

# HUMAN RESOURCES POLICY MANUAL



**CLEARWATER**  
BRIGHT AND BEAUTIFUL • BAY TO BEACH

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# Article 1 Introduction and Definitions

## Section 1. Background

The City Council for the City of Clearwater adopted the first set of Civil Service Rules and Regulations on May 17, 1965, and most recently revised those Rules on November 13, 2017. In the years that followed, the norms and practices governing City employment evolved. Following the enactment of the Florida Public Employees Relations Act in 1974, large segments of City staff exercised their right to bargain collectively. This added a layer of complexity to the City's relationship with much of the City's workforce since those employees' terms and conditions were now also governed by collective bargaining agreements.

The City also consolidated its policies and procedures relating to the City's Classified and Unclassified Service Supervisory, Administrative, Managerial, & Professional Employees (SAMP) employees into its first SAMP Manual issued January 1, 1992. That manual, last revised effective May 1, 2009, reflected the City's efforts to provide to Classified and Unclassified service SAMP personnel clear and comprehensive information regarding applicable City policies, procedures, pay, and benefits. Over the years that followed, amendments to the Civil Service Rules and the SAMP Manual coupled with the City's adoption of various ad hoc policies and procedures to address current issues or legal developments created a patchwork structure of employment-related regulations that have become cumbersome and difficult to administer. To address this circumstance, this new consolidated set of policies and procedures, the Human Resources Policy Manual ("HR Policies") has been developed and shall be updated as needed from time to time.

On May 14, 2024, the Florida Public Employees Relations Commission (PERC) issued an order revoking the certification of the Communications Workers of America Local 3179 (CWA). The revocation terminated the collective bargaining agreement which precipitated the need to reclassify the employees no longer represented by the bargaining unit. With this change, Classified service employees will now have two distinct groups: Classified Non-SAMP (formerly CWA) and Classified SAMP (see Definitions section for further details). Included in the Classified Non-SAMP are nonprofessional employees of the City of Clearwater (see Appendix A for listing of included job classifications).

## Section 2. Authority and Application

These HR Policies are issued pursuant to the authority granted under the City of Clearwater Code of Ordinances, Chapter 2, Article IV, Division 2, as amended (hereafter, the "CS Ordinance") and the City Manager's authority to regulate the terms of employment for the employees outside the Classified service. Where policies are limited in their application to specific employees' classes (i.e., Classified or Unclassified), an effort has been made to note that distinction.

## Section 3. Amendment

- A. The Human Resources Director may at any time, on recommendation of the City Manager, abolish, alter, change, make additions to, or otherwise amend the HR Policies as provided by the CS Ordinance.
  1. When required by the CS Ordinance, written notice of proposed changes or additions

affecting the Classified Service will be given prior to enactment.

2. When required by the CS Ordinance, public notice of proposed changes or additions affecting the Classified Service will be given by the Human Resources Director.
  3. When required by the CS Ordinance, a public hearing before the Civil Service Board will be scheduled if requested by any affected party in the Classified Service.
- B. For any changes for which notice is not required by the CS Ordinance, the City Manager may make such changes, modify, or discontinue any benefits at their discretion. Any changes in benefits for Classified service Non-SAMP and SAMP employees will apply to such employees as a group and not to individual employees.
- C. An effort has been made to include major Classified service Non-SAMP and SAMP and Unclassified service SAMP employees' pay and benefits information in these HR Policies, however, it may not be all-inclusive. Generally, but not in every instance, benefits not herein referenced which are available to the general employee group are also provided to the SAMP employees. Determinations of benefits not herein referenced are at the discretion of the City Manager. Nothing in this Manual is deemed to constitute a contract of employment or for benefits.

#### **Section 4. Organization – Human Resources Department**

- A. There will be in the City of Clearwater a Human Resources Department, the executive head of which is the Human Resources Director. The Human Resources Director will be experienced in the management and administration of human resources and is appointed by and serves at the pleasure of the City Manager.
1. The Human Resources Director will direct all the activities of the Human Resources Department and appoint its employees. It is the duty of the Human Resources Director to uphold and monitor the operation and effects of the CS Ordinance and the HR Policies.
  2. The Human Resources Director will make an annual report to the City Manager and the Civil Service Board regarding the performance and organization of the Human Resources Department.
  3. The Human Resources Director will maintain and make available such personnel records as required by law. *Ref: CS Ordinance Sec. 2.283 – Personnel department.*

#### **Section 5. Organization – Civil Service Board**

- A. There shall be within the personnel department a five-member Civil Service Board. The members of the Board shall be citizens of the city, not employed by the city, or in any manner connected with the city administration, and such members shall serve overlapping three-year terms. Two members shall be appointed by the City Manager, two shall be elected by the municipal employees, and the fifth shall be selected by the other four members. The fifth person selected shall be an individual who does not presently hold any office in or affiliation with any type of labor union or organization commonly associated with municipal management or administration. Three members of the board shall constitute a quorum and each year the board shall elect one of its members as chairman. A member of the board shall resign immediately upon announcement that the member is running for any political office.



- B. Each member of the board shall hold office until the member's successor is appointed and confirmed. A member of the board may be removed by the City Council for cause. Cause, within the meaning of this section, shall be defined to include malfeasance, misfeasance, or nonfeasance in office, conviction of a felony, or a crime involving moral turpitude. Prior to such removal, the member shall be entitled to receive a written statement of the reasons for such removal and be granted a hearing on such reasons before the City Council. Replacement of any member removed, as provided in this section, shall be in the same manner as the original appointment election or selection and for the remainder of the applicable term.
- C. The Civil Service Board, upon request of the Human Resources Director, the City Manager, or upon its own initiative, shall have the responsibility of conducting public hearings on proposed deletions, modifications, or additions to personnel policies, and of providing advice and counsel on all aspects of public personnel administration, including but not limited to, manpower utilization, manpower training, test validation, employee compensation, and employee grievances. Upon request by the Civil Service Board, the City Council may in its discretion provide the board independent legal counsel.
- D. All cases of employee grievances relating to discipline or problems of job discrimination shall be heard by the hearing officer utilizing procedure set forth in CS Ordinance section 2.285.
- E. The Human Resources Director, or designated appointee, shall attend all meetings of the Board, shall present matters that require action by the Board, and shall coordinate the preparations of the meeting minutes. The Human Resources Director shall have the right to participate in discussions but shall have no vote.

## **Section 6. Defining the Classified and Unclassified Service**

- A. Civil (Classified) Service – The Civil Service shall comprise all Classified positions in the public service of the City of Clearwater, now existing or later created. All Unclassified employees are not considered Classified service employees and are not covered by any HR Policies applicable to the Classified service except where explicitly extended, in writing, either under the HR Policies or by the City Manager or designee.
- B. Exempt (Unclassified) Service and Coverage Exclusions
  - 1. In accordance with the CS Ordinance, the Unclassified service is comprised of:
    - a. All employees in the City Attorney's Office.
    - b. Employee members of Boards and Commissions and heads of Departments appointed by the City Manager.
    - c. Unclassified Senior Staff employees, including the City Manager, Assistant/Deputy City Managers, Department Directors, Assistant Department Directors, Division Managers, or equivalents as determined by the Human Resources Director, and all others governed by an Employment Agreement Letter.
    - d. Other Unclassified service employees, including temporary, emergency, seasonal, variable, or other employees in current or future classifications or employment status not specifically listed above, and not covered by any collective bargaining agreement.
  - 2. The following non-employee groups are excluded from coverage under the HR Policies in their entirety:

- a. The members of City Council.
- b. Non-employee members of Boards and Commissions appointed by the City Manager or City Council.
- c. Persons employed to make or conduct a temporary and special inquiry, investigation, or examination on behalf of the City Council, a committee thereof, or the City Manager.
- d. Employees of temporary help/employment agencies used by the City under contractual arrangement.
- e. Independent contractors or consultants.

## **Section 7. Definitions**

In these HR Policies, the terms listed below will be defined as follows unless the context requires another definition.

“Administrative Hearing” is a hearing conducted by a Hearing Officer when an employee has appealed an alleged adverse employer action as provided in the CS Ordinance.

“Administrative Leave” is leave granted with or without pay at the discretion of the City Manager or their designee when circumstances dictate that an employee be relieved from duty in conjunction with a disciplinary action, during or following an investigation, pending decision-making leave or termination, because the employee’s services are determined to be non-essential, or as otherwise deemed necessary by City administration with the approval of the City Manager or designee.

“Allocation” is either (1) the act of determining to which class or pay grade a position belongs, or (2) the class to which a position has been determined to belong, depending on the context.

“Appointment” is the act by the City Manager or designee of selecting a person to fill a vacant position through methods specified in the CS Ordinance and/or applicable HR Policies.

“Assistant City Attorney” is a position class appointed by the City Attorney, not the City Manager. For purposes of these HR Policies, Assistant City Attorneys are treated as part of the Unclassified Senior Staff but all reference to actions to be taken by the City Manager or the authority of the City Manager with respect to the Unclassified service refers instead and exclusively to the City Attorney, who is vested with all such authority as to the Assistant City Attorney class of employees.

“Board” is the Civil Service Board of the City of Clearwater, State of Florida.

“Business Day” shall refer to Monday through Friday. Saturdays, Sundays, and days designated as holidays for managerial employees of the City Manager’s office are excluded.

“City” is the City of Clearwater, State of Florida.

“City Council” is the City Council of the City of Clearwater, State of Florida.

“Civil Service” is the Classified positions in the employ of the City of Clearwater not specifically exempt under the provisions of the CS Ordinance or the HR Policies.

“Class,” “Classification,” or “Class of Positions” refers to positions in the employ of the City that are alike in the following characteristics:

- A. Requiring incumbents to perform similar job-related duties and responsibilities to include qualifications, training, experience, capacity, knowledge, proficiency, and any other qualifications necessary in the performance of job-related functions.
- B. Having candidates appointed to the classification using objective selection criteria.
- C. Compensating incumbents by the same rate or rates within a schedule of compensation.

“Classified” is the status which pertains to employees who are in full-time or part-time positions within the Civil Service that fall under the purview of the HR Policies covering Classified service where the employee has satisfactorily fulfilled the obligations of the initial probationary period and become certified to regular employment status with certain rights of appeal through the Civil Service grievance process.

- A. “Classified SAMP Exempt” are those employees who are assigned to job classifications in the Classified service with duties that require professional level work and are exempt from FLSA overtime provisions.
- B. “Classified SAMP Non-Exempt” are those employees who are assigned to job classifications in the Classified service with duties that require professional level work and are not exempt from FLSA overtime provisions.
- C. “Classified Non-SAMP” are those employees (formerly in the CWA) who are assigned to job classifications in the Classified service who are nonprofessional employees and are not exempt from FLSA overtime provisions.

Throughout this document both Classified SAMP Exempt and Classified SAMP Non-Exempt may be referred to collectively as “Classified SAMP” for simplicity.

“Department Director,” “Administrator,” or equivalent is the head of a recognized organizational subdivision of the City who reports directly to the City Manager or their designee. Such employees are part of the Unclassified Senior Staff.

“Division Head/Manager” or equivalent is the head of a recognized organizational subdivision of a department of the City who reports directly to a Department Director or Assistant Director. Such employees are part of the Unclassified Senior Staff.

“Eligible” is any person whose name is on an Eligible List.

“Eligible List” is either an Appointment List or Reemployment List, as described in Article 4.

“Emergency Appointment” is a temporary appointment required for not more than 6 months. Such employees are not considered Classified Civil Service employees and are not covered by the policies applicable to the Classified service. Such employees are part of the Other Unclassified service.

“Employee,” as referenced in this document, is any person employed by the City on a salaried or hourly basis.

“Employee Self Service” (ESS) is a portal in which employees can access HR-related information, complete job-related tasks (ex: downloading pay stubs, requesting time off, updating contact information, etc.) and where exempt employees will verify their payroll exceptions.

“Examination” is any process for the assessment of knowledge, skills, abilities, and other characteristics that may be either open to all persons or, for the purpose of promotion, open only to employees of the City in a designated organizational unit or units in a designated class or classes. The Human Resources Department will determine which applicants meet the minimum requirements for entrance to an examination process.

“Flex Time” is the process whereby an employee’s regularly scheduled hours of work within a specific workweek are adjusted with proper notification and at the mutual convenience of the employee and the respective department. Such flexing of work hours must be approved in advance by the respective department and may not be subject to a quid pro quo arrangement or otherwise required by the department to avoid the payment of overtime.

“Human Resources Director,” “Director of Human Resources,” or “Director” is the head of the Human Resources Department appointed by the City Manager in accordance with the provisions of the CS Ordinance.

“Other Unclassified service” (“OUS”) refers to employees holding an Appointment type considered as temporary or contingent in nature, including Temporary, Emergency, Seasonal, Variable, or other Unclassified appointments not included within the Unclassified Senior Staff.

“Paycheck” refers to wages and compensation paid biweekly to an employee by direct deposit, which is the preferred and encouraged method of payment; or by pay card.

“Position” is a station of employment with the City comprised of a group of current duties and responsibilities assigned or delegated by competent authority, requiring the full-time or part-time employment of one person.

“Promotional Appointment” is an appointment from a position of a particular level in the Classified service into a classification of a higher level pursuant to the specific provisions of these policies, a collective bargaining agreement, or memo of understanding.

“Reallocation” or “Reclassification” is a change in allocation of a position by assigning it to another class and/or to a higher, lower, or similar level of compensation on the basis of significant changes in the type, difficulty, or responsibility of the work performed in the position.

“Reemployment List” is the eligibility register containing the names of former employees who, while in good standing, have been involuntarily separated from City employment due to circumstances beyond their control. The length of eligibility on a Reemployment List is one year from the date of separation.

“Regular Employee” is an employee who has been appointed to a position in the Civil Service, has satisfactorily completed the initial probationary period, and has acquired Classified status as specified by the CS ordinance and/or these policies.

“SAMP” is an acronym for the words Supervisory, Administrative, Managerial and Professional. The SAMP group generally consists of those employees who are assigned to job classifications that are either professional level work of a nature typically requiring a four-year degree or managerial level work of a nature constituting an “at will” employment status. The SAMP group also includes those employees who are assigned to job classifications in the Classified service, including those that are deemed “confidential” in nature under provisions of the Florida Statutes governing collective bargaining.

“Seasonal Appointment” is used during specific time periods of the year (i.e., summer camps, beach guards, marine facility operators at pier, school crossing guards, etc.). Seasonal hires must have a defined break in service of at least thirty (30) days. Seasonal employees are not considered Classified Civil Service employees and are not covered by HR Policies applicable to the Classified service. Such employees are part of the Other Unclassified service.

“Temporary Appointment” is an appointment to a position for a period up to nine (9) months. Such appointment is made from an Eligible List in the same manner as a probationary appointment. Temporary employees are not considered Classified Civil Service employees and are not covered by the HR Policies applicable to the Classified service. Such employees are part of the Other Unclassified service.

“Unclassified” employees are those that do not become certified to regular employment status but instead serve at the pleasure of the City Manager (or City Attorney, as applicable) in at “at will” capacity and have no rights of appeal through Civil Service. Unclassified employees are further divided into two categories: Unclassified Senior Staff (“USS”) and Other Unclassified service (“OUS”).

“Unclassified Senior Staff” (“USS”) are SAMP employees excluded from the Classified service and whose general terms and conditions of employment fall under the purview of the HR Policies covering Unclassified service.

“Variable Appointment” is an appointment to a position whose scheduled hours vary, and it cannot be reasonably determined if they will average more than 30 hours of service per week during the initial measurement period. They are expected to work more than 6 months but only sporadically as needed, meaning some weeks they may not be scheduled at all, while other weeks they may work. Variable employees are not considered Classified Civil Service employees and are not covered by HR Policies applicable to the Classified service. Such employees are part of the Other Unclassified Service.

## **Section 8. Policy Acknowledgment**

- A. The Human Resources Department will provide each employee at new hire orientation copies of policies and/or direction to locate all policies that the employee is responsible for complying with, as well as a format for obtaining written or electronic acknowledgment of such from the employee.
  - 1. Employees will be required to provide a written or electronic acknowledgment during new hire orientation indicating that they have received copies of policies and/or direction as to where all policies they are responsible for complying with can be located.
- B. Human Resources will require each employee annually to participate in and complete a policy review training which will also include a written or electronic policy acknowledgment

from the employee.

- C. Human Resources is responsible for ensuring the receipt and maintenance of all written or electronic policy acknowledgments obtained from employees in accordance with applicable records retention schedules.

## **Section 9. Validity**

If any provision of the HR Policies is held invalid, the remaining provisions remain in full force and effect.

# Article 2 Equal Opportunity

## Section 1. Policy and Purpose

- A. The City of Clearwater's policy is that no person shall be unlawfully discriminated against with regard to recruitment, selection, appointment, training, promotion, retention, discipline, or other aspects of employment because of any consideration of race, color, religion, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, sex (including conditions of pregnancy and sexual harassment), or genetic or family medical history information as defined by the Genetic Information Nondiscrimination Act (GINA).
- B. The importance of permitting equal opportunity protest is affirmed, and the City of Clearwater will not tolerate any illegal acts of retaliation against any employee who exercises their rights under these policies. This policy's purpose is to foster and maintain a healthy working environment in which equal employment opportunities for all people can thrive while truly appreciating the value of diversity in thought, being, and expression within our working relationships.
- C. These policies also support required compliance with federal, state, and local employment laws. It is the intent of these policies to ensure the continuous well-being of our workplaces by:
  - 1. Removing all non-job-related barriers to the employment, placement, and promotion of persons of color or non-white persons, women, and individuals with disabilities.
  - 2. Attaining and maintaining a workforce composition that proportionately represents the make-up of the community as reflected in relevant local data.
  - 3. Ensuring that under-represented and under-utilized classes within our organization are provided the opportunity to earn promotion and placement into all levels of supervision and management, as well as desired positions of responsibility.
  - 4. Recruiting and employing qualified multi-lingual persons in all categories as needed to provide adequate services to the citizenry.

## Section 2. EEO Policy Scope

- A. Any employment issue concerning situations of perceived unequal treatment based upon alleged consideration of race, color, religion, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, sex (including conditions of pregnancy and sexual harassment), or genetic or family medical history information must immediately be referred to the Talent Acquisition and Diversity Division in the Human Resources Department for technical assistance. Other employee concerns pertaining to treatment or circumstances not related to any classification or status listed above should be referred to the Human Resources Department for review under citywide values and standards.
- B. The City Manager and all administrative management personnel are committed to equal employment opportunity and will adhere to all equal employment opportunity laws and policies to ensure the equitable treatment of all employees. The City Manager shall be accountable for the development, implementation, and administration of the City of

Clearwater equal employment opportunity obligations and objectives.

- C. The Talent Acquisition and Diversity Division shall assist the City Manager in interpreting the policies and processes necessary for compliance with local, state, and federal equal employment opportunity laws. Additionally, the Talent Acquisition and Diversity Division shall provide equal employment opportunity investigative services and training to City of Clearwater personnel to maintain equal employment opportunity objectives. The Talent Acquisition and Diversity Division shall be responsible for responding to equal employment opportunity inquiries made by properly authorized regulatory agencies.

### **Section 3. Behavior Expectations**

- A. All City of Clearwater personnel are required to maintain the values of equal employment opportunity and appreciating diversity, equity, and inclusion within our organization. As a part of this commitment, employees shall not at any time during working hours or while in any circumstance that could impact upon employment rights engage in or be subjected to offensive verbal, visual, or physical misconduct which has the effect of denigrating or abusing people because of a consideration of race, color, religion, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, sex (including conditions of pregnancy and sexual harassment), or genetic or family medical history information as defined by GINA.
- B. It is imperative that the City of Clearwater assumes leadership in this important area. All managers and supervisors are required to ensure that the spirit of this policy is fully implemented and vigorously enforced. The City considers misconduct that contravenes the intent of these equal employment opportunity policies to be among the most serious violations of City policy that an employee can commit, and deserving of serious disciplinary action, up to and including termination of employment. The City Manager, or appointed designee, shall enforce these policies to the extent necessary to preserve the proper values of our organization.
- C. Should any incidents of discriminatory abuse or harassment by the public towards any City employee occur while on working assignments, the City authorizes its employees to immediately return to administrative offices to report the incident to management. Public safety employees will follow departmental procedures. The City will advise the offender of its policy to protect its employees against abuse.

### **Section 4. Reasonable Accommodations**

- A. Disability
  - 1. A person with a disability is someone who meets at least one of the following:
    - a. Having a physical or mental condition that substantially limits a major life activity (such as walking, talking, seeing, hearing, learning, or operation of a major bodily function).
    - b. Has a history of a disability (such as cancer that is in remission).
    - c. Is believed or regarded to have a physical or mental impairment.
  - 2. When an employee makes a request for an accommodation pertaining to a disability to perform the essential functions of the job, employees should notify their immediate



supervisor, department leadership, or the Benefits, Leave, & ADA Division in the Human Resources Department to accommodate whenever possible as long as it does not pose an undue financial or operational hardship. Supervisors and/or department leadership should always follow the ADA Accommodation Interactive Process Flow Chart, located on the intranet. For further assistance, contact the Benefits, Leave, & ADA Division.

3. If the employee in need of the accommodation does not appear to have a visible disability, then proof of the disability can be requested. Acceptable proof would be a simple letter from a licensed medical provider indicating the patient's accommodation request is necessary and covered under the ADA as well as any listed duration of the disability or accommodation.
4. The requested accommodation does not have to be granted. The Department Director of the employee requesting the accommodation has the ability to approve, offer an alternative, or deny the request. Denials would require written justification, including supporting documentation, when warranted.

#### B. Religion

1. Employees making a religious accommodation request to observe a sincerely held religious observance or practice may do so to their supervisor, department leadership, or the Talent Acquisition and Diversity Division. Supervisors and/or department leadership should always contact the Talent Acquisition and Diversity Division for assistance. Requests should be granted unless it would cause financial hardship or more than a minimal burden on the operations, which includes, compromises to workplace safety, decreases to workplace efficiency, infringement on the rights of other employees through a collective bargaining agreement, or requires other employees to do more than their share of potentially hazardous or burdensome work.
2. Supporting documentation regarding the accommodation can be requested if the department has reasonable reason(s) to question the employee's request. The Department Director of the employee requesting the accommodation has the ability to approve or deny the request. Denials would require written justification, including supporting documentation, when warranted.

### **Section 5. Prohibition on Hostile Environment Harassment**

In General, The City of Clearwater will not tolerate hostile, offensive, or intimidating conduct that is repeated, unwanted, unwelcome, and impedes the ability of employees to perform job duties; or is so severe, persistent, or pervasive that it alters the terms and conditions of employment so as to create an abusive working environment because of any consideration of race, color, religion, national origin, disability, age, marital status, sexual orientation, gender identity, gender expression, sex (including conditions of pregnancy and sexual harassment), or genetic or family medical history information as defined by GINA.

- A. Hostile environment claims are not limited to actions by employees. Such concerns may also be caused by non-employees, such as vendors, citizens, and other third parties. Regardless of source, this type of misconduct will not be tolerated. Sexually hostile environment claims shall be defined as, but not limited to:
  1. Unwanted physical contact.
  2. Unwelcome sexually explicit language, innuendo, or gestures.
  3. Uninvited or unwanted sexual advances.

4. The intrusion into the workplace of unwanted sexually explicit materials or images that could be characterized as being offensive or demeaning from the perspective of sex or gender.
  5. Gender-based differences in treatment that are hostile and intimidating.
- B. Sexual Harassment Prohibitions: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes as illegal sexual harassment when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's continued employment.
  2. Submission to, or rejection of, such conduct by an individual is used for the basis for employment decisions affecting such individual.
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. The City of Clearwater prohibits unlawful sexual harassment.
- C. Public Interactions: It is expected that all City employees will always engage with members of the public in a respectful and professional manner. Any concerns brought forth will be reviewed or investigated as it relates to the protected categories of discrimination, harassment, and retaliation based on race, color, religion, national origin, age, disability, marital status, sexual orientation, gender identity, gender expression, sex (including conditions of pregnancy and sexual harassment), or genetic or family medical history information as defined by GINA.

## **Section 6. Complaint Obligations**

- A. Any employee who feels or believes they may have been the victim of, or witness to, misconduct as described in these policies is obliged to report the alleged misconduct to supervision, preferably within three (3) business days from the date of the alleged misconduct. Delaying the immediate reporting of an allegation often hinders a proper investigation and can also unnecessarily subject the victim or others to continued unlawful discrimination, harassment, and/or retaliation.
1. Employees may express their concerns directly to the Employee Relations & Equity Services Division, in the Human Resources Department, which serves as the City of Clearwater Equal Employment Opportunity Officer.
  2. City employees have an obligation to report instances of discrimination, harassment, and retaliation within the workplace and to cooperate with city processes when these concerns are being reviewed or investigated.
  3. Supervisors and managers must immediately report Equity related complaints or violations from employees to the Employee Relations and Equity Division to ensure the appropriate technical assistance in responding to the concern.
  4. Swift remedial corrective activity should be undertaken when appropriate to diminish the potential for escalating the problem until a thorough review of the issues can be completed.

5. Upon notification of the complaint, the Employee Relations and Equity Division will review and/or investigate the complaint and determine appropriate action steps to address the complaint.
  6. Retaliation against any employee regarding the provisions in these policies is strictly prohibited.
- B. Nothing within these policies shall be construed to create any limitation upon the rights of employees to additionally address an employment equity concern through any legally appropriate means available.
- C. Findings and compliance recommendations resulting from Employee Relations and Equity Division internal reviews of equal employment opportunity concerns will be forwarded to the City Manager or designee for appropriate action. Should evidence of reasonable reliability confirm any violations of these policies or equal opportunity law, the violator will be subject to discipline, up to and including termination of employment. The City will take whatever actions are necessary to preserve its values for equal employment opportunity and appreciating diversity and inclusion within our organization.

# Article 3 Position Classification Process

## Section 1. Purpose

The Position Classification Process's purpose is to arrange, describe, and inventory all positions within and outside of the Civil Service system and to allow human resources processes to be systematically and logically administered. The Position Classification Process is the process by which job titles are organized while a specific employee's status is determined by the Appointment type within a given position. The process groups the various positions into appropriate classes indicative of the range of duties, responsibilities, and level of work performed. The classification titles standardize the meaning, allocation, and intended usage of the positions and ensure compensation at a level consistent with the current labor market and, when applicable, collective bargaining agreements.

## Section 2. Preparation and Administration of the Position Classification Process

- A. The Position Classification Process is administered by Human Resources and approved by the City Manager. The addition of new classifications and deletion and/or modification of existing classifications will be accomplished as specified in the plan.
- B. The Position Classification Process will be kept current by continued analysis and review, ensuring the equity of positions. The Human Resources Department will use an internal position analysis process in addition to external surveys of single class positions to facilitate the integration of the Position Classification structure and Pay Plan. The Department Directors have a joint responsibility in the attainment of these objectives and will make available to the Human Resources Department all information necessary in determining classifications.
- C. Human Resources will allocate or reallocate each position in the Classified or Unclassified service to one of the classes in the plan and is responsible for keeping the allocation current. In addition, the Human Resources Director will:
  - 1. Based on studies and/or review by the Human Resources Department of new or proposed positions, allocate as necessary affected positions to appropriate classes to reflect the duties and responsibilities of the work.
  - 2. Based on studies and/or review by the Human Resources Department of permanent changes in the duties and responsibilities of incumbent employees, reclassify those positions and incumbents to an appropriate classification, in accordance with collective bargaining requirements when applicable.

## Section 3. Interpretation of Class Specifications

- A. Class Title refers to the official title of the position as specified in the City of Clearwater Pay Plan.
- B. In determining the class to which any position is to be allocated, the specification of each class will be considered in its entirety and include the duties, responsibilities, and other pertinent characteristics of positions allocated to the class specification.
- C. Written job descriptions for each classification contain the nature of work and related responsibilities of the class, typical illustrative tasks found in the class, requirements of the

class setting forth the necessary knowledge, skills, and abilities required for adequate performance of the work.

- D. Relationship of Classes – Each classification is to be considered in relation to other classes in determining its grade, its proper grouping within the Position Classification System, and its compensation.
- E. Intent of Classification – The class specifications are a generalization and are not designed to limit an employee from performing duties not listed. The use of a particular expression or illustration as to the duties shall not be held to exclude others not mentioned that are of similar or lower-level type and quality.

#### **Section 4. Allocation of Proposed New Positions**

The City Manager or designee will promptly report to the Human Resources Director the need for any proposed new position and include the duties and responsibilities of this position. The Human Resources Department will then verify specific duties and responsibilities, and as appropriate, either assign the proposed position to an existing classification or establish a new classification. The right to determine the need for additional positions and for effecting appropriate budgetary provisions is exclusively that of the City Manager or designee. Moreover, all FTEs are subject to review and validation as provided in Section 8 below.

#### **Section 5. Classification Assignment Review**

- A. Any employee affected by the initial allocation or reallocation of a position to a class will be given a reasonable opportunity to be heard at a time and place specified by the Human Resources Director or designee.
- B. Because position duties and responsibilities may change over time during an employee's incumbency, any employee at a date after initial allocation and for warranted reasons may request a review of classification. Such request must first be submitted in writing to the employee's Department Director, who will transmit it with a written recommendation to the Human Resources Director.
- C. A Department Director may also initiate a request for a job audit. The Human Resources Director, upon receipt of the request and the departmental recommendation, may or may not require a job audit as deemed reasonably necessary to determine the merit of the request.
- D. If the Human Resources Director finds merit in the request, a recommendation will be sent to the Resource Management Committee requesting a change in the position's allocation. If the Human Resources Director does not find sufficient merit in the request, the employee will be notified in writing of the decision and its basis.
- E. An employee who has been advised the request is denied will have the right to be heard by the Human Resources Director. In such instances, the employee shall submit their position in writing and in sufficient detail to provide the basis for equitable review. The Human Resource Director's denial of such review request is final. However, if the Human Resources Director finds merit in the review request, a recommendation will be sent to the City Manager or designee requesting an appropriate change in the allocation of the position. The decision of the City Manager or designee shall be final in all cases.

## **Section 6. Status of Employee Upon the Reclassification or Elimination of Positions**

- A. Upon the reclassification or reallocation of a position from one class to another class, the method of filling the position will be determined in accordance with the policies regarding transfers, demotions, or promotions, as may be appropriate, except as provided in subsections B, C (1), and Section 7 below.
- B. In the event of the reclassification or reallocation of a position to a higher-level class, the incumbent may be placed in the new class without competitive examination, if the Human Resources Director finds that all the following conditions have been met:
  - 1. That the reason for the reclassification or reallocation is the gradual addition of new and significantly higher-level duties and responsibilities over a period of one year or more immediately preceding the effective date of reclassification.
  - 2. That the addition of these duties has taken place within the incumbent's current position.
  - 3. That the added duties and responsibilities upon which the reclassification is based could not reasonably have been assigned to any other position.
  - 4. That the added duties and responsibilities upon which the reclassification is based have not been previously assigned to another position of the same or lower level.
- C. The Human Resources Director may, before approving appointment to the higher-level class, require evidence proving that all the foregoing conditions have been met and must certify that the individual has met the minimum qualifications for the position.
  - 1. In the event of the reclassification or reallocation of a position to a classification of the same or lower-level class than that of the original class, the position, if vacant, will be filled in the appropriate manner. If the position is encumbered, the incumbent will be transferred to a vacant position in the same class prior to reclassification or reallocation, if one exists, in the same or another department. In the absence of such vacancy, the incumbent will be offered the opportunity to be assigned to the reclassified position if deemed qualified, or to a vacancy in another job classification at the same or lower pay grade for which they is deemed qualified, and their pay will be reduced by 5% or an amount determined by the Human Resources Director as appropriate for the position. If the incumbent refuses or is not qualified for such reclassification, the incumbent will be subject to layoff procedures consistent with these policies and any applicable collective bargaining agreement.
- D. Effective Date of Reclassification – Appointment to a reclassified position will be made at the beginning of the first pay period following the approval of the reclassification.

## **Section 7. Classification Changes as a Result of Department Reorganization or Resource Reallocation**

- A. If a department reorganization necessitates the reclassification of a position or it is necessary to reallocate resources to meet specific initiatives or needs, the Human Resources Department reserves the right, after a classification review, to assign the affected employees to a new position classification without competitive examination. The establishment of a new classification will be made on a case-by-case basis and may place individuals in a higher, equivalent, or lower position classification.
- B. Individuals reclassified into a higher, equivalent, or lower position classification must meet, to

the satisfaction of the Human Resources Director, the minimum position qualifications. For the purposes of this subsection, an individual is considered to have met the position minimum qualifications based on the results obtained by examination, training, and evaluation assessments, or any other available methods of validating the incumbent's knowledge, skills, and abilities.

## **Section 8. Review and Validation of FTE Positions Process**

- A. The Human Resources Department is responsible for conducting a periodic comprehensive analysis of authorized FTE positions within each department or by classification as needed or when directed. Such an FTE Validation study will evaluate manpower utilization and assess the need for positions currently budgeted. When such a study has been commenced, incumbents in all FTE positions within the department(s) under review must complete any applicable HR forms to facilitate the analysis. Upon completion of any FTE Validation studies, the Human Resources Department will submit the findings and recommendation to the City Manager or their designee.
- B. In addition to any periodic departmental or classification review of budgeted FTE positions, any request for an additional FTE position (through either the annual budget review process or through a City Council agenda item) will be first reviewed by the Human Resources Department. Upon evaluating the operational need for the proposed position, the Human Resources Department will submit a finding and recommendation to the City Manager, or designee, for consideration. All requests for additional positions must also be approved by the Resource Management Committee.
- C. Prior to requesting approval for an additional FTE position, departments are required to submit a request and justification on the applicable HR form for the proposed position to the Human Resources Department for review. To properly evaluate these requests, the Human Resources Department may request additional manpower utilization information for other related positions within the department. Human Resources will analyze the proposed FTE position request to evaluate the operational need for additional personnel resources within the department.
- D. As part of the submission to the Resource Management Committee for an additional position, the department must describe the reason for the request, the anticipated cost impact, and the proposed funding source. Upon evaluating the request for a new position(s), the Human Resources Department will submit the finding and recommendation to the Resource Management Committee for consideration.
- E. The Human Resources Department may also conduct special studies of selected positions within City departments, divisions, sections, or work units as needed or requested by the City Manager.
- F. Providing that budgeted funds are available, the City Manager may authorize the transfer of vacant or encumbered FTE positions between departments.

# Article 4 Recruitment and Hiring

## Section 1. Hiring Incentive Program

- A. It is the City of Clearwater's desire to recruit and retain a competent and successful workforce. The City recognizes that current employees regularly assist in these recruiting efforts by making recommendations to their friends, family, former co-workers, and other individuals to apply for City employment. As such, current employees who recommend individuals for Classified service employment with the City may be eligible to receive a recruiting incentive. Criteria for determining eligibility to receive the incentive are as follows:
1. The prospective employee must indicate on the employment application the name of the City employee who recommended them.
  2. The prospective employee must be hired to work for the City in a full-time, regular job classification in the permanent Unclassified or Classified service.
  3. The prospective employee must successfully complete the initial probationary period and be certified to regular employment status in the permanent Unclassified or Classified service.
- B. Once the above criteria have been satisfied, the recommending employee is eligible to receive an incentive in the form of one additional day of vacation time. The recommending employee must fill out the "Recruitment Incentive Form" and submit it to the Human Resources Department before receiving the additional day of vacation time. Pending the approval of the Human Resources Department, one vacation day based on the hours in a standard workday for the employee's biweekly schedule (i.e., 7.5 hours for 75-hour biweekly schedule, 8 hours for 80-hour biweekly schedule, and 24 hours for 106-hour biweekly schedule) will be added to their vacation accrual.
1. If the employee's vacation accrual balance is at the applicable vacation accrual maximum, the additional day will be added at such time as the additional hours will not cause the employee's vacation accrual balance to exceed the applicable vacation accrual maximum.
  2. This vacation day must be used in accordance with all City and Departmental policies and procedures governing the use of vacation time.
  3. Employees are eligible to receive this recruiting incentive only one time per calendar year after submitting the request form to Human Resources.

## Section 2. Scheduling and Announcement of Competitive Eligibility Determination Processes

- A. The Human Resources Department may conduct eligibility determination processes to meet the needs of the City and maintain Eligible Lists for all positions within the Unclassified and Classified service.
- B. Notice of eligibility determination processes for Classified service positions will be posted in all City Departments and through other media outlets as determined by the Human Resources Department for at least ten (10) business days prior to the filling of the position.
- C. Each announcement for a Classified service position eligibility determination process will state:
1. The title of the class.



2. The entry pay or targeted hiring range of the class.
  3. The nature of the work to be performed.
  4. The minimum and/or position-specific qualifications which may be required for participation in the process.
  5. The time, place, and manner of applying.
  6. The general scope of the process to be used.
- D. Unclassified Senior Staff recruitment and recruitment for Emergency Appointments are determined by Human Resources in consultation with the City Manager or their designee. The remaining types of other Unclassified service appointments (i.e., temporary, seasonal, variable) will be made from an existing or newly created Eligible List as applicable.

### **Section 3. Form of Applications**

Applications are to be made on Human Resources Department forms or systems and will require information relating to education, experience, training, and other pertinent information. The application form will not contain any question or require any information intended to disclose the age, race, religious, or political affiliation of any applicant. However, the application process may include a survey relating to such questions that are utilized for statistical or reference purposes and are not made available to appointing authorities, and when the soliciting of such information is consistent with state and federal guidelines or approval.

### **Section 4. Entrance Eligibility Requirements**

The Human Resources Department will determine the qualifications for admission to any eligibility determination process.

- A. For designated positions, the City may establish a residency requirement. Under special circumstances, this requirement may be waived by the City Manager.
- B. Entrance to eligibility determination processes may be restricted to persons employed in designated classes and/or in designated organizational units.
- C. Persons whose names have been placed on a Reemployment List as a result of involuntary separation, or for reasons beyond their control, will, for the duration of such list, be eligible to compete in any Classified service eligibility determination process for which they would have been eligible had such separation not occurred.

### **Section 5. Disqualification of Applicants**

- A. The Human Resources Director may reject or disqualify the application of any person for admission to any Classified eligibility determination process, refuse to examine any applicant, certify the name of an Eligible applicant for appointment, or disqualified candidates for Unclassified service positions if it is found:
  1. That the applicant fails to meet the established qualification requirements for the position.
  2. That the application was not filed on or before the closing date for receipt of applications specified in the public announcement, and a valid reason as determined by the Human Resources Director is not provided.

3. That the applicant has made false statements or has omitted, or withheld information concerning their application or resume or in securing eligibility or appointment. This provision includes the use of any name other than the applicant's legal name during application.
  4. That the applicant has a record of previous unsatisfactory service in City employment or elsewhere that demonstrates unsuitability for employment. This includes former employees who previously resigned their employment with the City while pending formal disciplinary action or other circumstances indicating unsuitability for reemployment, or when other intervening circumstances since resignation render such former employee unsuitable for rehire.
  5. That the applicant is otherwise unsuited for employment due to a failed drug screen, a suspended or revoked driver's license or certification when such is a position requirement, or a criminal record when such record may impair the applicant's ability to meet position standards.
- B. The Human Resources Department reserves the right to prohibit or discontinue any eligibility determination process being administered to a candidate when, in the judgment of the examiner, the administration of the eligibility determination process reflects a risk of damage to equipment or a risk of injury or death to persons.

### **Section 6. Scope and Character of Eligibility Determination Processes**

- A. All Classified service eligibility determination processes, except in certain cases of transfer or reclassification, will be competitive.
- B. All Classified service eligibility determination processes will be designed to ensure reliability and validity and are to evaluate the competency, skills, and abilities of applicants.
- C. No eligibility determination process will be constructed to reveal, or attempt to reveal, information prohibited under Florida Statutes or any Federal law.
- D. Promotional eligibility determination processes for Classified service positions may include any combination of the factors listed in this section and may include credit for seniority.
- E. Seniority points will only be awarded to those candidates receiving a passing score for written examinations that utilize a point scoring system. One-half point credit will be added for each full year of service, up to a maximum of five (5) points.

### **Section 7. Preparation of Eligibility Determination Processes**

The Human Resources Department may consult with qualified authorities regarding the content of tests or other evaluation methods. All tests and evaluation methods shall be reviewed prior to use to make reasonable efforts to ensure they are job related and are in accordance with Florida Statutes or any Federal law.

### **Section 8. Conduct of Classified Service Eligibility Determination Processes**

- A. Eligibility determination processes are conducted under the auspices of the Human Resources Department.

- B. Each applicant selected for interview/testing will be notified of the date, time, and place of the eligibility determination process. Applicants may be required to produce personal identification before being allowed to participate in any portion of an eligibility determination process.
- C. When newly created eligibility lists result in only one (1) candidate, it will be up to the hiring department's discretion as to whether to extend the job posting or to proceed with consideration of the candidate.
- D. For prior Eligibility Lists in which candidates refuse the position or request to have their name removed, thus resulting in the remaining of only one (1) candidate, the hiring department is required to interview the remaining candidate if a prior interview has not been done within six (6) months. Alternatively, the department has discretion whether to open a job posting to generate additional candidates.

## **Section 9. Rating of Classified Service Eligibility Determination Processes**

Each candidate's final rating is determined by all components of the process as established by the Human Resources Department. The Human Resources Department will establish a minimum passing grade when applicable for any portion of an eligibility determination process.

## **Section 10. Veteran's Preference**

Preference as a veteran of the United States Armed Forces is granted in accordance with Florida Statutes. To be granted preference as a veteran, the candidate must earn a passing grade on the examination without the addition of preference consideration and must comply with Human Resources procedures relating to proof of veteran status.

## **Section 11. Appeals from Classified Service Ratings**

Any candidate may appeal the eligibility determination results by notifying the Human Resources Director in writing that an error, other than error of judgment, exists. If upon review, an error, other than an error of judgment, which affects the candidate's rating, is found, such error will be corrected or the item in question discarded. If the review discloses an error affecting the rating of other candidates, the ratings of the other candidates will also be corrected. No change made in the ratings of any candidates will invalidate or in any way affect any previously made certification or appointment.

## **Section 12. Postponement of Classified Service Eligibility Determination Processes**

If an insufficient number of candidates have qualified for an eligibility determination process, the Human Resources Director may postpone the closing date and/or the date of the eligibility determination process and will give public notice of this action.

## **Section 13. Destruction of Examination and Evaluation Material**

Applications, test papers, rating sheets, and other examination or evaluation materials shall be retained or destroyed in accordance with Florida Statutes concerning public records.

## **Section 14. Prohibition of Discrimination**

The City complies with all applicable federal and state law involving employment practices. Any applicant or employee who has reason to believe that they have been illegally discriminated against may appeal to the City's Talent Acquisition and Diversity Division.

## **Section 15. Classified Service Eligible Lists**

Eligible Lists will be of two kinds: Reemployment and Appointment.

### **A. Establishment of Lists**

1. **Reemployment Lists:** The Human Resources Director will place on the appropriate Reemployment List the names of regular employees who were laid off, demoted, or otherwise involuntarily separated from positions in a class through no fault of their own. An eligible employee whose name is placed on a Reemployment List may, by written request from the employee and with the approval of the Human Resources Director, also have their name placed on Reemployment Lists for classes at the same or lower level requiring essentially the same or lesser qualifications within a class series or for other classes in which they were previously employed by the City. Except as otherwise provided, names will be placed on the Reemployment List in order of seniority determined by the length of continuous City employment in accordance with the provisions of Article 12.
2. **Appointment Lists:** The names of all persons who meet the established qualification criteria of any eligibility determination process will be placed on the appropriate Appointment List in alphabetical order, or as otherwise prescribed in the appropriate collective bargaining agreement. The Human Resources Director will also place on the Appointment List the names of eligible persons who have withdrawn their resignations under the provisions of Article 14.

### **B. Duration of Lists**

1. All candidates placed on an open eligible Appointment List, except as provided below, will remain eligible for consideration for a period of six (6) months or until a new Eligibility List has been generated or as otherwise prescribed in the appropriate collective bargaining agreement.
2. Those names placed on a Reemployment List shall remain eligible for one (1) year from the date of separation, except as provided below.
3. Employees who have been certified to an Eligible List will remain eligible until one of the following occurs:
  - a. The employee's eligibility to be on the List expires.
  - b. The employee is promoted, transferred, or demoted to that classification.
  - c. The employee withdraws their application or requests to be removed from the List.
  - d. The employee declines a job offer to that classification.
  - e. The position is opened externally and a new "open" Eligible List is generated (in which case internal candidates would need to reapply).
  - f. The employee leaves City employment.

### C. Removal of Names from Lists

Names of Eligible candidates will be removed from the appropriate Eligible Lists by any of the following:

1. Failure to respond to a request from the Human Resources Department or hiring Department for availability for appointment to a position or interview.
2. Residing outside the employment area designated by the City when such residence is required as a condition of appointment or continued employment in a class.
3. Determination by the Human Resources Director that the Eligible candidate has been found to lack any of the established qualifications for the position or has otherwise been found unacceptable for employment or promotion, including but not limited to, such factors as a failed drug screening, falsification of employment or other documents relating to education, experience, background, and/or training, or documented history of unsatisfactory work performance.
4. Verification that the Eligible candidate has willfully submitted false information, withheld information, or evaded questions during application in an attempt to misrepresent either employment, personal background, or character.
5. Failure to satisfactorily complete any elements of the screening process (i.e., background or reference checks, drug/alcohol screening, etc.).

## Section 16. Applicant Prescreening

### A. Interviews and Relocation Expenses

The City will reimburse certain expenses for candidates who are invited to participate in an employment interview for Unclassified Senior Staff positions and other designated positions as determined by the City. New employees hired into such positions may also receive relocation expenses at the City's sole discretion if required to move to the area. See Interview Expense/Relocation Reimbursement Policy #3209 for details.

### B. Background Screenings

The City will conduct, prior to offer for all selected candidates for employment, a background check that may include, but not be limited to, reference checks, employment verification, criminal history, sexual offender/predator status, and any other criteria that is job related. Regarding criminal background checks specifically, the following applies:

1. Level II background checks will be performed on all new hires as part of the pre-employment process, and on all current employees upon any promotion, transfer or selection into positions considered "childcare givers" pursuant to state law. The Human Resources Department will conduct these checks.
2. No employment offer will be confirmed by the appointing department until after receiving confirmation the candidate has been determined qualified on, the criminal history check, the employee reference check, and the medical examination. Promotions will not be confirmed until completion of an updated criminal history check and physical/drug test, as needed, for the position. Human Resources will report the results to the appointing department indicating "qualified" or "not qualified."

### C. Reference Checks

As part of the screening process, the City requires that reference checks are to be on all prospective new/current employees prior to making a job offer. The following procedures will be followed:

1. As part of the regular hiring process, the manager or administrator making the hiring decision will personally perform reference checks. This is considered to be an important part of the hiring process, is a mandatory requirement for both external candidates and internal outside the hiring department and is not to be delegated. The approved reference form available from Human Resources will be used to document all reference checks.
2. Reference checks may be conducted by any media source (telephone, e-mail, fax, letter, etc.) but no candidate may be recommended for hire until reference checks and/or employment verifications are completed and turned into the Human Resources department.
3. Hiring managers are advised that a candidate may not want their current employer contacted because they do not want anyone to know they are job hunting. If that is the case, ask for another reference and contact them. If the candidate has no employment history, ask for a personal reference (not a relative) who may have knowledge of skills, abilities, and other characteristics of the candidate. If the circumstances are such that the hiring manager believes a current employer check is needed, that effort must be coordinated with the Human Resources Department so as to occur only after a conditional offer has been extended.
4. No requirement exists to perform reference checks on all potential candidates being interviewed. A reference check must only be performed on candidates that have been conditionally selected for a particular position.
5. For applicants that have an employment history, a minimum of at least one previous employer must be contacted. Additional calls can be made at the hiring manager's discretion, such as, but not limited to, if the hiring manager is uncomfortable with the information received or if the employment period was for a very short time frame.

### D. Physical Exams and Drug Screens

An applicant who has been selected for employment may, prior to the effective employment start date, be required to submit to a drug screening and/or physical examination. The Human Resources Department will designate the medical facility and/or examining physician. The cost of drug screening and/or examination will be paid for by the City. If an applicant fails to pass a drug screening or examination, the job offer will be withdrawn, and the candidate's name will be removed from the appropriate Eligible List.

# Article 5 Appointments and Status Changes

## Section 1. Types of Appointment

- A. Civil Service Appointments – When practical, vacancies in the Classified service will be filled from Eligible Lists. Whenever a position is filled using an Eligible List, appointment will be made first from the Reemployment List in the applicable class, then from the Appointment List. Initial and promotional appointments to Classified job classifications are made in accordance with applicable HR Policies from the appropriate Eligibility List based on merit and fitness for the position, to be determined as far as practical by competitive evaluation.
- B. Unclassified Service Appointments – Initial and promotional appointments to Unclassified job classifications are made at the discretion of the City Manager or designee.

## Section 2. Method of Appointment

Whenever a vacancy in any position is to be filled, the affected department will submit a request, approved by the hiring department's Director and Budget Officer or designees, to the Human Resources Department in accordance with established procedures. With regard to hard-to-fill positions and/or extraordinary circumstances, the City Manager or designee may authorize the placement of a candidate at a rate above the established entry of the salary range not to exceed the midpoint (50% into the range) for a classification based on the candidate's job-related education, training and experience as well as consideration given to internal equity.

## Section 3. Reemployment

For employees in the Classified service, the Human Resources Director will offer appointment to the person with the greatest seniority on the Reemployment List for the class in which the vacancy exists. Placement on a Reemployment List is only valid for one (1) year from separation. If, once re-appointed, the person is unable to perform all necessary job responsibilities at a satisfactory level, the individual may be removed from the position and returned to a more appropriate Reemployment List for the remainder of their eligibility.

## Section 4. Classified Service Appointments

- A. When a vacancy exists in the Classified service, a certified Eligibility List will be prepared by the Human Resources Department and forwarded to the hiring department.
- B. Selection processes may be developed to determine the best qualified candidate among the list of eligible candidates. Such processes will be designed to ensure reliability and validity and will be applied consistently. Selection processes may consist of oral interviews, job performance simulations, evaluations of prior performance, training, experience, and/or other applicable processes as determined to be relevant by the Human Resources Department. Seniority and/or time in class may also be used as a factor in consideration of such appointments and will be the determining factor when other qualifications are substantially equal.
- C. In the interest of promoting upward career mobility for the Classified service, the hiring department will interview from the Eligible List a minimum of two regular City employees who

possess the necessary qualifications. If an internal candidate declines an interview, that declination will count as an internal interview.

- D. Regular part-time employees in Classified positions are considered eligible for any full-time positions within the same classification that they currently occupy. These part-time employees must be offered a chance to apply and compete for vacancies in accordance with employment practices. If only one of those part time employees is interested in converting to full-time, then management has the ability to convert that part time employee to the full-time position if they choose, or they have the option of opening up the Eligibility List.
- E. The rehire of an employee who was previously employed by the City in any employment status must be approved in advance by the Human Resources Director or designee.

## **Section 5. Temporary and Variable Appointments**

Employees holding Temporary or Variable appointments are part of the Other Unclassified service and are not included in the Classified service. Temporary and Variable appointments are subject the following:

- A. When an employee is needed for a Temporary or Variable appointment, the Human Resources Director will certify the names of persons on the appropriate list who will accept a Temporary or Variable appointment. The acceptance or refusal by an Eligible for a Temporary or Variable appointment will not affect their standing on the Eligible List.
- B. Temporary and Variable appointments in Unclassified positions are at the discretion of the City Manager or designee. Temporary appointments in Unclassified positions are also subject to the nine (9) month limitation on duration. If a vacancy arises in the same Unclassified position as occupied by the Temporary or Variable appointment, the department may but is not required to offer that opportunity to the Temporary or Variable employee provided there is no break in service. Alternatively, the department is free to initiate a recruitment effort.

## **Section 6. Emergency Appointments**

- A. When an emergency makes it impractical to fill a position in the Classified service under the normal recruitment processes detailed in these policies, the Human Resources Director may appoint any person to such position. The necessity for Emergency appointments will be reported to the Human Resources Director and shall not exceed six (6) months' duration.
- B. Successive Emergency appointments are not permitted. An employee may serve additional Emergency appointments with no less than a four-month break in service between appointments. Employees holding Emergency appointments are part of the Other Unclassified service and are not included in the Classified service.

## **Section 7. Transfers**

- A. A Department Director or equivalent may at any time assign an employee from one position to another position in the same job class under their with notification to the Human Resources Department.
- B. With the prior approval of the Human Resources Director and both Department Heads, a probationary or regular employee may be transferred from a position in one department to



another position in the same class in another department, provided, however, that at least two weeks prior notice is provided to the employee.

- C. If the employee is transferred or appointed to another position with different scheduled pay period hours, the employee's sick leave and annual leave balances will be adjusted to reflect equivalent days of sick, vacation or other leave, consistent with the new scheduled pay period hours.
- D. An employee who is to be transferred from a position of one class to a position of another class at the same level may, at the discretion of the Human Resources Director, be required to pass the applicable eligibility determination process.
- E. An individual who was appointed to a position funded by a public or private grant or some other temporary on non-recurring external funding source may be appointed to the same or similar non-grant funded position within the Classified service if that individual was hired from an Eligibility List or is on an existing Eligibility List for the appropriate classification. In cases where an Eligibility List does not exist or an individual is not on an Eligibility List, the Human Resources Director may appoint the individual to a Classified position if that individual is able to pass the applicable eligibility determination process.

## **Section 8. Demotions**

- A. A Department Director, with the approval of the Human Resources Director, may demote a regular or probationary employee to a vacant position or may demote an employee through the reclassification of the position and incumbent for any of the following reasons:
  - 1. For disciplinary or performance reasons.
  - 2. When the employee would otherwise be laid off because their position is being eliminated.
  - 3. When the employee would otherwise be laid off because of the return to duty of a Classified employee assigned to such position.
  - 4. Failure to satisfactorily complete the probationary period during a promotional appointment;  
or
  - 5. When the employee voluntarily requests a demotion.

## **Section 9. Temporary Agency Assistance**

When, in the judgment of the Human Resources Director, the use of temporary staffing agency support rather than Emergency or Temporary employees is in the City's best interest, the Human Resources Director may authorize the use of staffing agency support for a period up to one year in duration. Such individuals do not hold an employment relationship with the City and are not considered Classified employees.

## **Section 10. Probationary Periods**

### **A. Purpose**

The probationary period is an integral part of the selection and employment process for Classified employees and will be used to closely observe the employee's job performance, attendance, demeanor, adherence to department and City requirements, and other important factors to consider with respect to continuing the employee in their new positions. The

probationary period allows an employee time to transition into a new position and, if necessary, allows the City to assess whether the employee is suitable for continued employment.

#### B. Duration

Every person selected to fill a position in the Classified service will have a probationary period in accordance with the applicable collective bargaining agreement or these policies, as applicable:

1. Appointees to all other initial, promotion or demotion positions in the Classified service are required to satisfactorily complete a probationary period of six (6) consecutive months to be certified to Classified status in the new position.
2. Certification to Classified Status: Appointees are eligible for certification to Classified status as a City employee after satisfactorily completing six (6) months of service, or twelve (12) months of service as a Police Telecommunicator, Police Officer or Firefighter, whether in an initial or other probationary period. However, appointees will be eligible for certification to Classified status in a specific position only after satisfactorily completing six (6) months of service in said position.
3. Prior to successful completion of the initial probationary period, an employee may accept another position upon approval of the Human Resources Director and the employee's current Department Director. Such approval will be based on the interests of the department and the needs of the City. If the employee is accepting a promotion or demotion, the probationary period will start anew for the new position.

#### C. Reports

Each Department Director having jurisdiction over an employee serving a probationary period will prepare a report on the employee's performance and behavior at designated times and on applicable Human Resources Department forms. In order to allow an employee an opportunity to correct inadequate job performance and/or inappropriate behavior, the Department Director or designated representative shall review the probationary report with the employee. The employee is required to sign the probationary report only to confirm that the report has been received and reviewed. The Department shall submit the final probationary report to the Human Resources Department prior to the end of the probationary period for processing and retention.

#### D. Termination of the Probationary Period

1. Before or at the expiration of the probationary period, the City Manager or designee may:
  - a. dismiss the employee for failing to satisfactorily complete the probationary period,
  - b. return the employee serving a probationary period resulting from a promotion, transfer, or voluntary demotion to their previous position provided that the position is still open and with the approval of the former Department Director,
  - c. re-assign the employee serving the probationary period to another position at the same or lower level for which the employee is determined to be qualified and with no loss of pay from the employee's previous position, or
  - d. extend the employee's probationary period for up to three (3) months or as otherwise allowed by provisions of applicable collective bargaining agreements.
  - e. A copy of the notice of such action shall be filed in the employee's personnel file within

the Human Resources Department.

2. Any employee who completes the probationary period without having been dismissed, returned to their former or another position, or having their probationary period extended will attain Classified status in the position provided there is no active behavioral or performance plan in effect.
3. An employee who is dismissed or demoted during the initial probationary period under these policies has no right to appeal and their name will be removed from all Eligibility Lists in the affected class.

E. Unclassified Service

Unclassified service employees are subject to continuous review with respect to continuing in their respective positions and do not serve a formal probationary period. Therefore, the above provisions of Section 10 are inapplicable to the Unclassified service.

# Article 6 Wages and Compensation for Classified and Unclassified SAMP

## Section 1. Purpose and Administration

- A. The Pay Plan's purpose is directly related to the Position Classification Process and provides the basis of compensation for positions. The Pay Plan will be constructed with regard to the relative difficulty and responsibility existing between the various classes of work, and prevailing rates of pay for similar types of work. The Pay Plan also designates position types in general (i.e., SAMP, Classified, Unclassified, covered by a collective bargaining agreement, etc.). However, the actual status of any given employee is determined by the type of appointment he or she is granted. The Pay Plan may be revised from time to time by the City Manager or designee.
- B. The Pay Plan works in conjunction with the provisions of Article 7 on leave and other relevant HR Policies to establish an overall system of compensation based on principles of public accountability for the funds used to pay staff salaries.
- C. The Pay Plan consists of the rates and ranges of compensation for employees and is to be administered in accordance with the HR Policies, and where applicable, collective bargaining agreements.

## Section 2. Application of Pay Plan to SAMP

- A. Each SAMP job classification will occupy a specific pay range at any point within the assigned pay level, with a minimum "entry" salary amount and a maximum "job value" salary amount as determined by a review of applicable internal organizational salary equity and external labor market data.
- B. The salary of each Classified and Unclassified SAMP employee progresses from the respective job classification established minimum salary amount to the established maximum salary amount through adjustments authorized by the City Manager. Such adjustments may be in the form of annual merit increases, promotional appointments, rewards for meritorious service and accomplishments, or pay equity resolutions. SAMP salary adjustments may be awarded without regard to a SAMP employee's seniority, classification anniversary date, performance review date, or prior salary or compensation adjustments.
- C. The SAMP job classifications or specific positions may be reallocated to higher or lower pay classes as deemed necessary based on changes in job duties and responsibilities or labor market conditions affecting the organizational value of the job class or specific position.

## Section 3. Rate of Pay on Changes in Status

- A. Each person who is appointed to a Classified position will receive compensation at the minimum rate specified for that class position, and consistent with these policies and any applicable collective bargaining agreement, except as follows:
  - 1. Any change of an employee from a position in one class to a position in a class of a higher level is deemed a promotion. A class of a higher level is one having a higher maximum pay rate.
  - 2. Any change of an employee from a position in one class to a position in a class of a lower level is a demotion. A class of a lower level is one having a lower maximum pay rate.

3. An employee who transfers from a position of one class to a position in the same class or to another position in another class in the same pay grade may continue to be paid at the same rate or will be paid at a rate deemed appropriate by the Human Resources Director.
4. An employee who is appointed from the Reemployment List will be paid at the rate received immediately prior to separation or involuntary demotion, subject to the current minimum and maximum of the pay range for that class.
5. Upon the recommendation of the Human Resources Director and approval of the City Manager or designee, when the position of an employee is reallocated to a higher class or the employee's classification is assigned to a higher pay range based on an organizational review or salary analysis, the employee may be paid at the same rate of pay provided such rate is within the established minimum and maximum for the new classification or may be advanced in compensation as if promoted to the higher-ranked class.
6. Promotions
  - a. Classified and Unclassified service SAMP employees promoted from one classification to a classification of a higher level are eligible for a minimum of a 5% promotional increase. Any additional pay except Acting Pay being received at the time of the promotion may be incorporated in whole or part into the base pay prior to the application of the promotional increase except that the new salary cannot exceed the maximum for the new position. This section also applies to Classified service employees covered by a collective bargaining agreement unless the agreement provides for a different adjustment upon promotion.
7. Demotions
  - a. The Human Resources Director reserves the right, with the approval of the City Manager or designee, to fix compensation for any employee voluntarily or involuntarily demoted to a rate which is, in the Human Resources Director's judgment, consistent with the reason for the demotion.
  - b. Classified and Unclassified service SAMP employees who are voluntarily or for disciplinary or performance reasons demoted from one classification to a classification of a lower level will receive a minimum of a 5% decrease in pay. This section also applies to Classified service employees covered by a collective bargaining agreement unless the agreement provides for a different adjustment upon demotion.
  - c. A Classified service employee who is demoted involuntarily for reasons beyond their control (as opposed to performance or disciplinary reasons) will be placed on the Reemployment List for the classification from which they were demoted.

## **Section 4. SAMP Special Pays and Allowances**

### **A. Acting Pay**

Classified and Unclassified service SAMP employees who are assigned to work in an "acting" capacity in a higher-level classification for more than five (5) consecutive workdays shall be provided with acting pay of an amount representing a minimum of a 5% increase above the employees' current base rate of pay for the duration of the "acting" assignment. A higher-level classification is one that has a higher maximum rate of pay. Requests for Acting Pay must be justified by the Department and approved by the Human Resources Director.

## B. Assignment Pay Differential

A Department Director may, with the approval of the City Manager/designee, designate a specific position or positions within a job classification which shall be eligible to receive a 5% pay differential when the duties of the position differ from others in the same classification in their difficulty, complexity, or responsibility to the extent that additional compensation is deemed warranted. The basis for the differential is to be documented with Human Resources. Assignment to such positions is at the sole discretion of the Department Director.

## C. Bi-Lingual Interpreter Pay

Classified service SAMP employees designated as a certified bi-lingual interpreter, who have successfully passed a proficiency exam and where the position calls for interpretation skill sets, shall be eligible to receive \$25.00 per payroll period for part-time employees and \$50.00 per payroll period for full-time employees in addition to the employee's current base rate of pay with the approval of their Department Director.

## D. Approved Special Pays

Approved additional pay for employees will generally begin on the first day of the pay period following eligibility or employment and will end on the last day of the pay period in which the additional pay is in effect.

1. Additional pays that require certifications or successful completion of a test will begin at the beginning of the pay period after the department receives the required documentation.
2. Acting pay may begin and/or end anytime within the pay period. When this additional pay does not coincide with the payroll period, the payroll preparer will enter the "acting" hours worked manually.

## E. General Allowances

### 1. Travel Allowance

Classified service and Unclassified Senior Staff SAMP employees may be compensated for travel incurred in the performance of City business in accordance with the Fair Labor Standards Act, Department of Labor, FL State Travel Guidelines, City of Clearwater Code of Ordinance Article IV Division 4. and applicable City Travel Policy (#4004.8). Such expenses include transportation, accommodations, and meals that meet the prescribed limitations established by the City.

### 2. Meal Allowance

Classified service SAMP employees who are not exempt from FLSA overtime provisions are eligible for a meal allowance when required to work at least three (3) hours over the normal workday (consecutive, with no more than a 15-minute break between the additional hours and the normal workday). Classified and Unclassified service SAMP employees who are exempt from FLSA overtime provisions are not eligible for the meal allowance.

### 3. Meal Reimbursement

- a. The City recognizes that the nature of work for certain employees require meetings to take place at mutually convenient restaurants during breakfast, lunch, and on rare occasions, dinner. These meeting must be on an employee's calendar and must be for authorized business purposes. This policy has been put in place to avoid the

appearance of a potential violation of the City's gift policy, which is defined in Article 8, Section 4. (B) 14.

- b. Reimbursement of these meal expenses will be up to, and not exceeding, the current per diem rate for the metropolitan area which includes a gratuity of up to Employees eligible for reimbursement must submit a receipt showing the date of the meal, location, and actual paid expenses. Directors are to review and approve all meal reimbursements. Reimbursement will only be authorized when such expenses are incurred when conducting business on the City's behalf. There are some restrictions to this policy as stated below.
  - i. Meal reimbursement excludes Assistant Directors and above.
  - ii. P-cards cannot be used for these meals, so payment by credit card will need to be a personal one.
  - iii. Alcohol is expressly prohibited as these meals are happening while City business is being conducted.

#### F. Unclassified Senior Staff Residency Incentive

1. Unclassified Senior Staff responsible for administering the City's business are encouraged to live within the corporate limits of the City of Clearwater. Employees in these positions who do not reside in the City and choose to move into the City are eligible for a relocation reimbursement of up to three thousand dollars (\$3,000.00) for the physical transporting of household goods to the new residence. Reimbursement will not be provided for those moving expenses paid through other sources (former employer, etc.). Human Resources will be responsible for approving any reimbursement upon receipt of paid moving expenses.
2. The Unclassified Senior Staff employee's department will provide reimbursement for this purpose. Should the department's budget be exhausted prior to the end of the fiscal year, reimbursement will be deferred to the beginning of the next fiscal year. Unclassified Senior Staff employees taking advantage of this option are required to sign an agreement requiring repayment to the City should they voluntarily leave City employment within two calendar years of receiving this reimbursement benefit.

## Section 5. Accounting for Work Time

- A. All employees are required each payroll period to accurately report their compensable and non-compensable hours of work and non-work for each scheduled workday in accordance with the procedures below.
- B. It is the responsibility of each individual department and supervisor to be aware of and ensure that all subordinate employees perform work only during hours when such employees are authorized by competent authority to work, and that such employees are appropriately compensated for all hours worked in accordance with applicable provisions of the Federal Fair Labor Standards Act (FLSA). The following procedures must be adhered to for all employees regardless of their department, job classification, or assignment:
  1. All hourly employees are not permitted under any circumstances to work outside of their established work schedule without prior supervisor/management approval, unless that work is for an urgent, public safety purpose where prior approval is not practical. This

includes work-related telephone calls, use of a computer (or remote access to the City computer system) or any other action that might be considered compensable. Individual departments and supervisors are responsible for ensuring that their subordinate employees always remain in compliance with this policy.

2. All hourly employees are required each payroll period to record their time worked through the use of a time clock or other procedure as directed by the City and complete and submit a timecard or time sheet recording all hours worked by the employee during the period, to be signed and dated by the employee attesting to the accuracy of the reported hours of work.
3. Employees who are exempt from FLSA overtime provisions are required to review and approve their exceptions for the pay period in ESS.
4. All employees are required to personally account for their hours worked and not worked each workday including any exceptions. The utilization of time clocks or other electronic means of recording the work time as directed by the City is mandatory for hourly employees to ensure compliance with this policy. All hourly employees will utilize time clocks to record their time unless a time clock is not practical because of operational necessity. In such case, hourly employees must use another electronic means of recording their time as directed by the City. All timecards or ESS exceptions will be verified by the employee's immediate supervisor and reviewed by a higher-level management representative at the end of the payroll period.
5. Corrections to timecards or time sheets may only be made by the management representative, if necessary. The employee and the management representative will sign the timecard or time sheet attesting to the accuracy of such at the end of every pay period. Exceptions to the verification requirement may be granted by the Human Resources Director on a case-by-case basis, but in no case will the verification be delegated below the supervisor level.
6. Employees are not permitted to request any changes or modifications to their timecard/sheet directly from the payroll preparer after receiving their paycheck. Such requests must be submitted through their supervisor, reviewed by a designated management representative, and approved by the Department Director.
7. All hourly employees who work a schedule that includes a non-paid meal period are required to take the established meal period unless they obtain the prior approval of their supervisor or other competent authority to "flex" their work schedule. Such employees are required, if practical, to leave their normal work area, which includes not taking the meal break in a City vehicle, and to refrain from performing any unauthorized work, to include work-related phone calls, for the duration of the meal period. They are also required to utilize a time clock or other procedure as directed by the City to record when they depart from work and return to work from the non-paid meal period on their timecard or time sheet and to attest that they have not performed any work during such meal period. Employees scheduled for a non- paid meal period in the field may or may not be required to return to the work area to punch a time clock, but in any case, are required to verify each workday that the established meal period was taken by following the procedure as directed by the City.
8. All employees who violate this policy may be subject to discipline up to and including termination.



## Section 6. Certification of Payrolls

All appointments, payment for service, and other actions concerning employees in City positions must be certified by the Human Resources Director using authorized applicable City Personnel Action Forms.

## Section 7. Paycheck Accuracy and Error Reporting

- A. It is the City's policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. Each employee is expected to assist in ensuring that he or she is paid properly for all time worked and that no improper deductions are made by recording correctly all work time and reviewing paychecks or pay stubs promptly to identify and to report all errors in the manner below described.
- B. It is a violation of City policy for any employee to falsify a timecard, or to alter another employee's timecard. It is also a serious violation of City policy for any employee or manager to instruct another employee to incorrectly or falsely report hours worked or alter another employee's timecard to under- or over-report hours worked.
  - 1. If any manager or employee instructs an employee to
    - a. Incorrectly or falsely under- or over-report their hours worked; or
    - b. Alter another employee's time records to inaccurately or falsely report that employee's hours worked; or
    - c. Conceal any falsification of time records or to violate this policy; then  
DO NOT do so. Instead, report it immediately to the Human Resources Department.
- C. No employee should start work early, finish work late, work during a meal break or perform any other extra or overtime work unless the employee is authorized to do so and that time is recorded on the employee's timecard. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work the employee may perform but fails to report on the timecard. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.
- D. The City also has the obligation to its employees and the citizens of Clearwater to pay employees correctly and to correct errors when they are discovered without regard to how the error occurred. Errors on employees' paychecks will be corrected as soon as practical following the discovery of such an error as detailed below.
  - 1. Overpayments  
If the employee is overpaid, the following applies:
    - a. It is the employee's responsibility to notify their supervisor as soon as the employee discovers the overpayment.
    - b. The employee is required to repay or otherwise offset the unearned pay or benefit.
    - c. If the amount is minimal, the unearned benefit will be recovered in the next pay period.
    - d. If the amount is substantial, to help alleviate any employee hardship, the City may recover the amount over several pay periods.

- e. In addition to or as an alternative to the payroll deduction method of repayment, the City may process disciplinary action against the employee and may bring suit for recovery of the overpaid amount.

## 2. Underpayments

If the employee is underpaid:

- a. The City will reimburse the employee of any unpaid pay or benefit.
- b. If the underpayment is eight hours or less, it will be added to the employee's next payroll check.
- c. If the underpayment is over eight hours, the Payroll Division will determine if a supplemental check should be created immediately or if the owed pay or benefit should be paid in the following pay period. This will be based on the degree of hardship that might be caused to the employee and the amount of added administrative work needed because of IRS and legal requirements.
- d. Nothing in this policy precludes disciplinary action if the employee has engaged in fraud, misappropriation of funds, incorrect reporting, violation of City or departmental procedures, or in other circumstances indicating employee responsibility for the error or for the error not being corrected.

## 3. FLSA Safe Harbor for Salaried Exempt Staff

- a. Employees that are exempt from FLSA overtime provisions are paid a salary which is intended to compensate for all hours worked. While the salary may be subject to review and modification from time to time, the salary is a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work except as permitted by law. This means that salaried exempt employees receive full salary for any workweek in which work is performed, except as provided below.
- b. Under federal law, exempt employee salaries are subject to certain deductions. For example, salaries can be reduced for the following reasons in a workweek in which work was performed:
  - i. Full day absences for personal reasons, including vacation or sickness.
  - ii. Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
  - iii. Family and Medical Leave absences (either full or partial day absences).
  - iv. To offset amounts received as payment for jury and witness fees or military pay.
  - v. Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
  - vi. The first or last week of employment in the event the exempt employee works less than a full week.

- E. In addition to the above, the City's Pay Plan and the leave programs established by these HR Policies and under the terms of individual Employment Agreement Letters have been established under this Article pursuant to principles of public accountability. Thus, when called for by policy, an exempt employee's pay may be reduced or an exempt employee may be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one work-day when (1) accrued leave is not used by an employee because permission for its use has not been sought or has been sought and denied, or (2)

accrued leave has been exhausted. In addition, deductions from the pay of an exempt employee for absences due to a budget-required furlough will not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

- F. Exempt employees' salary also may be reduced for certain types of deductions, such as the employee's portion of health, dental or life insurance premiums; state, federal or local taxes, social security; or voluntary contributions to the pension or money purchase plan. Moreover, exempt employees are required to use accrued vacation, sick, floating holiday or other forms of paid time off for full or partial day absences in remote work situations or for personal reasons, sickness or disability to the extent required by these policies.

#### G. Error Reporting

Any salaried exempt employee having questions about deductions from their pay should contact the Human Resources Department immediately. Any exempt employee who believes their salary has been subject to any improper deductions should follow the reporting method described above for over- and underpayments.

# Article 6.1 Wages and Compensation for Classified Non-SAMP

## Section 1. Salary

See Appendix A – Classified Non-SAMP List of Job Classifications

- A. Effective on the first day of the payroll period that includes October 1st, and prior to any merit pay increase, Classified Non-SAMP employees shall receive a longevity award based on the number of consecutive years the Classified Non-SAMP employee has been employed with the City since their most recent date of hire. The amount of this award shall be based on the table below.

Years of Employment	Annual Longevity Award Amount
1 - 4	\$250
5 - 11	\$500
12 - 19	\$750
20 & greater	\$1,000

This Longevity Award shall be added to and considered a part of the employee’s annual base salary.

No part of this Longevity Award shall be applied that would result in an employee’s annual rate of pay exceeding the maximum annual rate of pay as provided in Appendix A.

Effective on the first day of the payroll period that includes October 1, to the last day of the payroll period that ends prior to October 1 the following year, employees whose current base rate of pay is below their respective pay range maximum and who receive a rating of Meets Standards with Areas of Improvement or better on their annual performance review shall be provided with a merit pay increase as determined by the City Manager and adopted budget. In no event shall the adjustment to the minimum rate of pay and merit pay increase be more than the City Manager’s authorized increase for the effective fiscal year. Employees who are above the maximum annual rate of pay as provided in Appendix A shall not receive any increases in pay.

Newly hired employees shall receive their first annual performance evaluation one year from their initial date of hire, and if rated Meets Standards with Areas of Improvement or better, shall receive any applicable pay increases as of the start of the payroll period that includes the date of the initial one-year performance evaluation. Such employees shall be eligible for their next annual merit pay increase, if applicable, at the start of the payroll period that includes the following October 1 after the initial one-year performance evaluation. In no event shall the adjustment to the minimum rate of pay and merit pay increase be more than the City Manager’s authorized increase for the effective fiscal year.

Approved merit pay increases for full-time and part-time employees shall become effective as of the employee’s eligibility as described above.

Employees shall maintain their established performance evaluation date upon changes in classification, to include promotion to a higher-level classification, demotion to a lower-level

classification, or transfer to another classification at the same level. Employees shall receive any applicable increase or decrease in rate of pay at the start of the payroll period that includes the date of the employees' change in classification and shall be eligible to receive the full merit increase as provided for above at the start of the payroll period that includes the date of the employees' annual performance evaluation.

In accordance with provisions of the City of Clearwater Pay Plan, Classified Non-SAMP employees who are determined by their respective department to not meet standards or who receive a rating of Improvement Expected on their annual performance evaluation, and who subsequently receive a rating of Meets Standards on their initial or secondary 3-month follow-up performance evaluation, shall be eligible to receive any applicable pay increases effective on the date of the respective 3-month follow-up performance evaluation the employee is determined to meet standards. Such employees shall be eligible for their next annual merit pay increase, if applicable, on the following October 1 subsequent to the successful 3-month follow up performance evaluation, and upon receiving a rating of Meets Standards or better at that time shall receive a pro-ration of the above applicable pay increases based on the number of days between October 1 and the date of the successful 3-month follow-up performance evaluation, and shall continue to be eligible for any applicable merit pay increase on the October 1 date thereafter. Employees who receive a rating of Improvement Expected on their annual performance evaluation and both the initial and secondary 3-month follow-up performance evaluations shall not receive a merit increase and shall be reevaluated again after one year from the date of the initial evaluation that was rated Improvement Expected.

Within budgetary allocations, the City Manager or designee may authorize base pay increases. Such pay adjustments may be approved to respond to external labor market conditions, to address recruitment and/or retention issues, or to resolve internal organizational pay equity concerns.

Employees in job classifications based on a 37.5 work week shall remain in the 37.5 work week classification and be subject to the same rate of pay, schedule, benefits, and other emoluments as provided to 37.5-hour employees in this Article. However, a 37.5-hour employee who changes positions for any reason, including but not limited to transfers, promotions, demotions, etc., will lose this grandfather status and will have a new rate of pay, schedule, benefits, and other emoluments as provided to a 40-hour employee in this Article.

## **Section 2. Classified Non-SAMP Special Pays and Allowances**

### **A. Assignment Pay Differential**

1. A Department Director may, at his/her discretion and with the approval of the City Manager/designee, designate a specific position or positions within a job classification which shall be eligible to receive a 5% Pay Differential when the duties of the position differ from others in the same classification in their difficulty, complexity, responsibility, or hazardous nature to the extent that additional compensation is deemed warranted. Assignments to positions may be on a rotational basis or may be offered to employees in the respective classification based upon City seniority, however the Department Director shall have the right to remove any employee from such assignment in conjunction with a development plan if performance is deemed unsatisfactory.

2. Solid Waste Equipment Operators and Solid Waste Workers who are assigned and complete two full routes on one workday during a work week that pickups are limited by a City designated Holiday shall receive a premium pay equivalent to four hours of pay based on the employee's base rate of pay. Such premium pay shall not constitute hours worked or to be accumulated toward the calculation of overtime.
3. Employees designated as certified Bi-Lingual Interpreter, who have successfully passed a proficiency exam and where the position calls for interpretation skill sets, shall be eligible to receive \$25.00 per payroll period for part-time employees and \$50.00 per payroll period for full-time employees in addition to the employee's current base rate of pay with the approval by their Department Director.
4. Incumbents in the classifications of Industrial Electricians, Utilities Electronic Technician, Utilities Mechanic, Utilities Maintenance Foreman, and Utilities Maintenance Supervisor upon the effective date of this policy who are assigned to the maintenance of the Public Utilities infrastructure which includes plants and lift stations shall be eligible to receive a 5% Pay Differential.

#### B. Certification Pay

1. The classification of Building Construction Inspector shall also be eligible for a licensure pay differential of \$50 per payroll period in addition to the respective incumbent's base rate of pay for the possession and maintenance of each valid plans examiner license offered by the State of Florida Building Code Administrators and Inspectors Board when the employee is directed by their department to utilize such license at any time during the payroll period.
2. Incumbents in the classifications of Fleet Mechanic, Mechanic Fabricator, Fleet Mechanic Supervisor, Fleet Parts Specialist, and Warehouse Supervisor who obtain and maintain job-related ASE certifications in accordance with standards established by the City shall receive \$0.50 per hour in addition to the employees' base rate of pay for each such certification obtained and maintained up to a maximum of seven (7) such certifications. City fleet service mechanics who obtain and maintain the required ASE certifications constituting the designation of ASE Master in a City authorized module of study shall receive \$5.00 per hour in addition to the employees' base rate of pay in lieu of the individual certification pays described above. The City agrees to pay the cost of the training and examination process for each certification the first-time employees attend such only. The City reserves the right to determine the appropriate certifications that will be entitled to the additional compensation.
3. City fleet service mechanics who obtain and maintain EVT certifications in accordance with standards established by the City shall receive \$2.00 per hour in addition to the employees' base rate of pay for each such EVT level obtained and maintained up to a maximum of two levels. City fleet service mechanics who obtain and maintain the required EVT certifications constituting the designation of EVT Master shall be reclassified to the classification of Fire Apparatus Mechanic. The City agrees to pay the cost of the training and examination process for each certification for the first time employees attend such only.
4. Police Telecommunicators, Senior Police Telecommunicators, and Police Telecommunicator Supervisors, who become fully certified and pass the state examination on or after October 1, 2022, shall receive a 3% increase to base pay for each of the following training tasks successfully completed: (i) call-taker-training and

successful completion of the related state exam; (ii) information/CJIS terminal training; (iii) dispatcher training.

Police Telecommunicators, Senior Police Telecommunicators, and Police Telecommunicator Supervisor, who were fully certified and passed the state examination prior to October 1, 2022, shall receive 1.5% increase to base pay for each of the training tasks, as listed in the previous paragraph, completed as of October 1, 2022. Incumbent employees in these classifications will not be eligible for further training-related adjustments.

Police Telecommunicators, Senior Police Telecommunicators, and Police Telecommunicator Supervisors shall receive each training-related adjustment only once regardless of job classification or adjusted amount.

#### C. Standby and Recall (Mutually Exclusive)

1. Standby shall be paid at the following rates during the term of this contract.

Monday Friday - \$50 Per Night  
Saturday & Sunday - \$70 Per Day  
Extended Time During Holidays - \$80 Per Day

2. Daily standby (Monday-Friday) shall begin at the end of each regular workday and shall end at the beginning of the next workday (16-hour period). Weekend standby shall begin at what would be the normal starting time on Saturday and shall conclude at the beginning of the regular workday on Monday (48-hour period). Extended time during designated holidays shall apply when an employee assigned to standby continues in standby assignment for an 8-hour extended period for a designated holiday. In addition to the above amounts, an employee who is called out to work while on Standby duty shall be credited with one (1) hour work time or the actual hours worked during the entire Standby period, whichever is greater. An employee assigned to Standby who receives a work-related phone call during the Standby period and who conducts City business without being called out to work shall be credited with one-quarter of an hour or the actual amount of time of the phone call, whichever is greater, for each such phone call received.
3. Recall (Call-out, Callback, and Call-in): If an employee is called back to work after the employee's normal work day and returns to work, or if an employee is called back to perform needed work after the employee's regular shift ends and the employee has already left the job, or if an employee is called in to perform needed work on a weekend, holiday, or other equivalent period during which the employee would not otherwise have worked, the employee shall be credited with two hours work time or the actual hours worked, whichever is greater. Time shall be computed from when the employee reports on-duty and ceases when he/she reports off-duty.
4. Time beyond an employee's regular work schedule when assigned and scheduled in advance, either as a continuation of a present shift assignment or the requirement to work on an employee's regular non-workday(s) shall not be subject to any minimum guarantee pay or at least eight (8) hours. However, all time worked shall be credited toward hours worked for regular and overtime pay purposes.

5. Employees shall not be assigned to standby duty if excused in advance by managerial personnel for approved vacation, float holiday, sick, or other absence during normal work shift, and in all cases the Department will seek volunteers prior to assigning standby duty. The City shall have the right to specify requirements needed for standby, including skills, dependability and ability to report timely, and employees not meeting said requirements may not volunteer for such standby.
6. Any employee assigned to standby and who, during the period of such standby assignment, is not readily available as required or who is or becomes unable to perform his/her work duties shall be subject to discipline, except that an employee who becomes sick or injured and immediately notifies his/her supervisor shall not be subject to discipline. The City may require evidence in the form of an excuse from a medical doctor of such injury or illness.

#### D. Shift Differential

Regular, full-time employees (other than those utilizing flextime) shall be entitled to 6% shift differential pay above the employees' base rate of pay for all hours when the majority of their regularly scheduled hours for the work week fall between 4:00 PM and 12:00 AM, regardless of the starting or ending time of the employee's shift. Regular, full-time employees (other than those utilizing flextime) shall be entitled to 8% shift differential pay above the employees' base rate of pay for all hours when the majority of their regularly scheduled hours for the work week fall between 12:00 AM and 8:00 AM, regardless of the starting or ending time of the employee's shift.

#### E. Acting Pay

An employee who is assigned to work in an "acting" capacity in a higher-level classification for more than ten (10) consecutive workdays shall receive acting pay retroactive to the day the acting assignment began, subject to the approval of the Department Director and Human Resources Director. The amount of pay shall be 5% higher than the employee's current base rate of pay applied to all hours actually worked.

#### F. Training Differential

Employees who are required to provide formal training to other employees outside of their normal job duties, and who are designated "Trainers" with an established curriculum as determined by the Department Director, will receive 5% above their normal base pay for any hours they are assigned to act as trainers in a formal training capacity.

#### G. Leadworker Assignment Pay

1. A Department Director, with the prior approval of the City Manager or his/her designee, may assign Leadworker duties to a regular employee for such period of time as will, in his/her opinion, serve the best interest of the City. Such assignment shall be made only when a small group of workers are, in the normal course of their duties, regularly required to work at a time and/or place without the degree of supervision which, in the judgment of the Department Director, is conducive to efficient performance.
2. An employee assigned Leadworker duties will be required to perform all the duties of his/her regular position and additionally exercise primary layout and/or supervisory functions in relation to other workers who are ordinarily classified the same as the Leadworker, accepting commensurate responsibility for group performance. For the period of such assignment the Leadworker shall be paid an additional biweekly amount representing 5% above his/her current base rate of pay.



3. Leadworker assignments may be authorized for intervals up to one year in duration or may be authorized for shorter intervals at the discretion of the respective Department Director. If an employee has been assigned as a Leadworker for one year, the Leadworker assignment shall then be rotated to another employee deemed by the respective department to be qualified for the assignment. If no other employees are interested or deemed qualified, an employee may be assigned Leadworker for consecutive one-year intervals.

#### H. Overtime

1. All employees outlined in Appendix A as eligible for overtime shall receive 1-1/2 times their regular rate of pay for all hours worked in excess of 40 hours per week. Employees shall only work overtime hours as directed or permitted by managerial personnel. Sick leave, vacation leave, funeral leave, and other time not worked shall not count as hours worked for overtime purposes. Designated City holidays, floating holidays, jury duty, and court time shall be count as hours worked for overtime purposes.
2. Overtime will not be assigned unfairly. Whenever practicable, the City will offer overtime assignments to perform work applicable to Classified Non-SAMP employees to available and qualified Classified Non-SAMP employees prior to offering such assignments to non-bargaining unit personnel.
  - a. All overtime must be approved by the respective Department Director or Manager prior to any employees working outside their established work schedule.
  - b. The respective Department will determine if employees possess the qualifications, skills, and ability necessary to perform the required work prior to assigning the overtime.
  - c. Overtime will be assigned on a voluntary basis unless the respective Department Director or designee determines there is an emergency situation or there is not a sufficient number of employees available on a voluntary basis to perform the work. For an emergency situation or when an insufficient number of employees is available on a voluntary basis, overtime will be mandatory.
  - d. When additional work hours are required to complete necessary work and cannot be scheduled at least 48 hours in advance, the personnel working the assignment during normal work hours will be offered the additional work hours on a voluntary basis first, and then other employees possessing the qualifications, skills, and abilities necessary to perform the work will be offered the additional work hours on a voluntary basis. In order to minimize overtime costs, employees may be afforded the option of “flexing” the additional work hours within the same work week on a voluntary basis. If an insufficient number of employees working the assignment is available on a voluntary basis, employees working the assignment may be required to remain on duty until the work is completed. If additional personnel are needed, an overtime list developed by the respective Department with input from the applicable employees will be used to determine the order of selection for holdover, call-back or call-in.
  - e. When necessary, work can be scheduled with reasonable notice at least 48 hours in advance, the respective Department Director or management designee will determine whether to modify employees’ work shifts, authorize overtime, or allow employees to request to flex their work schedules.

3. Any full-time Classified Non-SAMP employee who is required to work two consecutive full shifts in a twenty-four hour period will be provided \$25.00 for meal money.

I. Uniforms and Rain Gear

1. The City agrees to provide each full-time Classified Non-SAMP employee who is required to wear a uniform with an initial issue of five (5) uniforms. Permanent part-time Classified Non-SAMP employees who are required to wear a uniform shall be issued a pro-rated number as determined necessary by the hiring department based on scheduled hours/ days of work per week. The City shall determine the manner of procurement and style of uniforms to be worn. The City agrees to provide, at a minimum cotton blend uniforms of at least 35% cotton to employees who are required to wear uniforms. Polyester or polyester blend uniforms that utilize cooling properties may be utilized. The employee agrees to launder the uniforms. The employee will be issued a replacement for each uniform that becomes torn or tattered as the result of normal wear and tear, but not for a uniform that has been damaged due to the employee's abuse or negligence. The employee must return the uniform as a condition for receiving a replacement.
2. The City will provide safety shoes for each Classified Non-SAMP employee who is required to wear such. The City shall have the authority to designate additional job classifications as eligible for the provision of safety shoes. Employees who request safety shoes and are denied such by their department may have the decision reviewed by the City Manager or his/her designee by submitting a written request within 10 workdays of the department's decision. The decision of the City Manager or designee shall be final and binding and not subject to arbitration.
  - a. The City shall determine the manner of procurement to be afforded all affected Classified Non-SAMP employees and shall have the right of approval in determining types of shoes which are acceptable. Classified Non-SAMP employees shall provide worn or unserviceable safety shoes to their respective department for inspection in order to obtain authorization for replacement. Classified Non-SAMP employees may be permitted to keep such worn shoes after inspection at the discretion of their respective departments.
3. The City will provide Classified Non-SAMP employees with adequate rain gear. Rain gear that is worn, torn, and/or tattered through normal wear and tear shall be replaced, provided that the employee turned in the old rain gear. Classified Non-SAMP employees may use umbrellas instead of rain gear as appropriate to the job classification.
4. All uniforms and equipment provided by the City shall be issued and accounted for in accordance with I.R.S. regulations governing same.

II. Replacement/Repair of Tools and Annual Tool Stipend

The City will replace or repair, as appropriate, the tools of employees who are required by the City to furnish their own tools, when it can be verified such tools are broken on the job or when such tools are stolen from the job site and a police report confirming the theft is given to management. Tools will be replaced with tools of same manufacture and model. If the exact tool cannot be provided, a tool of equal value and quality shall be provided. Employees shall be required to report the breakage or loss of such tools to theft immediately in order to be entitled to replacement or repair.

Fleet Mechanic, Fire Apparatus Mechanic, Fleet Operations Trainer, and Fleet Mechanic Supervisor positions will be eligible for an annual tool stipend at the amount budgeted and

approved by the City Manager each fiscal year. It will be a one-time stipend payment made in the first pay period of November.

K. Training and Career Development Workshops

Employees will be compensated in accordance with the Federal Fair Labor Standards Act and applicable City Policy for the time the employee attends training and career development workshops.

L. Travel and Mileage

Employees shall be compensated in accordance with the Federal Fair Labor Standards Act and applicable City Policy for work related travel time. All employees who drive their own vehicle for City business will be paid upon request reimbursement in accordance with City policy for any mileage traveled at the rate set by the Internal Revenue Service.

M. Commercial Driver's License

1. Employees in driving positions which require a CDL and who fail to comply with requirements of the State of Florida CDL program cannot continue to function in their driving positions. At such time as the employee can no longer drive vehicles required in his/her job classification because of his/her failure to comply with CDL requirements of the state, the City shall preclude the employee from driving the designated City vehicles. The employee shall have thirty (30) days in which to comply with the state CDL requirements or to obtain a transfer, demotion or promotion to a position not requiring CDL licensure. Such job change must be accomplished within the normal processes for transfer, demotion or promotion. Failure to obtain the appropriate license or, alternately, to obtain a transfer, demotion or promotion to a position not requiring the CDL shall result in the layoff of the employee.
2. The City will reimburse regular, non-probationary employees for the cost of any CDL and endorsements required by the City, including any fees associated with obtaining such license or endorsements, provided the employee has submitted evidence of possession of the CDL in good standing along with a receipt identifying the costs incurred.

N. Parking

The City will make an effort to provide parking for all employees.

O. Tuition Reimbursement

Classified Non-SAMP employees shall be entitled to reimbursement for tuition fees for approved courses in accordance with the City's Tuition Refund Program up to an amount of \$2,500 per year for each fiscal year. See Article 10 for more details.

# Article 7 Leaves and Absences

The City reserves the right to establish or modify leave programs provided that such action is in accordance with provisions of Florida Statute 447 and any duty to bargain such changes or the impact of such changes on affected employees as provided in applicable collective bargaining agreements, or as established by the City Manager.

## Section 1. Vacation Leave

- A. All Classified Non-SAMP, SAMP, and Unclassified Senior SAMP employees are entitled to an annual vacation leave with pay at their regular salary or hourly rate in accordance with the applicable collective bargaining agreement and/or the HR Policies.
- B. Classified Non-SAMP, SAMP and Unclassified Senior SAMP employees accrue paid vacation for each of the designated biweekly payroll periods. Vacation is accrued based on the number of hours in a paid status for the week up to the employee’s scheduled hours and based on the number of completed years of service in accordance with the following schedule below. Hours are accrued commensurate with the employee’s designated work week (i.e. 37.5-hour work week or 40-hour work week).

Years of Service	Hourly Accrual (Based on 40-hour schedule)	Vacation Days Annually (based on 8-hour workdays)	Years of Service	Hourly Accrual (53-hour schedule)	Duty Days Annually
0 – 2	.0577	15	0 – 2	.0577	7
3	.0616	16	3	.0659	8
4	.0654	17	4 – 5	.0742	9
5	.0693	18	6	.0825	10
6	.0731	19	7 and over	.0907	11
7 – and over	.0770	20			

- 1. If an employee is promoted, demoted, or transferred from a full-time position to a full-time position with greater or lesser biweekly hours, the employee’s accrued vacation hours will be adjusted to reflect the equivalent vacation days.
- 2. Other Unclassified service employees are not entitled to any vacation benefits.

### C. SAMP General Provisions

All Classified, Classified service SAMP, and Unclassified Senior Staff SAMP employees are subject to the following:

- 1. Vacation leave balances may be carried over from one calendar year to the next. Vacation leave will not be accrued or carried over in an amount above the applicable established vacation cap. The City Manager may establish, or revise from time to time, a maximum amount of vacation leave that may be accumulated by Classified service

SAMP, and Unclassified Senior SAMP employees. Such caps are listed below or in the applicable collective bargaining agreement, except for SAMP Unclassified Senior Staff with a contrary provision in their Employment Agreement Letter. Future cap reductions will apply only to employees new to the affected classification; incumbent employees in the classification will retain their previous cap.

- a. The vacation cap for Classified service SAMP and Unclassified Senior Staff employees is 342 hours for those 80 hours, and 320 hours for those part-time permanent and 75-hour unless grandfathered into a higher cap.
2. An employee must use all available leave prior to the start of unpaid leave. If/when an employee goes into an unpaid status, their accruals will cease during the unpaid period.
3. An employee who is granted a leave of absence for a Family & Medical Leave Act (FMLA) qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid vacation will have such paid vacation balance reduced concurrently with the FMLA leave. An employee who is granted a leave of absence without pay and who is eligible for vacation leave is required to use all vacation leave prior to starting a leave of absence without pay. Accruals cease when the employee is in an unpaid status.
4. An employee on paid sick leave under the provisions of this Article is considered continuously employed for the purpose of earning vacation accruals. This provision includes any period of absence in which the employee is injured and receives Worker's Compensation wage loss or is on paid leave under the provisions of the FMLA. Otherwise, the provisions of subparagraph C (5) apply.
5. A Classified employee who transfers departments or is appointed from a certified Eligibility List to a position in another department without a break in service will retain all vacation leave, subject to the provisions of Article 7, Section 1.
6. City management will make a reasonable effort to schedule and approve employee vacation leave. The scheduling of all employee vacation leave is the responsibility and at the discretion of the Department Director or equivalent. Approval of employee vacation leave is determined by organizational needs and must allow continued efficient and effective departmental operation. Employees are encouraged to suggest alternative vacation schedules to avoid adversely affecting the performance of their respective departments. However, no Classified or Unclassified Senior Staff employee will be required to forego a vacation in two consecutive calendar years, nor will any Classified or Unclassified Senior Staff employee lose vacation accrual due to the department's failure to accommodate an employee's reasonable vacation request.

#### D. Classified Non-SAMP General Provisions

1. Maximum amount of vacation leave that may be accumulated is 320 hours.
2. Vacation leave will accrue on an hourly basis and will be pro-rated according to hours in a paid status and excluding overtime, standby, recall or call back hours, or any hours paid by workers compensation.
3. The borrowing or advancing of vacation leave prior to its accrual is prohibited.
4. Employees must be employed for six (6) calendar months prior to requesting the use of vacation leave.
5. New employees who fail to complete six (6) calendar months of service are not paid for any accrued vacation leave.

6. All employees must be granted a minimum of two (2) weeks' vacation per calendar year if properly requested by the employee in accordance with Department vacation selection procedures. Vacation leave may not be carried in an amount above the vacation cap. If vacation leave in excess of the cap is not taken, it is forfeited, except when a Department cannot schedule or cancels previously scheduled vacation time due to City work needs. The canceled vacation time must then be taken within 60 calendar days of the scheduled vacation date. No other granting of any carryover of vacation time above the vacation leave cap is permitted.
7. In the event an employee is promoted, demoted or transferred from a full-time position to a full-time position with greater or lesser biweekly hours, such employee's then accrued vacation hours shall be adjusted, as appropriate, to reflect the equivalent vacation days.
8. Regular part-time employees shall have vacation accrual prorated each payroll period based on the actual hours in a paid status.
9. Upon separation from the City service, employees shall be paid at their respective current base rate of pay at the time of separation for the unused portion of vacation leave for which they may at that time be eligible, or if retiring may utilize such remaining vacation leave balance to advance the date of retirement.

#### E. SAMP Vacation Use

1. Classified service SAMP, and Unclassified Senior Staff employees may be authorized to use vacation leave after it is accrued and in increments of quarter of an hour.
2. For hourly Classified service SAMP employees non-exempt from overtime under the FLSA, vacation leave balances will be charged for all actual vacation leave hours used.
3. For Classified service SAMP and Unclassified Senior Staff SAMP employees exempt from overtime under the FLSA, vacation leave balances will be charged only for the actual leave hours that are designated as vacation leave, used in increments of four hours or greater for an 8-hour day, and five hours or greater for a 10-hour day.
4. Once an approved vacation has commenced, it cannot be converted to sick leave or any other type of leave.
5. The City reserves the right to offer, in lieu of a vacation, the payment of compensation for vacation leave.

#### F. Classified Non-SAMP Vacation Pick

1. The vacation year shall be the payroll calendar year.
2. A period shall be established for the purpose of vacation selection, known as a vacation pick. This period shall be the first two work weeks in the month of December each year. All employees will have the opportunity to submit their vacation requests for up to the number of hours that the employee currently accrues annually for that calendar year only. Management will review these requests and determine their operational needs and staffing requirements. Management will grant the requests that do not interfere with the operations of the City. However, an employee who is approved for time during the vacation pick process and then does not have accrued vacation hours to cover the time when it arrives may be denied vacation requests exceeding the amount of vacation hours the employee has accrued at the time of the following vacation pick period. If more

than one person requests vacation that conflicts with staffing needs of the City, the conflict will be decided on the basis of City seniority, except that an employee who voluntarily changes schedule or shift after the completion of the vacation pick process shall not be given precedence over another employee on the new schedule or shift who has already obtained approval for vacation on the same day. After the end of the vacation pick, any request for vacation shall be based on "first come, first serve." Seniority of a Classified Non-SAMP employee shall not be used to revoke vacation leave or other time off for which a department has granted prior approval to another Classified Non-SAMP employee with less seniority.

3. If service requirements permit, employees may, with reasonable notice and the approval of their respective Department, use their accrued vacation in increments of quarter of an hour. 48 hours shall be deemed reasonable notice. However, the respective Department Director or his/her designee shall have the sole discretion to approve such requests if practicable when provided with less than 48 hours' notice. The application of this paragraph shall not be subject to the grievance procedure.

#### G. Payment for Unused Vacation

1. When a Classified Non-SAMP employee separates from City service, they will receive payment for all unused vacation leave in accordance with the HR Policies.
2. Upon separation from City service, Classified service SAMP and Unclassified Senior Staff SAMP employees are paid at the current base rate of pay at the time of separation for the unused portion of vacation leave for which they may at that time be eligible. If retiring under Article 14, review that Article for an option to instead use the remaining vacation leave balance to advance the date of retirement. SAMP employees are not otherwise paid in lieu of using vacation leave time.
3. Vacation Buyback
  - a. In each payroll calendar year, Classified service SAMP and Unclassified Senior Staff SAMP employees who have used 40 vacation hours may receive up to 80 hours of regular pay in exchange for the same number of vacation hours. The employee must maintain a minimum of 120 hours in their vacation bank after the exchange and can only make one request per fiscal year. The employee must not have received any formal discipline during that payroll calendar year. The employee must make a written request to their payroll preparer on or before November 15 to receive the requested hours of regular pay in the payroll period which includes December 1.
  - b. In each payroll calendar year, 106-hour Unclassified SAMP employees who have used 72 vacation hours may receive up to 72 hours of regular pay in exchange for the same number of vacation hours. The employee must maintain a minimum of 120 hours in their vacation bank after the exchange and can only make one request per fiscal year. The employee must not have received any formal discipline during that payroll calendar year. The employee must make a written request to their payroll preparer on or before November 15 to receive the requested hours of regular pay in the payroll period which includes December 1.
  - c. In each payroll calendar year, 40-hour Classified Non-SAMP employees who have used at least 40 vacation hours may receive up to 80 hours of regular pay in exchange for the same number of vacation hours. The employee must maintain a minimum of 80 hours in their vacation bank after the exchange and can only make one request per year. The employee must not have received any formal discipline during that payroll calendar year and must receive at least Meet Standards on their

annual evaluation. The employee must make a written request to the Payroll Preparers on or before November 15 to receive the requested hours of regular pay in the payroll period which includes December 1.

- d. In each payroll calendar year, 37.5-hour Classified Non-SAMP employees who have used at least 37.5 vacation hours may receive up to 75 hours of regular pay in exchange for the same number of vacation hours. The employee must maintain a minimum of 75 hours in their vacation bank after the exchange and can only make one request per year. The employee must not have received any formal discipline during that payroll calendar year and must receive at least Meet Standards on their annual evaluation. The employee must make a written request to the Payroll Preparers on or before November 15 to receive the requested hours of regular pay in the payroll period which includes December 1.

## Section 2. Sick Leave

### A. Sick Leave Generally

1. Every full-time Classified employee will accumulate sick leave, have sick leave reporting requirements, use and be charged for sick leave, have sick leave incentive and line of duty injury provisions, have sick leave accrual maximums, and be provided funeral leave consistent with provisions of applicable collective bargaining agreements or as established by the City Manager. Classified part-time employees are eligible to receive sick leave at a prorated amount based on hours worked. Other Unclassified service SAMP employees are not entitled to paid sick leave benefits.
2. Any employee who is granted a leave of absence for an FMLA qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid sick leave will have such paid sick leave reduced concurrently with the FMLA leave. An employee who is granted a leave of absence without pay for a non-FMLA-qualifying illness or injury to the employee or member of the employee's family and who is eligible for paid sick leave is required to use all paid sick leave prior to starting the leave of absence without pay.
3. When an employee is on extended sick leave under the FMLA or otherwise, the City may require the employee to undergo a fitness for duty evaluation to determine the employee's ability to return to their current or other position.

### B. Sick Leave Accrual

1. Classified service Non-SAMP and SAMP employees accrue paid sick leave for each of the designated biweekly payroll periods, prorated for the number of hours the employee is in a paid status, and in accordance with the following schedule:

Hourly Accrual	Sick Leave Days Annually
.0462 hours	12



2. Unclassified Senior Staff SAMP employees accrue paid sick leave for each of the designated biweekly payroll periods, prorated for the number of hours the employee is in a paid status, and in accordance with the following schedule.

Hourly Accrual	Sick Leave Days Annually
.0385 hours	10

3. Unclassified Senior Staff SAMP employees with a 53-hr weekly schedule accrue paid sick leave for each of the designated biweekly payroll periods, prorated for the number of hours the employee is in a paid status, and in accordance with the following schedule.

Hourly Accrual
.0407 hours

### C. Sick Leave Caps

Sick leave balances may be carried over from one calendar year to the next. Sick leave will not be accrued or carried over in an amount above the established cap. The City Manager may establish, or revise from time to time, a maximum amount of sick leave that may be accumulated by Classified service SAMP and Unclassified Senior Staff SAMP employees, except for Unclassified Senior Staff with a contrary provision in their Employment Letter Agreement. Future cap reductions will apply only to employees new to the affected classification; incumbent employees in the classification will retain their previous cap.

1. Classified service SAMP sick leave cap for employees hired after 1995 is 1560 hours for PT employees and 1664 hours for 80-hour employees.
2. Classified service Non-SAMP sick leave cap for employees hired prior to October 1, 2008, may accumulate up to 1,560 accrued hours. Classified service Non-SAMP sick leave cap for employees hired effective October 1, 2008, or later may accumulate up to 1,040 accrued hours.
3. Unclassified Senior Staff SAMP sick leave cap is 1040 hours. Thereafter, the employee shall no longer accrue sick leave, except as may be provided below. Should sick leave be allowed to accrue as provided below, accrual will be at the rate of .0385 hours of sick leave on an hourly basis.
  - a. Employee's sick leave bank will not be debited for an absence of less than one (1) day except when sick time absences of partial days are utilized on consecutive workdays; any absences due to sick leave usage (personal and family) of (1) day or more shall be debited to the employee's sick leave bank.
  - b. After the employee reaches their cap, employee thereafter will not be charged for the first ten (10) days of sick leave (personal and family) used each calendar year. Sick leave used in excess of ten (10) days in the calendar year shall be debited from the employee's sick leave. The employee shall not accrue sick leave to replace that debited amount, except as provided below.
    - i. In the event that a major illness or injury results in the employee's continuous absence for a period in excess of sixty (60) days, upon the employee's return to work, the City Manager may, at their discretion, authorize the employee's sick leave accrual to recommence.

- c. Employees who promote into an Unclassified Senior Staff position and currently have a sick leave balance above 1040 are able to keep their current sick leave balance to draw down from upon use. However, they will no longer accrue sick leave except if they fall below the maximum of 1040 hours and meet the requirements in 2.b.i above.

#### D. Classified Non-SAMP Sick Leave Balances

1. Sick leave balances are restored to an employee recalled from layoff or returned from a leave of absence.
2. Sick leave balances remain the same upon transfer to another Department or classification with the same hourly work week.
3. Sick leave balances are converted to equivalent days if an employee changes classification to that with a different hourly work week (i.e., 37.5 hour work week to 40-hour work week).
4. No sick leave balances are restored after a break in service. An employee will have a break in service if the employee is rehired by the City six (6) months after the date of resignation or retirement or one (1) year after a layoff. Authorized leaves of absence, suspensions, reinstatements after disability retirement or dismissal, and layoffs of less than one (1) year will be counted as continuous service and shall not be a break in service.

#### E. Sick Leave Use

1. Classified service SAMP and Unclassified Senior Staff SAMP employees may be authorized to use sick leave after it is accrued and in increments of quarter of an hour for absences from duty due to:
  - a. Personal illness or physical incapacity caused by factors over which the employee has no reasonable immediate control.
  - b. Exposure to contagious disease in which the health of others would be endangered by the employee's attendance on duty.
  - c. Doctor and dental appointments, physical examinations, or other personal sickness prevention measures.
  - d. Illness of a member of the immediate family that requires the personal care and attention of the employee. Immediate family is defined as parents, stepparents, children, stepchildren, grandparents, grandchildren, brothers, sisters, present spouse of the employee and the "immediate family" of the employee's present spouse, or other family member living in the immediate household.
2. SAMP employees found to be using Sick Leave for any reason other than those stated above are subject to disciplinary action up to and including termination.
3. For Classified service SAMP employees that are not exempt from overtime under the FLSA, sick leave balances will be charged for all actual sick leave time used. Any sick leave time taken by such employees who have exhausted all accrued paid leave time will be unpaid.
4. For Classified service SAMP and Unclassified Senior Staff SAMP employees exempt from the overtime provisions of FLSA, sick leave balances will not be charged for sick time absences of less than a full workday, except when sick time absences of partial days are used on consecutive workdays, or when sick leave is used in

conjunction with an approved FMLA absence. In such cases, employees are charged for all actual sick leave time used. Exempt SAMP employees in their first year of hire who have exhausted all accrued paid leave time are permitted to incur a negative Sick Leave accrual balance of up to a full week's schedule. Because of this provision, exempt SAMP employees are not eligible to participate in the City sick leave incentive program.

5. SAMP employees' requests for sick leave to be used for doctor's appointments are to be submitted with at least 24-hour notice, except the requirement will be waived where the employee is able to demonstrate to their Department Director an emergency exists. The employees' respective department reserves the right to not approve such requests when advance notice is not provided, or the employees' absence will adversely affect operations. Employees are required to notify their immediate supervisor or management representative to request approval for sick leave each day they are absent, except that an employee who has been approved for a continuous FMLA absence only shall be required to comply with the reporting procedures outlined in the City's FMLA Policy below. Such notification requests must be provided through personal contact, except where the employee is able to demonstrate this is not possible. Failure to obtain approval for sick leave from competent City authority shall result in any such time being considered an unauthorized absence and in the denial of paid sick leave.
6. If an employee, who is not on FMLA, has exhausted all of their sick leave, then with department director approval, the employee may use their other leave accruals before going into a no-pay status.

#### F. Sick Leave Doctor's Certificate Requirement

1. Classified Non-SAMP, Classified service SAMP and Unclassified Senior Staff SAMP employees may be required to provide a valid Doctor's Certificate to substantiate the use of sick or unpaid leave at the discretion of their Department Director or designee. Unclassified Senior Staff employees may be required to provide a valid Doctor's Certificate to substantiate the use of sick leave when directed by the City Manager or their designee. A valid doctor's certificate is considered to be a written, typed, or printed statement from the doctor specifying the date(s) of visit or consultation with the doctor, the date the employee is authorized to return to work, any conditions or limitations imposed by the doctor, and the signature of the doctor or designee.
2. The City reserves the right to substantiate the legitimacy of any certificate submitted by an employee as evidentiary support for the use of sick leave or unpaid absence. Failure to provide valid doctor's certificate when required to do so is grounds for disciplinary action up to and including termination.

#### G. Payment for Unused Sick Leave

1. Upon retirement (Article 14), Classified service SAMP and Unclassified Senior Staff SAMP employees are paid at the current base rate of pay at the time of separation for one-half of the unused portion of sick leave for which they may at that time be eligible, or they may utilize one-half of such remaining sick leave balance to advance the date of retirement. SAMP employees are not otherwise paid in lieu of using sick leave time.
2. Payment for unused sick leave for Classified Non-SAMP employees will be made provided:

- a. The employee is retiring on City Pension
  - b. The separation is involuntary on the part of the employee and is limited to only disability (incurred on or off the job) and layoffs.
  - c. The employee's estate shall receive payment if an employee dies.
  - d. The employee is at least sixty-five (65) years of age and has a minimum of ten (10) years of service.
3. SAMP employees who are separated for any reason other than those listed above are entitled to no claim for sick leave payment or use. SAMP employees who leave prior to retirement (as defined in Article 14) for voluntary reasons, such as to seek or accept other employment, relocate, return to school, care for relatives/friends, or other reasons of a like nature, are likewise entitled to no claim for payment or use of any unused portion of accumulated sick leave.

#### H. SAMP Sick Leave Pool

A leave pool has been established for all leave-accruing Classified service SAMP and Unclassified Senior Staff SAMP employees subject to the provisions contained in this Section. The purpose of the leave pool is to provide leave to SAMP employees who face significant time off without pay due to a serious illness or injury, whether job-connected or non-job-connected, or serious illness or injury to an immediate family member.

##### 1. Donations and Use

- a. The Sick Leave Pool is not intended for short-term absences. Leave pool time is granted only for time periods whereby an employee faces at least 15 workdays without pay.
- b. SAMP employees may donate days at 100% value from their sick, vacation, floating holiday, or bonus day leave balances to the Sick Leave Pool at any time during the year. All Sick Leave Pool donations must be submitted on the appropriate HR form, available from department payroll preparers or Human Resources. However, no employee is permitted to donate more than three (3) total days of leave per payroll calendar year to the Sick Leave Pool. All donations of Sick Leave Pool leave time must be in full-day increments based on the employee's full-time regularly scheduled day (i.e., either 7.5 or 8 hours). The Sick Leave Pool may be reduced in full-day increments or portions thereof, however either will constitute one Pool Leave day for the purpose of meeting the maximum number of allowable days requested.
- c. Donations of leave time to the Sick Leave Pool are irrevocable. Sick Leave Pool time not used by the employee receiving the donated pool leave time will be returned to the pool and all pool leave time will be carried over to the following year. No donated pool leave time will be refunded to the donor.
- d. All leave-accruing Classified service SAMP and Unclassified Senior Staff employees are eligible to request leave time from the Sick Leave Pool. All leave pool requests must be submitted on the appropriate HR form and accompanied by medical documentation in a form specified by Human Resources. Completed Sick Leave Pool Request Forms should be forwarded to the Human Resources Department.
- e. Requests for leave time from the pool are limited to a maximum of 30 workdays

or portions thereof per illness/injury within a 12-month period counting backwards from the time of the employees' most recent leave pool request. Employees must have exhausted all other paid leave time benefits to be eligible to receive leave time from the Sick Leave Pool. However, employees may apply for leave time from the pool prior to the expiration of paid leave time benefits. Employees will have the opportunity to explain leave pool requests to the Committee if so requested.

## 2. Committee Procedures

- a. The SAMP Sick Leave Pool Committee determines the use of leave pool days, subject to the above purposes and limitations. The Committee consists of a cross section of five SAMP employees designated by the City Manager or designee. A non-voting Chairperson will be designated from the Human Resources Department to provide oversight and administration. The Chair will notify Committee members of the necessity to meet and will keep meeting minutes including a record of Committee members who fail to attend Committee meetings. Recommendation for a member's removal from the Committee may be made to the City Manager/designee at the discretion of the Chair with the other Committee members' approval.
  - b. The Committee may recommend changes to procedures, forms, and rules deemed necessary for its effective operation. The City Manager/designee will make the final determination on proposed changes. Recommendations for modification of this policy must be agreed to by a simple majority of the votes cast by members of the Committee before being recommended.
3. The Committee is to be responsible for the administration of internal procedures to include but not be limited to the following:
- a. The Committee will meet whenever necessary to review requests for leave time from the pool. The Committee will review employee needs and circumstances consistent with the provisions of the leave pool and by a simple majority vote determine eligibility and the amount of leave time that may be provided to the employee. The attendance of at least three Committee members is considered to constitute a quorum for voting purposes. In making its determination, the Committee will review the nature of the illness, hardship, or injury as well as the attendance record of the employee for the prior two-year period.
  - b. The Committee will convey reminders to the SAMP employee group requesting leave donations at periodic intervals and/or in the event that the Sick Leave Pool has an insufficient number of days to honor an employee's request for leave time.

The Committee shall show responsible judgment and act in the best interest of the SAMP employee group in the execution of the duties and responsibilities defined in this policy or in the internal procedures thereof. The Committee's decisions are final and are not grievable.

## I. Classified Non-SAMP Sick Leave Pool

1. A leave pool will be established by the City Manager or designee to identify five (5) Classified Non-SAMP employees to serve as the Classified Non-SAMP Sick Leave Pool Committee subject to the following provisions:
  - a. The purpose of the leave pool is to provide leave to Classified Non-SAMP

employees who face significant time off without pay due to a serious illness or injury, whether job-connected or non-job-connected, or serious illness or injury to a family member as defined Article 8 Section 2.E.1.d. The leave pool may not be used for short time periods where an employee may be without pay. Short time shall be defined as less than fifteen (15) workdays.

- b. A Classified Non-SAMP Committee shall determine use of the leave pool days, subject to the above purpose and limitations.
    - i. A Classified Non-SAMP Committee may establish procedures, forms and other rules necessary for its effective operation, provided they are consistent with the provisions of this section and subject to the approval of the City Manager or his/her designee. Decisions are final and are not subject to the grievance procedure.
    - ii. Classified Non-SAMP employees may donate days one time per year in the month of January from their vacation leave, floating holiday, or sick leave at least one (1) day. A day must be donated each calendar year to be eligible from program.
  - c. No employee shall be permitted to donate more than four (4) days of leave per year to the pool, unless authorized by the City Manager.
2. In the event that the leave pool balance becomes lower than 100 days, the Classified Non-SAMP Committee may, with the prior approval of the City Manager or designee, open up the opportunity for additional donations to be made during the calendar year.
  3. All donations of pool leave time must be in full-day increments based on the full-time, regularly scheduled day for the employee's respective job classification (i.e., an 8-hour or 10-hour day is a full day).
  4. Donations of pool leave time are irrevocable.
  5. No dollar value shall be placed on leave donations. All donations and all authorized usage shall be computed as day-for-day.
  6. When pool leave time is authorized by the Classified Non-SAMP Committee for use by an employee, it shall be on a day-for-day basis, irrespective of the number of hours used each day. Each day or portion thereof shall be counted as one day. Classified Non-SAMP employees shall be eligible to be granted up to a maximum of 30 workdays or portions thereof within a 12-month period counting backwards from the start of approved time of the most recent leave pool request.
  7. An employee using leave pool time shall receive regular base pay and his/her regular shift pay. However, other pays shall not be provided with leave pool days (e.g., lead pay, acting pay, special assignment pay, etc.). Pay for authorized pool days shall not be granted for the first fifteen (15) workdays of the absence necessitating leave from the pool. After fifteen (15) workdays of such absence, the employee shall be eligible to be paid retroactively for the first fifteen (15) workdays and shall thereafter be eligible to receive his/her regular pay for any remaining pool days authorized.
  8. Pool leave time granted and not used in a given year by the Classified Non-SAMP employee receiving the donated pool leave time shall remain with the leave pool and be carried over to the next year. No donated pool leave time will be refunded to the donor.

### Section 3. Holidays

- A. Classified Non-SAMP and SAMP and Unclassified Senior Staff SAMP employees are granted time off with pay for designated holidays and floating holidays as set in the applicable collective bargaining agreement or as established by the City Manager or designee. All Classified service Non-SAMP and SAMP and Unclassified Senior Staff SAMP employees are eligible to receive eleven (11) “designated” paid holidays each year. The following days are City-Designated Holidays:

New Year’s Day	Labor Day
Martin Luther King Day	Veterans Day
Presidents’ Day	Thanksgiving Day
Memorial Day	Day After Thanksgiving
Juneteenth	Christmas Day
Independence Day	

- B. The City determines and publishes annually the actual day to be designated as the holiday. Typically, when a designated holiday falls on a Saturday, the preceding Friday is recognized as the official holiday, and when a designated holiday falls on a Sunday, the following Monday is recognized as the official holiday.
- C. Other Unclassified service employees are not eligible for holiday compensation and are compensated only for the time actually worked.
- D. Classified regular part-time employees receive holiday pay, including floating holidays, at a rate equal to twenty percent (20%) of their normal budgeted weekly schedule.
- E. Unclassified/Exempt Fire District Commanders will receive holiday pay paid at the employee’s current base rate of pay for the number of hours equaling 10% of the biweekly schedule (10.6 hours). For the following three special holidays: Thanksgiving Day, Christmas Day and New Year’s Day, they will be compensated at the employee’s current base rate of pay for the number of hours equaling 15% of the biweekly schedule (15.9 hours).
- F. When the designated holiday falls on the employee’s scheduled workday and the employee takes the day off, the employee receives holiday pay equivalent to the number of hours the employee is scheduled to work on the designated holiday in addition to pay for all hours worked the remainder of the workweek. When the designated holiday falls on the employee’s regularly scheduled day off, the employee may either:
1. request to receive holiday pay equivalent to twenty percent (20%) of their normal budgeted weekly schedule which will not count as hours actually worked for the purpose of calculating overtime in addition to pay for all hours worked the remainder of the workweek, or
  2. request to designate as a holiday on their regularly scheduled workday which immediately precedes or immediately follows the City-designated holiday within the same pay week, in which case the employee will receive holiday pay equivalent to the number of hours the employee is scheduled to work on that day.
- G. Designated holidays which fall on the regularly scheduled workday for such employees shall be counted as hours actually worked for the purpose of calculating overtime pay.

Classified service SAMP employees not exempt from FLSA overtime provisions who are required to work on a designated holiday shall be paid at the rate of time-and-one-half for all hours actually worked on the designated holiday in addition to holiday pay.

- H. Holidays falling within the period of annual vacation leave is to be charged as a holiday and not charged as vacation. Holidays falling within a period of sick leave are not counted as a workday for FML purposes unless the employee would have been scheduled to work on such holiday.
- I. An employee who provides essential services and is scheduled to work on a designated holiday, and who fails to report for work without a valid reason as determined by the Department Director, forfeits holiday pay and the work hours missed will be considered an unauthorized absence.
- J. Classified service SAMP and Unclassified Senior Staff employees do not report to work on designated holidays unless otherwise directed by appropriate management. However, SAMP employees may be required to work on any holiday as determined by management.
- K. In order for an employee to receive holiday pay, the employee must work their regularly scheduled workday immediately preceding and following the designated holiday, unless the absence has been approved and authorized in writing by the department. Employees who are absent from work in a non-pay status (such as an employee receiving Workers' Compensation who has exhausted their injury benefit and sick leave, leaves of absence without pay, etc.) on either their entire regularly scheduled workday immediately preceding or immediately following the designated holiday shall not be paid for holidays falling within such periods.
- L. If an employee calls in sick in accordance with established notifications requirements when scheduled to work on a designated holiday, the employee shall receive holiday pay equivalent to the number of hours the employee is scheduled to work on the holiday and shall not be charged sick leave.
- M. Floating Holidays for SAMP Employees
  - 1. In addition to the designated holidays above, Classified service SAMP and Unclassified Senior Staff SAMP employees are eligible to receive up to three (3) "floating" holidays per payroll calendar year. Floating holidays are prorated in the initial year of hire according to the following schedule: employees hired from January 1 through March 31 receive three (3) floating holidays; employees hired from April 1 through June 30 receive two floating holidays; employees hired from July 1 through September 30 receive one floating holiday; employees hired on or after October 1 do not receive any floating holidays that year. Following the initial year of hire, SAMP employees receive three (3) floating holidays in the month of January each year to be used during the respective payroll calendar year. Other Unclassified employees do not receive floating holidays.
  - 2. Floating holidays are scheduled at the mutual convenience of the employee and the City. Floating holidays may not be used until the employee has been employed with the City for a period of sixty (60) calendar days. Floating holidays must be used in full day increments only. Employees receive floating holiday pay equivalent to the number of hours the employee is scheduled to work on the floating holiday in addition to pay for all hours worked the remainder of the workweek. For Classified service SAMP employees that are not exempt from FLSA overtime provisions, floating holidays count as hours worked for the purpose of calculating overtime.



3. Floating holidays cannot be carried over from one payroll calendar year to another, and if not taken by the last day of the payroll calendar year they will be forfeited. However, when a department cannot schedule or cancels a previously scheduled floating holiday(s) of a SAMP employee due to City work needs, the floating holiday(s) may be retained if requested more than thirty days prior to the end of the payroll calendar year and approved in writing by the Department Director and must then be taken within sixty calendar days of the start of the following payroll calendar year. Upon separation from City service, SAMP employees are paid at the current base rate of pay at the time of separation for the unused portion of floating holiday leave for which they may at that time be eligible. If retiring under Article 14, review that Article for an option to instead use such remaining floating holiday leave balance to advance the date of retirement. SAMP employees are not otherwise paid in lieu of using floating holiday leave time.

#### Section 4. Incentive and Bonus Leave Days

- A. Sick Leave Incentive Bonus Days: Following a payroll calendar year in which Classified Non-SAMP, Classified service SAMP or City Attorney’s Office employees not exempt from overtime under the FLSA has been employed one (1) full year; uses no sick leave or two (2) days or less and has no unexcused absences and no more than two (2) incidents of unexcused tardiness, the employees will be awarded incentive leave days in accordance with the following chart. Time charged to sick leave in conjunction with funeral leave will not be counted toward the eligibility for incentive leave days. Incentive leave days cannot be carried over from one payroll calendar year to another, and if not taken by the last Friday of the payroll calendar year they will be forfeited.

Amount of Sick Leave Used	Incentive Days Awarded
Less than one standard workday	2
One to two standard workdays	1

1. A payroll calendar year begins with the first day of the first pay period for the first paycheck date in the calendar year and ends with the last day of the last pay period for the last paycheck date in the calendar year.
2. Sick leave incentive days can only be used in full day increments and are not included in overtime calculations.
3. Salaried Classified service SAMP, and Unclassified Senior Staff SAMP employees are not eligible for incentive leave days due to their ability to be absent for partial days with no charge to sick leave balances. Part-time employees are also not eligible for the incentive days.
4. Upon separation from City service, hourly Classified service SAMP employees are paid at the current base rate of pay at the time of separation for any unused incentive leave days for which they may at that time be eligible, or if retiring the employee may use such balance to advance the date of retirement. that Article for an option to instead use such remaining incentive leave days to advance the date of retirement. Hourly Classified service SAMP employees are not otherwise be paid in lieu of using incentive leave days.

- B. Achievement Awards Bonus Days: Classified employees and Unclassified Senior Staff employees are eligible for a bonus day if they are selected for the “Employee of the Month” or the “Motivational Mentor Award.” Achievement Award Bonus Days must be used within one (1) year of the award.
- C. Longevity Bonus Days: Classified employees and Unclassified Senior Staff Employees are recognized for their duration of employment with the City. Employees will receive a Longevity bonus day off when they reach twenty-five (25) years of service and every five (5) years thereafter. Longevity bonus days must be used within one (1) year of the employee’s relevant service anniversary date.
- D. Retirement Bonus Days After 20 Years:

Upon completion of a total of 21 consecutive years or more service with the City, Classified service SAMP and Unclassified Senior Staff employees are entitled to begin accumulating “bonus” days for the purpose of retirement advancement under Article 14 or a cash settlement to be paid only at retirement under Article 14. Such bonus days are accumulated in accordance with the following schedule and may not exceed a total of 15 days. Each bonus day is to equal twenty percent (20%) of the employee’s normal budgeted weekly hours.

21 years' service	1 bonus day
22 years' service	2 bonus days
23 years' service	3 bonus days
24 years' service	4 bonus days
25 years' service	5 bonus days maximum = 15 cumulative bonus days

## Section 5. Department Director Scheduling of Leave

- A. Unclassified Senior Staff at the level of Department Director (or equivalent) are required to inform the City Manager or Assistant City Manager whenever they are absent from the workplace for more than one working day. This will include vacation, floating holidays, sick leave, compensatory time, professional commitments, or any other absence.
- B. Absences (vacation, floating holidays, professional commitments, or any other absence other than confirmed sick leave) that will result in absences of more than five (5) business day must have the prior approval of the City Manager or Assistant City Manager. This approval should be obtained, if possible, at least five (5) business day prior to the absence.
- C. To ensure appropriate management presence, Department Directors (or equivalent) and Assistant Department Directors (or equivalent) will not be absent from the workplace for more than one working day at the same time without the prior approval of the City Manager or Assistant City Manager.

## Section 6. Administrative Leave With or Without Pay

- A. The City Manager or designee may at their discretion grant or place employees on administrative leave with or without pay when deemed appropriate under the circumstances. This may include employees being relieved from duty because their services are determined to be non-essential, during or following an investigation, pending or in accordance with disciplinary performance or behavior issues, or as otherwise deemed necessary by City

administration with the approval of the City Manager or designee.

- B. The practice of paying an employee on Administrative Leave is greatly restricted and only suitable in certain situations, for limited periods of time and only with the approval of the City Manager, Deputy City Manager, Assistant City Manager, or Human Resources Director.

These situations include:

1. Emergency Conditions Compensation: Not all emergencies are the same. But for Severe Storm or other Emergency Conditions approved by the City Manager to be staffed via the Employee Emergency Deployment Procedures in Article 11, limited use of administrative leave with pay is authorized. All other leave in emergency conditions or when normal operations are disrupted is without pay unless specifically approved otherwise by the City Manager.
  2. Post critical incident for sworn members of the Police Department: Police Officers directly involved in a Critical Incident are placed on paid Administrative Leave as a matter of routine following the Incident. These officers may be placed on Leave for a defined period of time that is at the discretion of the Human Resources Director, Chief of Police, City Manager, Deputy City Manager, and the Assistant City Manager, depending on each situation.
  3. Pending Investigations: An individual may be placed on paid Administrative Leave during or following an investigation in the event that the employee's presence at work may constitute a physical danger to self, the public, other employees, or the security of the City during the investigation. Administrative leave may also be used in certain investigations involving serious personal responsibility or integrity issues such that the employee's presence seriously compromises City operations or may affect the investigation. The investigation of the alleged violation of standards should be completed in a timely manner and the employee brought back to work immediately afterward unless suspension or termination is warranted.
  4. At the direction and discretion of the City Manager or their designee may authorize the use of Administrative Leave for any other situations deemed appropriate and, in the City's, best interests of the City. The City also reserves the right to convert administrative leave with pay to administrative leave without pay at its discretion based on circumstances.
- C. If a Classified Non-SAMP employee is required to work a shift which is less than the employee's regular shift, the employee shall be paid in accordance with the above for all hours actually worked and shall be granted administrative leave with pay for the remaining hours making up the employee's regular shift. All hours actually worked for Classified Non-SAMP employees shall be counted as such for the purpose of computing overtime. Scheduled administrative leave with pay for Classified Non-SAMP employees shall not be considered as hours worked for the purpose of computing overtime. Unscheduled administrative leave with pay for Classified Non-SAMP shall be considered as hours worked for the purpose of computing overtime. At least forty-eight (48) hours' notice shall be considered scheduled. Classified Non-SAMP employees who are on previously approved leave are not eligible for administrative leave with pay. Classified Non-SAMP employees on administrative leave with pay are required to be available during normal business hours.

## **Section 7. Leave Without Pay for Classified and Unclassified SAMP**

- A. A City employee may submit a written request for a leave of absence without pay subject to the written approval of the City Manager or their designee for any of the following reasons:
1. Because of the physical or mental disability of the employee, spouse, child, or parent in circumstances not covered by FMLA.
  2. Because the employee has announced candidacy for public office.
  3. Because, in the opinion of the City Manager or designee, extraordinary circumstances warrant such a leave of absence.

Employees must exhaust all applicable paid leave accrual balances prior to requesting a leave of absence without pay.

- B. Leave for any of the above reasons is subject to the following:
1. Leave up to two weeks may be approved by the respective Department Director. Leave greater than two weeks require approval of the City Manager or designee.
  2. Leave for medical reasons shall not be granted for more than six (6) months but may under the provisions of paragraph (a) be renewed up to an additional six (6) months. Leave for any reason other than medical shall not be granted for more than three (3) months but may under the provisions of paragraph (a) be renewed up to an additional three (3) months. The granting or renewal of leave is at the sole discretion of the City Manager or designee.
  3. An employee granted a leave of absence shall, except as provided below, be restored to their former position at the expiration of leave or the employee may be returned to their former position before leave expiration if approved by the City Manager or designee.
  4. If the City Manager or designee determines that it is unreasonable and/or against the best interest of the City to return an employee to their former position or the former position has been eliminated, the employee will be separated from employment. Classified service employees will be placed at the head of the Reemployment List for the position class or classes similar to the previous position, provided the employee is physically and mentally qualified for such position.
  5. There will be no accrual of benefits or seniority during any leave of absence without pay. When an employee is in a non-pay status for more than 30 consecutive calendar days, then where applicable, the employee's seniority date, pension eligibility date, and annual performance evaluation date will be adjusted by the number of days the employee is in the non-pay status.
  6. During a leave of absence without pay or any other no-pay status of an employee exceeding two weeks and unless waived by the City Manager/designee due to extenuating circumstances, the employee must pay the required premiums to continue hospitalization coverage for themselves. Failure to timely submit the premiums will result in the loss of coverage.

## **Section 8. Leave Without Pay for Classified Non-SAMP**

- A. Employees may take a medical leave of absence without pay for up to 12 weeks pursuant to the eligibility requirements of the Family Medical Leave Act.

- B. Upon the expiration of Family Medical Leave, an employee, who is unable to return to work due to the same reasons as in subsection A, may take an additional thirty (30) day leave of absence without pay, upon written request that is supported by medical documentation and approval by the City Manager or designee. Prior to the expiration of the employee's thirty (30) day leave of absence, the employee will be required to re-submit supporting medical documentation, as well as written request for any additional leave, if necessary. Leave is subject to the approval of the Department and the Human Resources Director. In no event shall the additional medical leave of absence following the expiration of an employee's Family Medical Leave exceed sixty (60) days.
- C. Upon written request with supporting documentation, employees may take a non-medical leave of absence without pay for up to thirty (30) days with the approval of the Department and the Human Resources Director. If additional time is needed, the employee will be required to re-submit the written request with supporting documentation every thirty (30) days for approval. In no event shall a non-medical leave of absence be longer than sixty (60) days.
- D. Failure to return to work at the expiration of an approved leave shall be considered as absence without leave and grounds for dismissal, but upon timely return from leave, the employee shall be granted and restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms after returning from a leave of absence.
- E. There will be no accrual of benefits or seniority during such leave. During a leave of absence without pay or any other non-paid leave or no-pay status of an employee exceeding two (2) weeks, the employee, if he/she desires to continue medical coverage for themselves and dependents, must pay the required premiums to the City. Failure to pay for such continuation shall result in the loss of coverage.
- F. Leave of Absence employees will be required to use all remaining accruals prior to entering a non-paid leave status.

## **Section 9. Time Off**

- A. An employee may be granted time off from duty with compensation for any of the following reasons:
  - 1. Appearance in court or before boards or commissions as provided for elsewhere in the HR Policies.
  - 2. Participation in City examinations or other examinations which are required under the HR Policies, only if the examinations fall within the employee's regular work hours.
  - 3. For jury duty as provided for elsewhere in the HR policies. The employee may be required to furnish proof of jury service. Employees are required to work any part of their regular schedule when not on jury duty.
  - 4. Active training duty with any component of the United States Armed Forces or military call up as provided under the Military Leave policy in Section 7.
  - 5. Attendance at professional or other conventions, institutes, courses, or meetings when approved by the City Manager or when directed by the Department Director or the City Manager.
  - 6. Attendance at City in-service training and other City in-service meetings when, in the

opinion and at the discretion of the Department Director or City Manager, as applicable, such meetings are designed to improve City services, employee's performance, or to assist in career mobility and personal development.

7. A Classified Non-SAMP employee may be permitted to adjust his/her schedule within a specific workweek, or may be permitted to utilize paid leave, or may be granted time off without compensation upon the expiration of all paid leave for attendance at meetings other than those specified in the subsections above, or to attend urgent personal business, provided that such employee shall request approval from his/her department head in sufficient time to permit the latter to make arrangements therefore, and further provided that such time off will not seriously affect the efficient operation of the Department.
  8. Employees shall be released from duty without loss of pay while competing in City promotional examinations that are scheduled during duty hours.
- B. With the approval of the Department Director or equivalent, an employee may be granted time off to act as an active or honorary pallbearer at a funeral or for attendance at state of Florida funerals of City officials, employees or their spouses, or when acting in an official capacity at military or fraternal funerals. Time off may be granted with or without compensation at the discretion of the Department Director and the City Manager.

## **Section 10. Medical Leave**

### **A. Purpose**

The City of Clearwater is committed to FMLA compliance. The purpose of this policy section is to provide employees with a basic understanding of their rights and obligations under the FMLA and to establish guidelines and procedures for the administration of FMLA. This policy pertains to all City employees who meet the FMLA's eligibility requirements.

### **B. Leave Entitlements**

#### **1. Basic Leave Entitlement**

An eligible employee is entitled to take up to 12 weeks of job protected FML for the following reasons:

- a. Because they are unable to perform their job due to pregnancy, prenatal medical care, or childbirth.
- b. To care for the employee's child after birth, or placement for adoption or foster care.
- c. To care for the employee's spouse, son, daughter, or parent, who has a serious health condition; or
- d. For a serious health condition that makes the employee unable to perform the employee's job.

#### **2. Military Family Leave Entitlement**

There are two types of military leave available under the FMLA law:

- a. **Qualifying Exigency:** An eligible employee whose spouse, son, daughter, or parent is on active duty or impending call to active duty can use their 12 weeks of leave entitlement to take care of 'qualifying exigency' situations such as needing to arrange for childcare during deployment, needing to arrange for nursing home care for a

covered military member's parent during deployment, or to take care of pressing legal matters prior to deployment.

- b. **Military Caregiver:** A special leave entitlement allowing an eligible employee to take up to 26 weeks of leave during a single 12-month period to care for a covered service member (including a qualified veteran) that is undergoing medical treatment, recuperation, or therapy for a serious injury or illness sustained or aggravated in the line of duty during active duty.
3. Eligible employees whose spouse, son, daughter, or parent is on covered active duty or called to covered active-duty status may use their 12-week leave entitlement to address certain "qualifying exigencies." Qualifying exigencies may 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. The FMLA also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. A covered service member is:
    - a. a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
    - b. a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FML to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness. (Note, the FMLA definitions of "serious injury or illness" for current service members and veterans are distinct from the FMLA definition of serious health condition).

### C. Serious Medical Condition

1. A serious or chronic health condition is defined as in-patient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider as defined by the FMLA. For a serious or chronic health condition, the City requires medical certification from the health care provider of the person with the condition. The certification must be provided as soon as possible prior to the date the leave is to begin or within fifteen (15) business days after inpatient care in a hospital, hospice or residential medical care facility or by a healthcare provider providing medical treatment in which the necessity for the leave was not foreseeable before the leave began. Failure to return the medical certification by the deadline will result in the forfeiture of FMLA protection.
2. The City has the right to ask for and will pay for the cost of a second opinion under any of the conditions described above for requesting a certification. If the two opinions differ, a third opinion may be solicited from a mutually agreed-upon healthcare provider. The third option is final and binding on the part of both the City and the employee.
3. If leave under FMLA is for the birth and care or placement for adoption of a child, the FMLA leave entitlement expires twelve (12) months from the date of birth or placement.
4. Covered family members under the FMLA are the employee's spouse, son, daughter, or parent as defined in the FMLA regulations. Under the FMLA, a "spouse" means a husband or wife, including those in lawful same-sex marriages.

5. Leave under FMLA may be taken intermittently whenever medically necessary as described in the medical certification by the treating physician to care for a seriously ill family member or because the employee is seriously ill and unable to work. Employees should make a reasonable effort to schedule intermittent leave as to not unduly disrupt departmental operations.
6. FMLA provides for up to twelve (12) weeks of unpaid leave during any twelve (12) month period for the birth and care of a newborn child of the employee, placement with the employee of a child for adoption or foster care, to care for an immediate family member (spouse, child or parent) with a serious health condition, or as medical leave for an employee who is unable to work because of a serious or chronic health condition. If both spouses are employed by the City, spouses are limited to a combined total of twelve (12) weeks of leave if taken for the birth or care of a child, adoption of a child, or to care for the employee's seriously ill parents.
7. If continuous leave under FMLA is due to the employee's own serious health condition, certification from the health care provider stating the employee is able to return to work is necessary before the employee returns to work.
8. Voluntary or cosmetic treatment not medically necessary is ineligible for FML except when in-patient hospitalization is required, or complications occur.

D. Employee Benefits During FML and Job Restoration After FML

1. Use of Leave: Leave under this policy is to be taken concurrently with all other types of paid and unpaid leave for which an employee qualifies. Eligible employees are allowed up to twelve (12) weeks of unpaid leave in a rolling twelve (12) month period measured back from the date an employee uses FMLA. To be eligible an employee must have worked for the City of Clearwater for a total of twelve (12) months and have worked at least 1,250 hours over the previous twelve (12) month period. Before unpaid leave can start, the employee must first use all available paid leave, including but not limited to accrued sick and vacation leave. If the employee does not have enough paid time available, the remainder of the twelve (12) week period will be in an unpaid status.
2. Health Insurance: During an employee's FML, the City will maintain health insurance and other group health benefits on the same conditions as if the employee were working subject to applicable plan documents and law. Employees must continue to pay the share of their premiums for those benefits at the same contribution rate as if they were an active employee. If any portion of FML is paid through use of available accruals, the employee's share of the benefit premiums will be paid through automatic payroll deductions. Once employees have exhausted all available paid leave but remain on FML, the City will continue to contribute the employee only premium towards their medical coverage. All dependent medical coverage may transition to COBRA for continuation. Dental, Vision and voluntary supplemental insurances also will be continued through COBRA.
3. Accrual of Vacation and Sick Leave during FML: Consistent with the City's policy for all types of leave, employees will accrue vacation or other benefits while on paid FML. If the employee goes into an unpaid status, their accruals will cease during all periods of no-pay.
4. Holidays during FML: Employees will be paid for holidays while on FML if they are in a paid status which is covered by accruals (i.e., vacation leave, sick leave).



5. Job Restoration: Employees will be restored to their original or an equivalent position with equivalent pay, benefits, and other employment terms after returning from FML.
6. Benefits Accrued Before FML: Use of FML will not result in the loss of any employment benefit that accrued prior to the start of the leave.
7. Retirement Plans: Paid FML (12-week leave) is treated as continued service for purposes of vesting and eligibility to participate in pension. Employees will not accrue seniority or other employment benefits for the duration of unpaid FML-designated time when the time in an unpaid status exceeds 30 calendar days.
8. Accrual Usage: An employee must use any available accruals concurrently with FML. Accruals should be applied on an hour-for-hour basis in the following sequence: sick leave, floating holidays, incentive days and then vacation leave.
9. Workers Compensation "Lost Time": FML runs concurrently with Workers' Compensation Lost Time, and will be designated accordingly, if the basis for the Lost Time also meets the definition of a serious health condition under the FMLA. Employees receiving Workers Compensation benefits are not required to use any form of accrued paid leave. However, employees are permitted upon written request to use paid leave to supplement Workers' Compensation to the extent that the combined Workers Compensation payments and paid leave equal the employee's total compensation prior to receiving Workers Compensation benefits. When an employee requests to not supplement Workers' Compensation benefits with accrued paid leave time, they are responsible for timely remitting payment for all voluntary and involuntary payroll deductions.

#### E. How to Request Leave

1. An employee must provide 30 days advance notice to their manager of the need to take FML when the need for leave is foreseeable.
2. When 30 days' notice is not possible, the employee must provide notice to their department as soon as practicable and must comply with the department's normal call-in procedures.
3. Any required forms for requesting leave are available from the Human Resources Department. Employees must provide to the Human Resources Department the applicable form completed by a health care provider documenting the employee's need for family/medical leave. Forms must be submitted within fifteen (15) calendar days of original notification and will need to include the beginning and end dates of leave as determined using information presented by the healthcare provider on the form.
4. When requesting FML, employees must be prepared to provide sufficient information for the City's Human Resource Department to determine if the leave is covered by the FMLA and the anticipated timing and duration of the leave. By way of example, sufficient information may include the following: whether the employee is unable to perform job functions; whether the employee's family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; whether the leave is for a reason for which the employee previously took FML; the circumstances supporting the need for military family leave.
5. The City may require a second or third tie-breaking examination at City's expense. Employee may be required to furnish subsequent recertifications as permitted by law.

## F. The City's Responsibilities

The City's Human Resources Department will inform an employee requesting FML whether he or she is eligible under FMLA. If he or she is eligible, Human Resources will notify the employee of that fact and of any additional information required as well as the employee's rights and responsibilities. If Human Resources determines that the leave is or would not be FMLA-protected, it will notify the employee and provide the reason(s) for ineligibility. Human Resources will forward to the employee a Family and Medical Leave Designation Notice. A copy of the Family and Medical Leave Approval Notice will also be provided to the employee's department.

## G. The Employee's Responsibilities

1. Consistent with the City's policy regarding all types of leave, the following conduct is strictly prohibited in relation to FMLA leave:
  - a. Engaging in fraud, misrepresentation or providing false information to the City or any health care provider.
  - b. Having other employment during the leave, without prior written approval from the City.
  - c. Failing to comply with the employee's obligations under this policy.
  - d. Failing to timely return from the leave.
2. Employees who engage in conduct described above are subject to loss of benefits, denial or termination of leave, and corrective action, up to and including termination.
3. When using intermittent FMLA, employees must follow any departmental or City call-in requirements. While on continuous FML, the employee must contact their supervisor every two weeks to report status.
4. If an employee is unable to return to work at the end of the FMLA period, the employee has the option to seek a further leave of absence. To do so, the employee must request in writing a leave of absence with or without pay in accordance with applicable HR Policies. The employee should contact the Human Resources Department to obtain information on applying for a leave. Approval of additional leave is not guaranteed.

## H. Return to Work from Employee Illness

1. Employees are not allowed to return to work without a doctor's certification. The Return-to-Work Certification and a copy of the employee's job description will be provided with the initial Designation Notice.
2. If the employee is requesting to return to work on an intermittent or reduced hour schedule, and the medical need for the accommodation is not included in the employee's medical certification, the employee must provide an updated certification.
3. Department payroll preparers will track the total number of FML hours used during the leave period utilizing the payroll FMLA tracker and provide this information to Human Resources on a bi-weekly basis.
4. Employee's sick and vacation leaves are resumed in same manner as prior to FML.
5. Employees will have the option to re-enroll in benefits at the same levels as prior to FML.
6. Employee is not required to requalify for benefits.

7. Employee is returned to the same or equivalent position as held prior to commencement of FML (equivalent position means same pay, benefits, and working conditions involving similar duties and responsibilities). The City will treat the employee as having voluntarily resigned if the employee refuses an offer of reinstatement to their same position or an equivalent position.

I. Employee Denied Leave or Reinstatement in Violation of FMLA

Any Classified employee with concerns over having been denied leave, or reinstatement following leave, may file a grievance under Article 9. Unclassified employees may file a complaint with the City's Benefits, Leave, and ADA Manager in the Human Resources Department. All employees also retain any rights they possess to file complaints with the U.S. Department of Labor or to pursue their concerns through legal action.

J. Undisclosed Leave

1. If employee is on vacation, sick leave, Workers' Compensation, etc., that later is determined to be eligible for FML, the City, to the extent permitted by law, will retroactively redesignate the entire period as FML. Employees will be notified when this occurs.
2. To the extent allowed by law, the City reserves the right to designate leave as FMLA whether the employee has requested FMLA or not. Employees will be notified when this occurs.

K. No Interference or Retaliation

The City will not interfere with, restrain, or deny the exercise of any right provided by the FMLA, nor will it discharge or discriminate against any individual for opposing any practice or involvement in any proceeding relating to the FMLA.

## Section 11. Injury from Other Employment

SAMP employees may not use accumulated sick leave for absences resulting from an injury arising out of and in the course of employment other than City employment for which monetary or other valuable consideration is received or expected. Any employee who uses accumulated sick leave, or who attempts to use accumulated sick leave for absences resulting from an injury arising out of and in the course of employment other than City employment may face disciplinary action up to and including termination.

## Section 12. Funeral Leave

- A. Classified Non-SAMP, Classified service SAMP, and Unclassified Senior Staff SAMP employees are allowed up to four consecutive workdays of funeral leave with no loss of pay and/or no charge against their sick leave time to make arrangements for and attend a funeral or memorial service in the event of a death in the "immediate" family. Death in the "immediate" family is defined as death of a spouse, domestic partner, parent, stepparent, grandparent, child, stepchild, foster-child(ren), minor guardianship(s), grandchild, great-grandchild, son-in-law, daughter-in-law, brother, stepbrother, sister, or stepsister of the employee, the employee's spouse, or the employee's domestic partner.
- B. Classified Non-SAMP, Classified service SAMP, and Unclassified Senior Staff employees are allowed up to four consecutive workdays funeral leave chargeable to sick leave to make arrangements for and attend a funeral or memorial service in the event of a death in the

“extended” family. Death in the “extended” family shall be defined as death of a brother's wife, sister's husband, aunt, uncle, nephew, or niece of the employee or of the employee's spouse. Extended family also includes any other family member living in the employee's immediate household. It shall also include any blood relative of the employee living in the employee's household.

- C. Classified Non-SAMP, Classified service SAMP, and Unclassified Senior Staff employees may request additional funeral leave time for extenuating circumstances. Such additional leave is permitted, when authorized by the employee's Department Director and with the prior approval of the City Manager/designee, will be charged to the employee's sick leave.
- D. Classified Non-SAMP, Classified service SAMP, and Unclassified Senior Staff employees requesting funeral leave more than one (1) year after the death of the “immediate” family member must obtain approval through the City Manager or designee.
- E. Regular part-time employees shall be eligible to receive funeral leave in accordance with the above. However, such days shall be paid at a prorated amount based on 20% of the weekly average of the employee's annual budgeted hours.
- F. The City reserves the right to require documentation substantiating the request for funeral leave when such requests exceed two (2) in a twelve (12) month period, or when the City has a reasonable basis to contest the legitimacy of such requests. Authorized documentation for such purposes shall include but not be limited to a certificate of death, obituary notice, memorial card, note from the attending clergy, or documents verifying travel. Employees who request more than two (2) funeral leaves in a twelve (12) month period shall be notified upon approval of any additional funeral leave of the necessity to provide documentation to their respective department on their return to work for the duration of the twelve (12) month period.
- G. Time Off to Attend Funerals on Personal Basis
  - 1. Employees who wish to attend a funeral of a City employee or official or the family member of such employee or official may request to utilize accrued vacation time, floating holiday time, sick leave incentive daytime, or may request to adjust their work hours within the same workweek. Such requests may be made to the respective Division Head or Department Director and may be approved by such authority. To the extent possible, approval shall be granted; provided, however, it is understood that operational necessities may preclude approval for a substantial number of employees.
  - 2. An employee attending a funeral while using vacation time, floating holiday time, sick leave incentive daytime, or time off without pay is doing so on a personal basis and is not recognized as a “City representative.” If the employee leaves from work to attend the funeral and/or returns to work after attending the funeral, all travel time shall be included in the vacation time, floating holiday time, sick leave incentive daytime, or time to be adjusted.
  - 3. Employees utilizing funeral leave when such leave is based on the death of a covered family member as provided by this Article shall be allowed time off with pay consistent with provisions of Article 7, Section 12. However, such employees are deemed off duty while on funeral leave.

### **Section 13. Jury Duty and Court Attendance Leave**

- A. Classified service SAMP and Unclassified Senior Staff employees are permitted to be absent

from duty without loss of pay when called for jury service by a court of competent jurisdiction. Jury service includes the time when the employee must report for jury duty and any time standing by, as well as the actual time of service on a jury, until released by the Court. Employees are paid at the current base rate of pay for any jury service time spent during regularly scheduled work hours only, and such hours are not counted as hours worked for hourly Classified SAMP employees who are not exempt from FLSA overtime provisions. Such hours are counted as hours worked for Classified Non-Exempt and Classified Non-SAMP employees. If jury service time includes a designated holiday for the employee, the employee receives holiday pay. Other Unclassified service are eligible for time off for jury service but are not paid by the City for time spent in jury service.

- B. Employees must notify their supervisor as soon as possible after receipt of a summons for jury service. When an employee on jury duty or court attendance is excused by the proper court, the employee shall report back to work if there is a reasonable amount of time remaining in the employee's workday. (The employee and the respective department should determine this prior to the time the employee is to serve on jury duty.)
- C. When a SAMP employee is subpoenaed as a witness, except in cases where the litigation has been initiated by the employee or in any case involving the employee's divorce, child support, or child custody or other personal or non-work-related litigation matter, the employee is granted time off with pay from any regularly scheduled work hours to attend the court proceedings.
- D. Classified service SAMP and Unclassified service employees who are plaintiffs or defendants other than on behalf of the City of Clearwater as related to their duties or as provided for above are required to use personal paid leave time or leave without pay for any absence from regular work hours for time related to the legal action. SAMP employees must also use personal paid leave time or leave without pay for any work hours attending to matters involving a suit brought by the employees against the City of Clearwater.

## **Section 14. Poll Worker Leave**

Classified service SAMP and Unclassified Senior Staff employees are permitted to volunteer to be a poll worker, with department approval. The employee will be required to use their personal paid time for any absence from regular work hours for training or poll worker service.

## **Section 15. Military Leave**

The City is committed to protecting the job rights of employees absent on military leave. In accordance with federal and state law, it is the City's policy that no employee or prospective employee will be subjected to discrimination on the basis of that person's membership in or obligation to perform service for any of the Uniformed Services of the United States. Moreover, any employee who is inducted into the United States Armed Forces under the Military Selective Service Act (or under any prior or subsequent corresponding law) for training and service and who leaves a position, other than a seasonal, temporary or emergency appointment, are entitled to be reinstated in the City service in accordance with federal law and this policy.

### **A. Requesting A Military Leave**

- 1. Members of a reserve component of the U.S. Military or the Florida State National Guard are required to notify their immediate supervisor or departmental management representative as soon as possible upon receiving orders to report to active military duty.
- 2. Employees who are activated to military duty should provide Human Resources with a

copy of their military orders and schedule an appointment with a representative from the Human Resources Department as soon as possible to be advised of applicable military leave procedures.

## B. Taking A Military Leave

1. Employees who are called to active or training duty with a unit of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, or National Guard receive military leave with pay for any duty days which fall on the employees' regularly scheduled workdays for up to 240 hours in any one annual period. Absences from duty for military reserve training in excess of 240 hours per year are not compensated by the City but will be approved without pay upon the respective department director's receipt of the employee's military orders certifying the training assignment.
2. Employees are eligible to receive their full pay for the first 30 calendar days of any military active-duty deployments. After the 30-day statutory mandated pay period, the City of Clearwater will continue to provide supplemental pay for up to 6 months while the employee is on active military duty. If an employee's gross military pay is less than their total City compensation at the time of deployment (including applicable City pay differentials), the employee will receive a supplemental pay differential from the City to keep the employee whole. The amount of the supplement will be the difference between the military gross pay minus the City of Clearwater's gross pay at the time of deployment. The City Manager may extend the supplemental pay differential for up to an additional six months. The employee's department will absorb the cost of this program.
3. To determine the amount of an employee's supplemental pay differential, an employee on emergency military leave is required to provide the Human Resources Department with a copy of their "Leave and Earnings Statement" to document the amount of military pay they are receiving. Any changes to an employee's military pay should be documented by forwarding a current "Leave and Earnings Statement" to the Human Resources Department. Any supplemental pay differential received by the employee from the City is subject to change and final reconciliation based upon the amount of military pay the employee receives on active duty.
4. So long as the employee is in full or partial pay status, employees on active military duty will continue to accrue sick, vacation and floating holiday leave during their absence. Such employees are authorized to be paid for up to a maximum of one year of their accrued vacation and floating holiday leave to supplement their income from the City during their military deployment.
5. Employees ordered to active-duty military service will continue to be covered by the City's life and health insurance plans while they are eligible for supplemental pay from the City and may continue to pay premiums for any additional life insurance coverage and/or dependent health care coverage. For employees opting to have their dependents enrolled in the military health care system, emergency deployment will be considered a qualifying event. These employees will be required to re-enroll their dependents in the City's health insurance plan within 30 days of their reemployment with the City.
6. The Human Resources Department requires written instructions from employees who are activated to military duty specifying where the supplemental City paycheck will be sent or direct deposited, specifying which supplemental insurance or dependent health care benefit premiums they would like to have deducted from their supplemental paycheck. Any premium payments that are not covered by the amount of the employee's supplemental pay received from the City are the employee's responsibility.

7. Employees on emergency military leave are requested to provide the Human Resources Department with emergency contact information such as telephone and fax numbers and e-mail addresses.

### C. Reinstatement

1. Employees returning from military leave will be reinstated in the City service in accordance with the following:
  - a. If still qualified to perform the duties of a former position, the employee will be restored to such position or to a similar position with no loss of seniority, status, and pay.
  - b. If not qualified to perform the duties of a former position by reason of disability sustained during such service but qualified to perform the duties of any other position in the employ of the City, the employee shall be restored to such other position without loss of seniority, status, and pay.
  - c. In the event there is no vacancy in the appropriate class or position of like status and pay and there is an employee in such class serving a probationary period who has not acquired regular status, then such probationary employee will be laid off and the returning employee reinstated.
  - d. If no employee in the appropriate class or position of like status and pay has not achieved regular status and the returning employee cannot be reinstated under the provisions of subparagraph C(1)c. above, then the employee having been employed in the appropriate class for the shortest period of time shall be laid off and the returning employee reinstated.
  - e. An employee upon reinstatement will have the same status as prior to the beginning of military leave. They shall take any examinations that would have otherwise been required and complete any uncompleted period of probation.
  - f. An employee, prior to reinstatement, may be required to submit to such medical and/or physical examinations as the Human Resources Director deems necessary to determine whether military service has in any way incapacitated the employee for the work in question. However, as far as practicable, any employee returning with disabilities will be placed in such employment as the Human Resources Director deems suitable under the circumstances.
  - g. Any regular or probationary employee who separates from service with a disqualifying discharge or under other than honorable conditions from the Armed Forces will not be reinstated to any position in the Cityservice.
2. Application for reinstatement must be timely made within a specified time after their release from active duty in accordance with provisions of the Uniformed Services Employment and Reemployment Act of 1994. The applicable time period varies based upon the length of the employee's emergency deployment and whether they need to delay their reinstatement while convalescing from a military service-connected injury.
  - a. Under normal conditions, for active-duty service of less than 31 days, the employee must return to work at the beginning of the next regularly scheduled shift on the first day after release, taking into account safe travel home plus an eight-hour rest period.
  - b. For service of more than 30 days but less than 181 days, the City must receive an application for reinstatement within 14 days of release from active duty service.
  - c. For military service of more than 180 days, the application for reinstatement must be

submitted within 90 days of release from service. Where the employee is hospitalized or convalescing from an injury or illness that occurred or was aggravated while out on military leave, he or she is required to submit an application for reemployment at the end of the recovery period. However, this period may not exceed two years from the date of the completion of the employee's uniformed service. Written application shall be submitted to the Human Resources Director and shall include a copy of the honorable discharge or release.

3. An employee granted a military leave of absence will, insofar as possible and in accordance with Federal Law, have all the rights and privileges as if they had remained on duty, including pay increases and cumulative seniority and, except as otherwise provided in these HR Policies, all other benefits dependent on length of employment to the same extent as if the employee had not been absent on such leave.
4. An employee returning from military service will be reinstated to active City service at the earliest possible date following application for such reinstatement, consistent with the best interests of the City service and taking into consideration necessary adjustments to staff.
5. Any employee whose absence exceeds the time permitted by law loses their eligibility for reinstatement.

State or federal law may supersede any of the above requirements, and in such event state or federal law will prevail.

## **Section 16. Leave to Address Domestic or Sexual Violence**

In accordance with state law, eligible employees may take up to three (3) business day of leave from work in any 12-month period if the employee or a family or household member of an employee is the victim of domestic violence or sexual violence. Leave under this provision is without pay except to the extent the employee has available accrued leave applicable to the circumstances. For additional information, contact Human Resources.

## **Section 17. Alternate and Light Duty and Return to Work**

- A. Classified service SAMP employees who are physically unable to perform their designated jobs, with or without reasonable accommodation in accordance with applicable law, may be temporarily assigned to alternate or modified duty at the discretion of the City and in accordance with the skills, abilities, and qualifications of the employee, any medical or physical restrictions placed upon the employee, and the availability of work. Such duty assignments may be afforded in increments of up to 30 calendar days and are limited to a maximum of 270 calendar days total. The employee's ability to return to their designated position and the continued availability of the alternate or modified duty work will be evaluated at each 30-day interval by the department/designee, Human Resources and or Risk Management. Requests for alternate or modified duty work shall be submitted on the appropriate forms to the Human Resources Department/and or Risk Management. Employees designated for alternate or modified duty assignment are required to notify Human Resources of any changes in their condition that may impact their ability to perform the alternate or modified duty assignment or that may allow the employee to return to their designated position.
- B. A Classified service SAMP employee may be absent from their designated position for a maximum of 270 consecutive calendar days in a calendar year. This timeframe includes any paid or unpaid absence (to include leave time granted from the Sick Leave Pool), absence



covered or not covered by the FMLA, absence due to job-connected or non-job-connected injury or illness, or time served working in an alternate or modified-duty position. A Classified service SAMP employee who is unable to perform the essential functions of their designated position, with or without reasonable accommodation in accordance with applicable law, for more than 270 consecutive calendar days in a calendar year is required to either accept alternate employment with the City in another job classification for which they is deemed by the City to be qualified and able to perform the essential functions, with or without reasonable accommodation in accordance with applicable law, if such a position is offered, or is subject to layoff. A Classified service SAMP employee who is laid off pursuant to this provision will be placed on the Reemployment Eligibility List for their designated job classification and any other job classification of a lower level in which the employee has previously served or for which the employee is deemed by the City to be qualified.

- C. Unclassified Senior Staff employees with illness or injury causing absences in excess of that permitted by the FMLA or whose absences are not covered by FMLA or part of an approved ADA accommodation process are subject to separation of employment in accordance with the terms of their Employment Letter Agreement if unable to return to work, with or without reasonable accommodation, within a reasonable period of time.
- D. Classified Non-SAMP employees who are physically unable to perform their designated jobs, with or without reasonable accommodation in accordance with applicable law, may be assigned to light or modified duty at the discretion of the City and in accordance with the skills, abilities, and qualifications of the employee, any medical or physical restrictions placed upon the employee, and the availability of work. Such duty assignments shall be afforded in increments of up to thirty (30) calendar days and shall be limited to a maximum of one hundred eighty (180) calendar days total. The employee's ability to return to his/her designated position and the continued availability of the light or modified duty work shall be evaluated at each thirty (30)-day interval. Requests for light or modified duty work shall be submitted on the appropriate forms to the Human Resources Department. Employees designated for light or modified duty assignment shall be required to notify Human Resources of any changes in their condition that may impact their ability to perform the light or modified duty assignment or that may allow the employee to return to full-duty in his/her designated position.
- E. Classified Non-SAMP employees may be absent from his/her designated position for a maximum of twelve (12) weeks in a twelve (12) month period, inclusive of time authorized for leave in accordance with an approved Family and Medical Leave Act request. This timeframe shall include any paid or unpaid absence (to include leave time granted from the sick leave pool), absence due to job-connected or non-job-connected injury or illness, or time served working in a light or modified-duty position. An employee who is unable to perform the essential functions of his/her designated position, with or without reasonable accommodation in accordance with applicable law, for more than twelve (12) weeks in a twelve (12) month period exclusive of time authorized for leave in accordance with an approved Family and Medical Leave Act request shall be required to accept alternate employment with the City in another job classification for which he/she is deemed by the City to be qualified and able to perform the essential functions, with or without reasonable accommodation in accordance with applicable law, or shall be subject to layoff.

## **Section 18. Absence Without Approved Leave**

### **A. Absent Without Leave**

Any employee who is absent from duty for three (3) consecutive workdays without notice and a valid reason is considered to have abandoned their position and is subject to dismissal unless a leave of absence is subsequently granted under the HR Policies. Absence from duty on scheduled workdays immediately preceding and succeeding a holiday or other regularly scheduled day off is included in computing the three (3) consecutive workdays.

**B. Failure to Return from Leave**

The failure of an employee to report for duty at the expiration of a leave of absence or other approved absence without providing notice or a valid reason is also grounds for dismissal.

# Article 8 Performance and Discipline

## Section 1. Performance Generally

The City maintains a general ongoing system of performance and behavior management for all employees intended to provide a process for working with employees whose performance or behavior does not meet established standards.

## Section 2. Performance Reviews

- A. The Human Resources Director is responsible for establishing and administering a program for rating the work performance of employees. The performance rating system is to be designed to permit the evaluation of an employee's behavior and performance as accurately and equitably as possible. The Human Resources Director will seek input from Department Directors and others in equivalent positions as to the format and effectiveness of the performance rating system.
- B. Under the performance review system, employees undergo a performance evaluation process at intervals deemed appropriate by the City Manager to determine their merit and fitness to continue in their respective positions.
  - 1. For full-time Classified service employees, the intervals will typically encompass probationary and annual reviews on a cycle established by Human Resources, plus such periodic reviews as warranted based on a change of status (i.e., promotion, demotion, etc.) or as provided for elsewhere in the HR Policies or applicable collective bargaining agreements.
  - 2. Unclassified Senior Staff should be reviewed at least annually.
  - 3. For Classified part-time employees, the Human Resources Director will establish a review cycle suited to the type of appointment.
- C. While other Unclassified service employees do not typically have an appointment duration sufficient to warrant formal reviews, the Human Resources Director may establish methods of performance assessment when appropriate to determine suitability for continued employment or future reemployment.
- D. The review process is used to document effectiveness in successfully accomplishing job duties and responsibilities and achieving established work goals, as well as to identify priorities and areas for future development. Such reviews may also determine the employees' fitness for merit pay increases or other salary adjustments as approved by the City Manager.

## Section 3. Performance & Behavior Management Program (PBMP)

- A. The City requires that all employees maintain established and expected standards of performance and behavior. The PBMP has been established to ensure this goal is met as well as provide a method of working with employees whose performance or behavior does not meet the City's standards. The PBMP is an employee-building program in which employees assume responsibility for substandard performance or behavior, assist in creating a plan to improve the performance or behavior, and take responsibility for the plan and their improvement. The goal of the PBMP is to create successful outcomes.

- B. All supervisors and managers of the City will use this program to develop the skills and work behavior of Classified service employees to assist them to meet the City's standards. The PBMP may, but is not required to be used, by management to address performance or behavior issues with the Unclassified service employees. Regardless, all employees of the City are expected to adhere to the standards that apply to their work group and the City.
- C. All employees are expected to participate in the PBMP when necessary to enhance performance, behavior, and meet the established standards. Employees who are unwilling or unable to comply with the PBMP process as required may be subject to alternative job placement or formal discipline up to and including termination of employment.
- D. The details of the plan are provided in The Official PBMP Manual, which is available on the City Launchpad or may be obtained from the Human Resources Department.

#### **Section 4. Suspensions, Demotions, and Dismissals**

The City reserves the right to suspend, dismiss, or demote any employee who is unwilling or unable to meet City-wide, Department, and/or position standards. Position standards include all departmental rules, general or special orders, and, if applicable, specified rules or articles contained within respective collective bargaining agreements.

##### **A. Performance Management and Review**

1. Each City Department oversees the management of employees through performance and behavior management programs established by the Human Resources Department, such as, but not limited to, the PBMP. The City reserves the right to change or modify these programs.
2. When practical, the City through its management and supervisory employees will provide intervention, coaching, and corrective guidance that encourages employees to recognize inappropriate behavior and/or deficient job performance.
3. Employees will be provided with reasonable opportunities to bring performance or behavior up to City or Department standards. It is recognized, however, that some employees may be unable or elect not to meet such standards or expectations. In such instances, the City may dismiss, suspend, or demote the employee.

##### **B. Reasons for Suspension, Demotion, and Dismissal**

Whenever practical, employees will be given reasonable opportunity to bring their performance and/or behavior up to acceptable standards pursuant to the procedures and rules of the City's performance and behavior management programs. However, employees may be subject to disciplinary action up to and including immediate dismissal for the following acts including, but not limited to, specifically cited examples:

1. Violation of the provisions of Chapter 2 of the City Code of Ordinances.
2. Failure to perform satisfactorily within established guidelines.
3. Failure to properly notify the City of intent to return to work after three (3) consecutive days of absence or failure to return from a leave of absence at the end of an authorized leave period.
4. Abuse or improper treatment of a person or persons in custody, unless such actions were committed in self-defense, to protect the lives of others, or to prevent the escape of anyone in lawful custody.

5. Commitment of a flagrant offense, including harassment, discrimination, abusive conduct, or language toward coworkers, City officers, or the public.
6. Habitual tardiness for duty or excessive unauthorized absence from duty.
7. Commitment of or participation in an activity or action which undermines public confidence or otherwise significantly impairs the employee's ability to perform their job productively.
8. Conduct unbecoming a City employee defined as scandalous or disgraceful while on or off duty where such conduct tends to embarrass the City or bring its service into public disrepute. This includes but is not limited to, unlawful activity that results in formal charges being filed, theft of City property, falsification of personal or City records, making false claims or misrepresentations in an attempt to obtain medical or accident benefits, workers compensation, unemployment compensation or any other such benefit, engaging in an act involving moral turpitude, and/or the willful destruction of City property.
9. Endangerment of the health and/or welfare of self, fellow workers, and/or citizens, or placement of the City in an extremely liable position. This includes but is not limited to, failure to comply with the City's Anti-Drug and or Alcohol Policies, the use of weapons on duty (except by sworn officers in the line of duty), acts of violence as identified in the City's Workplace Violence Policy, acts compounded by lying, or intentional violation of safety rules.
10. Intoxication or under the influence of illegal substances while on duty, representing the City, or otherwise in violation of City policy.
11. Failure to abide by the City's Employee Assistance Program rules and/or guidelines when made as a condition of postponing termination or as a condition of continuing employment.
12. Failure to conform to the dictates of corrective action, including but not limited to, failure or inability to comply with an agreed upon "development plan," or when the City believes that an employee is willful in refusing to adhere to established rules, regulations, policies, or guidelines.
13. Violation of or failure to obey any lawful policy, regulation, and/or reasonable direction made and given by a supervisor or other authority when such violation or failure to comply is insubordination or a serious breach of discipline.
14. Acceptance for personal use of a fee, gift, or item of value during the course of, or in connection with, work when such fee, gift, or item of value is given by any person in the hope or expectation or perception of receiving preferential treatment.
15. Direct or indirect aid in assessing, soliciting, collecting, or receiving money or items of value from anyone for any political purpose while on the job, job site, or in the official capacity as a City employee.
16. Participation in or actual or attempted inducement of any officer or employee in the City service to participate in or commit an illegal act or to act in violation of any lawful and reasonable departmental or official regulation or policy.
17. Failure or refusal to subscribe to the "Loyalty Oath" or to complete other required documents relating to initial employment, or to be fingerprinted by the Clearwater Police Department when required by the City.
18. Failure to comply with and/or violate City or departmental regulations, collective bargaining agreement, or policies.

19. Residing outside the designated employment area if such residence was a condition of appointment or failing to comply with the City policy or a collective bargaining agreement provision concerning residency requirements.
20. Failure or refusal to perform a reasonable amount of emergency work after regular working hours or on days not regularly scheduled to work when directed by a supervisor or other competent authority.
21. Loss or revocation of a license or certification which is a mandatory requirement of the current job classification or position.

#### C. Suspensions

The City Manager or designee may suspend Classified & Unclassified service employees without pay for a specified period of time.

#### D. Demotions

The City Manager or designee may demote a Classified service employee from a position in one class to a position of another class with a lower rate of compensation or to a lower rate of compensation in the same class for disciplinary purposes, or when the employee does not render satisfactory service in the current position held but may do so in a lower class, or when the employee voluntarily requests a demotion.

#### E. Dismissals

1. The City Manager or designee may discharge a Classified service employee for one or more of the causes listed in this Article or in accordance with the established performance and behavior management program, City policies, departmental rules, Police and Fire Department General or Special Orders, or for other good cause.
2. Unclassified employees are at all times "at will" and serve at the pleasure of the City, except that dismissal of Unclassified Senior Staff employees will be in accordance with the relevant termination provisions of any applicable Employment Letter Agreement.

#### F. Notice to Employee

In every case of a suspension, demotion, or dismissal, a written notice from the City Manager or designee of the reasons for and the action taken will be served upon the employee or mailed to the employee's last known address by registered or certified mail, return receipt requested. In the case of a Classified service employee, such written notice will contain the reason, facts, and circumstances for the suspension or dismissal.

#### G. Classified Employee Response

A Classified service employee who is suspended, demoted, or dismissed may, within ten (10) calendar days of notification, file a written response, which shall contain a concise written statement of the facts alleged to support the grievance, with the City Manager or designee. A copy of the employee's written response shall be filed with the Human Resources Director.

#### H. Acceptance or Denial of an Employee Response

1. If the City Manager or designee should accept the employee's response, the disciplinary action will be withdrawn or amended. The employee will receive written notice of such action within ten (10) calendar days from the date of receipt of the employee's written response. A copy shall be filed with the Human Resources Director.

2. If the City Manager or designee denies the employee's response, the employee shall be notified of the denial in writing within ten (10) calendar days from the date of receipt of the employee's written response. A copy shall be filed with the Human Resources Director.

I. Employee Appeal

To the extent permitted under Article 9, Classified service SAMP employees can thereafter appeal. Appeals for employees covered by collective bargaining agreements will be in accordance with the applicable contract provisions. However, new hire Classified service SAMP employees in the initial probationary period have no right of appeal of disciplinary action. Because of their "at will" status, Unclassified SAMP employees have no right of appeal of disciplinary action through the Civil Service process in Article 9.

J. No Strike and Other Unlawful Acts

1. The parties specifically incorporate herein the provisions of Florida Statutes 447.505, 447.507, and 447.509.
2. In addition to the prohibitions and penalties prescribed in the aforementioned sections of the Florida Statutes, the parties specifically agree that any individual employee engaging in such activity may be immediately terminated in accordance with said Statutes. In addition, liability shall attach to such individual employee as well as the Union if the provisions of this section are violated.
3. Should any employee breach this Article, the City may, in addition to the remedies provided in Chapter 447 of the Florida Statutes, be entitled to obtain a temporary injunction at an ex parte hearing.

# Article 9 Discipline Appeals and Grievance Procedure

## Section 1. Adverse Action Grievance Appeals by Classified Employees

### A. Classified Employee Appeals

This procedure has been established for appeals from discipline taken under Article 8. A Classified service employee who is suspended, demoted, or dismissed may appeal to a Hearing Officer by filing a written request for appeal with the Human Resources Director. Any such request will be filed with the Human Resources Director within ten (10) calendar days from the date the employee receives the City Manager or designee notice of denial. The Human Resources Director will initiate the necessary action to obtain a Hearing Officer in a manner consistent with provisions of the CS Ordinance. If the employee neglects to file a written answer or request under the appeal provisions of the CS Ordinance and this Article within the prescribed time limits, the original order of the City Manager or designee is final and not subject to further appeal.

### B. Hearing Officer

Appeal of alleged adverse employer action beyond the level of the City Manager or designee will be heard by a Hearing Officer as provided in the CS Ordinance and this Article. The Hearing Officer's decision shall be presented to the Civil Service Board for its consideration and action.

1. The use of Hearing Officers is provided by Section 2.285 of the CS Ordinance. It is the duty of the Hearing Officer to represent the public interest by reviewing Classified service employee appeals resulting from alleged adverse employer action, including but not limited to, violations of the CS Ordinance, HR Policies currently in effect, or unwarranted demotion, dismissal, or suspension. During review, both the appellant employee and the City Manager, or their designee, or other persons whose action is being reviewed have the right to be heard, be represented by a person of their choice, and present evidentiary facts. At the hearing of such appeals, technical rules of evidence do not apply.
2. In conducting administrative hearings, the Hearing Officer has the power to administer oaths, issue subpoenas, compel the production of books, papers, and other documents, and receive evidence. The Hearing Officer, in the conduct of such hearings, will use a procedure as outlined in Section 120.57(1), Florida Statutes.
3. All orders prepared by the Hearing Officer as a result of any hearing conducted under this CS Ordinance and this Article must conform with the requirements as specified in Section 120.57(1), Florida Statutes. The Hearing Officer will present the Proposed Order of Findings of Fact and Conclusions to the Civil Service Board, the City Manager or designee, and the employee.

### C. Civil Service Board Review

1. When the City Manager or designee or an employee appeals to the Civil Service Board, the Board may, by a majority vote, accept the Hearing Officer's decision or direct a subsequent action within the authority of the Board in accordance with Section 2.284 of the CS Ordinance and this Article.
2. The Civil Service Board may reject or modify the conclusions of law and interpretations of administrative rules contained in the proposed order of the Hearing Officer, but may not reject or modify the findings of fact unless it reviews the entire record of the hearing, and



from such review states with particularity that the findings of fact were not based on competent substantial evidence or that the proceedings upon which the findings were based did not comply with the essential requirements of law.

3. The Civil Service Board does not have the authority to reopen any hearing or to commence taking or retaking evidence or testimony. Within ten (10) calendar days of reaching a decision, the Civil Service Board must notify the City Manager and employee of its order and/or determination of penalty, provided such order or determination is consistent with the factual findings of the Hearing Officer and with Florida Statutes.
4. The order of the Civil Service Board is final and the City Manager or designee and employee shall accept the prescribed determination unless within five (5) calendar days the City Manager or designee or employee seeks further judicial review.

#### D. Circuit Court Review

Either party may appeal the Civil Service Board decision in Circuit Court as provided in applicable Florida Rules of Appellate Procedure.

## **Section 2. Classified Service SAMP Grievance Procedure**

### A. Policy

Employees represented by a Union that has an established collectively bargained agreement that contains a grievance process are not eligible to file a grievance under this Article. A grievance, as defined by this Article, is the dissatisfaction a Classified employee feels when they believe, rightly or wrongly, that they have not been treated fairly concerning seniority, hours of work, leave eligibility, and other related terms and conditions of employment or when the employee believes a mistake has been made in the administration of a personnel rule or policy, except cases involving position classification and pay thereof, performance evaluation, examination, outside employment, suspension, demotion, and dismissal or otherwise not grievable under the HR Policies are not covered by or subject to this policy. It is the intent of the City to resolve grievances informally. The various departments and organizational units of the City have developed informal methods to resolve grievances, the use of which are encouraged and promoted. However, when informal methods are unsuccessful in resolving a dispute, the following procedures apply.

### B. Procedures

1. Any employee may consult with the Human Resources Director and seek advice and counsel on the provisions of the CS Ordinance and the HR Policies.
2. An employee shall present a grievance, in writing, to their immediate supervisor within ten (10) business days after the employee is aware of, or is made aware of, a grievable action. The supervisor shall inquire into the facts and circumstances of the complaint and shall meet with the employee within ten (10) business days after receipt of the grievance. The supervisor shall attempt to resolve the complaint promptly and fairly and shall provide an answer in writing within ten (10) business days of the meeting with the employee. The immediate supervisor may collaborate with the Department Director and/or intermediate supervisors as necessary to arrive at a prompt and equitable response. If the employee is informed that a grievance is outside the supervisor's area of responsibility, or the grievance is not otherwise resolved to the employee's satisfaction, the employee may then submit the grievance through the procedure specified in the following paragraph. If the employee neglects to submit a request to the Department Director or equivalent within the

prescribed ten (10) business days, the decision of the supervisor will be considered acceptable, and the complaint will not be subject to further appeal.

3. An employee who does not feel that the response of the immediate supervisor is satisfactory, or who does not receive a response within the time limit prescribed in the previous paragraph, may request in writing, within ten (10) business days of receipt of the response or expiration of the time limit, a meeting with the Department Director or equivalent. A meeting shall be arranged as soon as conveniently possible but, except in the absence of the Department Director or equivalent, not later than ten (10) business days from receipt of the employee's request. The meeting shall include the employee, the immediate supervisor, and the Department Director or equivalent, as well as any other persons necessary in resolving the grievance. In departments having a formal chain of command, the Department Director may delegate this function to the appropriate intermediate supervisor but is responsible and accountable for any ensuing decision. The Department Director or designee shall make a separate investigation and inform the employee of their decision and the reasons for the decision within ten (10) business days of the meeting.
4. If the employee does not feel that the decision of the Department Director or equivalent is satisfactory or if a response is not provided within the time limit prescribed, a request to review the decision of the Department Director or equivalent may be sent by the employee to the City Manager or designee within ten (10) business days of the response or expiration of the time limit. Such request shall be in writing and in sufficient detail to provide the basis for equitable consideration and shall state the specific complaint and reason the employee considers it to be justified. The employee shall indicate the response received from the immediate supervisor and/or Department Director and reason the response is considered unsatisfactory. The City Manager or designee shall make a separate investigation and/or conduct hearings as necessary and shall, within ten (10) business days after receipt of the employee's request for review, inform the employee in writing of the findings and decision. Except, as provided below, the decision of the City Manager or designee shall be final and binding. If the employee neglects to submit a written request to the City Manager or designee within the prescribed ten (10) business days, the decision of the Department Director or designee will be considered acceptable, and the complaint will not be subject to further appeal.
5. If an employee believes the decision of the City Manager or designee is discriminatory and/or capricious or that it violates any of the provisions of the CS Ordinance and/or these HR Policies, an appeal may be sent to the Civil Service Board within ten (10) business days after receipt of the City Manager's or designee's decision. Appeals shall be in writing, and in sufficient detail, to provide the basis for equitable consideration. They shall also include a copy of the employee's appeal to the City Manager or designee and their findings and decision. The City Manager or designee, the Department Director, and the employee shall each be given the opportunity to participate in the review. Each participating party shall carry the burden of proof but no subject matter other than the charge of discrimination and/or capriciousness or the violation of any of the provisions of the CS Ordinance and/or these HR Policies shall be discussed or considered. The determination of the Board is indicated by a majority vote of those present and shall be submitted to the City Manager or designee as a recommendation of the Board.

### **Section 3. Unclassified Employees**

Unclassified service employees are not covered by the CS Ordinance and have no formal right of grievance or appeal. However, such employees are encouraged to informally consult with the Human Resources Director in situations in which such employees believe they have been treated unfairly or that a mistake has been made concerning their employment terms and conditions.

### **Section 4. Election of Remedies**

A Classified service employee has the option of selecting either the applicable grievance procedure outlined in this Article, the grievance procedure outlined under the applicable collective bargaining agreement, or, when applicable, unfair labor practice appeal under Chapter 447, Part II, Florida Statutes. Once a selection is made, and the selected process commences, it is specifically understood that the employee has exercised their option granted by Florida Statute 447.401 and cannot thereafter process their grievance under any other procedure.

# Article 10 Benefits

## Section 1. General Program of Insurance

To promote a healthy and productive workplace, the City strives to provide a comprehensive fringe benefit program that addresses employees' health care, retirement, and professional development needs. The City's benefit program provides medical, dental, life insurance and other benefits to eligible full-time employees who meet applicable plan and policy requirements for eligibility and coverage. Eligibility for other benefits in this Article or elsewhere in the HR Policies may vary based on position type or status. Questions regarding eligibility should be directed to the Human Resources Department.

The City agrees to meet with the employee representatives on the Benefits Committee (comprised of Classified Non-SAMP and SAMP, Unclassified SAMP, FOP, and IAFF members) as necessary to review the health and life insurance programs for the purpose of reducing the cost of such programs for the City and the employees. The City further agrees to provide the Benefit Committee employee representatives with such information as it has available which would be required to formulate such a benefit package.

This Article contains only a summary of benefits, which should be reviewed in conjunction with the Annual Summary of Benefits and applicable plan documents in the case of benefits like insurance and retirement. The availability of coverage and level of benefits is governed exclusively by the plan terms, applicable policies, and where applicable, collective bargaining agreement provisions and not by this summary. All benefits are subject to change at the City's discretion.

### A. Medical Plan

The City provides a medical benefit program, which generally allows eligible employees a choice of benefits that best suits their individual needs. The City pays a percentage of the cost as determined by the City Manager, and employees may exercise options to elect from the plans offered subject to the availability and enrollment provisions of such plans, and if desired, to include dependent coverage at their own cost through payroll deductions.

### B. Dental Plan

Eligible employees, at their option and cost, may participate in any dental insurance plan that is authorized by the City through payroll deductions, subject to the availability and enrollment provisions of such plans.

### C. Vision Plan

Eligible employees, at their option and cost, may participate in any vision insurance plan that is authorized by the City through payroll deductions, subject to the availability and enrollment provisions of such plans.

### D. Supplemental Plans

Eligible employees, at their option and cost, may participate in any supplemental insurance plan that is authorized by the City through payroll deductions, subject to the availability and enrollment provisions of such plans.

#### E. SAMP Life Insurance and LTD

The City administers several life insurance programs available to eligible SAMP Classified and Unclassified Senior Staff employees.

##### 1. Group Life Insurance Plan

All regular full-time SAMP employees are provided with a general group life insurance policy, the premium for which is paid by the City.

##### 2. SAMP Group Life Insurance Plan

Eligible SAMP employees are provided with a basic group life insurance policy in an amount equal to the employee's annual base salary, the premium for which is paid by the City. Such employees may exercise an option to purchase additional coverage through payroll deductions. The amount of coverage available may change from time to time consistent with periodic review and adjustment of this benefit program and the plan terms.

#### F. Classified Non-SAMP Life Insurance Plan

For all regular full-time Classified Non-SAMP employees, the City shall pay the premiums for group life insurance for all Classified Non-SAMP employees equivalent to one-and-one-half times the respective employee's annual base rate of pay, up to a maximum of \$50,000 coverage.

#### G. One Percent Life Insurance Program

Eligible employees enrolled as of January 1, 2007 may continue to participate in the City "1% Life Insurance Program" provided they maintain their participation on a continuous basis thereafter. Any employees who currently participates and chooses to discontinue their enrollment will not be permitted to re-enroll in this benefit again at a later date. No employees hired after January 1, 2007 are eligible to participate in this Program

#### H. Long-Term Disability

The City funds and administers a long-term disability (LTD) program that is available to eligible SAMP Classified and Unclassified Senior Staff employees who are not covered by the City Employees' Pension Plan.

#### I. Unemployment Insurance

The City participates in and provides unemployment compensation insurance to eligible employees as prescribed by law.

#### J. Liability Insurance

The City provides legal counsel to assist in the defense of any claim against eligible employees where the claim results from the employees' employment with the City and where the employees acted within the scope of their employment. However, the City will not indemnify, pay, or insure any such claim based on an intentional tort committed by an employee.

## Section 2. Domestic Partner Benefits

### A. Policy

The City is committed to providing a supportive workplace by extending benefits to domestic partners that will allow employees and retirees in committed relationships, as defined by and

meeting eligibility requirements established by the City, to be afforded the same health benefits extended to married couples or employees with legally recognized dependents. Retirees enrolled in the City's medical plan are also eligible.

## B. Definitions

For purposes of this policy, the following definitions apply:

1. "Child" is defined as a natural child, stepchild, legally adopted child, foster child; newborn (up to age 18') of a covered dependent; or child for whom legal guardianship has been awarded to a health insurance participant or the participant's domestic partner.
2. "Dependent" is defined as dependent child(ren) of the health insurance participant or the participant's domestic partner.
3. "Domestic Partner" is defined as a person of the same or opposite sex with whom an eligible employee or retiree has established a domestic partnership in accordance with the policy, rules, and procedures determined by the City.
4. "Domestic Partnership" is defined as a relationship between an employee or retiree and one other person of the same or opposite sex who meet all of the following eligibility requirements:
  - a. Both individuals are at least eighteen (18) years old and mentally competent to consent to a contract.
  - b. Both are each other's sole domestic partner and intend to remain so indefinitely.
  - c. Both have common residence and at the time of submitting an affidavit and have resided together on a continuous basis for the preceding six (6) months intending to continue the arrangement.
  - d. Both are not married under Florida law nor are domestic partners with anyone else and have not been so during the preceding six (6) months.
  - e. Both are not related by blood in any way that would prohibit legal marriage in the State of Florida.
  - f. Both share responsibility for a significant measure of each other's common welfare and financial obligations.
5. "Retiree" is defined as an individual who has ceased active employment with the City and meets the definition of retiree under Article 14, Section 2.A.(3).

## C. Procedures

An eligible employee or retiree may register with the city, county, or municipality in which they reside and provide the registry documentation as proof of eligibility to Human Resources. Alternatively, an employee or retiree may complete a City of Clearwater Employee Affidavit of Domestic Partnership form, available from Human Resources, along with all necessary documentation required by the form in order for an employee's domestic partner to be eligible as a dependent for health, and/or dental and vision insurance coverage in accordance with the definitions listed below.

1. The City will require an eligible employee or retiree and their domestic partner to provide proof of eligibility to declare domestic partnerships with at least three of the following six items to be furnished to the City:
  - a. Joint lease, mortgage, or deed of common residence.

- b. Joint ownership of a motor vehicle.
  - c. Joint ownership of regularly used checking or savings account.
  - d. Designation of the partner as a beneficiary for insurance, deferred compensation, or other retirement/disability policy.
  - e. Designation of the partner as a primary beneficiary for the employee's will, or joint wills.
  - f. Designation of the partner as holding power of attorney for health care.
2. The City will require proof of dependent eligibility within thirty days of such time as benefits for the domestic partner and/or dependent children of the domestic partner are sought.
  3. The City subsidizes the premium cost of medical benefits for an employee with approved domestic partner arrangements on the same basis as is provided to similarly situated eligible employees generally. Retiree's medical premium costs are not subsidized. However, due to current federal tax restrictions, benefits covering domestic partners will be deducted on a post-tax basis and may also have additional tax consequences. The City will report the portion of the insurance premium that it contributes to the employee's domestic partner's policy on the employee's Form W-2 and will withhold applicable income and employment taxes.
  4. To the extent permitted by the plan terms, a domestic partner and any eligible dependent(s) will be provided the same benefits afforded to all employees or retirees and their eligible dependents for other insurance benefits. However, domestic partners do not meet the definition of "spouse" for purposes of the Family Medical Leave Act (FMLA).

#### D. Termination of Benefits

In the event that the Domestic Partnership ends, the employee, or retiree is required to submit a written notification to Human Resources within thirty days to remove their domestic partner and/or dependents.

### Section 3. Work-Related Illnesses and Injuries

#### A. Workers Compensation Insurance

1. All eligible employees are covered under provisions of the State of Florida Workers Compensation law in the event of job-incurred injury or illness. The State's Division of Workers Compensation provides medical attention and hospital services in accordance with an established schedule, as well as for designated wage income supplements when an employee is disabled from work for more than seven days by an injury that occurs on the job.
2. The City allows eligible employees to augment the Workers Compensation supplement with accrued personal leave time in an amount sufficient to provide the employees with the equivalent of the regular rate of pay at the time of the injury (i.e., an employee receiving a two-thirds wage supplement from Workers Compensation may use paid leave time in an amount of one-third of wages to equal up to the full equivalent of the regular rate of pay).
3. FML runs concurrently with Workers' Compensation Lost Time, and will be designated accordingly, if the basis for the Lost Time also meets the definition of a serious health

condition under the FMLA.

**B. Paramedic/EMT “First Aid” Treatment of On-The-Job Injuries**

1. Employees who sustain minor on-the-job injuries may receive first aid treatment, without charge to either the employee or the City, by a Paramedic/EMT at any City fire station. Appropriate use of Paramedic/EMTs for treatment of “first aid cases” is encouraged as it will reduce the City’s overall workers’ compensation costs.
2. First Aid Cases under this policy are defined as injuries which successfully respond to “first aid” treatment provided by a Paramedic/EMT and which do not cause the employee to miss work for more than one shift. On-the-job injury cases which successfully respond to “first aid” treatment provided by a Paramedic/EMT and which do not cause the employee to miss work for more than one shift are considered by the Florida Division of Workers’ Compensation as “first aid cases.” “First aid cases” are to be reported to Risk Management (an email will suffice) and are handled in the same manner as “incidents” which do not require any medical treatment.
3. If at a later date, an earlier “first aid case” requires medical treatment for which a charge will be incurred or if such earlier “first aid case” causes the employee to miss work for more than one shift, the claim must then be reported to Risk Management as a workers’ compensation claim for appropriate referral to a medical provider who treats workers’ compensation patients.
4. If an employee believes he or she has a minor injury which can be treated by “first aid” treatment and it turns out that the injury needs follow up medical care, the employee should report to Risk Management for referral to a medical provider before seeking medical treatment.
5. An emergency medical response and ambulance transport should be used in cases of true medical emergencies requiring immediate emergency medical care.

**C. Work-Related Treatment of HIV Exposures**

1. If an employee sustains a work-related injury requiring treatment for HIV exposure, any disability resulting from the injury will be covered under workers’ compensation.
2. In the unlikely and improbable event that an employee requires treatment for a work-related HIV Occupational Exposure, absent a work-related injury, disability resulting from such treatment, up to 30 days, will be considered administrative leave to be paid by the employee’s department. HIV Occupational Exposure is defined as work related contact on non-intact skin or mucous membranes with the blood or body fluids of HIV infected individuals. Such administrative leave benefits paid by the City shall not, under any circumstances, exceed those benefits that would otherwise be paid under the Florida Workers’ Compensation Law if the exposure were a compensable injury.
3. All work-related HIV exposures requiring treatment must be immediately reported to Risk Management for a decision regarding whether or not any ensuing disability will be covered by workers’ compensation or be treated as administrative sick leave.

**Section 4. City Wellness Program**

**A. Policy**

The City is committed to providing a supportive workplace environment through the establishment of programs and related benefits that foster employee wellness and



encourage employees to take an active role in achieving a healthier lifestyle. The City strives to be a well workplace by:

1. Making wellness programs available to all regular employees who wish to participate.
2. Developing wellness initiatives that are of interest and value to City employees.
3. Offering benefits that complement workplace wellness and assist employees in achieving a healthier lifestyle.
4. Partnering with healthcare entities that employ managed care practices to identify trends and follow up through targeted intervention of at-risk wellness program participants.
5. Communicating wellness opportunities to employees regularly through newsletter, e-mail, flyers, and other media.
6. Promoting a well workplace model that sets an example for other organizations and the community to follow.

## B. Program Procedures

### 1. Wellness Committee

- a. A Wellness Committee established by the City will plan, develop, promote, and monitor the progress and effectiveness of wellness initiatives, programs, and activities.
- b. The Wellness Committee consists of the following members:
  - i. The City Wellness Specialist (who also chairs the committee)
  - ii. The City Parks and Recreation Coordinator assigned to wellness,
  - iii. The City Human Resources Employee Relations & Equity Manager,
  - iv. The City Risk Manager
  - v. The City Employee Health Center physician(s),
  - vi. The designated representative(s) from the City's medical insurance carrier
  - vii. One representative from the group of City Wellness Leaders as selected by the City Wellness Specialist.
- c. The Wellness Committee will meet quarterly and/or on an as-needed basis.

### 2. Wellness Leaders

- a. A group of Wellness Leaders has been established to assist the City Wellness Committee in the development, implementation, and monitoring of wellness initiatives, programs, and activities.
- b. One Wellness Leader is appointed to represent each applicable City work site or facility as determined by the City Wellness Committee. Nominations will be accepted from management or general employees, and individuals are also permitted to self-nominate. Wellness Leaders are selected through a review of the applications for each work site by the City Wellness Specialist and the approval of the Wellness Committee.
- c. Wellness Leader appointments are for a one-year period. Wellness Champions elected mid-term due to a vacancy in the group will serve the remainder of the

designated term and must be nominated and re-elected to continue serving the following full term.

- d. Wellness Leaders must be regular, full-time employees.
- e. The City Wellness Specialist coordinates the Wellness Leaders program. Wellness Leaders will meet quarterly as a group to receive information and direction from the Wellness Specialist, as well as to share ideas and recommendations for promoting employee wellness within their respective work sites or facilities.

### 3. Wellness Components

#### a. Programs, activities, and initiatives

- i. Wellness programs and activities may be initiated by the Wellness Committee, the Wellness Specialist, Wellness Leaders, City employees, Employee Health Center staff, or representatives from the City's medical insurance carrier.
- ii. Wellness program and activity suggestions and recommendations must be submitted to the full Wellness Committee for review, approval, and implementation.
- iii. Wellness programs and activities may be conducted by City staff, Employee Health Center staff, representatives from the City's medical insurance carrier, or external vendors.
- iv. Participation in wellness programs and activities may be offered during work hours, or optional participation may extend to personal time outside of work hours.
- v. Employees will be permitted to participate in all wellness programs and activities that are approved by the City Wellness Committee for participation during work hours with no charge to the employees' respective leave accruals with supervisor approval and operational demands permitting.
- vi. Employees will not be paid for time spent participating in City wellness activities and programs outside of the respective employees' work hours.

#### b. Physical Activity

- i. The City will provide opportunities and encourage employees to engage in physical activity during non-work time while at work. The City shall provide free access for permanent employees, and family members who are currently enrolled on the City's health insurance plans, to any City recreational facility. Additional fees for programs conducted at such facilities shall be paid by the employee. It is understood by all parties that the decision whether to use such facilities is completely voluntary on the part of the bargaining unit members, and time spent using such facilities shall neither be paid nor will any accidents or injuries incurred while utilizing such facilities be compensable under workers compensation.
- ii. The City Wellness Specialist will develop and implement activities for employees that involve physical activity and will provide incentives for participation.

- iii. The City will conduct periodic group wellness physical activities. Employees will be permitted to participate in the group wellness activities during work time with supervisor approval and operational demands permitting.

c. Nutrition

The City will promote increasing employee nutrition knowledge to assist employees in making healthy eating and drinking choices. Nutrition education will be made available to employees through various programming activities, electronic and print media, the City's Employee Health Center staff, and the City's medical insurance carrier.

i. Hydration

Potable water will be made available at each work facility in sufficient quantity to meet employees' hydration needs. Filtered and/or purified or natural spring water will be accessible through at least one water fountain and/or vending machine located within a reasonable distance of the facility.

ii. Vending Services

When soliciting responses to requests for proposals for the City's non-alcoholic beverage and food vending services, the vendors will be required to include healthy food and beverage selections in the permitted product list for products to be made available in the vending machines or another location at City facilities. In addition, healthy food and beverage options are preferred for any promotional advertising on the vending machines. A representative from the City Wellness Committee will be included in the vendor and vending options selection processes.

iii. City meetings, functions, and common areas

When choosing food and beverage options to be served, disseminated or otherwise made available through purchase by the use of City funds, at any meeting, function, or in any common area of a City facility for consumption by employees or the general public, employees will select the healthier options from among the choices available. Examples of healthy options would include fruits and vegetables or foods that are either low-fat, low-sugar, low-sodium, low-calorie, all-natural, or all-organic, and water, low-fat or non-fat milk, or non-sugar added beverages.

In an effort to foster within the City a culture that values healthy choices in all aspects of life, thereby impacting all employees more positively, the City strongly encourages all employees to make healthy choices when bringing items from outside of work that are to be made available to others. Unhealthy foods (those that are high in saturated fat, sodium, and sugar) tend to negatively impact worker performance after consumption and may have an adverse impact on the health of employees that can in turn lead to higher medical claims thereby increasing the cost of the City's medical insurance for all employees as well as the City.

Examples of healthy alternatives for employees to consider when purchasing food or beverages with City funds or when bringing food to work with the intent to share with co-workers are available from Human Resources.

4. Wellness Measurement
  - a. The City Wellness Committee will use measurement statistics to establish goals and objectives, identify areas to improve employee wellness, develop and implement wellness programs and activities, and gauge the effectiveness of ongoing wellness initiatives.
  - b. The City's Human Resources Department will compile the following statistics on an annual basis for review by the City Wellness Committee:
    - i. Employee aggregate medical claims data
    - ii. Employee aggregate Personal Health Assessment results
    - iii. Employee aggregate Workers Compensation claim data
    - iv. Employee aggregate absenteeism data
5. Wellness Funding
  - a. Funding for City Wellness activities and programs rests with the Human Resources Department as part of the annual budget process.
  - b. The City may seek to obtain additional wellness funds from the City's medical insurance carrier, other City vendors, grants, or other resources.
  - c. Expenditures of City wellness funds must be approved by the City Manager or their designee. The Human Resources Department will be responsible for maintaining an accounting for all City wellness fund expenditures, as well as an inventory of all items purchased with City wellness funds.

## **Section 5. Employee Assistance Program**

### **A. In General**

1. The Employee Assistance Program (EAP) is a service available to all City employees and their family members. Through the EAP, employees and immediate family members may receive professional counseling for personal matters involving family, stress, legal and financial problems, drug and alcohol, or other private concerns.
2. Voluntary use of the EAP is entirely confidential, and employees may take advantage of initial counseling sessions typically at no cost to the employee. If additional counseling is recommended, the employees' health insurance may provide for some portion of the cost. The EAP provides for mandated referrals when an employee is involved in a traumatic incident while on the job or for performance or behavior related issues.

### **B. Program Description**

1. The City recognizes that there are a wide range of issues which may interfere with the quality of a person's life and their job performance. As a result, employees may find it difficult to concentrate on their work to the point that their performance and/or behavior becomes unsatisfactory and/or inappropriate.
2. The City believes it is in the best interest of its employees, their family members, and the City to provide a resource to assist with resolving personal difficulties and attempting to prevent more serious problems from occurring in the future.

3. The EAP will provide counseling services for employees and their eligible family members on a voluntary and confidential basis. The program will be staffed by experienced mental health professionals providing evaluation, counseling, information and education, and referral services. The City recommends and encourages employees and their eligible family members to use the EAP at the earliest sign that their difficulties may be having an adverse impact on their work or lives.
4. All employees are responsible for satisfactorily performing all aspects of their job and for displaying acceptable behavior. If personal problems adversely impact an employee's job performance or behavior, employees should be encouraged to use the EAP to assist in resolving the problems.
5. All supervisors are responsible for the identification of unacceptable job performance or behavioral issues, whether they are continuous or intermittent. Whenever normal supervisory assistance is not successful in assisting employees to meet City standards or expectations, the supervisor should encourage employees to use the EAP to determine if personal problems are causing unsatisfactory performance and/or inappropriate behavior. If the performance or behavior at issue fails to improve, whether or not the employee has voluntarily participated in the EAP, alternative corrective action may be utilized. Such corrective action may include the requirement of a mandated EAP referral.
6. The EAP does not alter or replace existing administrative policies or contractual agreements but serves as an additional source of assistance for employees in dealing with problems that affect their job performance.

#### C. Program Guidelines

The City's EAP operates under the following guidelines:

##### 1. Self-Referral

- a. Counseling will be offered for personal problems such as alcohol and drug abuse; depression and emotional stress; or marital, family, financial, legal, and other concerns.
- b. Voluntary participation by employees in EAP services is strictly confidential. No information about an employee's voluntary utilization of the EAP will be released without written authorization from the participant.
- c. If an employee recognizes the need for professional assistance to deal with personal problems, they are encouraged to initiate a self-referral and to follow a plan of action recommended by the EAP professional.
- d. Work performance and behavior can be affected by the problems of a spouse or other family member. Therefore, the EAP is available to all dependents of employees who are covered under the City's medical insurance.

##### 2. Supervisory Responsibility

- a. The supervisor should encourage employees to consider voluntary use of the EAP if the supervisor or employee feels that personal problems may be the cause of unsatisfactory job performance.
- b. An employee's continued refusal or inability to correct job performance and/or inappropriate behavior issues should be handled in the same manner as other job-

related issues. If the employee agrees to use the EAP, the supervisor may offer to assist them in contacting the EAP.

- c. The supervisor should continue to monitor job performance and, if the employee's performance continues to deteriorate, appropriate corrective action should be taken.
- d. When a supervisor identifies a job performance or behavior problem which is not corrected with normal supervisory assistance, this may be an indication that the employee is unable or unwilling to correct the problem. In such instances, the supervisor should communicate with Human Resources to facilitate the referral process in the event it is determined that a mandatory referral is warranted.

### 3. Mandated Referral

- a. As described above, the City's EAP provides for employee self-referral. However, there are specific occasions when management may mandate the participation of an employee in an EAP referral.
- b. Supervisors should communicate with Human Resources to determine if there is a need for a mandated EAP referral when employees are unable or unwilling to meet City standards or expectations.
- c. Mandated referrals may be required of employees in conjunction with the following:
  - i. A law enforcement officer is involved in a shooting, either as a victim or the initiator of the shooting.
  - ii. A law enforcement officer is involved in a hostage situation, either as a hostage or a negotiator.
  - iii. An employee has been instrumentally involved in the taking of a life, whether from the use of a weapon (as by a Police Officer) or any other means, including from the use of a vehicle, whether by accident or not.
  - iv. An employee has been instrumentally involved in an incident resulting in the serious injury of another; and/or
  - v. Concurrence from Human Resources of a Department Director's recommendation based on the respective department's documentation of an employee's unsatisfactory performance and/or inappropriate behavior and may be in conjunction with paid or unpaid decision-making leave.
  - vi. Employees may also be required as determined by the City Manager or their designee to undergo fitness for duty evaluations through the City's EAP provider or other appropriate qualified medical and/or psychological practitioners in accordance with Article 11.
- d. While employee participation in mandated referrals is required rather than voluntary, it is also confidential. All therapy and counseling records and personally identifying information are the property of the resource agency unless the employee consents to disclosure, except that the City will be informed whether the employee did or did not complete the mandatory referral requirements. The resource agency determines the number of visits to which the employee will be mandated, and the City will pay any co-pays which are incurred as a result of the mandated referral.

## Section 6. Tuition Reimbursement

### A. Policy

The City of Clearwater will assist employees with all or a portion of the cost of acceptable courses and training, which are satisfactorily completed and meet established funding limitations. Employees may also receive assistance with a portion of certain tuition fees. The portion paid by the City is based on the classification of the employee requesting assistance and satisfactory completion of acceptable courses taken at approved schools and institutions. All eligibility and procedural requirements of the City must be met to receive tuition assistance. Participation in the tuition assistant program is voluntary. Course attendance must be on an employee's own time and not interfere with the employee's regular work hours.

### B. Employee Eligibility

1. Tuition assistance is available to any full-time regular employee who has completed six (6) months of satisfactory service.
2. An employee is required to personally pay for the course tuition to be eligible to receive tuition assistance.
3. An employee who qualifies for veterans' educational benefits will be given tuition assistance on a prorated basis.
4. An employee who is awarded financial aid in the form of grants and/or scholarships will be given tuition assistance on a prorated basis.
5. Employees must submit a copy of any other types of tuition assistance they receive.
6. The layoff of an employee after they have been enrolled in an approved course will not alter their eligibility for tuition assistance benefits for courses already approved and started prior to the layoff.
7. The resignation, retirement or discharge of an employee automatically terminates their eligibility for tuition assistance benefits effective the actual last day of work.

### C. Course Eligibility

1. Tuition assistance will be given for courses offered by technical institutes, trade schools, correspondence schools, accredited colleges, universities, or other approved institutions. Tuition assistance will not be available for job related certifications, seminars, or courses offered by the City (e.g., Consortium classes, technical training, or on-site college programs sponsored by the City conducted during work hours).
2. Eligibility for tuition assistance is determined as follows:
  - a. Enrollment in a Business Administration or Public Administration degree program.
  - b. Enrollment in a degree program that relates to the employee's present job or is a reasonable promotional objective for positions within the City.
  - c. If a degree does not meet the criteria in "a" or "b", or if participants are not seeking a degree, eligibility is determined on a course-by-course basis. To be eligible, a course must either relate to the employee's present job or be a reasonable promotional objective for positions within the City of Clearwater.

3. Tuition assistance does not cover application fees, books, professional licenses, or certifications, or testing of any kind (i.e., CLEP, inspector qualifications, ASE, etc.) When necessary, clarification of eligibility for tuition assistance will be provided by Human Resources.

#### D. Approval

1. Employees requesting tuition assistance must obtain an application from their department or the Human Resources Department.
2. Once an applicant completes their portion of the applicable form, the form is to be submitted to their department director through their immediate supervisor. The form must be submitted within the first two weeks of a course that lasts more than two weeks or prior to the start date for courses lasting less than two weeks.
3. Proof that the employee personally paid for the course must be submitted with the application form (i.e., personal credit card receipt, personal cancelled check, or other receipt showing employee name, institution name, and amount paid.)
4. The department director will review the application for course relevance and will also determine whether all or a portion of the amount of the reimbursement is exempt from taxation as part of a “qualified education assistance program” described below. The director will forward the form to the Human Resources Department after signing the form and adding any pertinent comments.
5. The City may exclude from an employee’s gross income amounts paid by the City for educational assistance in the form of tuition reimbursement furnished pursuant to a “qualified educational assistance program.” The amount that may be excluded for an employee (from all employers) is limited to \$5,250 per calendar year. An educational assistance program is a separate written plan of the City for the exclusive benefit of its employees to provide them with educational assistance. The City is not required to fund the program, but the program must meet the following requirements:
  - a. The program exclusively benefits the employees of the City, including, at the City’s option, retired, disabled, or laid-off employees, employees on leave and certain self-employed persons. However, it may not provide benefits to spouses or dependents of employees;
  - b. The program benefits employees who qualify under a classification set up by the City that is not discriminatory in favor of highly compensated employees;
  - c. The program does not provide eligible employees with a choice between educational assistance and other remuneration includible in gross income; and
  - d. The City provides reasonable notice of the availability and terms of the program to employees.
6. The City will determine the eligibility of the tuition reimbursement for exclusion and will report any table reimbursement on the employee’s Form W-2 and will withhold applicable income and employment taxes.
7. Human Resources will determine eligibility and then return a copy of the completed application to the employee. The form will indicate approval, denial, or reasons for modification.
8. Each time an employee requests tuition assistance, a new application must be submitted in accordance with the steps given above.



#### E. Grade Requirements

1. Once approved for tuition assistance, the employee must still achieve an acceptable minimum grade to receive reimbursement listed below:
  - a. Undergraduate courses – a grade of a “C-” or above.
  - b. Graduate/Post Graduate courses – a grade of a “B-” or above.

#### F. Tuition Assistance Payment

Below is the process for obtaining reimbursement:

1. Submit proof of satisfactory course completion to the Human Resources Department.
2. Adequate proof consists of a copy of an official grade report or transcript received by the Human Resources Department within thirty (30) days following the completion of the course.
3. Adequate proof for non-credit courses may be satisfied by a written statement from the course instructor on the organization’s letterhead or a copy of a certificate of satisfactory completion received by the Human Resources Department within thirty (30) days following the completion of the course.
4. Submit proof of payment (if not submitted with the original application form) and evidence of other financial assistance received to the Human Resources Department.
5. The maximum amount reimbursed per fiscal year is based on the annual cap established by the City, or in the applicable collective bargaining agreement, less any other tuition assistance received.
  - a. Classified service SAMP and Unclassified Senior Staff Employees are eligible to receive up to \$2,500 per fiscal year, effective October 1, 2023.
6. Note: tuition assistance payment will not be processed without proof of payment and proof of successful course completion.

#### G. Reimbursement to the City

1. Employees are subject to a repayment agreement for tuition assistance. If an employee should separate from the City (including separation due to retirement) within two (2) years of receipt of tuition assistance from the City, amounts in excess of \$650.00 per fiscal year will be subject to repayment by the employee. The Human Resources Director and the Assistant City Manager must authorize all exceptions made to the repayment requirement.
2. The last actual day of work is used to determine the two-year period. When an employee is terminated or retires, Payroll will check the employee’s payroll records for the two years prior to the last day of work.
3. Payroll will deduct tuition repayments due the City from the employee’s last paycheck or accrued leave balance payment. Payroll will notify the employee of this action. In the case of retirement, Payroll will contact the employee to determine a method of deduction. Retirees may repay the City in a lump sum deduction or a repayment schedule may be used. Any repayment schedule must be reasonable and may not exceed six (6) months.

4. When reimbursement occurs from the last paycheck, it will be credited to Human Resources by Payroll and will be reflected in quarterly reports, which Payroll will send Human Resources.
5. If an employee has received their final check before repayment was made, Payroll will send an invoice to the employee and a copy to Human Resources. The invoice will state that a check or money order for the repayment amount is due and should be mailed to Human Resources. Human Resources will record the payment when it is received and forward it to Payroll to be credited to Human Resource's budget.

## **Section 7. Employee Recognition Program**

### **A. Policy**

The City will recognize and reward its employees for their successes and accomplishments that support the City's overall mission and values. Recognition under this policy is defined as any gift of perceived value including cash incentives, time off, reserved parking spaces, gift certificates, vouchers, tickets, passes, luncheons, dinners, picnics or other food, or other complimentary incentives or special privileges. In general, a fringe benefit is any property or service that an employee (including certain independent contractors) receives in lieu of, or in addition to, regular compensation. Any item of value that is provided as employee recognition is a fringe benefit that is taxable, unless excluded by law. Employee recognition rewards that do not qualify as a de minimis fringe benefit are likely to be taxable. The City will report the value of any such rewards on the employee's Form W-2 and will withhold applicable income and employment taxes.

### **B. Employee Recognition Procedures**

1. **Committee:** The Achievement Awards Committee, consisting of employees representing departments throughout the City, will plan and implement programs to motivate employees and increase employee retention by recognizing and rewarding their achievements. The Achievement Awards Committee will operate under the guidance and direction of the Human Resources Department. The Achievement Awards Committee will serve as the centralized "clearing house" for all Citywide recognition programs. Potential recognition programs being considered that would have City-wide impact should be discussed with the Committee while in the planning stages to avoid duplication of efforts throughout the City.
2. **Budget:** The Citywide recognition program budget will be operated and managed by the Human Resources Department. This budget funds programs including but limited to service awards, retirement awards, Employee of the Month awards, and Team awards. Each department director may budget up to \$50 per employee per fiscal year in the applicable budget code to fund departmental employee recognition expenses such as food, beverage, plaques, or other recognition items to celebrate accomplishments, promotions, and other occasions. These funds may not be spent on gift cards. All food, beverage, and other departmental employee recognition-type expenditures must be coded to the correct expense code or will not be paid. Department Directors are responsible for ensuring that expenditures do not exceed the \$50 per employee per fiscal year. It is encouraged that these funds be spent on the majority more often than on individuals. The policy does not preclude individuals from personally funding special occasions as they see fit so long as such activities are wholly voluntary.

### 3. Additional Program Elements

- a. Any recognition program with Citywide impact and/or involving two or more City departments will be coordinated with and approved by the Achievement Awards Committee.
- b. The Human Resources Director, serving as the City Manager's designee, is the final approval authority of Citywide recognition programs.
- c. Departments are permitted and encouraged to develop their own department-wide recognition programs to support the Citywide programs, mission, goals, and values. The individual department will be responsible for funding its own recognition initiatives within the \$50 per employee annual limit as stated in this policy.
- d. Suggestions for Citywide recognition should be shared with each department's Achievement Awards Committee liaison who will bring the suggestion before the Committee for discussion.
- e. Incentives from vending contracts will be incorporated into the Citywide recognition program and managed by the Achievement Awards Committee and the Human Resources Department.
- f. The Human Resources Department will maintain all information concerning the City's existing award programs, Achievement Awards Committee members, criteria for nomination, individual awards, and applications.
- g. For all awards, any employee may nominate any other employee. Nominations must contain a signature (or e-mail message for online applications) of nominator. Award information and applications will be made available on the City's intranet site.

## Section 8. Retirement and Savings Plans

### A. Pension Plan and Federal Social Security

1. Full-time Classified service Non-SAMP and SAMP employees and those subsequently promoted to Unclassified Senior Staff service are required by City ordinance to participate in the City Employees' Pension Plan. Classified service Non-SAMP and SAMP and Unclassified service employees who are enrolled in the City Employees' Pension Plan do not participate in the basic federal Social Security program. However, employees hired after April 1, 1986, who are Pension Plan participants do participate in and contribute to Social Security Medicare coverage as required by law.
2. Employees in the Pension Plan contribute a percentage of their salary on a pre-tax basis, and the City also contributes to the Plan in an amount necessary to maintain the financial soundness of the plan, the percentage amounts to be in accordance with the City's Pension Ordinance.
3. Unclassified Senior Staff employees may participate in the City Employees' Pension Plan only when authorized to do so by the City Pension Ordinance. Unclassified Senior Staff employees who do not participate in the City Employees' Pension Plan participate instead in the federal Social Security program. The employee and the employer contribute to Social Security as required by law.

### B. Deferred Compensation and Money Purchase Plan

All employees may voluntarily participate in a 457(b) deferred compensation program offered by the

City through authorized payroll deductions in accordance with IRS regulations and limitations for the amount they wish to defer from their salary. Unclassified Senior Staff employees not covered by the City Pension Plan participate in the federal Social Security program and are also eligible to receive a contribution by the City into a 401(a) money purchase plan, as specified in their Employment Agreement Letter. All deferred compensation and/or money purchase plans employees are administered in accordance with IRS limitations as to deferral amounts, whether paid by the City, the employee, or jointly.

## **Section 9. Other Miscellaneous Benefits**

### **A. Uniforms**

1. Any employee required by the City to wear a uniform will be provided with the appropriate number of uniforms. Some departments may also provide uniforms for use at the option of the employees. Employees are responsible for the care of any uniforms provided, and for returning them at separation.
2. The value of uniforms and limited uniform allowances provided by the City are generally taxable fringe benefits, unless a specific exclusion applies as outlined below. A clothing allowance, such as for a police officer or firefighter uniform, qualifies for exclusion from income if it is for an otherwise qualified expense, is properly substantiated, and any excess is required to be returned to the City. The City will report the value of any uniforms that are not tax exempt on the employee's Form W-2 and will withhold applicable income and employment taxes.
3. "Working condition fringe benefits" are generally defined as any property or services provided by the City that, if paid by the employee, would be deductible as an ordinary and necessary business expense under IRC §§ 162 or 167. There are three criteria for the cost of uniforms to be considered an ordinary and necessary business expense:
  - a. The clothing is required or essential in the individual's employment
  - b. The clothing is not suitable for general or personal wear; and
  - c. The clothing is not actually worn for general or personal wear
4. The City's expense, direct or through reimbursement, in providing employee uniforms that meet the above criteria is considered a working-condition fringe benefit and is not includable in employee wages. Examples of clothing items that may be excluded as working condition fringes are:
  - a. Uniforms worn by police officers and fire fighters (there is specific IRS guidance that indicates that if off-duty officers are prohibited by the City from wearing work clothing as casual wear, then such a prohibition protects important governmental and public safety interests, and the clothing will not be deemed suitable for general wear).
  - b. Uniforms worn by certain employees that are working out in the field and interacting with the public, where departmental policies mandate that uniforms are worn in the field, that those uniforms are not permitted to be worn other than working and commute to/from work, and those uniforms remain the property of the City and must be returned to the City upon separation from employment by the City.
  - c. Protective clothing such as safety glasses, hard-hats, work gloves, steel-toed work boots, and other clothing required by OSHA regulations.
  - d. Uniforms that are rented and/or returned to the City and are maintained in a central

area where the uniforms are issued to the employees. The uniforms must be kept and cleaned on City property and reissued on a regular basis. The employee may not assume personal possession of the uniform.

5. If a uniform item is not eligible for exclusion as a working condition fringe benefit, it may be exempt from taxation as de minimis fringe benefit, which is a benefit that has such a small value in relation to the frequency in which it is provided, that accounting for it is unreasonable or administratively impracticable. Typically, this will only apply if the item is provided infrequently and has relatively little value, for example, a t-shirt or hat for a special event. In such a case, the value of the clothing may be excluded from taxation as a de minimis fringe benefit.

#### B. Credit Union

All employees may participate through payroll deductions with direct deposit in the employees' Credit Union.

#### C. Volunteer Release Program

City Management will allow release time with pay for City employees who are officially registered and accepted as volunteer mentors or tutors in the Pinellas County School's Corporate Volunteer Program or other volunteer opportunities that have been approved in writing by the City Manager. The following procedures are to be used for taking advantage of the Volunteer Release Program.

1. The supervisor and Department Director must approve employee participation in writing prior to participating in any City-approved volunteer program for which the employee desires release time with pay. City Management has the sole right to approve release with pay volunteer opportunities.
2. Employees who wish to participate in the Pinellas County Tutor/Mentor Program must be approved by the Community Involvement Department of the Pinellas County School Board as participants and adhere to all school requirements for acceptance and continued participation in the program.
3. Employees who are approved by their supervisor, Department Director and City Management for participation in an approved program may be released for a reasonable amount of time as determined by the City. (Guideline to be used is approximately 1 to 1½ hours per week, including travel time). Approval for release is solely at the discretion of the City. It is expected that any employee's involvement will not unduly impact or affect their respective department or cause an overtime liability. For this reason, the City reserves the right to approve, disapprove, or limit release time participation at any time.
4. Employees must fill out the applicable Volunteer Release Approval form (available from Human Resources) that accompanies this Policy. The employee, their supervisor and Department Director must complete this form and it must be received and on file with the Human Resources Department prior to commencing participation.
5. Participation is completely voluntary and is not considered work activity for purposes of coverage under the City's worker's compensation program.

# Article 11 Safety, Security, and Training

## Section 1. Fitness for Duty Evaluations

- A. At the request of the Human Resources Department, an employee is required to submit to a fitness for duty examination (either medical or psychological) when an issue has arisen regarding whether the employee is either unable to perform the essential functions of their job due to a medical or psychological condition, or that the employee poses a direct threat to themselves or others. In such cases, the EAP provider or other health care provider will request that the employee sign the appropriate consent form so that information may be provided to the City in order to make a determination as to the employee's suitability for continued employment. The City will pay for fitness evaluations under this policy and information obtained will be handled in a confidential manner.
- B. An employee whose examination results indicate that the employee either cannot meet the City's performance standards because of physical or mental impairment (even with reasonable accommodation) or is not an otherwise qualified individual with a disability, the employee may be separated from service on medical grounds. Such separation is not considered disciplinary, and the separation will be shown in records of the Human Resources Department as being for other than disciplinary reasons. For Classified service employees, since such separation is not disciplinary, the employee does not have a right, and shall not have the right, of appeal of disciplinary action to a Hearing Officer under Article 9.

## Section 2. Training Programs Generally

### A. In General

The Human Resources Director, in partnership with the City Manager or designee, Department and Division Heads or equivalents, and employees, will design, implement, and promote training programs for all City employees. The purpose of the training programs is to provide the various departments within the City the means to increase operational effectiveness and organizational efficiency. Training programs may also be designed to assist employees with career mobility and/or personal development. Participation in training programs may either be scheduled during work hours or after normal working hours with the approval of the Department Director or equivalent as circumstances and department needs dictate.

### B. Safety Training

1. The Human Resources Director, in partnership with the City Manager or designee, Department and Division Heads or equivalents, and employees, also strive to create a workplace conducive to the safety, health, physical, and mental well-being of its employees. In addition to wellness programming as described under Article 10, the City is committed to providing employees with the knowledge, skills, and personal protective equipment necessary to perform their jobs safely. In that regard, all employees will receive safety training appropriate for their job position and duties. Orientation safety training will be provided to new hires as well as employees transferring internally from one job to another. Additionally, ongoing safety training will be provided for employees appropriate to their job position and duties. All safety training content and completed safety training will be documented and maintained.
2. Each department's safety training program/plan for both new employee orientation

training and ongoing training will be documented and provided to the Risk Manager for review and safety oversight approval. Updates to the safety training program/plan will be provided to the Risk Manager at least annually.

3. Training under this policy refers to education and skills programs approved by the Risk Manager and given by a competent person(s) (e.g., qualified trainers, supervisors, or experts in a specific field) in a training course format in a classroom setting, onsite or offsite, video or “on-line” computer training courses. Training may also be documented “in the field” training on equipment or procedures by a competent person(s) as appropriate.

#### C. Specific Safety Training Components

1. Office Employee Training Program: The Risk Manager will provide all department directors with a safety training program for office employees. The Risk Manager will update the Office Employee Training Program annually and each Department Director is responsible for administering the program as required by the Risk Manager.
2. Safety-Sensitive Positions: All Department Directors will submit a safety training program/plan for employees in safety sensitive positions to the Finance Risk Manager for review and approval. Safety sensitive positions are those in which employees are required to perform tasks that, when compared to hazards expected in a typical office environment, have a heightened risk of injury or illness to the employee or other people. The program/plan will include proposed training for new hires and transferred employees in safety sensitive positions, as well as ongoing training for employees in safety sensitive positions. Updates to the program/plan will be submitted annually for approval by the Risk Manager. The Risk Manager may require updates more frequently than on an annual basis.
3. Orientation Training: Orientation training will be provided for new hires and transferred or promoted employees to ensure employees have the knowledge and skills necessary to perform their new duties safely and effectively. Each Department Director is responsible for maintaining documentation of training content and progress.
4. Ongoing Training: Ongoing employee training will be provided on a scheduled timely basis per the Department’s approved safety training program/plan. Each Department Director is responsible for maintaining documentation of training content and progress.

### **Section 3. Identification Card Security Policy**

- A. The City of Clearwater ID Card will be issued to new City employees (as applicable) as part of the new employee orientation conducted by the Human Resources Department. The cards will be issued by the Human Resource Department, except for those employees working for the Police Department, along with the appropriate cardholder and clip, which will enable the card to be displayed. All City employees to whom an ID has been issued are required to have it in their possession at all times when working or on City property. The ID Card also serves as a security access card, which will allow the employee access to designated areas of the Municipal Services Building (MSB) or City Hall based on the employee’s department and position. All employees with access rights at City Hall and the MSB are required to display their ID card at all times while in these buildings.
- B. If an employee transfers to another department, such access may be modified depending on the access requirements of the employee’s new department and position. Supervisors who

receive transferred employees should promptly notify the Helpdesk (Information Technology) via email so access permissions can be modified in the system.

- C. If an employee loses possession of their issued ID Card for any reason, the employee must immediately notify their supervisor who will notify the Helpdesk (Information Technology) via email or by phone. Information Technology will be responsible for deactivating the card. There is a \$10.00 fee for replacing any ID Card for any reason.
- D. Upon termination or resignation from City employment, employees will be required to turn over their ID Card to their supervisor who will then notify the Helpdesk (Information Technology) for deactivation of the card.

#### **Section 4. Drug/Alcohol Program Policy**

- A. Recognizing that the use of controlled substances, which cause intoxication or impairment on the job, may pose risks to the employer, the affected employees, and their coworkers, the City has established a Drug/Alcohol Program Policy (#3401.2) prohibiting such use. All employees will be fully informed of the City's "for cause" drug and alcohol testing policies and procedures. Employees are not tested for drugs or alcohol unless there exists a reasonable suspicion that an employee is under the influence of drugs or alcohol or in accordance with Federal regulatory guidelines. The City Drug/Alcohol Program Policy delineates testing and follow-up procedures.
- B. Employees who seek voluntary assistance for alcohol and substance abuse will not be disciplined for seeking such assistance. However, seeking assistance will not negate responsibility for any performance or misconduct issues arising prior to seeking voluntary assistance. Therefore, employees are encouraged to seek assistance prior to such issues occurring. Requests from employees for such assistance remain confidential and are not revealed to other employees or management personnel without the employees' consent. Such employees are referred to the City's Employee Assistance Program and are expected to take remedial action in the form of an appropriate rehabilitation program in accordance with the procedures outlined above and the City's Drug/Alcohol Program Policy. In some circumstances, participation may be mandatory as a condition of continued employment.
- C. Employees who have been prescribed or issued a drug for any medical or other condition which might in any way impair their ability to perform their job or create a safety risk for the employee or others must immediately notify their supervisor. The employer will consult with the appropriate medical authority to determine whether an employee can work while taking medication. If it is determined that an employee is unable to safely and effectively perform their duties because of the underlying condition or medication used to treat it, the employee will be placed on leave until the condition is no longer present or use of the medication causing the job impact is discontinued. In these circumstances, an employee may use accrued leave if available. In addition, the City and the employee may also consider some other form of reasonable accommodation, such as an alternative assignment if such assignment is available.

#### **Section 5. Workplace Violence Prevention**

##### **A. Policy**

- 1. The City does not tolerate violence, threats, harassment, intimidation, and other disruptive behavior in our workplace. Under this policy, workplace violence is any physical assault, threatening behavior, or verbal abuse occurring in the workplace. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.



2. Managing critical workplace incidents, primarily those dealing with actual or potential violence, is a top priority to protect the safety of employees and the public. These are among the most sensitive issues faced by managers. These issues generally involve delicate balances between rights, responsibilities, and compelling organizational needs such as employee and public safety and the continued performance of required duties. For these reasons, the City is committed to providing a coordinated and rapid response to such incidents.

#### B. General Provisions

1. Violence, or the threat of violence, has no place in any City work location. It is the City's goal to rid work sites of violent behavior or the threat of such behavior.
2. It is the shared obligation of all employees, law enforcement agencies, and employee organizations to act individually and jointly to prevent or defuse actual or implied violent behavior at work.
3. Violence, or the threat of violence, by or against any City employee or other person, is unacceptable and contrary to City policy, and will subject the perpetrator to serious disciplinary action and possible criminal charges. The City will work with law enforcement to aid in the prosecution of anyone outside the organization who commits violent acts against employees.
4. No employee acting in good faith who reports real or implied violent behavior will be subject to retaliation or harassment based upon their report.

#### C. Weapons at Work

1. Possession, use, or threat of use of a deadly weapon is not permitted at any City job site or on City property, including desks, lockers (even with a privately owned lock), and office equipment, in City vehicles, or in City facilities (owned, leased, or rented), with the following exceptions:
  - a. An exception will exist when possession or use of such a weapon is a necessary and City-approved requirement of the job, such as with law enforcement officers, and when the weapon is used in a manner consistent with applicable departmental policies and procedures.
  - b. In addition, in accordance with state law, possession of a legally owned firearm is permitted when such firearm is lawfully possessed and locked inside a personal vehicle in a parking lot and when the vehicle is lawfully present in the lot. For a firearm to be considered lawfully in possession or owned, the employee may be required to possess a current valid concealed weapon permit.
2. For the purpose of this policy, a "deadly weapon" includes all firearms such as handguns, rifles, shotguns, and any explosive devices. Knives, or any other cutting utensils, clubs, brass knuckles, or other devices such as "defensive" mace or pepper spray canisters, stun guns, or other objects may be considered deadly weapons when brandished, used, or threatened to be used in an offensive or aggressive manner in relation to the facts of a given situation. It is the City's policy to enforce this high priority ban on weapons at work. All reports of incidents will be taken seriously and will be dealt with appropriately. Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.
3. City job sites, property, facilities, and City vehicles, as described above, are subject to search with or without prior notice. Employees are hereby notified that they shall have no

expectation of privacy in terms of searches of such areas and items. The City may request the cooperation of an employee in agreeing to the conducting of a search of personal property such as packages, briefcases, purses, and similar containers.

4. In accordance with state law, any search of an employee's vehicle will be conducted by on-duty law enforcement personnel based upon due process and will comply with constitutional protections. Unattended packages and containers, such as those described above, are subject to removal by law enforcement personnel when they are thought to be suspicious in nature and possibly dangerous.
5. Employees may be asked or directed to remove personal property from City property should the employee be unwilling to agree to a search. Refusal to comply with an order to remove the personal property from City property may result in disciplinary action.
6. Private property may be subject to search in accordance with legal requirements. The Police Department will be called in to conduct any search.

#### D. Critical Incident Coordination

The Human Resources Director is the Workplace Critical Incident Coordinator. The Human Resources Director or designee may be contacted at any time and will ensure that resources such as the Employee Assistance Program, Labor Relations, City Attorney, and others as needed are coordinated in their support and response to critical incidents. Other steps following a critical incident at work will flow from this initial contact including disciplinary action and help from the EAP for employees involved in or witnessing a serious incident.

#### E. Guidelines for Managers

The guidelines below apply to all City employees and are intended to aid managers in dealing with violent or potentially violent situations at work once an immediate emergency situation has been controlled. Altercations between persons at work are rare and usually minor, allowing time for supervisory intervention. It is understood that the actions of a manager or other employees will be dependent on the seriousness of the situation and the nature of the incident. However, consistent with personal safety, managers and supervisors have a responsibility to make a good faith effort to defuse violent or potentially violent situations as quickly as possible in order to prevent their escalation and the creation of a threat to others. When a supervisor, manager, or employee observes an altercation or serious act of violence at work, the following steps should be taken:

1. If the situation is deemed to be an Immediate Emergency, call 911 (or 9,911). Remember that you may have to dial 9 from most City telephones before dialing 911. Report as many details as possible so that the appropriate emergency response units can be dispatched. Specific examples include but are not limited to:
  - a. A shooting, stabbing or physical assault of an employee or a customer.
  - b. A suicide attempt.
  - c. The beating or wounding of an employee resulting from a domestic violence dispute on City property (this may include a failed romantic relationship between two employees which results in a violent assault in the workplace).
  - d. A physical altercation between employees that cannot be defused at the work site (fist fight, pushing and shoving, slapping, etc.).

2. If an altercation of a less serious nature occurs, defuse the situation as quickly as possible. An “altercation” as used in these guidelines includes actual workplace violence or threatened violence, including verbal or physical confrontation, assault or attempts at such assault. Some examples include, but are not limited to:
  - a. Verbal disputes between co-workers (conversations beyond normal discussions, which become argumentative and have the potential to escalate).
  - b. Disruptive behavior (shouting and making demeaning remarks toward co-workers).
  - c. Communicating a threat (“I’m going to bring a gun to work and take care of my problem with my supervisor”).
  - d. A veiled threat (“An employee I just put on an action plan told me he knows where my children go to school”).
  - e. A direct threat (“You went to our boss to complain about my job performance. You will pay for that with your life”).
  - f. A threat made during an Employee Assistance Program (EAP) counseling session in which a “duty to warn” situation exists. A “duty to warn” situation exists when a specific threat is made against a specific individual and there is an expectation that the threat may be carried out.
  - g. A threat made by an ex-employee.
  - h. A threat from a non-employee (this could conceivably occur during non- working hours and could be communicated in person, by telephone, e-mail or through the mail).
  - i. Intimidation (getting “in your face” by approaching another employee in a physically menacing or threatening way).
  - j. Frightening behavior (irritable or aggressive behavior, discussing how many guns one owns when discussing problems with a co-worker).
3. Steps to take in general if an altercation of a less serious nature occurs:
  - a. Separate the individuals involved.
  - b. Do not allow a verbal altercation to escalate into something more serious.
  - c. If the individuals cannot be separated, call 911 (or 9, 911) and follow the steps previously described.
  - d. Contact the appropriate Department Director and the Human Resources Director immediately.
4. Once the situation is controlled, the manager should follow these steps:
  - a. Separately interview all persons involved, including any witnesses, to obtain an accurate account of the incident. Follow any collective bargaining agreement requirements in questioning those involved.
  - b. Document the statements of witnesses and others involved, in written form to obtain an accurate account of the incident.
  - c. Contact Human Resources if you need any advice and/or assistance.

## 5. Conflict Resolution “Defusing” Routine Situations

- a. Departments should have a pre-arranged distress signal in the event an employee is confronted with what they believe is a dangerous situation. Electronic “panic buttons,” such as those used by bank tellers, serve to alert others that a situation requires immediate police assistance. If this technology is not available, a brief phrase, such as “let Susan know I can’t make our meeting” can be designed to let a co-worker know to call 911. This phrase should only be used to summon police and never in jest.
- b. The situation should be assessed to determine if it can be handled alone or if assistance from a supervisor or the police is advisable.
- c. The manager should take charge of the situation by smiling, standing erect, remaining alert, and maintaining eye contact. The manager can use the following techniques to try and address the situation successfully:
  - i. Listen – It’s critical that someone who is already upset feel that someone cares. Active listening, including taking notes and asking questions, is recommended.
  - ii. Avoid Defensiveness – It’s not important whether the complaint is accurate or fair at the moment. The goal is to calm the individual down and debating with the person doesn’t help.
  - iii. Avoid an Audience – The individual should be taken someplace where the discussion can continue privately. This discussion should include another staff member and not be done alone. There should be an easy exit from this location should the need arise.
  - iv. Establish Boundaries –The individual should know that while help is being offered, they must behave. Profanity or raised voices are not conducive to effective communication, and threats will require ending the discussion and contacting the police.

## 6. Immediate Administrative Leave with Pay

- a. If the situation is serious enough that possible termination may be involved and/or the continued presence of an employee at the worksite would not be appropriate given the altercation or particular circumstances, an employee may be immediately placed on administrative leave with or without pay and ordered not to return to the worksite until further advised. This action is unusual but may be taken with Department Director recommendation, Human Resources Director concurrence, and City Manager/Assistant City Manager approval. While on administrative leave, employees are required to contact the Human Resources Employee Relations and Equity Division every business day before 9:00 a.m.
- b. Most workplace altercations, including minor ones involving only verbal exchanges, justify appropriate disciplinary action through the use of the City’s Performance & Behavior Management Program (PBMP) or otherwise. At any time during the review of an altercation, the Human Resources Director or designee will be available for assistance upon request.

7. During normal business hours (Monday-Friday, 8 a.m. to 5 p.m.), immediately contact the Department Director involved and Human Resource Director. After normal business hours (evening and weekends), contact the Police Watch Commander at: 727-562-4242.

#### F. Disclosing Criminal History

An important component of the City's workplace violence prevention program is the screening of job applicants and current employees for criminal history in accordance with Articles 4 and 13, as applicable. In addition, Citywide standards under Article 13 require employees to disclose to their supervisor any felony or misdemeanor arrest, charge, conviction, plea of guilty, whether or not adjudication was withheld, or plea of nolo contendere (no contest), which occurs subsequent to the date of their initial employment with the City.

#### G. Mandatory Training

All employees are required to attend annual training on workplace violence awareness and the provisions of this City policy. Initial training typically will be administered in person by a designated City trainer. Subsequent annual training may be administered by other means (videos, net-based, etc.).

#### H. Critical Incident Team Role and Responsibilities

1. The Critical Incident Team (CIT) is headed by the Human Resources Director and includes the Human Resources Employee Relations & Equity Manager, Police, Fire (EMS), a Public Communications Representative, and a Risk Management Representative. Union Representatives from the FOP and IAFF will serve in an advisory role.
2. The role of the CIT is to support the Human Resources Director in coordinating all aspects of workplace security, workplace violence prevention, training, and response to workplace violence occurrences.
3. The responsibilities of the CIT are to:
  - a. Coordinate and evaluate workplace security and workplace violence measures.
  - b. Respond to incidents of workplace violence to ensure the situation is brought under control and the work area is secured.
  - c. Coordinate and assist investigations, ensure employees are kept informed, coordinate any EAP requirements, and assist in returning the agency to normal operations.
  - d. Review actions taken in specific situations to recommend improvement in the future.

#### I. Workplace Security

1. The Human Resources Director and Department Directors should consult with law enforcement officials to determine what measures should be taken in prevention, intervention, and response to threatening situations, in addition to their traditional role of responding to actual incidents of physical violence.
2. Department Directors are responsible for implementing appropriate access control in all City facilities for which they are responsible. The degree of control is dependent on the type of facility. Some examples of access control are:
  - a. Controlling the issuance of keys.
  - b. Posting security guards at main entrances.
  - c. Using metal detectors or closed-circuit TV cameras.
  - d. Issuing photo ID cards to all employees.

- e. Assigning temporary passes to visitors.
  - f. Requiring visitors to sign in and out of the facility.
  - g. Assigning temporary passes to visitors, who should be required to sign in and out of the building.
  - h. Installing silent, concealed alarms, or emergency help codes at reception desks.
3. Unauthorized individuals, including off-duty employees, should not enter restricted areas. To ensure safety, employees are expected to immediately report any unauthorized entry, unsafe building conditions, or working conditions to their supervisor. Employees are also expected to report any disturbances or improper conduct on the part of individuals on City property.

#### J. Evaluation

Procedures will be established within every department to evaluate and assess workplace security and workplace violence prevention measures. Security and prevention measures should only be taken after consultation with security professionals.

### **Section 6. Active Shooter/Violent Event – “CODE RED”**

#### A. Policy

This policy has been established to provide guidelines for the initial response to an in-progress Active Shooter/Violent Event at a City-owned or operated building or facility. City employees and volunteers located within a City building or facility during an Active Shooter/Violent Event are expected to take proactive measures to provide for the safety of themselves and others and to minimize the number of casualties during the situation.

#### B. Definitions

The following definitions apply throughout this policy:

1. Active Shooter/Violent Event - An incident wherein an individual(s) other than a sworn law enforcement officer acting within the scope of their duties are actively engaged in killing or attempting to kill other individuals in or on City property. The offender(s) may use a firearm or multiple firearms, other weapons (knives, broken sharp objects, clubs, etc.) and/or improvised explosive devices to cause additional victimization and act as an impediment to law enforcement and emergency service responders, and may display no pattern or method for selecting victims.
  - a. This definition does not apply to an individual who is observed in lawful possession of a firearm or other weapon and is not using the firearm or weapon to engage in killing or attempting to kill others. Incidents involving firearms or other weapons that do not involve killing or attempting to kill others should be addressed in accordance with the City’s Workplace Violence policy.
2. Code Red Alert – “Code Red” is the term that will be used to notify employees that an Active Shooter/Violent Event is occurring.
3. Code Red All Clear Alert – “Code Red All Clear” is the term that will be used to notify employees that an Active Shooter/Violent Event has ended, and it is safe to leave the shelter-in-place location.
4. “Run” Response Level – If a safe escape path is available, employees who are able in

such situations should consider trying to escape or evacuate even if others insist on staying.

5. “Hide” Response Level – If there is no safe escape path available, employees in such situations should consider sheltering in place. “Shelter in place” is defined as seeking shelter out of view of the active shooter/violent event, remaining calm, clearing the hallways of all other employees, volunteers, and customers, and safely locking oneself within the respective area for the duration of the Active Shooter/Violent Event.
6. “Fight” Response Level – As a LAST resort, and only if one’s life is in immediate danger, employee(s) who are able should consider taking action by any means available to them to protect their own lives/safety, including the possibility of physically engaging the subject(s) involved in the Active Shooter/Violent Event.

### C. Code Red Procedures

#### 1. Code Red Activation

The activation of a “Code Red” alert may be initiated by any City employee or volunteer when they observe an individual(s) who is actively engaged in killing or attempting to kill individuals in or on City property.

2. A “Code Red” should be initiated by making a mass communication announcement throughout the site, if possible. The respective Department Director will identify the appropriate mass communication method that will be used at each site and by employees under their command.
  - a. If no mass communication method is available, the “Code Red” should be communicated directly to all affected employees that can be reached without jeopardizing the safety of oneself or others.
3. After notifying all City employees and volunteers of the “Code Red,” the City employee or volunteer shall then call 911 (or 9,911) if able to do so. The City employee or volunteer will provide the 911 Operator with the following information:
  - a. The location of the subject(s), including direction of travel.
  - b. The physical description of the subject(s), including clothing description, and number of subjects involved.
  - c. A description of the type of weapon displayed or being used (i.e., gun, knife, etc.).
  - d. A description of any injuries to self and others, and location of the injured.

### D. Employee/Volunteer Responsibility

Upon the notification of a “Code Red” alert or the sound of gunfire, all City employees, volunteers, and customers should immediately assess the situation and determine the most appropriate response level alternative (Run, Hide, Fight) for themselves.

1. When possible, the employee should first consider attempting to safely evacuate (“RUN”) using the closest escape route (doors or windows) and leaving the area immediately.
  - a. Employees who attempt to evacuate should advise others that they are leaving, but not let the indecision of others slow down their own escape. Once out of harm’s way, employees should try to prevent others from entering the danger zone and call 911.
  - b. Evacuated employees, when practical, shall notify their supervisor of their location.

2. If the employee(s) or volunteer(s) are not able to safely evacuate, they should consider sheltering in place within a secured area (“HIDE”). Employees who shelter in place should advise other employees, volunteers, and customers in the immediate area that they are doing so but should not let the indecision of others slow down their attempt to shelter. The following should be considered when sheltering in place:
  - a. Find a securable room. Lock the door and use anything in the area (i.e., desks, file cabinet, etc.) to barricade the door. Hide behind anything solid in the room and stay away from the door.
  - b. If the room in which the employee is sheltering has windows, close the blinds, and turn off the lights.
  - c. Turn all electronic devices to silent mode (i.e., wireless phones, radios, etc.).
  - d. Remain quiet and stay calm.
  - e. Listen to all announcements. Do not answer internal ringing telephones or open any locked doors.
  - f. During an active Code Red alert only, if the fire alarm sounds, do not leave the secured area unless an actual fire or smoke is observed and threatens the secured area in which the employee is sheltering.
  - g. Stay in the secured area until a “Code Red All Clear” alert is given.
3. If the employee(s) or volunteer(s) is confronted by the Active Shooter/Violent Event subject(s) and the employee’s life is in immediate danger, employees who are able should consider taking action by any means available to them to protect their own lives/safety, including the possibility of physically engaging (“FIGHT”) the subject(s). If the “Fight” response level becomes necessary, the employee(s) needs to commit to the action, act quickly, with physical aggression, and use any improvised weapons in the vicinity or means available to them in order to protect their own lives/safety.
4. Under no circumstance should any civilian employee, volunteer, or customer proactively search out or respond to the location of the Active Shooter/Violent Event subject(s) in an attempt to engage the suspect(s).

#### E. Code Red All Clear Activation

Only the Law Enforcement Incident Commander will authorize a “Code Red All Clear” announcement. The “Code Red All Clear” announcement will be repeated three (3) times, signaling that it is safe to leave the shelter-in-place location. The announcement may be made through the site’s mass communication device, if available, an amplified audio source, or by direct contact with affected employees. Those sheltering in place should remain in place until they are able to verify the source of the Code Red All Clear announcement.

#### F. Law Enforcement Responsibilities

Upon the arrival of law enforcement officers, priority will be given to locate, isolate, and neutralize the threat of the Active Shooter/Violent Event subject as quickly as possible. The evacuation of employees who have sheltered in place will be a secondary function. The highest-ranking law enforcement officer on scene shall be designated the Incident Commander.

##### 1. Public Information Officer Responsibilities



- a. Upon notification of a shooting in-progress/violent event situation at a City of Clearwater building or facility, the Public Information Officer will respond to the designated Incident Command Post and report to the Incident Commander. The Public Information Officer will ensure the following:
  - i. A staging area is established for the media.
  - ii. Coordination is arranged with all media representatives, and other duties as required by the Incident Commander.
  - iii. Any existing videotapes of the event are captured for future review.
- 2. Post Incident Investigation
  - a. Due to the seriousness of an Active Shooter/Violent Event, the entire building, facility, or site will be treated as a crime scene following such an incident. The established crime scene will remain closed until the law enforcement Incident Commander has cleared the building to be reopened.
  - b. City employees and volunteers that are present during the event should expect to be interviewed by Law Enforcement prior to being allowed to leave the area.
  - c. Department Directors will ensure that City operations continue or are reestablished, using plans to transfer operations to other locations if necessary.
  - d. The Human Resource Department will coordinate post-event stress management activities or programs for all City employees and volunteers involved in the incident.

## **Section 7. Employee Emergency Deployment**

### **A. Policy**

Whenever a state of emergency has been declared due to a hurricane, severe storm, civil disaster, or other emergency condition, the City Manager, or designee, is authorized to close all or selected City facilities and operations as deemed necessary. The City Manager will determine the specific emergency time period during which all or selected City facilities and operations will be subject to the provisions of this policy.

### **B. Definitions**

- 1. Essential City services are those public safety, health and welfare related municipal services, facilities, and operations that the City Manager, or designee, determines are to remain open and operational during a hurricane, severe storm, civil disaster, or other emergency.
- 2. Non-essential City operations are those municipal facilities and functions that the City Manager, or designee, determines will not remain open and operational during a hurricane, severe storm, civil disaster, or other emergency.

### **C. City Authority**

The City Manager, or designee, or a Department Director, or designee, may direct City employees to work to prepare for, respond to, and recover from a hurricane, severe storm, civil disaster, or other emergency. The City Manager can also authorize the use of heightened compensation provisions as described herein during such time periods as are warranted and deemed to be in the City's best interest. Such time periods may (or may not) span the entire length of any declared emergency period.

#### D. Employee Responsibilities

1. All employees must be available to report to work at any time before, during, or after any designated emergency. This includes, but is not limited to, their assigned shift. Employees must be prepared and available to work their entire shift and be prepared to work any overtime hours as may be required under emergency conditions. All employees are also subject to being called in to work on non-duty days.
2. Employees who are not required to work will be notified of the specific days and/or hours they are not to report to work. Employees within each department may be relieved from duty by their Department Director, however, they must be available to respond to assignments as directed which shall not be subject to standby or on-call duty pay.
3. Those employees directed not to work are not to return to work until directed to do so. However, such employees will be prepared to report back to work before or after their scheduled work shifts and will work any scheduled overtime hours required in preparation or recovery from the emergency. These employees are obligated to remain in contact with their supervisor or other designated representative in accordance with departmental procedures. They are also required to call the City emergency services phone number (727-562-4100) for directions at least two times per day while absent from work. In the event communications are disrupted (which will be likely in the immediate aftermath of an emergency), they are obligated to monitor all available local media outlets for instructions.
4. It is understood that any employee's designation may change depending upon the type of emergency that exists, and upon the phase of response to that emergency. The provisions of this policy apply to each duty period of time worked.
5. **Any employee who does not properly fulfill their job responsibilities to report to work and perform their job assignments as required, will be subject to appropriate disciplinary action, up to and including dismissal. This provision applies regardless of whether enhanced compensation provisions are in effect.**
6. Due to risks associated with hurricanes and severe weather, Department Directors are required to brief all their employees by no later than June 1<sup>st</sup> of every year of their work responsibilities and obligations as well as the potential job actions for failing to comply with this policy. In addition, every City employee is required to acknowledge, in writing, that they understand their obligations under this policy by completing the applicable HR acknowledgement form.
7. Employees who anticipate that they may not be able to fulfill their job assignment due to extreme circumstances are required to report such concerns to their Department Directors or designated departmental representative by June 1<sup>st</sup> of every year. Department Directors will evaluate these concerns and coordinate with the Human Resources Director and the Emergency Management Logistics Chief to determine if the employee may be excused from their responsibilities during the emergency. Only the most extraordinary circumstances will be considered, and the decision of the City is final. **A desire to evacuate out of the area will not be supported under this policy.**

#### E. Leave Issues During Declared Emergencies

1. Following a City declaration of emergency under this policy, and upon receiving approval from the City Manager, or designee, Department Directors will arrange for essential employees required to work before or during an emergency event to leave work early up to four (4) hours of administrative leave with pay prior to an anticipated hurricane,

severe storm, or other emergency to secure their homes and arrange for the security of their family during the emergency.

2. Unless the City Manager authorizes the closure of City facilities and operations that affect an employee's work unit, all employees are expected to fulfill their scheduled work shift as assigned. In the absence of City Manager approval, non-essential employees not designated to work before or during an emergency event, who desire to leave work early to prepare for the anticipated emergency, may request personal leave (vacation or floating holiday), subject to the approval of the Department Director or designee.

#### F. Leave Requests During an Emergency

1. Upon a City declaration of emergency under this policy, Department Directors will review previously approved leave requests submitted by employees to be absent from work immediately prior to, during, and/or following an emergency. If, in the Department Director's opinion, the employee's absence will adversely affect the City's ability to effectively respond to the emergency, the approved leave will be cancelled. Consequently, all employees are subject to having a previously approved leave cancelled, and new requests for leave denied, based upon an overriding organizational need to have the employee report for duty to fulfill their job assignments during an emergency.
2. Sick leave requested immediately prior to, during, or in recovery from an emergency will not be approved. Employees who fail to report to work claiming they are sick will be considered absent without permission. Employees who call in sick and later provide medical documentation to verify their sick leave request will have their circumstances evaluated. Only the most extraordinary circumstances will be considered in these cases.
3. Employees who receive permission to be excused from work during an emergency will not be compensated under the Emergency Deployment Compensation provisions of this policy and will be required to use accrued vacation or floating holidays to remain in a paid status. Sick leave is not permitted for any absence under this provision.
4. Any employee who is on an authorized absence during a specified emergency time period, as established by the City Manager, is not eligible to receive the additional half-time emergency compensation pay differential under this policy or administrative leave with pay.
5. Employees who are relieved from duty during the specified emergency time period applicable for their work unit shall receive administrative leave with pay for all regularly scheduled work shifts or balance thereof unless the circumstances presented by the emergency are such that the City Manager determines a charge to leave balances or unpaid leave is more appropriate. A shift in an employee's regular schedule shall not be considered relieved from duty. If the employee is not able to work a full workday, administrative leave with pay will be provided to make the employee whole for the remainder of their regular work hours. Employees who are on previously approved leave that was not revoked prior to the specified emergency period are not eligible for administrative leave with pay or any other benefit under provisions of this policy.

#### G. Emergency Deployment Compensation

1. Employees who are scheduled to work, or who are called back to work to perform essential services as defined under this policy, are required to continue working their assigned work shift(s), and any overtime hours that are assigned to them by their supervisor. All employees in positions that are not designated as exempt from FLSA

overtime provisions will be compensated at their regular hourly rate for all hours worked, including any applicable pay differentials and FLSA overtime compensation for hours worked during the work week or duty cycle.

2. To supplement regular pay for all hours worked performing essential services, hourly employees who work during the specified emergency time period for the affected work unit as established by the City Manager may also receive an emergency compensation pay differential for all hours worked during the applicable time period. Employees who complete their assigned work shift and are required by the Department Director to remain on site due to declared emergency conditions will be compensated in accordance with this policy for all hours they are required to remain on site. The City Manager may authorize this compensation pay differential for other non-routine hours worked that are outside the employee's regularly scheduled work shift immediately before or after the specified emergency time period, providing the non-routine work hours are directly related to emergency preparation and recovery work. Because this policy is designed for emergency situations of short duration, such as hurricanes and severe weather, periods of approved enhanced compensation approved by the City Manager may conclude prior to the cessation of emergency conditions. In no event shall employees receive this emergency compensation pay differential for more than two weeks.
3. SAMP employees in salaried FLSA exempt positions who are required to work during the emergency may receive their regular salary and additional vacation leave at the rate of one hour of vacation leave for each two hours actually worked during the specified emergency time period, up to the applicable vacation cap. To be granted the additional vacation leave, these employees will account for this time on the applicable Human Resources form, which in turn must be verified by the employee's immediate supervisor and forwarded to Human Resources for processing.
4. Department Directors must obtain the approval of the City Manager, or designee, for any emergency compensation pay differential for hourly employees, or vacation leave for exempt employees, performing emergency related work that is outside the specified emergency time period or enhanced compensation period established by the City Manager by submitting a written request to Human Resources. Other regularly scheduled shift hours that are worked by employees immediately prior to or after the specified emergency time period established by the City Manager are not subject to this additional emergency compensation pay differential.

## **Section 8. Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security**

### **A. Policy**

The City has adopted this policy to protect the privacy and confidentiality of protected health information (PHI) whenever it is used by City representatives. The private and confidential use of such information is the responsibility of all individuals with job duties requiring access to PHI in the course of their jobs. The City will administer this policy in accordance with federal HIPAA regulations, as amended from time to time. Information obtained by the City in its role as Employer is generally not considered to be PHI. See examples under F (3) below).

### **B. Definitions**

The following definitions apply in this policy:

### 1. Protected Health Information (PHI)

PHI is any medical information transmitted or maintained in any form or medium that:

- a. Is created or received by the City of Clearwater relating to City employees or any dependent of any employee; or
- b. Relates to the past, present, or future physical or mental health or condition of an individual listed above; and
- c. Identifies the individual or with respect to which there is a reasonable basis to believe the information can be used to identify an individual listed above.

### 2. Individually Identifiable Health Information

This is defined as health information, including demographic information of first and last name, email address, home address, telephone number, and social security number that is:

- a. Created or received by a health care provider, health plan, employer, or health care clearinghouse; and
- b. Relates to the past, present, or future physical mental health or condition of an individual; the provision of health care to an individual or the past, present, or future payment for the provision of health care to an individual; and
- c. Must either identify the individual or a reasonable basis must exist to believe that an individual can be identified using the information.

### 3. Health Information

PHI is as defined above. Health Information is any information, whether oral or recorded in any form or medium, that:

- a. Is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearing house.
- b. Relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

## C. General Guidelines

All City employees and representatives must ensure PHI in their possession or stored at their location is secure. These guidelines include but is not limited to:

1. All files and documentation containing PHI will be stored in lockable furniture and cabinets and secured when not in use.
2. A private space will be available for employee discussions about PHI issues. An office with a phone must be designated in a work area that is available for private conversations. This office does not have to be used solely for this function but is accessible for this purpose.
3. Computer monitors will be shielded from view of staff who are not authorized to view the on-screen information and computers will either be turned off or administratively locked when an individual goes to break or leaves at the end of the day and are password protected.

4. All files containing PHI will be maintained separately from other official personnel records.

#### D. Guidelines for Information Technology

In addition to the above-mentioned guidelines, the Information Technology Department will take reasonable safeguards to protect the security of PHI and other confidential employee health information held by the City.

1. The Information Technology Director will protect all hardware, emergency backup systems including offline tape backup, off-site secure storage of backup data, and ensure that only authorized personnel have access to these items.
2. Emails will remain confidential with the utilization of user-based access and encrypted systems where possible.
3. Use of a hardware firewall on all external network interfaces. Strict access lists on the firewall(s) must be employed.
4. Information Technology will ensure the security of City servers and network hardware.

#### E. Guidelines for Human Resources

In addition to the above-mentioned General Guidelines, the Human Resources Department will maintain safeguards regarding disclosure of PHI, will ensure that names are used as little as possible, and that medical diagnoses are not disclosed except where necessary for employer functions or when required or permitted by law or regulations. Any disclosure of PHI for purposes other than enrollment, treatment, payment, operations, and disclosures required by law must be approved by the employee through the use of a valid Authorization. The Authorization is a document that the employee submits which specifically describes what may be disclosed, to whom, and the termination date of the Authorization.

#### F. Receipt, Use, and Disclosure of Protected Health Information

As a health benefit's plans sponsor, the City and its agent of record may receive PHI from the group plan insurer in summary form in order to amend or terminate a plan or obtain bids for health insurance coverage. Summary health information summarizes claims history, expenses, or types of claims by individuals receiving plans benefits, but does not include names, social security numbers, telephone numbers, geographic information (except 5-digit zip codes), and other similar information. The City may receive information as needed to enroll participants in a plan or a specific benefit. The City may receive information directly from employees in coordinating the receipt of benefits such as a pre-certification or an authorization, eligibility, treatment payments, billing, and other similar services.

##### 1. Limited Disclosure and Access

- a. The City takes steps to limit the amount of PHI requested and disclosed to the minimum amount necessary. When an employee requests assistance with a billing or plan administration issue, they must verify the extent of the information required before providing the information. Similarly, when assisting an employee, Human Resources Department representatives must limit requests to only the amount of information that is essential for completing the requested task.
- b. The City is permitted under HIPAA regulations to disclose PHI to certain persons where required or permitted by law or regulations, for instance, to life and disability insurers.
- c. City employees will not disclose PHI to outside entities for marketing purposes.

- d. The City protects PHI and other confidential medical information held in offices and work areas from unintentional disclosure by identifying those individuals permitted access to such information. As the designated Contact Person, the City's Benefits Manager is responsible for identifying the individuals within the HR Department with access to PHI and other confidential health information and for ensuring that guidelines for handling, use, and disclosure are consistently followed.

## 2. Health Plan Documents

The City has amended health plan documents to establish the permitted and required health information uses and disclosures under HIPAA and will update these documents accordingly. Additionally, the City requires all health plan service providers (called "business associates") to take steps to avoid inappropriate uses and disclosures of protected health information. The City requires their business associates enter into written contracts stating they will honor HIPAA privacy policies and procedures.

## 3. Health Information Not Covered Under HIPAA

Employment records are not included in the definition of PHI. Such records may include medical information needed for an employer to carry out its obligations under FMLA, ADA, and similar laws, as well as files or records related to occupational injury, disability, insurance eligibility, sick leave requests, drug screening results, and fitness for duty tests of employees. As such, all City employees are required to execute an Authorization form allowing the testing facility to release drug and alcohol test results to the City. All employees must also execute an Authorization form to allow EAP and other treatment providers to release pertinent information where necessary in order to assess employment eligibility, workers compensation claims, pension application, disability eligibility, and other information as needed by the City to fulfill its role as the Employer.

## G. Privacy Officer

The Human Resources Analysts and Senior Analysts in the City's Benefits, Leave, and ADA Division are designated "Privacy Officers" for the City of Clearwater relative to protected health information. The "Privacy Officers" are responsible for developing privacy policies and procedures. The Contact Person for complaints concerning protected health information is the Human Resources Benefits Manager.

## H. Individual Rights

With respect to an employee's protected health information, the employee has the right to:

1. Request restrictions on uses and disclosures (the request may or may not be granted).
2. Receive confidential communications about their own information.
3. Inspect and receive a copy of their protected health information.
4. Receive an accounting of any disclosures.
5. Receive a paper copy of this policy.

## I. Complaint Process

All employees have a right to the privacy of their PHI and the City of Clearwater takes privacy concerns seriously. Complaints concerning a perceived breach of this privacy policy may be submitted in writing to the Contact Person (the Benefits Manager of Human Resources). Retaliation against those employees who submit such complaints is prohibited. An employee may notify the Secretary of the U.S Department of Health and Human Services of their

complaint.

#### J. Sanctions

1. The City will hold employees accountable for deviations from this policy. Employees are accountable for uses and disclosures of information that may jeopardize the privacy of the information that the City receives and maintains. Failure to comply with this Policy may result in disciplinary action, up to and including termination of employment.
2. The City will mitigate, to the extent possible, any harmful effects that become known regarding a use or disclosure of an individual's PHI in violation of this Policy. If an employee becomes aware of PHI disclosure that is not in compliance with this policy, the employee should contact a Privacy Officer immediately so that the appropriate steps may be taken to correct the action.



# Article 12 Seniority, Layoff, and Recall

## Section 1. Seniority in the Classified Service

Seniority is defined as the length of continuous service in City employment in a Classified service position. Seniority continues to accrue during all types of paid leaves of absence and other leaves where specifically provided. For Classified service employees, after successful completion of the initial probationary period, seniority reverts to the date of employment.

### A. Accrual of Seniority

1. The seniority date for Classified service employees begins from the current period of continuous regular City employment without regard to job classification. The time in class date for classified employees is the effective date of entry into a specific job classification.
2. Unclassified Senior Staff and Other Unclassified service employees do not accrue seniority or time in class.

### B. Breaks in Seniority or Service

Classified service Non-SAMP and SAMP employees may lose their seniority or have their seniority date adjusted as a result of any of the following:

1. Voluntary termination
2. Retirement
3. Termination for cause
4. Failure to return from leave within prescribed time limits
5. Unpaid leave of 30 calendar days or more

While Unclassified Senior Staff and Other Unclassified Service employees do not accrue seniority, their years of service date can be adjusted for the same reasons as listed above.

### C. The following are not considered breaks in seniority for Classified service employees or breaks in service for Unclassified employees:

1. Leaves of absence or time off with compensation authorized in accordance with Article 7; or time off or leave without compensation for less than 30 calendar days.
2. The period of any disability retirement if it is followed by reinstatement.
3. Suspensions in accordance with Article 8.
4. Dismissals which are withdrawn or modified by the City Manager or designee or by action of a Hearing Officer and the Board in accordance with Article 9.
5. For former Classified service employees who are reinstated or rehired from an Appointment or Reemployment List, the actual length of separation from service will be deducted from the length of continuous service.

### D. Seniority Uses

Seniority shall be given reasonable consideration in determining the order of names on a Classified service Reemployment List, determining the order of layoffs (as provided below), or as otherwise provided for in applicable collective bargaining agreements.

## Section 2. Layoff and Recall

### A. When Layoffs Are Necessary

An employee may be laid off by the City Manager or designee when there is lack of work or funds, abolition of position, or material changes in duties or organization which require a reduction in personnel. No Classified service employee will be laid off while there are Unclassified Other service or probationary employees serving in the same class in the organizational unit, except when the Classified service employee declines to be placed in a lower level Classified position in accordance with a layoff procedure. The City Manager retains at all times the right to terminate the services of any Unclassified Senior Staff employees as their employment constitutes an “at-will” status in accordance with their Employment Agreement Letters. Classified service layoffs will follow the procedures below.

### B. Classified Service Layoff Method

Typically, layoffs will be by classification on a City-wide basis. When the need arises for laying off Classified service employees in any department for reasons listed in Section A above, the order of layoff shall be determined by taking into account both performance evaluation ratings and seniority. When other qualifications are equal, seniority will govern. The provisions of this policy only apply to employees in good standing who are physically and mentally able to meet and perform the position requirements and responsibilities in the same or lower class. Classified service SAMP employees who are subject to layoff may have the opportunity to revert to the positions held prior to their current classification. If such movement requires further reduction in the workforce, the same procedure may be used for subsequent positions and the process continued through the ranks thereafter.

### C. Names Placed on Reemployment List

Names of Classified service employees who are laid off will be placed on the Reemployment List in the appropriate class for a period of one year. Names will be placed on the Reemployment List in order of seniority as specified in Article 4, Section 15. Classified SAMP employees who are eligible to have their names placed on a Reemployment List may, upon written request and the approval of Human Resources and the City Manager, have their name placed on the Reemployment Lists for classifications at the same or lower level requiring essentially the same or lesser qualifications or for other classes which the employees previously occupied. Names are placed on Reemployment Lists in the order of City seniority.

# Article 13 Other Personnel Policies

## Section 1. Hours of Operation and Coverage

- A. Unless otherwise determined by the City Manager, normal hours of operation for City of Clearwater Departments are 8:00 a.m. to 5:00 p.m., Monday through Friday on regular business days. Department Directors are required to maintain an appropriate management presence and administrative support during normal operating hours. The intent of this policy is not to have such a presence at every facility within a respective department but to ensure that an Administrator, Director, Assistant Director, or Manager is physically present or able to make themselves physically available (within 30 minutes) during the hours of 8:00 a.m. and 5:00 p.m. on regular business days. This requirement can be met by adjusting or flexing work schedules but is left to the discretion of every department to determine how this should be accomplished.
- B. Some Departments who serve customers on a regular basis have service hours, which may differ from the normal operating hours. These customer service hours may be changed or adjusted provided they do not conflict with the requirements of this policy. This policy does not affect Departmental services that are required to operate during non- business hours, nights or weekends.
- C. Departments may close early for special events (i.e., holiday parties, strategic retreats, etc.), with prior approval of the Assistant City Manager, and provided arrangements are made to ensure telephone coverage during normal hours of operation.

## Section 2. SAMP Hours of Work

### A. Normal Work Hours

“Normal work hours” refers to the number of hours constituting a regularly scheduled work week for City employees is specified by the City and excludes meal periods. In positions requiring shift work, the City reserves the right to include meal periods as actual time worked. Hourly SAMP Classified and Other Unclassified Service (OUS) employees are also permitted to adjust or “flex” the regularly scheduled work hours within any given workweek with proper notification and at the mutual convenience of the employee and the respective department, provided that all requests by the employee to flex work hours are approved in advance by the department, and provided further that the department does not require the employee to flex work hours in lieu of allowing the employee the option of the payment of overtime.

### B. FLSA Status

1. Most job classifications within the SAMP Pay Plan meet one or more of the applicable exemptions from overtime under the Fair Labor Standards Act (FLSA). Employees in such classifications are paid on a salaried basis and are charged with the responsibility to efficiently discharge the duties and responsibilities of their respective positions without regard to the number of hours worked in a given work week.
2. Non-exempt Classified service SAMP employees, non-exempt Classified Non-SAMP employees, and hourly Other Unclassified service employees are covered under the FLSA provisions relating to eligibility for overtime for hours worked in excess of forty hours in a work week. Unless specifically stated otherwise in these HR Policies, nonproductive times such as paid or unpaid leave hours are not considered as hours worked for purposes of calculating overtime. All hours actually worked by such employees up to forty hours in any

workweek are paid at a straight time hourly rate. Hourly Classified service SAMP, hourly Classified Non-SAMP, and Other Unclassified employees must obtain approval from a person of competent authority prior to working any hours outside of their established work schedule, either before their designated starting time or after their designated quitting time or during an unpaid meal period. Such employees will not be docked pay for the first seven minutes and fifty-nine seconds after their appointed starting time and will not be paid for periods of work performed in increments of less seven minutes and fifty-nine seconds. An employee who works eight minutes or more beyond his/her appointed quitting time shall be eligible to be paid in increments of ¼ hour for all such time.

3. The City Manager or designee in consultation with Human Resources determines the FLSA status of all job classifications. The City Pay Plan provides specific indication by class title of FLSA status.
4. For Classified service employees covered by collective bargaining agreements, compensation for work performed beyond the normal scheduled work week or work period is paid in accordance with the FLSA and respective collective bargaining agreements.

#### C. Breaks and Meal Periods

1. Classified service SAMP and hourly Other Unclassified service employees are permitted to take lunch and rest breaks during the workday. Those employees who are exempt from FLSA overtime provisions should use discretion adhering to the guidance below in determining the length of break times relative to the employees' ability to complete required work assignments.
2. Employees who are not exempt from FLSA overtime provisions may be permitted up to a one-hour unpaid lunch break or may at the discretion of the City be paid for all scheduled hours and required to take a meal during any period of non-work time during the course of the workday. Non-exempt employees will be provided two 15-minute paid work breaks each standard workday, or one 15-minute paid work break for each four hours worked if the employee works a partial day. Typically, lunch breaks are scheduled in the middle of the work shift; one work break is used during the first portion of the work shift, and the other during the second portion of the work shift. Paid rest periods must be taken in their entirety and may not be subdivided into shorter increments. Such work breaks are a privilege, are not cumulative, may not be used to alter the work schedule (i.e., to extend the lunch hour or shorten the work day), and are forfeited if not used each workday.
3. For Classified service employees covered by collective bargaining agreements, breaks and meal periods are handled in accordance with the FLSA and respective collective bargaining agreements.

#### D. Break Time for Nursing Mothers

1. The City complies with all legal requirements for nursing mothers. Hourly employees are permitted to use established paid break times for such purpose. Outside of established paid break times, hourly employees will be permitted additional breaks as needed for up to six minutes at a time with no charge to the employees' respective leave accrual balances. Additional break times of six minutes or greater will be charged to the employees' personal leave accrual balances. Employees may request approval to flex work hours for additional break times if operational demands permit.
2. Employees may contact the City Wellness Specialist or Human Resources for assistance with accommodation in compliance with these requirements.

#### E. Unapproved Activities

Classified service employees are prohibited from engaging in any form of work-related communication that may be considered compensable during any unpaid hours outside of their scheduled work hours without first obtaining approval from a person of competent authority. This includes the use of City issued cell phones and land-line City work phones, direct-connect communications (push to talk or walkie-talkie), text messaging, radio communications, and the use of a City computer or remote access to the City computer system (including e-mail).

#### F. Use of Personal Communication Devices

All employees shall exercise discretion to limit the use of personal communications devices for non-emergency communications during work hours except for paid breaks and meal periods. Such personal communications are to be of short duration, conducted in a safe manner, and must not adversely impact operations.

### **Section 3. Residence Requirements**

Residence requirements may be established for individual job classes or for job categories as determined by the City. However, present employees in the Classified service who were appointed or promoted to their current job prior to the establishment of any residence area affecting their job class shall not, so long as they remain in the same residence, be required to move into the designated employment area. Any employee who changes residence after the residency requirements are in effect is required to comply with this provision. It is the responsibility of each employee to keep their respective Department Director or equivalent advised of current address, current telephone number, and any change in name. The employee's department must promptly send the Human Resources Department written notification of any such change. For name changes, employees will be required to supply supporting documentation to Human Resources.

### **Section 4. Criminal Charges and Arrests**

- A. Citywide standards require employees to inform their supervisor of any situation or incident that may affect their employment or may impact on the City's image. Therefore, all employees are required to disclose to their supervisor any felony or misdemeanor arrest, charge, conviction, plea of guilty whether or not adjudication was withheld, or plea of nolo contendere (no contest), which occurs subsequent to the date of their initial employment with the City and meets these criteria. This includes "driving while intoxicated" incidents, other crimes involving drugs or violence (e.g., the possession, manufacture, or sale of drugs; assault, battery, domestic violence, rape). This specifically includes criminal drug offenses occurring in the workplace. This disclosure is to be made within five working days of the date of the arrest, charge, conviction, guilty plea whether or not adjudication was withheld, or plea of no contest. Failure to make this required disclosure will constitute grounds for disciplinary action. Minor traffic violations, not resulting in an arrest, need not be reported unless the employee is an approved driver on behalf of the City and the violation impacts the employee's driving record.
- B. The Department Director receiving the information will immediately consult with the Director of Human Resources to determine if the nature of the underlying offense, its outcome, or other factors make follow-up employment actions appropriate. An arrest, conviction, or plea of no contest, in and of itself, will generally not bar a person from employment. Rather, such issues are evaluated on a case-by-case basis, considering factors such as but not limited to the nature of and facts concerning the offense, its relationship to the job or impact to the

City. However, there will be instances when a specific type of criminal history information is directly related to the employee's job duties and responsibilities or otherwise impacts the City such that it would make subsequent actions necessary or appropriate.

## **Section 5. Outside Employment**

Outside employment is defined as any outside employment, activity, or enterprise in which an employee of the City of Clearwater engages in and earns compensation in the form of salary or other tangible benefit even if the City employee is considered a "contractor (e.g., as a "gig" worker like Uber). The City will permit outside employment of City employees provided it is consistent and compatible with City policy and does not conflict with the employee's duties and responsibilities. Any outside employment requests must be made in accordance with applicable City or departmental policies and the following:

- A. All employees who plan to engage in any outside employment, activity, or enterprise must inform their respective Department Directors in writing, on forms provided by the Human Resources Department, stating the location, nature, and extent of outside employment prior to accepting the position. The respective Department Director will initially determine whether the holding of outside employment is inconsistent, incompatible, or conflicts with the employee's current duties and responsibilities. Factors to be considered include but are not limited to impairment of efficiency as City employee, fatigue with respect to accident proneness or productivity, interference with any mandatory overtime or emergency deployment responsibilities, risk of injury or impact to the City's program of Worker's Compensation, competition with private employment, conflict of private and municipal interest, and public relations/perception. It must also be understood that in the case of full-time employees, City employment is always considered primary and cannot be compromised.
- B. A copy of the outside employment request form with the Department's recommendation must be sent to the Human Resources Director. The Human Resources Director will then either approve or disapprove the outside employment. Once approved, employees must promptly report to the Department Director or equivalent, on the applicable Human Resources Department forms, any material change in the location, nature, or extent of approved outside employment. Failure to make any initial disclosure or update required by this policy is a violation of this policy and may result in disciplinary action. A Department Director or the Human Resources Director may at any time rescind approval for outside employment if such employment has a significant detrimental impact on an employee's job performance. The Department Director or equivalent is required to notify the Human Resources Department and employee, in writing, of the reasons for rescinding approval.
- C. In cases where a Classified service employee is denied approval for outside employment or approval is rescinded, and the employee believes that they have been unfairly treated or treated capriciously, the employee may appeal the decision in accordance with the grievance procedure under Article 9. For Unclassified service employees, appeal may be made in writing to the City Manager or designee within fifteen (15) calendar days from the date of disapproval. The appeal will be in sufficient detail to allow an equitable basis for review. The City Manager or designee will meet with the employee, who may then present all other relevant documentation or statements. The decision of the City Manager or designee shall be final.

## Section 6. Political Activities

### A. Assessments and Contributions Prohibited

No City officer or employee shall directly or indirectly make, solicit, or receive any assessment, subscription, or contribution for any political party for any political purpose during work hours.

1. The terms “assessment, subscription, or contribution” are defined to include money or other items of value but does not include annual membership dues in clubs or organizations nor tickets to political affairs.
2. The term “political” is defined to include non-partisan as well as partisan political activities.

### B. Prohibited Political Activities

No employee will:

1. Be required to take part in any political activity or face retaliation for refusing to take part.
2. Intentionally or unintentionally use the authority or official influence of their position in an attempt to coerce or shape the political action of any other person.
3. Represent an opinion on political subjects or candidates to be the opinion of or endorsement by the City. Classified employees are otherwise encouraged to hold membership in and support a political party, to vote, to develop opinions on political subjects and candidates, to remain politically neutral when on duty, and to attend political meetings during the employee's off-duty hours.

### C. Candidacy for Public Office

An employee must take a leave of absence without pay, beginning when said employee becomes a political candidate in any election for the following:

1. A City of Clearwater office.
2. A County of Pinellas office.
3. A State of Florida office.
4. A Federal office.

Such leave of absence shall cease when the employee is no longer a candidate for said office. The employee may use accrued vacation leave or floating holidays during the leave of absence.

An employee who desires to be a candidate for public office, other than those specified in subsections 1-4, must comply with Article 13, Section 5 Outside Employment. The employee must follow leave procedures when participating in political activities during the employee's work hours.

In order to avoid the appearance of a City endorsement, the employee must not wear any City uniform or City insignia while campaigning. Use of City vehicles, equipment, or other property while campaigning is prohibited.

### D. Election or Appointment to Public Office

After election and appointment to a public office (other than notary public), an employee is required to resign their current position. An employee shall submit a formal resignation before entering office, the effective date of which may allow the use of accrued vacation time.

## Section 7. Remote Work

### A. Policy

1. The City of Clearwater prefers business be conducted in person or that employees work onsite to build trust and relationships with our citizens and stakeholder groups. However, due to evolving workforce and technological advancements, the City of Clearwater recognizes it is possible to provide a high level of service from dedicated personnel that may work a portion of their schedule remotely. Therefore, it is the intention of the City to establish a regular hybrid schedule that allows department directors to establish schedules for specific individual employee groups to work a portion of their schedule remotely. This policy is intended to outline procedures for remote work.
2. The ability to participate in remote work is not a right but a privilege at the sole discretion of the City of Clearwater and it in no way changes the terms and conditions of employment with the City. The City may discontinue remote work for all personnel or individual employees at any time for any reason. The success of remote work is contingent on no reduction in productivity and trust between management and their employees. The City reserves the right to establish terms and conditions of this policy, monitor operations, and make revisions when deemed necessary.

### B. Eligibility / Approval

1. A Department Director may establish or approve an employee request for remote work provided the approval is consistent with this policy. The Department Director must advise the Human Resources Director and the City Manager of any authorization for an employee(s) to work remotely by submitting the employee's signed Remote Work Acknowledgement form (Exhibit 1). All remote work initially approved will start with a three-month pilot period requiring a review by the supervisor of the employee assigned to work remotely.
  - a. Employees eligible for participation in remote work are subject to the following criteria:
  - b. Only FLSA exempt employees are eligible to be considered for remote work; and
  - c. The employee's designated remote workday must consider the schedules of other team members to ensure adequate staffing coverage; and
  - d. The employee has completed their probationary period, proven to be reliable and punctual, and able to work with little supervision; and
  - e. The job duties of the employee can be met while working remote; and
  - f. The employee must be free of formal discipline for at least twelve months.
2. Exigent Situations - The City Manager or designee may initiate a remote work or telecommuting option for employees due to an operational issue at a city facility, a pandemic, hurricane, employee medical issue, or other exigent situations. In this situation, an employee's declination of remote work or telecommuting, if offered, or inability to satisfy the policy requirements for telecommuting, may result in the employee being required to use leave, unpaid leave of absence, furlough, or layoff.

### C. Remote Work or Telecommuting Requirements

1. The primary focus is the business needs of the organization first.



2. Remote work is limited to one day a week, with Tuesday, Wednesday, or Thursday being the preferred days.
3. Employees must use the appropriate paycode for the hours they work remotely.
4. Employees who work remotely shall be focused, available, and reasonably responsive by any communication medium(s) required by their Department Directors during scheduled workdays (defined as 8:00 a.m. to 5:00 p.m. regardless of the agreed-upon work schedule, unless altered by the Department Director). Remote work will not be available for employees currently scheduled and working a fixed alternative schedule (e.g. four 10-hour days).
5. Employees working remotely are expected to support their assigned teams, collaborate with coworkers, be accessible, and offer assistance to members of their assigned team.
6. Employees approved for remote work shall designate a remote workspace and attest in the Remote Work Acknowledgment form that their workspace will meet the criteria set forth in Remote Work policy sections Technology/Network Access/Equipment and Workers' Compensation.
7. Employees must work at their approved and designated remote workspace location specified on the Remote Work Acknowledgment form.
8. Employees will keep their status up to date on Teams when working remotely.
9. During virtual meetings, employees will ensure their camera is operational and must be turned on upon request.
10. Employees are expected to attend scheduled in-person meetings onsite at the specified City location when virtual attendance is not an option.
11. The employee will comply with the directive of a supervisor to return to the office for any reason.

#### D. Technology / Network Access / Equipment

1. The Information Technology Department will establish requirements necessary for an employee working remotely to access the City network. Requirements may include restrictions on how to access the City network. The City will not purchase additional electronic equipment for employees to work remotely unless authorized by the Department Director and respective City Manager or Assistant City Manager. The City is not obligated to provide equipment to facilitate remote work.
2. Equipment supplied by the City, if any, will be maintained by the City. The Department Director or designee reserves the right to change the type of equipment required to perform the duties of a job at any time. Equipment supplied by the City must be used for business purposes only, incidental and limited personal use by the employee that is not in violation of the City's Computer Resources Policy (#7001.2) may be permitted. Upon termination of the remote work arrangement or employment, all City property will be returned unless other arrangements have been made.
3. The City will provide Help Desk Technical Support remotely via electronic communications to remote workers.
4. Employees working remotely will be expected to ensure the protection of proprietary property, and confidential and sensitive information accessible from their remote location.

5. Accessing, reception, and transmission of information shall follow the City's Information and Data Security Policy (#6001).
6. Employees using City-owned or licensed software shall comply with all applicable licensing agreements.
7. Restricted-access materials shall not be taken out of the office nor accessed remotely unless approved in advance by the employee's Department Director or designee.
8. Unless otherwise agreed to in writing prior to any loss, damage or wear, the City does not assume liability for loss, damage or wear of employee-owned equipment. Employees using their own equipment will be responsible for costs, maintenance, and repair. The City will provide repairs to any City-owned equipment, provided the damage was not due to negligence or intentional acts of the employee. Charges associated with City-provided equipment and/or business-related expenses must be pre-approved by the employee's supervisor. Once approved, they will be processed through the City's Accounts Payable process.
9. Office supplies available to the remote worker should be obtained during the employee's in-office work period. Out-of-pocket expenses for supplies normally available in the office will not be reimbursed.
10. Interruption in the employee's private internet service of significant duration is not an acceptable excuse for performing productive work while working remotely. Employees should have a contingency plan for connectivity or return to the office when there is a disruption in internet service or other technological issue.

#### E. Schedule and Time Accounting for Employees Working Remotely

1. Except for remote work authorized due to a serious medical condition, approved remote work will be limited to one-day a week.
2. Department Directors shall spread remote workdays out within the week to avoid multiple employees from organizational components being out on the same day.
3. While working remotely, employees are required to work an eight (8) hour shift. The provision afforded to classified and unclassified exempt employees to receive credit for a full-day of work when the exempt employee works 4-hours does not apply on days approved for remote work.
4. Employees working remotely must follow proper call-out procedure and utilize the appropriate leave time for hours not worked on their designated remote work day. It is also understood that from time to time, an employee may have personal disruptions to their remote workday which prevent the employee from fulfilling their requirements. Employees approved for remote work who for any reason are not able to fulfill their full complement of work for the day are expected to substitute paid leave for time not worked.
5. Remote work is not to be used for an errand, doctor's appointment, or to avoid heavy traffic, etc. If an appointment or unforeseen event is unavoidable, the employee shall use paid leave time.
6. Employees working remotely must recognize the additional scrutiny that comes with being compensated by tax dollars. With that, the Department Director may require employees performing remote work to keep a log of work performed and to make it available for the employee's supervisor to review. Supervisors are responsible for ensuring employees are productive and performing work during times of compensation,

just as they are for employees working onsite. Supervisors should validate the log when necessary or in response to a reported issue or concern by reviewing email activity, Microsoft Teams, software access, deliverables, meeting schedules, and other available tools based on the individual position of the employee.

#### F. Workers' Compensation

The employee is responsible for ensuring and providing documentation (see Remote Work Acknowledgement form) to their supervisor that the designated workspace is safe, secure, and adequately provisioned to enable the employee to fully perform their job duties in a safe and secure manner. Work-related injuries sustained by the employee while at their designated remote location and in conjunction with their regular work duties may be covered by the City's workers' compensation policy. Employees working remotely are responsible for notifying the employer of such injuries in accordance with the City's workers' compensation procedures. Employees should report an injury to the supervisor and call Risk Management at (727) 444-8433. If the Risk Management office is closed and the employee needs medical treatment for a work-related injury, the employee should seek medical care at the closest emergency room or Baycare Urgent Care at (727)-561-2670 and leave a message 24/7 at the employee's earliest opportunity.

#### E. Other Program Details

1. Florida's Public Records laws apply to all Employees' work-related conduct. This is true regardless of the devices used while completing work assignments, and all policies and retention requirements must be followed while remotely working to ensure compliance. Employees are required to use the City of Clearwater network and City of Clearwater email system to perform their work.
2. Working remotely is not designed to be a replacement for appropriate dependent care. Although an individual schedule may be modified to accommodate employee needs, the level of work/productivity must be the same if not higher than when performed onsite. Employees granted the privilege of working remotely are encouraged to discuss the City's expectations with family and household members prior to accepting such arrangement. Additionally, employees approved to work remotely may still be required to attend in-person meetings and to participate in meeting participation via webcam. It is the employee's responsibility to make sure the privacy of their surroundings and background is maintained.

## Section 8. Nepotism and Employee Relationships

#### A. Policy

The intent of this policy is to ensure objectivity concerning relatives, cohabitants, or those involved in romantic relationships, both in perception and reality, in matters concerning their hire, appointment, evaluation, promotion, advancement, assignment of work, compensation, and management of performance. To the extent allowed in this section, the City will permit the employment of relatives, cohabitants, and those involved in romantic relationships so long as such employment does not create actual or potential improprieties or conflicts of interest, as determined by the City Manager.

#### B. Definitions

A "relative" under this policy is an individual who is related to the employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife,

domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister. A “cohabitant” is an individual residing in the same household of the employee.

### C. Specific Restrictions and Requirements

1. It is the intent of the City to avoid employment conflicts of interest that may impact the fair and equitable treatment of employees in the work unit. This policy applies to all job categories including Classified and Unclassified service employees.
2. Any employee of the City who is vested with the authority or recommendation power to appoint, employ, promote, supervise, compensate, evaluate, or advance individuals will be prohibited from such action when it involves a relative or cohabitant. This subsection 2 shall also apply to romantic relationships.
3. No employee is permitted to work within the “chain of command” of any relative or cohabitant who exercises jurisdiction, control, or direct supervisory authority over them. Individuals shall not be selected for any position in the same workgroup of which a relative or cohabitant serves as the direct managerial, supervisory, or lead employee; and there shall be at least two (2) degrees of managerial or supervisory separation between relatives or cohabitants. Relatives or cohabitants of the City Manager, Assistant City Manager, Finance Director, or Human Resources Director shall not be selected for any full-time permanent position in the City. This subsection 3 shall also apply to romantic relationships.
4. No employee is permitted to engage in a romantic relationship with anyone within their chain of command or when the relationship would create actual or potential improprieties or conflict of interest.
5. As of the effective date of this policy, any employee who has less than two (2) degrees of managerial or supervisory separation from a relative or cohabitant in the same workgroup shall be grandfathered in their current position. However, this grandfather provision shall not apply to future positions selections or appointments.
6. The City Manager, Assistant City Manager, or designee will approve all hiring or other personnel decisions related to this policy.

## Section 9. Equipment and Uniform Use

City-provided equipment and/or uniforms are to be utilized and/or worn as intended at all times while an employee works unless prior authorization is received from a supervisor.

### A. General Guidelines

City Departments may provide equipment and/or funds to purchase equipment and uniforms for employees, and further may require employees to use such equipment and wear such uniforms as intended at all times while on duty. This equipment must be necessary for job execution or protection for those who work in safety sensitive areas and may include safety shoes and goggles.

1. The Department is responsible for identifying, providing, and accounting for required equipment necessary for the job to be performed. The Department must ensure required equipment is appropriately used while the job is being performed.

2. Employees who fail to use required equipment may be subject to disciplinary action if it is deemed appropriate. Applicable situations would include but not limited to, an employee injury as a result of not wearing safety-related equipment.
3. In addition to required uniforms, Departments are permitted the latitude to issue or pay for 2 non-uniform shirts annually. These items are optional for wear. Examples include golf or polo shirts with the City logo.
4. All Department-issued equipment, non-uniform shirts, and uniforms are considered City property and must be used with care and not abused. Further, all City property and City-provided items must be returned to the issuing Department upon employee job separation.
5. Employees must use good judgment when wearing their uniforms when not working. An employee may not wear a City uniform while engaging or participating in any activity that may reflect poorly on the City of Clearwater.

## **Section 10. Senior Staff Dress Code**

### **A. Policy**

Senior Staff employees will wear professional business attire when appropriate for all City Council meetings, work sessions, and other occasions at their discretion. Business casual attire may be worn at all other times. Discretion and good judgment should always be used to determine when to wear professional business attire. Employees must always present a clean, professional appearance. Employees are expected to be well-groomed and wear clean clothing, free of holes, tears, or other signs of wear. All City employees presenting to City Council or other government entities are also required to wear appropriate professional business attire.

### **B. Specific Guidelines**

1. Professional Attire: Items of clothing that coordinate to create a tailored professional outfit such as a suit, trousers, dress shirt, skirt, sport coat or blazer, dress, leather or professional-looking shoes, and/or tie if appropriate. Skirts and dresses, if worn, should be of appropriate length. Suit or sports coat are not required other than for Council meetings or other appropriate occasions.
2. Business Casual Attire: collared shirt, blouse or sweater, slacks, casual pants, or skirts of appropriate length (no denim), leather or professional-looking shoes that portray a professional appearance.

## **Section 11. Workplace Solicitation Policy**

### **A. Policy**

The City recognizes that many employees wish to donate their time and financial contributions to fundraising causes, charitable campaigns, and for-profit enterprises. The City seeks to limit intrusions into and disruptions within the workplace. Therefore, all fundraising activities and/or employee solicitation must be approved by the City Manager or their designee prior to any employee solicitation. Additionally, certain types of solicitation are prohibited during work hours or on City property. For purposes of this policy, "workplace solicitation" is approaching employees or otherwise distributing materials or requesting financial support, employee participation or membership for a commercial or charitable organization during working hours. Any activities permitted under this policy will be conducted in the workplace in a minimally disruptive manner.

## B. Solicitation by a Private or For-Profit Entity

1. Solicitation by for-profit or private entities to City employees during work hours or at worksites is prohibited. This includes solicitation by employee organizations with which the City does not have a contractual relationship, their members, or anyone acting on behalf of the organization. Collective bargaining agreements and state and federal law will govern activities by current or prospective employee union representative organizations. Furthermore, the distribution of literature by private or for-profit groups who do not have a contractual relationship with the City during work hours or in work areas is not allowed.
2. The City may, at its sole discretion, provide a venue for the posting or distribution of information related to vendor discounts or programs to be offered to City employees by for-profit or private entities. All such requests shall be referred to the Human Resources Department for review, approval, and determination as to appropriate dissemination. The City reserves the right to deny the inclusion of any vendor or information deemed inappropriate by the City or to exclude any vendor or information for failure to adhere to City guidelines.

## C. Solicitation by a Charitable or Nonprofit Organization

1. Within limited conditions, charitable organizations may be approved to conduct fundraising campaigns or collect donations of goods from City employees. All such activities must have prior approval and be coordinated with the City Manager's designee. For the purposes of this policy, the City Manager's designee is the Human Resources Director.
2. Transactions involving nonprofit fundraising for entities such as the sale of Girl Scout cookies, athletic candy campaigns, and school holiday gift drives may be conducted with the approval of the City Manager's designee and during break and lunch hours. All such transactions must be done in a manner that causes minimal disruption and distraction in the workplace.

## D. Solicitation Between City Employees

City employees who represent other organizations that sell products, goods, or services may not conduct business while working. Private business transactions such as the sale of multi-level marketing products, consulting services, mortgage brokering, etc. may not be conducted on City property or during the working hours of any involved parties. Employees may not disrupt the work of fellow workers through the display of product or merchandising materials at the jobsite. Furthermore, pursuant to the City's policy on Outside Employment, employees are required to obtain permission prior to participating in outside employment ventures.

## E. City Sponsored Solicitation

City employees, at the direction and approval of the City Manager's designee, may from time to time engage in a Citywide campaign drive for a charitable organization. Employees are encouraged to participate in fundraising efforts but must recognize that charitable desires may not hamper their execution of official job duties and responsibilities. Employee participation in City-sponsored fundraising efforts must be coordinated with their supervisor and approved by their Department Director. All Department Directors have the latitude to permit or deny employee participation in any City sponsored fundraising activity done during work hours or at a worksite.

## F. Wellness Activities

1. Under the general guidelines of the above provisions, the City may, at its' sole

discretion, provide a venue for the posting or distribution of information promoting healthy activities or wellness events being offered in the local community. All such events should be referred to Human Resources for review, approval, and appropriate dissemination. The City reserves the right to deny the inclusion of any vendor or information deemed inappropriate by the City or if the event/activity is in contradiction to its intention. Events and activities may or may not be affiliated with or sponsored by the City but should in no way be construed as a compensable time and should not interfere with or disrupt the workplace.

2. Any solicitation that has been approved by the City Manager's designee must be conducted in a manner that creates minimal disturbances and interruptions in the workplace. Approval to solicit may be rescinded by the City Manager's designee at any time or for any reason.

## **Section 12. Employee-Owned Personal Property**

### **A. Policy**

In the absence of legal liability on the part of the City, monies from the Central Insurance Fund will not be paid out for any employee-owned personal property which is lost, damaged, stolen, or broken while it is being used by the employee on City premises or while said property is being used by the employee to conduct any City business. Under this policy, employee-owned personal property is defined as any item, other than real property, that is owned by a City employee. This term shall include, but is not limited to, eyeglasses, dentures, hearing aids, hairpieces, clothing, handbags, wallets, flashlights, Bluetooth accessories, cellphones, CD players, CD's, tape recorders, tapes, dictating equipment, cameras, wall plaques, personal clipboards, jewelry, automobiles, money, radios, clocks, photographs, desk items, tools, etc.

### **B. Claims Process**

In those circumstances where an employee believes the City may have some responsibility for loss or damage of employee-owned personal property, the following will apply:

1. Claims, written requests for documentation of the loss, denials, and any other responses submitted by e-mail will be considered to be in writing and sufficient documentation for a City employee's claim and no other formal communications will be required.
2. Any claim submitted by a City employee for loss or damage to personal property owned by the City employee must be submitted in writing to Risk Management.
3. Risk Management personnel will investigate the claim.
4. Risk Management personnel will contact the employee promptly, and typically render a decision on the claim within ten (10) business days of receiving the claim unless additional investigation is needed. This contact may be made by telephone, US mail, Interoffice Mail, e-mail, or in person.
5. Any decision of the Risk Management Division may be appealed to the City Claims Committee within ten (10) business days of a written denial of the employee's claim.
6. Appeals to the City Claims Committee will be processed through the City's Risk Management Division.
7. The decision rendered by the City Claims Committee is the final determination of the claim.

## **Section 13. Blood Donation**

### **A. Policy**

1. The City recognizes the importance of maintaining an adequate blood supply to serve the medical requirements of its residents and employees. The City has adopted this policy to encourage its employees to donate blood and blood components through apheresis. Apheresis is the process of removing whole blood from a donor, separating the blood into cellular and soluble components, removing a specified element, and then returning the remainder of the blood to the donor.
2. City employees are permitted to donate blood while on City time at all City sponsored blood drives or participate as an apheresis donor at OneBlood or other City-approved agencies up to twice a year while on City time. The time allotted for regular donations is one and one-half (1 ½) hours and for apheresis donations is two and one-half (2 ½) hours each time. Such absences will be with pay and not chargeable to sick, vacation, compensatory, or floating holiday time accruals. Every effort should be made to allow employees to participate in the on-site blood drives for the regular donations. Donations due to emergency requests from an approved agency may be approved via established departmental procedures.
3. Requests for time off to donate blood must be made in advance and approved via established departmental procedures. Employees wishing to donate blood in response to emergency requests from an approved agency or to make apheresis donations must also receive approval from their supervisors. All approvals shall be at the discretion of the requesting employee's supervisor.
4. Employees whose positions require physical exertion such as the use of tools, machinery, vehicles, and dealing with emergency situations and public safety are required to schedule blood donations within two hours of the end of their shift for blood donations, or within three hours of the end of their shift for apheresis donations, and the employee will not return to work for the remainder of the day. Other employees, such as clerical and administrative, shall be required to return to duty as soon as they are finished with the donation process, but in any case, no longer than the time allotted for donations.
5. Employees will not be permitted to take additional City time to donate blood (this excludes apheresis donations) other than at an on-site drive.

## **Section 14. Vehicle Usage and Take-Home Vehicles**

### **A. Policy**

The City maintains a vehicle fleet to assist employees in the performance of their duties and in the timely delivery of local government services. This fleet consists of a wide variety of vehicles and equipment that are utilized in a number of different and unique circumstances. All City employees are required to be diligent and exercise due care to ensure adequate availability of vehicles and the lawful, safe, and effective use of all municipal vehicles at all times. In addition, employees, who by the special nature of their work or when the economic interest of the City dictate, may be provided a City take-home vehicle. Department Directors will determine who requires a take-home vehicle and will establish departmental procedures governing the care and use of such vehicles.



## B. Definitions:

1. For purposes of this policy, a "vehicle" is defined as any motor-assisted equipment or apparatus either owned or leased by the City and available for use by City employees.
2. "User/Operator" is defined as any City officer, employee, elected official, temporary worker, intern, volunteer, or other person or entity that uses or operates a City vehicle for any purpose. This definition and the requirements of this policy will also apply to independent contractors, consultants, and vendors as a condition of their contractual agreements with the City.

## C. Vehicle Usage Authorization and Responsibilities

1. All City vehicles shall be used in strict adherence with assigned instructions and direction provided by authorized supervisory and management staff.
2. All instructions shall be consistent with the City's position that all City vehicles will be used for the delivery of local government services that directly benefit the City.
3. City vehicles may be utilized to attend approved work-related events such as meetings, educational seminars, professional conventions, and other sanctioned and approved activities.
4. Any City employee involved in a motor vehicle accident while operating a City vehicle or operating a personal vehicle for City-related business purposes, no matter how minor, must report the incident to their direct supervisor immediately and follow steps in accordance with established City policy on reporting accidents. This shall include the timely completion and submittal of all necessary documentation generated as a result of the accident.
5. Individual employees will be personally responsible for the cost of any moving or vehicle citation issued while operating a City vehicle or while operating a personal vehicle for City-related business purposes. This shall also include any parking summons.
6. Smoking and the use of tobacco products is prohibited in all City vehicles in accordance with the City Tobacco Product Usage Policy (#3223).

## D. Vehicle Operation

1. User/operators must follow and adhere to all applicable motor vehicle and traffic control laws while operating a City vehicle. This includes but not limited to, obeying posted speed limits and properly wearing a seat belt at all times.
2. User/operators who operate City vehicles and/or equipment are required to possess the appropriate valid driver or operator license, certifications, and endorsements issued by the applicable governmental agency exercising jurisdiction in this area. User/operators of City vehicles are required to comply with all operating and licensing requirements.
3. User/operators whose driver licenses have been suspended, expired, or revoked are not permitted to use/operate City vehicles until their licenses have been restored to valid status. User/operators that are required to operate City vehicles as a condition of employment are required to report the suspension, expiration, or revocation of their driver license or other loss of driving privileges to their immediate supervisor in accordance with the City's Serious Incident Reporting Policy (#1003.1). Such user/operators are prohibited from operating any City vehicle until their driver license has been restored to valid status. Failure of an employee to inform their supervisor of the

loss of driving privileges and/or the operation of a City vehicle without the appropriate valid driver license may result in disciplinary action.

4. User/operators shall exercise care and courtesy while using/operating City vehicles and shall not operate the vehicle in such a way as to cause public criticism.
5. User/operators shall not use/operate a City vehicle while under the influence of alcohol, illegal drugs, chemicals, or other controlled substances that may impair the ability of the employee to use/operate the vehicle.
6. Any user/operator who is under the care of a medical professional and is being administered prescription drugs that might impair the ability of the employee to safely use/operate a City vehicle shall notify their direct supervisor immediately to determine future action, if needed.
7. User/operators shall not transport in any City vehicle alcoholic beverages, firearms, hazardous materials, or any other items not issued by the City unless approved in advance by the issuing Department.
8. User/operators shall not utilize City vehicles for personal use, towing or carrying heavy or excessive loads, and will not operate City vehicles with objects tied to the roof or protruding from any window or the trunk of the vehicle.
9. User/operators shall not utilize City vehicles for outside employment purposes, except as provided for law enforcement duty details.
10. User/operators shall not park City vehicles or be present in a City vehicle at any bar or liquor store, adult entertainment establishment, gambling or betting facility, or any other place that the appearance of the vehicle may tend to embarrass the City or bring its service into public disrepute, except in the course of approved official City business.
11. While operating a City vehicle or operating a personal vehicle for City-related business purposes, while in motion, user/operators shall not engage in eating or drinking, talking, using direct connect, or otherwise communicating on a telephone or cellular phone (except when using a hands-free device or when there is an urgent and justifiable law enforcement need for the communication), composing or reviewing text messages, wearing headphones or "earbuds" of any type, smoking or using an electronic smoking substitute device, or any other activity that could impair the ability of the driver to operate the vehicle safely. In addition, operators while in motion operating a personal vehicle will not engage in talking, using direct connect, or otherwise communicating on a telephone or cellular phone, including composing or reviewing text messages, when such activities are work related (except when using a hands-free device or when there is an urgent and justifiable law enforcement need for the communication). Fire personnel assigned to Fire apparatus and Rescue vehicles are exempt from these restrictions as they pertain to the use of department approved headsets and microphones. Fire personnel assigned to other Fire Emergency vehicles are exempt from the use of cell phone restrictions during emergency response only.
12. User/operators shall dress appropriately in City-issued uniforms, other apparel identifying the operator of the vehicle as a City employee, or appropriate business attire when operating City vehicles.
13. No City vehicle shall be used/operated without having affixed the appropriate State issued municipal government license plates and a City of Clearwater seal and/or other authorized demarcations only, permanently applied in plain view on either side and/or the rear of the vehicle. Employees will not affix or apply to any City vehicle stickers,

decals, signs, or any other demarcations that have not been approved for such use by the City Manager or their designee. Exceptions to this requirement will be permitted based on the following justification:

- a. Law enforcement usage.
  - b. Intended usage by administration/management.
  - c. Any other appropriate reason approved by the City Manager.
14. Each City vehicle shall be equipped with a log book except in work designations that provide for an alternate means other than GPS of verifying the assigned work locations or authorized City business related uses for the vehicle each day. When a log book is in use, all user/operators shall be responsible for completing a log entry each time the user/operator initiates operation of the vehicle and each time the user/operator ceases operation of the vehicle. Sworn Police and Fire personnel shall be responsible for complying with their respective department general orders or standard operating guidelines regarding the recording of the assigned work locations or authorized City business related uses of City vehicles they use or operate.

#### E. Vehicles Generally and Take-Home Vehicles

1. Personal use of a City vehicle is considered a taxable fringe benefit to the employee. City vehicles include any vehicles leased, owned, or insured by the City. Note that properly substantiated employment-connected business mileage of a personal vehicle is a working condition fringe benefit and not taxable to the employee. Under the substantiation requirements of IRC § 274, the employee must keep detailed records to support business mileage to qualify for the working condition fringe benefit exclusion.
2. Based on information provided by the employee, the City will calculate the personal value of a City-provided vehicle. This amount will be added to the employee's taxable wages and reported on Form W-2. Social Security tax, if applicable, and Medicare tax will be withheld.
3. Employees, who by the special nature of their work or when the economic interest of the City dictate, may be provided a City take-home vehicle. Take-home vehicles may only be authorized by the City Manager or their designee.
4. Take-home vehicles will not be used for personal purposes other than commuting between work and home or "de minimis" use, such as occasionally stopping for a personal errand on the way to or from work to home along a normally traveled route. Take-home vehicles are not to be used for the transporting of passengers including family and /or friends.
5. Any employee with a take-home vehicle that does not fit the IRS regulation criteria for "Qualified Nonpersonal-Use Vehicles" (described below) exempting them from being taxed the value of commuter mileage, will have that value added to their W-2 Form using the "Commuting Rule."
6. Commuting Rule
  - a. Commuting is considered personal mileage, even if the employer requires the employee to take the vehicle home. Under the commuting rule, the value of the employer-provided vehicle is \$1.50 per one-way commute, \$3.00 round trip. The commuting rule can only be used if all of the following apply:

- i. The City provides the vehicle to an employee for use in the City's trade or business and, for bona fide non-compensatory business reasons, the City requires the employee to commute in the vehicle. The City will be treated as meeting this requirement if the vehicle is generally used each workday to carry at least three employees to and from work in an employer-sponsored commuting pool.
  - ii. The City has established a written policy under which neither the employee, nor any individual whose use would be taxable to the employee, is permitted to use the vehicle for personal purposes other than for commuting or de minimis personal use (such as a stop for a personal errand on the way between a business delivery and the employee's home).
  - iii. The employee doesn't use the vehicle for personal purposes other than commuting and de minimis personal use.
  - iv. If the vehicle is an automobile (any four-wheeled vehicle, such as a car, pickup truck, or van), the employee required to use the vehicle for commuting is not considered a control employee of the City. For this purpose, a control employee of a government employer is any elected official or any employee whose compensation is at least as great as a Federal government employee at Executive Level V.
- b. These vehicles will be used for City-related business and "de minimis" personal use only.
  - c. Employees who are required, for bona fide non-compensatory City reasons to commute in one of these vehicles will have the amount of \$1.50 added to taxable income for each one-way commute (\$3.00 per day).
  - d. The employee will be responsible for tracking the number of days they use this City vehicle for commuting. Vacation, holidays, sick leave days, floating holidays, etc. need not be tracked.
  - e. City departments will notify the Payroll Division of all employees with a commuting vehicle that require adding taxable income and of any changes throughout the year. Departments will ensure that employees provide to the Payroll Division documentation of their commuting use by the last pay period end date in each quarter. Payroll will verify the employees' documentation and adjust their taxable income as appropriate.

## 7. Qualified Nonpersonal-Use Vehicle

A qualified nonpersonal-use vehicle is any vehicle the employee is not likely to use more than minimally for personal purposes because of its design. The "de minimis" use of these vehicles to include the occasional transporting of passengers is permitted. These include the following vehicles:

- a. Clearly marked police and fire vehicles used by law enforcement officers if use is officially authorized.
- b. A police or fire vehicle, that is required to be used for commuting by a police officer or fire fighter who, when not on a regular shift, is on call at all times provided that any personal use (other than commuting) of the vehicle outside the limit of the police officer's arrest powers or the fire fighter's obligation to respond to an emergency is prohibited.

- c. Any vehicle designed to carry cargo with a loaded gross vehicle weight over 14,000 pounds.
- d. Delivery trucks with no more seating than for driver and folding jump seat, bucket trucks, cement mixers, combines, cranes and derricks, dump trucks, flatbed trucks, tractors, and other special purpose vehicles.
- e. Pick-up Truck with a loaded weight less than 14,000 lbs. If the vehicle is clearly marked with permanently affixed decals or painted City logo/name and meets one of the following requirements:
  - i. Is equipped with a hydraulic lift gate, permanently installed tanks or drums, permanently installed side boards or panels materially raising the level of the sides of the bed, or other heavy equipment, such as a electric generator, welder, boom, or crane used to tow other vehicles.
  - ii. The cargo area constantly carries material or equipment used for City business.
- f. Vans with a loaded gross vehicle weight of 14,000 pounds or less if it has been clearly marked with permanently affixed decals or painted City logo/name and meets one of the following requirements:
  - i. Permanent shelving that fills most of the cargo area.
  - ii. An open cargo area and the van always carries merchandise, material, or equipment used for City business.
  - iii. Has no more than one seat other than the driver's seat.

**F. Standby or On-Call Duty**

1. City vehicles may be issued for employee use during standby or on-call duty.
2. Vehicles issued for standby or on-call duty use will be positioned at the primary site of the issuing department or another City facility in proximity to the home of the employee assigned to the standby or on call duty as determined by the Director of the department issuing the vehicle.
3. Upon receiving a notice to report for duty, the standby or on-call employee will proceed to the location of the City vehicle, which will then be utilized for the duration of the call-out and returned to the designated City facility until the next notice to report.
4. City employees assigned to standby or on-call duty may be required to report within a specific timeframe as determined by their respective department. To meet this requirement, employees may be authorized to take a City vehicle home while on standby or on call duty. However, in such cases, the City vehicle shall be used for responding to calls and commuting to and from City facilities only. No personal use of the City vehicle other than the "de minimis" use while commuting to and from the employee's home and the employee's respective department as indicated above is permitted.

**Section 15. Police and Fire Department Rules**

- A. To provide for the effective functioning of these departments, as well as to protect the public interest, it is necessary and desirable that departmental rules of conduct and procedure be established, maintained, and observed.
- B. Police and Fire Chiefs shall each prepare a set of departmental rules of conduct and procedure for the respective departments to supplement these HR Policies. Such departmental

rules shall contain matters of conduct, procedure, and such other requirements as deemed necessary to maintain order, protect the public interest, and otherwise ensure the effective and efficient delivery of services in support of departmental objectives.

- C. All department rules and provisions shall be consistent with the provisions of the HR Policies, except where the departmental rules must conform with a collective bargaining agreement.

## **Section 16. Fraud, Waste, and Abuse Policy**

The City of Clearwater is committed to the highest possible standards of transparency, integrity and accountability in all its affairs. It is determined to maintain a culture of honesty and intolerance of fraud and corruption. The City is committed to preventing fraud and maintaining an environment in which internal controls can be established to detect and prevent fraudulent activities by City employees, contractors, vendors, residents, and entities that have a business relationship with the City.

### **A. Purpose**

The purpose of this policy is to ensure consistent organizational/employee behavior that adheres to all applicable federal, state, and local laws, regulations regarding abusive, fraudulent, or wasteful activity. Various procedures have been implemented to support these policies and are intended to provide adequate internal controls in order to prevent, eliminate, mitigate or minimize any fraudulent activity of the City fiscal resources. When either the City's policies or related procedures are not followed, the possibility for various types of fraudulent activity may occur. Each City employee has a responsibility to ensure the City's fiscal resources are used for a valid and appropriate governmental purpose.

### **B. Scope**

This policy is applicable to all employees of the City of Clearwater.

### **C. Definitions**

"Abuse" is the intentional wrongful or improper use or destruction of government resources or the excessive or improper use of an employee or official's position.

1. "Fraud" is any intentional or deliberate act to deprive another or the City of property or money by deception or other unfair means. These include but are not limited to, misappropriation of funds, supplies, assets, or resources, impropriety in handling or reporting funds or financial transactions, manipulating, or destroying documents, files, or assets of the City, or disclosure of confidential or sensitive information to outside parties that is exempt from public record.
2. "Waste" is the unintentional, thoughtless, or careless expenditure, consumption, mismanagement, use, or squandering of government resources to the detriment or potential detriment of the City.

### **D. Responsibility**

1. Department heads and managers have a responsibility for establishing and maintaining procedures necessary to mitigate any fraudulent activity.
  - a. Management is responsible for developing and implementing an effective system of internal controls that prevents, detects, and mitigates the risk of fraud, waste, and abuse. Management must be aware of the exposures and indications of fraud and

detect suspected misconduct in their respective areas. Each member of the management team should be familiar with the most common types of fraud schemes that might occur within his or her area of responsibility and be alert for any indication of irregularity. Management has the mandate and responsibility to discover and expose fraud and ensure that offenders are appropriately disciplined.

- b. Any irregularity detected or suspected must be reported immediately to Human Resources or the Office of the City Auditor, which coordinates all investigations with the legal department and other applicable departments.
2. Employees have a responsibility to adhere to this policy and procedures.
  3. Employees also have an obligation to report instances of abuse, fraud, and/or waste.
    - a. Any employee who has knowledge of any fraud incident or has reason to suspect that a fraud has occurred, shall immediately report all known or suspected information to his or her supervisor, the Office of the City Auditor, or Human Resources. If the employee believes that a supervisor or manager may be involved in the activity, the employee shall report the activity to the next level in the supervisor's chain of command, the Office of the City Auditor, or Human Resources.

#### E. Procedures

1. Any abusive, fraudulent, or wasteful activity suspected or detected by an employee needs to be reported immediately to the appropriate person(s). If an employee's immediate supervisor is suspected of doing this kind of activity, the employee should go to the next person above them or contact the Human Resources Department.
2. Retaliation against any employee regarding the provisions of these policies is strictly prohibited.
3. An employee who discovers or suspects fraudulent activity should contact the Office of the City Auditor or Human Resources.
4. Any investigative activity undertaken shall be conducted without regard to the suspected wrongdoer's length of service, position or title, or relationship to the City.
5. To report fraud to a supervisor or someone in the supervisor's chain of command, such information may be communicated either verbally or in writing. Supervisory and managerial employees are required to relay any reports of fraud to the Department Director. Upon notification of a suspected fraud, the Department Director shall immediately notify the Office of the City Auditor or Human Resources.
6. To report fraud confidentially and anonymously through the City Portal enter a request in the Accela portal and select Fraud, Waste, Abuse of City Resources as the Request Type. It is recommended that reports not be made from a City phone or computer to preserve anonymity.
7. The Office of the City Auditor has responsibility over all internal auditing for the City of Clearwater. The City Auditor is available and receptive to receiving relevant information on a confidential basis to the extent allowed by law. All employees have the right to directly contact the Office of the City Auditor whenever a dishonest or fraudulent activity is suspected. To report fraud to the City Auditor, contact the Office of the City Auditor at 727-444-8545, appear in person at the City Auditor's office at the Municipal Services Building, or send an email to the City Auditor.

8. The Office of the City Auditor has the expertise to conduct or assist in the investigation of fraud and fraud related matters. Upon receiving notice of suspected fraud, the City Auditor shall notify the City Manager or designee, Human Resources and/or the City Attorney. The City Auditor or Human Resources shall determine the extent of an internal fraud investigation and shall determine who shall conduct the investigation. If criminal activity is suspected, the City Auditor shall determine whether appropriate law enforcement will be notified. The City Auditor, City Attorney, or Human Resources have the authority to request assistance of the Clearwater Police Department or engage external consultants as dictated by the nature of the allegation. The City Auditor or Human Resources shall coordinate the investigation and shall serve as the liaison between the Legal Department and other applicable City departments, and law enforcement agencies if required.
9. Once a suspected fraud is reported, department directors, managerial, and supervisory employees shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not limited to, removing the records, including electronic records, from the current location; placing the records in a secure location; limiting access to the location where the records are stored; and preventing the individual suspected of committing the fraud from having access to the records. Further direction regarding security during the investigation process shall be provided by the City Manager or designee, City Auditor, City Attorney, or Human Resources.
10. Great care should be taken in dealing with suspected dishonest or fraudulent activities to avoid inappropriate accusations, alerting suspected individuals that an investigation is underway, treating employees unfairly, or making statements that could lead to claims of false accusations or other offenses. Department directors, managerial, and supervisory employees shall not contact the suspected individual to determine facts or demand restitution, unless expressly requested to do so by the City Manager or designee.
11. All employees shall cooperate with internal investigations. Failure to cooperate with an investigation may subject the employee to disciplinary action, up to and including termination of employment. Employees involved in any way with such an investigation shall not discuss the matter with anyone without the express authorization of the City Manager or designee, City Auditor, City Attorney, or Human Resources unless required by law.
12. Florida law protects employees from retaliation for reporting violations of the law that create a substantial and specific danger to the public's health, safety, or welfare and for the disclosure of information alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of the City, official, or employee. These protections are set forth in Sections 112.3187 – 112.31895 of the Florida Statutes.
13. Employees are subject to disciplinary action up to and including dismissal and legal prosecution as a result of participation in, or commission of, any fraudulent act or for intentional false reporting or concealment of fraud.

#### F. Common Examples of Fraud / Actions Constituting Fraud

1. Forgery or alteration of any document or account, check, bank draft or any other financial document
2. Misrepresentation of information on documents,
3. Misappropriation of funds, securities, supplies or other assets,



4. Accepting or seeking anything of material value from vendors or persons providing services/materials to the City for personal benefit,
5. Destruction, theft or unauthorized removal of records, furniture, fixtures or equipment,
6. Theft or inappropriate use of City equipment for personal use or financial gain,
7. Intentionally mishandling or reporting of money or financial transactions,
8. Authorizing or receiving payments for goods not received or services not performed,
9. Any claim for reimbursement of expenses not made for the exclusive benefit of the City,
10. Unauthorized time away from work or use of City's time for personal business,
11. Any computer-related activity involving unauthorized access, use, disclosure, alteration, destruction, forgery or manipulation of data for fraudulent purposes, or misuse or misappropriation of City-owned software or hardware.

This is not an exhaustive list. If you are in any doubt about the seriousness of your concern, advice and guidance can be obtained from the City Auditor, City Attorney, or Human Resources.

### **Section 17. Restroom/Locker Room Access**

- A. This policy requires that restrooms and locker rooms in City facilities be made available for use by all employees and/or patrons. Individuals may only enter restrooms and locker rooms that correspond with their assigned biological sex at birth.
  1. A person may only enter a restroom or locker room designed for the opposite sex under the following circumstances: (i) for the purpose of assisting or chaperoning a child under the age of 12, an elderly person, or a person with a disability; (ii) for law enforcement or governmental regulatory purposes; (iii) to render emergency medical assistance or to intervene in any other emergency situation; (iv) for custodial, maintenance, or inspection when the restroom or locker room is not in use; or (v) when the appropriate designated restroom or locker room is out of order or under repair, and the restroom or locker room is not occupied by a person of the opposite sex.
  2. The use of the facilities is for the purposes for which it was intended. Any improper behavior which might occur in such facilities, whether voyeurism, inappropriate touching, invasion of privacy, or other misconduct, is subject to the same possible sanctions as currently contemplated under the law and may be referred to the Clearwater Police Department, equally applied to all.

# Article 14 Resignation and Retirements

## Section 1. Resignations

### A. Resignation/Retirement Procedure

Classified and Other Unclassified Service employees may resign or retire from the City by making their intent known, at least two weeks prior to actually leaving, to their Department Director or equivalent on a form provided by the City. For Unclassified Senior Staff, notice should be at least 30 calendar days. This intent must be in writing, or via e-mail. Department Directors who receive verbal resignations or notice of retirement will advise the employee of the writing requirement and also notify Human Resources. Failure to give proper written notice means that the Employee has failed to leave “in good standing” and will be noted in the employee’s file. This may affect future employment with the City. The City is not obligated to accept notice in excess of the minimum requirements. The notice period can be waived by the City Manager for good cause.

1. Once a resignation has been tendered, the City may determine that a resignation should be effective immediately, if deemed in the best interests of the City. The City reserves the right to accelerate separation by the payment of wages in lieu of notice up to the amount of the required notice period specified above. Any employee who quits or abandons their employment without submitting a resignation to the Department Director waives all rights to seniority or reemployment privileges.
2. Employees who resign or retire are required to be in attendance and actually working on their last day of work. When an employee fails to do so, the employee’s separation date will be returned to the last date worked and leave balances are adjusted accordingly. Employees are not permitted to advance the date of their resignation through the use of any type of paid or unpaid leave unless qualifying for retirement below. The effective date of a resignation submitted by an employee who is absent from work shall be considered to be last day the employee was physically at work.

### B. Withdrawal of Resignation

1. A Classified employee who submits a resignation may, with the approval of their Department Director, Human Resources, and the City Manager or designee, request withdrawal of a resignation prior to the effective date and continue in the position. Approval of a resignation withdrawal is at the discretion of the City.
2. A Classified employee who resigned in good standing may, upon written application filed within three (3) months after the effective date of resignation, request withdrawal of the resignation provided that the withdrawal is approved by the employee’s Department Director and the Human Resources Director.
  - a. The rehire is subject to the following provisions:

Restoration of seniority and service date: the employee’s seniority and service dates shall be adjusted by the number of days the employee is not employed with the City.
  - b. Restoration of pension date and plan:
    - i. If the employee did not receive a refund of contributions or vested their interest, the employee’s date and plan shall be restored, adjusted by the number of days not employed.

- ii. If the employee received a refund of contributions, the employee's pension date and plan shall be effective as of the date of rehire. Should the employee repay those contributions, the plan and date shall be restored, adjusted by the number of days not participating or employed. (City of Clearwater Ordinance, Chapter 2, Article V, Division Sec.2.414)
- c. Restoration of position and rate of pay: the employee shall be placed into the position held immediately prior to resignation at the same base rate of pay.
- d. Restoration of leave accruals: the employee's leave balances not previously paid out shall be restored, and the accrual date shall be adjusted by the same number of days not employed.
- e. Benefits:
  - i. If the employee returns to employment within the same month of resignation date, there will be no break in benefit coverage, and the same benefits shall continue.
  - ii. If the employee returns after the month of resignation, their benefits will be reinstated at the beginning of the next month, following the rehire date.

## **Section 2. Retirement**

### **A. Retirement Eligibility**

1. To be eligible for a benefit under the City Employees' Pension Plan, Classified employees and Unclassified SAMP employees must meet any of the criteria established in the applicable City's pension ordinance.
2. To be eligible for a benefit under the 401(a) Money Purchase Plan, Unclassified Senior Staff SAMP employees are eligible to receive a benefit when meeting the criteria required under the terms and conditions of the 401(a) plan.
3. To be considered a City retiree under the HR Policies for purposes of post-retirement benefits other than pension, the individual must have ceased active employment with the City and are either (1) immediately eligible to receive benefits from the City Pension Plan or (2) for employees not in the City Pension Plan, have completed 25 years of service and reached the age of 60, or have completed 10 years of service and reached the age of 65.

### **B. Retirement Date Advancement**

1. Prior to retirement, Classified employees and Unclassified Senior Staff service SAMP employees giving proper notice of retirement under Section 1 above may use their vacation leave, floating holidays, incentive, and bonus days balance at 100% value, and their sick leave balance at 50% value, to advance their date of retirement. During such advancement period, employees are considered as regular employees for service credit to the applicable retirement plan, and the City and the employees continue to contribute to the retirement plan. To be eligible for retirement advancement through the use of leave, the employee must meet the definition of retirement under Section 2.A above. An employee eligible for retirement advancement who elects not to advance their retirement date will instead be paid out in a lump sum for the value described above.
2. During the advancing of the retirement date, employees are not eligible to receive or accrue any benefits except retirement credit. The benefits that are stopped include but are not

limited to all leave accrual, holidays, insurance premium payments, workers compensation, salary increases, allowances, reimbursements, and special payments or bonuses of any kind.

3. Classified service employees covered by collective bargaining agreements may advance their retirement date using accrued leave as permitted in applicable collective bargaining agreement provisions.

#### C. Retirement Awards

Permanent Unclassified or Classified service employees who have received a rating of at least Meets Standards (or equivalent) on their most recently completed annual performance review shall be eligible to receive the following:

1. Any employee retiring on regular pension receives \$200 monetary award in their final paycheck.
2. Any employee retiring on Social Security with at least 10 years of service receives a \$200 monetary award in their final paycheck.
3. Any employee who retires due to a job connected disability or a non-job connected disability AND 20 years of service shall also receive the \$200 monetary award in their final paycheck.

#### D. Retirement Notification

1. The City will notice regularly scheduled meetings of the Board of Trustees of the Employees' Retirement System to its employees.
2. Notification of any change of benefits in the Employees' General Pension Plan shall be given to the employees sixty (60) days prior to any action taken.

### **Section 3. Reemployment of City Retirees**

#### A. Eligibility

1. Employees who have retired from the City, and are receiving a retirement benefit, may be reemployed in a full-time Classified position other than positions covered by Chapter 175 or 185, Florida Statutes but are not eligible to participate in the Pension Plan. Employees rehired under these circumstances will instead participate in federal social security.
2. Unclassified SAMP employees, not eligible for City Pension Plan participation, who resign or retire, are eligible to be reemployed in full-time pension eligible positions. Employees hired under this condition into eligible Classified Service positions are required to participate in the Pension Plan.
3. The records of employees retired from positions eligible for Pension Plan participation will indicate if an employee's retirement is a years-of-service, job-connected disability, or non-job-connected disability retirement. If any of these are true, such employees are ineligible for Pension Plan participation and will be enrolled in Social Security. Retirees reemployed in positions covered Chapters 175 or 185, Florida Statutes will have their Pension Benefit stopped and will resume Pension Plan participation.

#### B. Break in Service

Retirees may not be rehired until at least 30 days after retirement and only when the new

position differs substantially and materially from that which the employee was formerly employed. The City Manager/designee will have the sole discretion to determine hiring decisions regarding this provision.

## **Section 4. Retiree Post-Employment Benefits**

The City of Clearwater may offer post-employment benefits to former employees who have retired from service with the City under Section 2.A.2 above. The City, in accordance with statutory requirements and obligations, will determine at its sole discretion the benefits to be offered and any premium contribution amounts.

### **A. Group Health Insurance**

1. Employees who retire from service with the City of Clearwater are eligible to participate as members in the group health insurance plans that are made available by the City to its employees. The City reserves the right to determine at its sole discretion the plans that are made available to retired individuals and premium contribution amounts for the retiree and City, if applicable.
2. Premiums for retiree health insurance plans will be paid through payroll deductions taken from the retirees' monthly pension check or through monthly payment remittance. Should the deduction amount exceed the amount of the pension check or if the retiree does not receive a pension check, the retiree is responsible for paying the difference up to the full amount of the premium. This difference must be remitted in a timely fashion, as defined in the paragraph below.
3. When a City employee applies for a pension benefit, he or she will be given information about insurance payment. This information will include the amount of the monthly payment, when payment is due, and where to remit payment. Valid payment made through monthly remittance is due on and must be received by the Human Resources Department prior to the 15<sup>th</sup> day of the month. If valid payment is not received by the 15<sup>th</sup> day of the month, a notice will be sent to the retiree granting an additional 10 days for remittance. If the full amount is not received by the 25<sup>th</sup> day of the month, the retiree will be dropped from the insurance plan. At this point, the retiree will no longer have current health insurance coverage with the City of Clearwater.

### **B. Enrollment, Ceasing Enrollment, and Re-enrollment in the City's Health Plan**

1. As an Individual
  - a. Individuals may enroll as a retiree in the City's group health insurance coverage if they are continuing coverage from active employment or when they meet the criteria to receive a pension benefit only. Retirees who do not maintain health insurance coverage directly from active employment or as a dependent of a spouse who is an active employee or at the time they meet the criteria to receive a pension benefit shall not be permitted to enroll in the City's group health insurance plan at a later time. Retirees who enroll in the City group health insurance plan and are discontinued for failure to pay premiums shall not be permitted to re-enroll in the insurance plan.
  - b. Individuals who have retired from the City of Clearwater and elected health insurance coverage may drop their active health insurance coverage and discontinue participation in the City's group health insurance plan at any time during the plan year. They may cease participation for any reason and without a qualifying event.

However, they are not permitted to re-enroll in health insurance coverage at any point once coverage is dropped.

- c. Individuals employed in an Unclassified status who are also non-pension eligible with the City shall be eligible to participate as a retiree in the group health insurance provided they meet the criteria under Section 2.A.(2) above

## 2. Ceasing Coverage for Covered Dependents

- a. Eligible dependents (such as a spouse of a retired employee) are permitted to participate in the City's group health plan until such time that the retiree is no longer covered. Once the retiree is no longer covered, the dependent will no longer be eligible for coverage under the City's group health plan. Coverage will be available through COBRA for the appropriate time period as provided by law.
- b. Eligible dependents are permitted to participate in the City's group health plan if the retired employee predeceases the eligible dependent(s).

## 3. Retiree Life Insurance

The City will pay the premiums for group life insurance in the amount of \$1,000 for City employees who retired from service prior to October 1, 2008.

# Article 15 Intern and Non-Employee Policies

## Section 1. Volunteer Service Program

### A. Policy

The City appreciates the value that can be brought by volunteers donating their time and energy to the City. To that end, the City permits unpaid volunteers to donate services to the City subject to this policy. A volunteer is defined as a person who, of their own free will, provides or donates services to the City without receiving monetary or material compensation.

### B. Classes of Volunteers

Under this policy, the City permits three types of volunteers. They are:

1. Regular service volunteer: A person engaged in specific voluntary service activities on an ongoing basis or continual basis.
2. Occasional service volunteer: A person who offers to provide a one-time or occasional voluntary service.
3. Intern: A student engaged in a course of study or who otherwise participates in an experiential learning opportunity with the City.

### C. Department Procedures and Requirements

Each Department accepting volunteers are expected to do the following:

1. Obtain both a signed release and written confirmation from each volunteer regarding their agreement to abide by the City's Drug Free Workplace Policy, policies on workplace violence prevention, active shooter/violent events, workplace solicitation, and/or any other relevant City or Departmental policies or guidelines.
2. Provide volunteers with orientation pertaining to the department in which they will be volunteering.
3. Provide volunteers with training for the services they will perform, including the safety aspects.
4. When personal protective equipment is required for the performance of volunteer services, the volunteer will be properly equipped by the Department and trained in the use of the equipment prior to performing any volunteer services for the City.
5. Volunteers must not be knowingly exposed to any unnecessary danger or hazards while performing volunteer services and must not perform any functions requiring a license or certification unless they have a current license or certification to do so.
6. Volunteers who are public officers/employees will not be permitted to perform services as a volunteer which are the same as, or are similar to, their duties which they are paid to perform by the same public agency.
7. If minors are accepted as volunteers, the department will follow the same break and work hour restrictions under state law as would apply if the minor had been employed.

#### D. Volunteer Requirements and Expectations

1. Volunteers will provide or donate services within the rules set by the responsible Department Director or supervisor.
2. Volunteers may perform any task assigned by their supervisor and approved by the responsible Department Director or supervisor.
3. Volunteers shall maintain strict confidentiality with any information to which they may have access as a result of performing their volunteer services. However, volunteers shall comply with the Florida Public Records Act Inquiries from the media, which will be referred to the responsible Department Director.
4. Volunteers are prohibited from using information not generally available to the public and obtained by reason of their volunteer services for the personal benefit of themselves or others.
5. Volunteers under 18 years of age must be pre-approved by the Director of the Department in which he or she will volunteer, have adult supervision, and signed parental consent. No volunteers under 15 are permitted.
6. Volunteers are required to sign in and out in the Volunteer Log. The Volunteer Log shall be maintained in all departments or facilities and will record volunteer names, dates, hours of service, and tasks assigned.
7. All volunteers must submit to a sexual offender/predator check. Volunteers may be required to submit to additional background checks and/or fingerprinting as determined by the department director.
8. Only volunteers who work for the Police Department and have received training from the department are permitted to drive a City vehicle. Volunteers driving City vehicles must have a valid Florida Driver's License and an approved driving record.
9. Volunteers are expected to dress appropriately for the conditions and performance of their duties.

#### E. Nature of Volunteer Service

While Departments have the option of accepting volunteer services, the decision to do so is discretionary with the Department Director. Any accepted volunteers serve "at will" and with the understanding that no guarantee exists for continued volunteer opportunities of any specific length or duration. Departments may decline to accept volunteers or elect to stop accepting services from existing volunteers at any time.

## Section 2. Volunteer Background Check Procedures

Departments accepting volunteers are required to conduct a sexual offenders and predators search on prospective interns and regular service volunteers using the procedure below. The Department must send a copy of the FDLE screen print to Human Resources to verify the background check has been completed. The background check should be done prior to the volunteer being allowed to perform services and prior to any other checks that may need to be performed.

#### A. Other Checks

Certain types of volunteer positions, for example involving driving or interaction with children, may require background screenings in excess of what is required under this policy. Each Department planning to accept volunteers must coordinate with Human Resources for



each volunteer opportunity type to ensure a proper screening is conducted.

### **Section 3. Internship Program**

#### **A. Policy**

The City supports a student internship program and encourages Departments to participate in the program. An intern is a student currently enrolled in or recently graduated from high school, junior college, a college or university, or a vocational/technical school. Interns may work for an hourly rate or as unpaid intern volunteers.

Interns receive no fringe benefits. Compensation depends upon the type of internship and the education level of the student and are determined by the Human Resources Department with the approval of the City Manager.

#### **B. Internship Procedures**

1. As stated above, the intern candidate must be a student currently enrolled in or recently graduated from high school, university, junior college, or vocational/technical school. Hourly interns can work up to twenty-five (25) hours per week and up to nine (9) months consecutively or up to forty (40) hours per week and up to six (6) months consecutively.
2. When a department wishes to hire an intern, a written request must be forwarded to the Human Resources Talent Acquisition & Diversity Division. The request should include the following:
  - a. Description of project or work assignment
  - b. Duties of intern
  - c. Duration of internship
  - d. A statement that department funding is available (unless the internship is an unpaid volunteer opportunity)
  - e. A statement indicating the resources required for the intern; any computer or technological related resources should be forwarded to the Information Technology Department for their approval.
3. All intern candidates must complete an application with the Human Resources Department prior to beginning the internship.
4. If an intern is working at sites where children are expected to congregate, the intern candidate must be screened through the FDLE sexual offenders and predators process described for volunteers.
5. Unpaid interns should adhere to guidelines in the Volunteer Service Program.
6. Internship hours must not exceed 30-40 hours per week dependent on the consecutive length of their internship.
7. Because the value of the student's internship depends on knowledge gained and quality experiences, work assignments need to be directed toward actual school course work or hands-on work experience as much as possible.
8. Upon completion of the internship, copies of project reports or papers written by interns will be sent to the Human Resources Department to provide a history of the intern programs.

9. Interns under 18 years of age must have parental consent. No intern will perform services for the City if under 15 years of age. The provisions of state law shall be followed regarding hours, times of work, and break requirements.

### C. Intern Categories

Internships are divided into two main categories. They are as follows:

#### 1. Hourly Interns

Once a Department has made a selection, the intern candidate may be subject to a background check and a drug screening. Upon approval, the hiring department must submit a Personnel Action Form to the Human Resources Department. Hourly interns will be set up on City payroll and are eligible to be paid an hourly rate per the table below:

High School Student – \$13.00

Freshman or Sophomore College Student – \$14.00

Junior, Senior, or Technical/Vocational College Student – \$15.00

Graduate Level College Student – \$16.00

Professional Specialized Degree Student – up to \$25.00

#### 2. Unpaid Intern Volunteers

An internship may be requested for work experience only. This generally occurs when the student has completed most of the required courses leading toward a specific degree but does not have any work experience. No wages or stipend will be provided to the intern. When an intern performs “volunteer” services for the City, the department using that intern will obtain a signed release form. The department will forward the release form to the Human Resources Employment Division prior to the intern beginning volunteer services. Volunteer interns should adhere to guidelines in the Volunteer Service Program.

## Section 4. Volunteer Recognition

### A. Policy

The City will recognize and reward certain volunteers for their successes and accomplishments that support the City’s overall mission and values. Recognition under this policy is defined as any gift of perceived value including cash incentives, time off, reserved parking spaces, gift certificates, vouchers, tickets, passes, luncheons, dinners, picnics or other food, or other complimentary incentives or special privileges.

### B. Volunteer Recognition Procedures

1. Each department director may appropriate within their existing department recognition budget and spend up to \$10 per volunteer per fiscal year to fund departmental volunteer recognition expenses such as food, beverages, plaques, or other recognition items to express thanks, acknowledge accomplishments, and other similar occasions. Department Directors will ensure that expenditures do not exceed the \$10 per volunteer per fiscal year. The policy does not preclude individuals from personally funding special occasions as they see fit.
2. Recognition is appropriate for volunteers who consistently donate services on a regular basis. Individual Department Directors have latitude to set a threshold for the minimum number of hours a volunteer must work to be eligible for recognition. However, funds may not be used for volunteers who work on a one-time, non-repeating basis.

3. All food, beverages, and other departmental recognition-type expenditures must be absorbed by the existing budget of the department. Additional funds may not be requested to fund recognition.
4. Departments are permitted and encouraged to develop their own recognition programs to express gratitude and appreciation for volunteers. The individual Department will be responsible for funding its own recognition initiatives within the \$10 per volunteer annual limit as stated in this policy.
5. Department Directors may request and receive approval to fund recognition initiatives above the \$10 per volunteer annual limit. Requests must be submitted in writing to the City Manager or Designee and will only be considered when the increase does not create a budgetary impact. Approval will be considered on a case-by-case basis only.

**APPENDIX A**  
**Alphabetical Listing of Job Classifications**

<b>Job Class</b>	<b>Current Job Title</b>	<b>Salary Range</b>
3728	Account Collector I	3
3726	Account Collector II	5
3815	Accounting Technician I	4
3813	Accounting Technician II	6
3660	Air Conditioning Technician	9
3365	Aquatics Coordinator	5
3340	Arborist	9
3362	Beach Lifeguard I	2
3360	Beach Lifeguard II	4
3845	Billing Specialist I	5
3847	Billing Specialist II	6
3644	Building & Maintenance Supervisor I	11
3645	Building & Maintenance Supervisor II	12
3425	Building Inspector I	11
3432	Building Inspector II	12
3433	Building Inspector III	13
3434	Building Inspector IV	14
3423	Building Inspector Technician	7
3250	CAD & GIS Technician I	10
3875	CAD & GIS Technician II	12
3030	City Clerk Specialist	6
3445	Code Inspector I	9
3443	Code Inspector II	11
3882	Construction Inspector I	8
3880	Construction Inspector II	10
3615	Container Maintenance Worker	2
3245	Contracts & Procurement Specialist	6
3915	Custodial Worker	1
3840	Customer Service Representative I	2
3835	Customer Service Representative II	5
3850	Customer Service Specialist	4
3724	Customer Service Trainer	7
3410	Development Review Technician I	8
3405	Development Review Technician II	9
3407	Development Review Technician III	11
3651	Electrical Apprentice	3
3630	Electrical Supervisor	12

**APPENDIX A**  
**Alphabetical Listing of Job Classifications**

<b>Job Class</b>	<b>Current Job Title</b>	<b>Salary Range</b>
3885	Engineering Technician	8
3255	Environmental Code Enforcement Inspector	10
3700	Fire Apparatus Mechanic	8
3685	Fleet Buying Coordinator	9
3705	Fleet Mechanic	6
3680	Fleet Mechanic Supervisor	12
3690	Fleet Operations Trainer	7
3675	Fleet Parts Specialist	3
3740	Gas Operations Supervisor	15
3745	Gas System Specialist	13
3756	Gas Technician Apprentice	2
3755	Gas Technician I	4
3752	Gas Technician II	6
3750	Gas Technician III	9
3059	Graphic Designer I	8
3057	Graphic Designer II	10
3465	Industrial Electrician	11
3550	Industrial Pretreatment Inspector	9
3548	Industrial Pretreatment Inspector II	11
3538	Lead Water Plant Operator	13
3558	Lead Wastewater Treatment Plant Operator	13
3280	Library Assistant I	2
3275	Library Assistant II	4
3910	Licensed Electrician	9
3900	Maintenance Worker	1
3780	Marine Facility Operator	2
3695	Mechanic Fabricator	7
3722	Meter Reader I	1
3720	Meter Reader II	4
3187	Parking Attendant	1
3190	Parking Citation Assistant	2
3200	Parking Enforcement Specialist	3
3195	Parking Enforcement Supervisor	10
3180	Parking Meter Technician	4
3175	Parking Supervisor	9
3925	Parking, Fac & Sec Aide	1
3330	Parks Heavy Equipment Operator	6

**APPENDIX A**  
**Alphabetical Listing of Job Classifications**

<b>Job Class</b>	<b>Current Job Title</b>	<b>Salary Range</b>
3302	Parks Service Supervisor I	8
3300	Parks Service Supervisor II	10
3309	Parks Service Technician I	1
3307	Parks Service Technician II	3
3305	Parks Service Technician III	5
3825	Payroll Technician I	6
3655	Payroll Technician II	9
3120	Plumber	9
3115	Police Office Specialist	3
3110	Police Property Clerk	3
3105	Police Property Supervisor	9
3095	Police Records Specialist	7
3085	Police Telecommunicator I	8
3082	Police Telecommunicator II	10
3080	Police Telecommunicator Supervisor	12
3370	Pool Lifeguard	1
3380	Recreation Coordinator I	5
3387	Recreation Coordinator II	7
3385	Recreation Facilities Support Custodian	2
3392	Recreation Leader I	1
3390	Recreation Leader II	3
3505	SCADA Specialist	15
3075	School Crossing Guard Coordinator	5
3665	Skilled Tradesworker	4
3666	Skilled Tradesworker II	7
3667	Skilled Tradesworker III	9
3595	Solid Waste Accounts Coordinator	4
3601	Solid Waste Boom Crane Operator	4
3600	Solid Waste Equipment Operator	4
3591	Solid Waste Operations Supervisor	11
3592	Solid Waste Service Supervisor I	8
3590	Solid Waste Service Supervisor II	11
3602	Solid Waste Technical Operator	4
3620	Solid Waste Worker I	1
3610	Solid Waste Worker II	3
3800	Staff Assistant I	3
3130	Storeskeeper	3

**APPENDIX A**  
**Alphabetical Listing of Job Classifications**

<b>Job Class</b>	<b>Current Job Title</b>	<b>Salary Range</b>
3155	Stormwater Heavy Equipment Operator	6
3150	Stormwater Supervisor I	9
3148	Stormwater Supervisor II	13
3169	Stormwater Technician I	4
3167	Stormwater Technician II	6
3165	Stormwater Technician III	8
3160	Street Sweeper Operator	5
3315	Streets & Sidewalks Supervisor	11
3323	Streets & Sidewalks Technician I	4
3321	Streets & Sidewalks Technician II	6
3319	Streets & Sidewalks Technician III	8
3240	Survey Assistant I	3
3235	Survey Assistant II	5
3230	Survey Crew Leader	8
3210	Traffic Engineering Assistant	4
3215	Traffic Operations Supervisor	12
3220	Traffic Sign & Marking Technician I	5
3221	Traffic Sign & Marking Technician II	8
3225	Traffic Signal Technician I	8
3226	Traffic Signal Technician II	10
3227	Traffic Signal Technician III	11
3605	Transfer Station /Scales Operator	4
3345	Tree Trimmer	3
3480	Utilities Electronics Technician	9
3474	Utilities Lead Mechanic	10
3462	Utilities Maintenance Supervisor I	13
3460	Utilities Maintenance Supervisor II	15
3475	Utilities Mechanic	7
3765	Utility Dispatcher I	2
3760	Utility Dispatcher II	3
3670	Warehouse Supervisor	8
3492	Wastewater Collections Supervisor I	13
3490	Wastewater Collections Supervisor II	15
3500	Wastewater Collections Technician I	3
3497	Wastewater Collections Technician II	8
3495	Wastewater Collections Technician III	10
3560	Wastewater Treatment Plant Operator A	12

**APPENDIX A**  
**Alphabetical Listing of Job Classifications**

<b>Job Class</b>	<b>Current Job Title</b>	<b>Salary Range</b>
3562	Wastewater Treatment Plant Operator B	10
3565	Wastewater Treatment Plant Operator C	8
3570	Wastewater Treatment Plant Operator Trainee	3
3520	Water Distribution Operator I	8
3515	Water Distribution Operator II	11
3525	Water Distribution Operator Trainee	3
3512	Water Distribution Supervisor I	13
3510	Water Distribution Supervisor II	15
3553	Water/Wastewater Treatment Plant Chief Op	15
3540	Water Plant Operator A	12
3542	Water Plant Operator B	10
3545	Water Plant Operator C	8
3546	Water Plant Operator Trainee	3
3503	Water Quality Technician	8
3625	Welder/Manufacturer	5