating any City of Vero Beach vehicle or personal vehicle on City business unless talking on a hands-free call/talk system.**

**When fueling any vehicle, vessel, or equipment, phones shall be powered down.**

When completing work on a high energy piping system or Natural Gas/Flammable Gas systems.

If an emergency call is being transferred or received while **an employee is** operating a motor vehicle or a powered piece of equipment **for City business, the employee will only use the** cell phone when the vehicle has come to a safe stop at the side of the road, in a designated parking spot, or the **piece of** equipment is powered down.

Any work being done where traffic control is required.

Any other area where the Department Director deems the use of cell phones would be hazardous or contrary to City business.

### **Other Prohibited Uses**

Unauthorized use of camera/photo cellular phones or other electronic devices to create or transmit unauthorized images of the public, City employees, work areas, or City documents is strictly prohibited. The use of camera/photo phones is strictly prohibited in restricted access areas and areas where privacy would be expected (e.g., locker rooms, rest rooms, showers).

### **Violation of Policy**

Any employee found to be in violation of the Cellular Telephone and Electronic Communication Devices Policy shall be subject to disciplinary action as outlined in Section 18 of the City's Personnel Rules.





## **APPENDIX D LIGHT DUTY ASSIGNMENTS POLICY**

### **AUTHORITY**

This policy is in keeping with current City of Vero Beach Personnel Rules and Regulations and Section 440 of the Florida State Statutes regarding workers' compensation and the powers and duties of the City Manager.

### **PURPOSE**

The purpose of the policy is to provide guidelines for consideration of each request for light duty.

### **POLICY STATEMENT**

The City will consider all requests for light duty based on the City's primary concern for the safety and welfare of all employees and citizens. The City will accommodate, where possible, employees returning to work on light or restricted duty. Employees returning to work as a result of a work-related injury or illness will receive priority status.

### **DEFINITIONS**

Alternative Duty – duties assigned to an employee outside of the employee's normal department that accommodate the physician's restrictions.

Indemnity Benefits – income benefits as provided under Section 440 of the Florida State Statutes.

Light Duty – duties assigned to an employee that are similar but less physically demanding than that employee normally performs or duties assigned to an employee that are not normally assigned but are within the ability of the employee and in keeping with the restrictions imposed by the treating physician.

Work-related Injury or Illness – an injury or illness that occurred on the job that is being paid under the workers' compensation program of the City of Vero Beach.

Sheltered employment – duties that provide no essential benefit to the City.

### **WORK RELATED INJURY OR ILLNESS**

An employee released to return to work after an on-the-job injury or illness must inform the department and Risk Management of any limitations or restrictions imposed by the treating physician. If the City is able to accommodate the restrictions but employee does not return to work, the employee will not be eligible for indemnity benefits for such lost wages.

Any employee with a work-related injury released to return to light or restricted duty but unable to work due to the lack of light duty assignment, will receive workers' compensation indemnity benefits as defined by Section 440 of the Florida Workers' Compensation laws.

## **ELIGIBILITY**

In the event of a non work-related injury or illness, the department will attempt to accommodate an employee's request to return to work in a light duty or restricted capacity. The request may only be granted if the individual has an expectation of returning to full time unrestricted employment or is eligible for accommodation under the American with Disabilities Act.

## **APPLICATION FOR LIGHT OR ALTERNATIVE DUTIES**

The employee must make a request for light duty to his or her department head. The request must include the following pertinent information regarding the injury or illness:

- Specific written restrictions based on the physician's review of the complete official job description, including the physical requirements sheet.
- Acknowledgement by the physician that the employee has provided the official job description and physical requirements for review
- A return to work plan based on expectations for recovery and the duration of restrictions.

The City may require the employee to submit to a physical assessment by the City's physician. This exam will be at the City's expense.

## **CRITERIA**

All requests for light duty assignments will be reviewed and decided by the respective department head and the Human Resources Department on a case-by-case basis. In determining whether the request can be approved, the following factors will be considered:

- The department's staffing needs
- Availability of restricted duties as defined by the treating physician
- The duration of the restrictions

- The employee's ability to complete the essential duties of the light duty assignment
- The safety and health of the individual
- The safety and health of the employee's co-workers and public
- The city's risk of liability

## **LIGHT OR ALTERNATIVE DUTY ASSIGNMENTS**

The department may attempt to accommodate the physical restrictions by placing the employee in light duty assignments within the employee's department/division. If the department cannot accommodate the restrictions, the Risk Management division will attempt to find an alternative assignment outside the department. The City will only approve light duty assignments if it is in the best interest of the City.

The City may re-evaluate any light duty status or assignment on a periodic basis as determined by the City.

## **LIMITATIONS**

The City may not offer sheltered employment to accommodate an employee's request. The department may only provide legitimate duties necessary to fulfill the department's responsibilities and assignments.

The employee's approved light duty assignment will stop immediately if the employee fails to adhere to the restrictions placed upon the employee by the physician and/or the City or fails to successfully perform any light duty assignments.

The light duty assignment will cease immediately if the employee exaggerates symptoms in an attempt to refuse any of the duties assigned or refuses to do assigned duties that are within the defined restrictions during this period.

The City will not place an employee in any position for which the individual may find themselves in a situation where the employee must, even in an emergency, work beyond those restrictions.

The light duty assignment will cease immediately if the employee refuses any physical exam request by a City physician.

## SECTION

### MANDATORY BUDGET-REQUIRED FURLOUGH LEAVE PROGRAM

#### .1 PURPOSE

A furlough is the placement of an employee in a temporary non-duty, non-pay status for budget-required reasons. A furlough permits the City to continue essential public services and functions while saving funds necessary to balance the City budget. The City of Vero Beach has established a Mandatory Budget-Required Furlough Leave Program (Furlough Program). When directed by the City Manager or designee to do so, employees, including probationary, regular status, part-time and temporary employees, regardless of hourly or exempt status, shall be required to take unpaid furlough leave.

#### .2 FURLOUGH PROGRAM

Unpaid furlough leave shall be governed in accordance with the following provisions:

- A. Upon City Council direction by Resolution, the City Manager may activate, suspend, modify or terminate the Furlough Program when it is deemed necessary for any budget required or emergency reason. To the extent possible, the Furlough Program will be conducted in a manner that will minimize the impact upon the delivery of municipal services.
- B. Each Charter Officer or Department Head will assign and implement furlough leave for each employee based upon the least possible disruption of municipal services, operational needs, employee preference and departmental seniority. Employees may request specific furlough leave dates. The Department Head should give special consideration to requests for furlough leave, but retains the right to coordinate furlough leave dates pursuant to the operational needs of the department and criteria in this section. Each employee required to take furlough leave shall take the furlough leave designated by the employee's department head.
- C. Furlough leave is unpaid leave. Therefore, an employee may not take any other type of paid leave during the furlough leave. An employee may not substitute paid leave for furlough leave. If an employee becomes ill during the scheduled furlough leave, the time cannot be charged as sick leave.
- D. One employee may not take additional furlough leave so that another employee can take less furlough leave.
- E. A full-time employee may not take furlough leave in increments of less than 3 ½ hours.
- F. Employees must take the minimum amount of furlough hours each month as defined per resolution. At the discretion of the department head or designee, employees may take more than the minimum amount designated per month. Once the furlough leave has been taken, it will not be reimbursed. However, if an employee has taken more than the amount of designated furlough leave, the excess furlough leave may be changed to the employee's accrued annual leave if the program is suspended or cancelled.

- G. Part-time employees who are required to take furlough leave will be furloughed in the same proportion as full-time employees. For example, a part-time employee who works 20 hours a week will be furloughed for fifty (50) percent of the number of hours that a full-time employee is furloughed.
- H. Employees on furlough leave on the day prior to or after a City observed holiday will receive holiday pay if all other requirements are met. Paid holidays may not be used as furlough leave.
- I. The use of furlough leave must not result in overtime for either the employee taking the furlough leave or co-workers.
- J. An employee may not do any work for the City during furlough leave, (i.e. emails, phone calls) and may not be contacted by the employee's supervisor or any other City employee to work during furlough leave, except in the event of an emergency when the department head or designee may revoke furlough leave and the employee shall be paid for that time worked. An employee whose furlough leave is revoked due to an emergency shall be required to take the furlough leave on another day.
- K. For all purposes other than paid salary or paid wages, furlough leave shall be deemed as time worked.
- L. Each department is responsible for tracking usage of furlough leave for its employees.
- M. The Furlough Program activated by resolution shall terminate at the end of the fiscal year in which it was implemented unless further extended by action of the City Council, or terminated earlier by the City Manager upon direction of the City Council based upon a determination that the City has sufficient revenues to enable normal operations without the need for continued budget-required furloughs.

# **FAMILY AND MEDICAL LEAVE ACT POLICY**

## **1.0 AUTHORITY**

This policy is in keeping with current City of Vero Beach Personnel Rules and Regulations and the Federal and State Family and Medical Leave Act and the powers and duties of the City Manager.

## **2.0 PURPOSE**

The purpose of the policy is to provide guidelines for consideration of Family and Medical Leave usage and may be amended as applicable when the Federal and/or State Family and Medical Leave Act is amended.

## **3.1 BASIC FAMILY AND MEDICAL LEAVE ACT ENTITLEMENT**

The purpose of the Basic Family and Medical Leave Act (FMLA) is to provide up to twelve (12) weeks of job-protected leave to eligible employees for certain family and personal medical reasons.

- A. Basic FMLA leave shall be granted and required for any of the following reasons:
  - 1. For incapacity due to pregnancy, prenatal medical care or childbirth.
  - 2. To care for the employee's child following birth or adoption, or placement of a child into the employee's foster care.
  - 3. To care for the employee's spouse, child or parent who has a serious health condition.
  - 4. For a serious health condition that makes the employee unable to perform the essential functions of the job.
  
- B. Serious Health Condition
  - 1. A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the essential functions of their job, or prevents the qualified family member from participating in school or other daily activities.
  - 2. The continuing treatment requirement is a period of incapacity of more than

three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.

3. An employee does not need to use this leave entitlement all at one time. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the City's operations.

#### **4.1 MILITARY FAMILY EXIGENCY LEAVE ENTITLEMENT**

The Purpose of the Military Family Exigency Leave Entitlement is to provide twelve (12) weeks of job protected leave to eligible employees with a spouse, son, daughter or parent on active duty or call to active duty status in the National Guard or Reserves for:

- A. Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a covered military member on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation.
- B. Qualifying exigencies include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

#### **5.1 MILITARY CAREGIVER ENTITLEMENT**

The purpose of the special leave entitlement is to permit eligible employees to take up to twenty-six (26) weeks of leave during a single twelve (12) month period as follows:

- A. To care for the employee's spouse, son, daughter, parent or next of kin if he/she is a servicemember who is currently a member of the Armed Forces, National Guard or Reserves with a serious injury or illness incurred in the line of active duty that renders him/her medically unfit to perform his or her duties. The servicemember must be undergoing medical treatment, recuperation, or therapy, or be in outpatient status, or on the temporary disability retired list.
- B. In the event the covered servicemember has no spouse, son, daughter or parent, the next of kin is their nearest blood relative in the following order of priority: blood relatives who have been granted legal custody of the covered servicemember, brothers and sisters, grandparents, aunts and uncles, and first cousins. Employees will be required to furnish proof that they are the servicemember's next of kin.

## **6.0 ELIGIBILITY REQUIREMENTS**

Employees are eligible for coverage under the Family and Medical Leave Act if they have been employed for at least one year, and have worked at least 1,250 hours over the previous twelve (12) months.

## **7.1 EMPLOYEE RESPONSIBILITIES**

- A. When the need for leave is foreseeable, employees shall provide the City thirty (30) days advance notice of the need to take FMLA leave by completing the FMLA Request Form. When thirty (30) days notice is not possible, the employee shall provide the City notice by completing the above mentioned form as soon as practicable and must comply with the City's normal call-in procedures.

If the employee is unable to complete the form, the employee's supervisor shall complete the form commencing with the fourth day of the employee's absence.

- B. Employees must provide sufficient information for the City to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information includes that the employee is unable to perform the essential functions of their position, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
- C. Employees must inform the City if the requested leave is for a reason for which FMLA leave was previously taken.
- D. Once the request is received, the employee shall be required to present medical certification or qualifying military family exigency certification to support the request for leave, regardless of whether the leave is for personal illness or that of a spouse, child or parent, or a covered military member
- E. If the leave is for the employee's personal illness or injury, a return to work form, stating the employee is able to perform the essential functions of their position, must be returned prior to the employee being reinstated to active duty.

## **8.1 JOB BENEFITS AND PROTECTION**

- A. During approved FMLA leave, the City will maintain the employee's group health as if the employee was not on leave. If the employee is on unpaid leave, payment of the employee's dependent portion must be made by the employee.
- B. Upon return from FMLA leave, employees shall be returned to their regular job assignment, or an assignment with equivalent pay, benefits, salary, and other employment terms.



- C. The use of FMLA leave shall not result in the loss of any employment benefit that accrued prior to the start of the leave.

## **9.1 USE AND ACCRUAL OF MEDICAL LEAVE**

- A. An employee who is approved for FMLA leave for a personal medical condition shall be required to first use all accrued medical leave. If the approved FMLA leave exceeds the amount of accrued medical leave a person has, the employee shall then use all accrued holiday leave and accrued annual leave. Thereafter, the leave will be without pay.
- B. Depending on the employee's normal bi-weekly work schedule a regular status employee who requests FMLA leave to care for a family member shall be required to use either 75 or 80 hours of accrued medical leave, provided the employee has not already used those hours during the calendar year. Depending on employee's normal bi-weekly work schedule based upon circumstances and at the department head's discretion, an additional 37.5 or 40 hours of accrued medical leave may be granted to the employee. If the FMLA leave extends beyond the allowed medical leave days, the employee must then use any accrued holiday, eligible personal leave, or accrued annual leave. After all forms of paid leave have been exhausted, the continued FMLA leave will be without pay.
- C. In cases involving a military family exigency, any unused accrued holiday leave, eligible personal leave and accrued annual leave shall be charged. Thereafter, the leave shall be without pay.
- D. In cases involving military caregiver leave, if the leave is for a spouse, child or parent, the provisions stated above in Section B will apply. Because paid medical leave is only allowed for the spouse, child or parent of the employee, no accrued medical leave shall be allowed for next of kin. Employees must use accrued holiday, eligible personal leave and accrued annual leave. Thereafter, the leave shall be without pay.
- E. Annual leave and medical leave will cease to accrue as of the fifteenth consecutive work day an employee is on paid FMLA leave. Upon return from FMLA leave of more than 15 consecutive work days, the employee's accruals will resume.
- F. Although an employee may not have requested FMLA leave, the City retains the right to apply absences to FMLA leave allowance if the absence falls within the scope of the law.
- G. The maximum amount of FMLA allowed for any employee shall be in accordance with the law in effect at the time the leave is granted.

**10.1 FAILURE TO RETURN FROM FMLA LEAVE**

- A. It is an unauthorized absence if the employee does not return from FMLA leave on the date the physician in charge approves the employee's return to work.
- B. FMLA protection will expire if the employee requires additional leave beyond the twelve (12) week guarantee. FMLA protection to care for a covered servicemember will expire if the employee requires additional leave beyond the twenty-six (26) week guarantee.
- C. If an employee voluntarily does not return from FMLA leave, the employee will be responsible for any insurance premiums which were paid by the City on the employee's behalf.

**11.0 CALCULATING LEAVE**

FMLA Leave is calculated on a rolling twelve (12) month period measured backward from the date the employee begins FMLA leave.

**12.1 WORKERS COMPENSATION**

If an employee is on FMLA leave as a result of an on-the-job accident, the provisions of the Workers' Compensation laws shall apply and the leaves shall run concurrently.

**SECTION**  
**LAYOFF AND RECALL**

**.1LAYOFF**

- A. The City Manager may reduce the number of City employees when it is deemed necessary by reason of shortage of funds or work, the abolition of a position or positions, material changes in the duties or organization of a department, or for any other business reason. The duties performed by a laid-off employee may be discontinued or reassigned to other employees who hold positions in appropriate classifications, subject to the provisions of any applicable collective bargaining agreement(s).
- B. In the absence of collective bargaining agreement provisions to the contrary, the City has the sole discretion as to the number and job classifications of employees subject to layoff. When it becomes necessary to reduce the number of employees within a given department or job classification, the City manager will give primary consideration to management's need to carry out the provision of municipal services. Therefore, layoffs will be conducted in a manner that will minimize to the extent feasible the layoff's impact upon the delivery of municipal services. Every effort will be made to give employees reasonable notice of layoffs.
- C. The order of layoff will be determined by consideration of departmental needs, the employee's overall work record with the City including but not limited to, the employee's ability to perform all of the available work in the classification, attendance and tardiness record, safety record, commendations, discipline, job performance and productivity, and the employee's length of service with the City. Probationary employees in a classification shall be laid-off before non-probationary employees in the same classification. Laid-off employees may, at the discretion of the City Manager, be placed into a vacant position in any classification for which the employee may be qualified. The employee shall be required to complete a trial period if the employee had not previously successfully completed a trial period in that classification.
- D. Non-bargaining employees who are offered and accept a job in a lower pay grade in lieu of layoff will be paid in the lower classification as if the employee started in that position at the bottom of the pay grade existing on the employee's date of hire, or September 22, 2002, whichever is later, plus any city-wide salary increases subsequent to the employee's date of hire. Bargaining unit employees shall be paid per the provision of the respective Collective Bargaining Agreement.
- E. Annual or medical leave balances that have accrued prior to the layoff shall not be paid until such time that the recall period expires, the employee resigns, or the employee declines an offer of recall, whichever occurs first.

## .2 RECALL

- A. Employees who are laid-off may request to be placed on a recall list. The employee will remain on the list for a period of twelve months from the date of the employee's last workday unless the employee resigns, or declines an offer of recall.
- B. During this recall period, should a position in the same classification from which the employee was laid-off become vacant, the employee may be offered recall into that position provided the employee passes a physical examination and/or drug screening before returning to work and otherwise remains qualified to perform the essential functions of the position.
- C. The offer of recall will be provided by certified mail that will be sent to the laid-off employee's last known address. It is the responsibility of the laid-off employee to provide the City with any changes to the employee's address. Within three business days of receipt of the recall notice, the laid-off employee must notify the City of the employee's intent to return to work or the offer of recall shall be considered declined.
- D. During the recall period, laid-off employees who have requested placement on the recall list may apply for internally posted positions that are not yet open to the public. It is the responsibility of laid-off employees to seek out listings of the internally posted positions.
- E. At the end of the twelve month recall period, if the employee has not been recalled, the laid-off employee shall be considered to have resigned in good standing and accrued annual and medical leave shall be paid out according to Section 13.04 A and Section 14.05 of these Rules.

## Military Leave Policy

### **1.0 AUTHORITY**

This policy is in keeping with the current City of Vero Beach Personnel Rules and Regulations and Federal and State law.

### **2.0 PURPOSE**

The purpose of the policy is to provide guidelines for Military Leave. This policy may be amended as applicable when changes are made in Federal/State law.

### **3.1 MILITARY LEAVE**

The City of Vero Beach recognizes and supports the contributions of its public officers and employees serving in the military and seeks to aid in ensuring the state and national security at all times through a strong armed force of qualified and mobilization-ready personnel. Military leave and reemployment rights shall be granted to any public official or employee of the City of Vero Beach, whether full-time, temporary, part-time, probationary, or seasonal, serving in the uniformed services consistent with state law and the federal Uniformed Services Employment and Reemployment Rights Act (USERRA). Service in the uniformed services covers all categories of military training and service, including duty performed on a voluntary or involuntary basis in time of peace or war.

- A. Federal Active or Inactive Duty Training. All public officials or employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard shall be granted military leave under Section 115.07, Fl. St. to engage in active or inactive duty training upon presentation of a copy of the public official or employee's official military orders. The **first 240 working hours** of such leave in a fiscal year shall be with pay. Such leave for additional periods shall be without pay.
- B. Florida National Guard Active State Duty. All public officials or employees who are members of the Florida National Guard shall be granted a leave of absence under Section 250.48, Fl. St. for his or her respective duties, without loss of pay, time, or efficiency rating, on all days during which the public official or employee is engaged in active state duty for a named event, declared disaster, or operation pursuant to Section 250.28, Fl. St. or Section 252.36, Fl. St. as established by executive order upon presentation of a copy of the public official or employee's official military orders. A leave of absence without loss of pay under this section may not exceed thirty (30) days for each emergency or disaster, as established by executive order.
- C. Active Military Service.
  1. All public officials or employees who are servicemembers in the National Guard or a reserve component of the Armed Forces of the United States shall be granted a leave of absence from their respective offices and duties to perform active military service upon notification, whether in writing or verbally, as far in advance as is reasonable under the circumstances pursuant to USERRA. The first thirty (30) calendar days of any such leave of absence shall be

- with full pay. Pursuant to City Resolution, and in accordance with state law, after the first thirty (30) calendar days of active military service, all public city officials and city employees shall have their military pay supplemented in an amount necessary to bring their total salary, inclusive of their base military pay, and excluding any overtime, to the level earned at the time they were called to active military duty. Health insurance and other existing benefits, if any, shall continue to be provided to such public officials and employees pursuant to USERRA.
2. Reemployment rights shall be in accordance with USERRA. Upon completing service in the uniformed services, the public official or employee must notify the City of his or her intent to return to the employment position pursuant to USERRA. The public official or employee is required to submit to the City documentation necessary to establish eligibility for reemployment in accordance with USERRA.
- D. Retirement benefits. In accordance with USERRA and state law, on reemployment, military service is deemed to be service with the City for purposes of employee retirement plan benefits. Pension plan accrual and vesting shall continue during the employee's military service.

## **APPENDIX F**

### **EMPLOYEE PERFORMANCE APPRAISAL POLICY**

#### **1.0 INTRODUCTION AND PURPOSE:**

The Human Resources Director, under the direction of the City Manager, shall establish and administer procedures for evaluating the work performance of all employees.

The primary purpose of the performance appraisal is to assist the employee in improving his/her job performance in order to achieve the desired goals and objectives of the department. It should be used as an opportunity for training and development. An effective employee performance appraisal will serve to:

- A. Inform the employee about his/her performance both for those areas in which he/she needs improvement and those areas in which he/she is performing well, where applicable.
- B. Help the employee to improve his/her behavior and skills, where necessary.
- C. Set realistic goals for the employee to attain when appropriate.

#### **2.1 PERIODS OF EVALUATION**

Performance appraisals shall be conducted at the following times:

- A. After three months of an employee's initial probationary period and then again no later than one month prior to the completion of the probationary period. The appraisals conducted during this period shall recommend either retention or dismissal of the employee.
- B. When an employee is promoted, demoted or transferred, after three months of the trial period and then again no later than one month prior to the completion of the trial period in the new position. The appraisals conducted during this period shall determine whether or not the employee has successfully completed the trial period.
- C. Annually for all employees no later than five working days before the employee's anniversary date.
- D. At any time as deemed necessary by the employee's Supervisor, Department Head, Human Resources Director, or Charter Officer, or in the case of Charter Officers, as deemed necessary by the City Council.

#### **3.0 REVIEW WITH THE EMPLOYEE**

The appropriate supervisor shall be designated to perform each individual employee's performance appraisal. The designated supervisor shall discuss the employee appraisal with the employee being evaluated as part of the appraisal process. If an employee disagrees with the statements in the evaluation, the employee may submit his/her comments in the Employee Comments Section of the form. When reviewing the appraisal, the Department Head or Charter Officer, as the case may be, shall consider the statement and consult with the designated supervisor and the Human Resources Director if needed.

#### **4.1 EMPLOYEE PERFORMANCE APPRAISAL RECORDS**

Performance Appraisal forms shall be signed by the employee, the designated supervisor and the Department Head or Charter Officer, as the case may be, and forwarded to the Human Resources Department for inclusion in the employee's official personnel file.



**APPENDIX G**  
**TOBACCO USAGE POLICY**

**AUTHORITY**

This Tobacco Usage Policy (hereinafter “Policy”) has been developed and implemented in compliance with the City of Vero Beach Code of Ordinances, the City of Vero Beach Personnel Rules and Regulations, and the Florida Clean Indoor Air Act (section 386.201, Florida Statutes, *et seq.*).

**PURPOSE**

The purpose of this Policy is to:

- Provide and maintain a safe, comfortable, healthy, and productive work environment for all City of Vero Beach employees, elected and appointed officials, volunteers, and interns;
- Provide for the use of tobacco and tobacco products only in those certain areas specifically designated for tobacco use;
- Establish a procedure for designating those areas where tobacco use is prohibited and where it is permitted; and
- Hold those persons to whom this Policy applies accountable for violations of the Policy.

**POLICY STATEMENT**

The City of Vero Beach is committed to promoting the safety, health, and wellbeing of its employees, elected and appointed officials, volunteers, and interns by providing and maintaining a safe and healthy workplace. To that end, it is the policy of the City of Vero Beach that any use of tobacco or tobacco products in any City building, structure, facility, or vehicle is strictly prohibited except in specifically designated areas.

**SCOPE OF COVERAGE**

This Policy applies to all City of Vero Beach employees, elected and appointed officials, volunteers, and interns. This Policy covers all City buildings, structures, and facilities whether occupied or vacant and all City vehicles, whether owned or leased.

**GENERAL PROHIBITION**

- A. Except in specifically designated areas or as otherwise stated in this Policy, the use of tobacco and tobacco products is prohibited in any City building, structure, or facility and in any City vehicle.

- B. Due to safety requirements, smoking is prohibited in the proximity of flammable or combustible materials.

## **PROCEDURES FOR DESIGNATION OF TOBACCO-FREE AREAS AND USE AREAS**

### **A. DESIGNATION OF TOBACCO FREE AREAS.**

Each department head or designee, in coordination with the Risk and Safety Administrator, shall establish and clearly designate tobacco free areas by appropriate signage. Signs shall be posted in all City buildings, structures, facilities, and vehicles advising of the prohibition on the use of tobacco and tobacco products pursuant to this Policy.

### **B. DESIGNATION OF TOBACCO USAGE AREAS.**

Each department head or designee, in coordination with the Risk and Safety Administrator, shall establish and clearly designate permissible tobacco usage areas by appropriate signage. Such designated tobacco usage areas shall be located at least 25 feet from all building, structure, or facility entrances and common areas, shall be easily accessible, and shall contain proper tobacco disposal receptacles.

## **POLICY COMPLIANCE ASSISTANCE**

The Risk and Safety Administrator will make available on request information on the adverse effects of the use of tobacco and tobacco products and the positive effects of smoking cessation. Employees that participate in City health insurance coverage may also have available the City's Employee Assistance Program for formal tobacco-cessation support.

## **ENFORCEMENT; VIOLATIONS**

1. The Risk and Safety Administrator, in conjunction with each department head or designee, will ensure that this Policy is properly enforced.
2. Each department head will ensure that individuals in their department are provided a copy of the Policy and the Acknowledgment of Tobacco Usage Policy (hereinafter "Acknowledgment").
3. It is the responsibility of each employee and others subject to this Policy to sign the Acknowledgment, indicating that such individual has read and understands the Policy. The executed Acknowledgment shall be returned by the individual to their department head.

4. Violations of this Policy can result in disciplinary action up to and including termination as outlined in Section 18.10 of the Personnel Rules.
5. Persons subject to this Policy shall also be advised that the Florida Clean Indoor Air Act (section 386.201, Florida Statutes, *et seq.*) can also apply to the use of tobacco at City of Vero Beach facilities and a violation can subject them to prosecution for noncriminal penalties of up to \$100 for the first violation and up to \$500 for each subsequent violation.

The City of Vero Beach Tobacco Usage Policy is effective as of January 8, 2013.

## APPENDIX H

# SOCIAL MEDIA POLICY

At the City of Vero Beach, we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and coworkers. However, the use of social media also present certain risks in carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established that these guidelines for appropriate use of social media.

### Guidelines

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own, or someone else's web log or blog, journal or diary, personal web site, social networking, or affinity website, web bulletin board or chat room, whether or not associated or affiliated with the City of Vero Beach as well as any other form of electronic communication. The same principles and guidelines found in the City of Vero Beach Personnel Policies apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow associates or otherwise adversely affects members, customers, suppliers, people who work on behalf of the City of Vero Beach may result in disciplinary action up to and including termination.

### Know and follow the rules

Carefully read these guidelines, the City of Vero Beach discrimination and harassment prevention policy, and ensure your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

### Be respectful

Always be fair and courteous to fellow workers, customers, suppliers or people who work on behalf of the City of Vero Beach. Also, keep in mind that you are more likely to resolved work related complaints by speaking directly with your co-workers than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that could reasonably be viewed as malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law.

### Be honest and accurate

Make sure you are always honest and accurate when posting information or news if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost anything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about the City of Vero Beach fellow

coworkers, customers, suppliers, or people working on behalf of the City of Vero Beach.  
Post only appropriate and respectful content

Express only your personal opinions.

Never represent yourself as a spokesperson for the City of Vero Beach. If the City of Vero Beach is a subject of the content you are creating, be clear and open about the fact that you are an associate and make it clear that your views do not represent those of the City of Vero Beach, fellow workers, customers, or people working on behalf of the City of Vero Beach. If you do publish a blog or post online related to the work you do or subjects associated with the City of Vero Beach, make it clear that you are not speaking on behalf of the City of Vero Beach. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of the City of Vero Beach.

Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your manager or consistent with that company policy. Do not use the City of Vero Beach email addresses to register on social networks, blogs or other online tools utilized for personal use.

Retaliation is prohibited

The City of Vero Beach prohibits taking negative action against any associate for reporting a possible deviation from this policy or for cooperating in an investigation. Any associate who retaliates against another associate for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

Guidelines listed in this policy shall not be interpreted to interfere with employee rights under a collective bargaining agreement or protected concerted activity pursuant to Part 2 Chapter 447 of Florida Statutes.

If you have questions or need further guidance, please contact your HR department.