



CITY OF TITUSVILLE

PERSONNEL POLICIES MANUAL

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SECTION I - POLICY STATEMENT

1.1 The City of Titusville is committed to:

- A. Providing efficient and courteous service at all times to its citizens.
- B. Attracting and retaining employees of the highest caliber.
- C. Affording equal employment opportunity to all employees and applicants in its employment programs, procedures including employment tests and selection procedures, or employment practices on the basis of age, sex (including pregnancy, childbirth, or related medical conditions), or sexual orientation , gender identity , race, color, religion, disability status, marital status, veteran status, national origin or any other characteristic protected by applicable law and the City is committed to morally and ethically pursue a policy of fairness and equity for all employees, and provide the opportunity to achieve maximum potential.

Insuring that all personnel actions including, but not limited to, compensation, benefits, transfers, layoffs, return from layoff, training, tuition reimbursement, and academic leaves, City sponsored social/recreational programs, and employment decisions involving promotions are made without regard to age, sex , (including pregnancy, childbirth, or related medical conditions), or sexual orientation, gender identity, race, religion, disability status, marital status, veteran's status or national origin.

A work place in which harassment in any form is unacceptable and will not be tolerated.

Evaluating its on-going progress in the area of equal employment opportunity.

The Human Resources Director being available to discuss employee concerns about equal employment opportunity. The needs of the disabled will be considered in the design of all City facilities and programs. The Human Resources Director will serve as the City of Titusville's ADA Coordinator. The ADA Amendment Act goes into effect on January 1, 2009 and significantly expands the scope of the Americans with Disabilities Act (ADA).

- D. Providing training for supervisory personnel, which will assure their ability to lead and motivate their employees in an effective manner.
- E. Providing a pay plan and employee benefits which are fair and competitive.
- F. Providing clean, safe, and pleasant working conditions.

SECTION I - POLICY STATEMENT (Cont'd)

- G. Promoting a grievance procedure which will provide prompt and appropriate settlement of employee grievances and/or citizens' complaints.
- H. Providing opportunities for career development for employees through training and tuition assistance.
- I. Promoting from within based upon ability, documented employment record, demonstrated job performance, satisfaction of position minimum education and experience qualifications.
- J. Encouraging the development of individual acceptance of responsibility for the attainment of outstanding public service, adhering to the City's Standards of Conduct and Ethics
- K. Providing a Drug-Free Workplace for its employees. The use, sale, or possession of alcohol or controlled substances, by employees is prohibited while on the job or on City property because it can affect employee's performance and workplace safety. Additionally, the use, sale, or possession of controlled substances off duty is not acceptable. Such actions can have an adverse impact on how the public perceives the City of Titusville and its employees.

SECTION II - AUTHORITY AND ADMINISTRATION

2.1 SCOPE

These policies shall apply to and govern all employees of the City of Titusville, except where noted or as governed by a collective bargaining agreement.

2.2 AUTHORITY FOR ESTABLISHMENT OF POSITIONS

With the exception of those positions established by Charter, all positions or offices in the municipal organization together with rates of pay, are established by the City Manager.

2.3 ADMINISTRATIVE AND APPOINTIVE AUTHORITY

With the exception of appointments reserved to the Council by Charter and Statute, general authority and responsibility for the personnel administration of municipal affairs is vested in the City Manager. Final authority in personnel matters is reserved for the City Manager with regard to all matters and subjects covered by these policies. The City Manager may delegate his authority to the Human Resources Director or Department Head(s).

2.4 ADMINISTRATION OF PERSONNEL POLICIES

Administration of these rules and policies shall be the staff responsibility of the Human Resources Director. Department Heads shall be responsible for the effective administration of these rules and policies within their respective operations.

2.5 AUTHORITY FOR VARIANCE FROM POLICY

A Department Head shall have the right to request, in writing, a variance from these policies when individual circumstances so justify. This request shall be submitted to the City Manager through the Human Resources Director. All variances require the approval of the City Manager, in writing, prior to implementation.

2.6 CHANGES/AMENDMENTS TO PERSONNEL POLICIES

Except as may be prohibited by law, the City Manager, from time to time reserves the right to amend, modify, change or delete any of these policies including the Compensation Plan, Employment Requirements, Personnel and Administrative Policies, Grievance Procedures, Administrative Policies and Departmental Policies.

When specific paragraphs or portions of Personnel Policies are changed, such changes are issued by the Human Resources Department, with City Manager approval, to all personnel having copies of the Personnel Policies.

SECTION III - DEFINITIONS

3.1 APPOINTED EMPLOYEE

Department Heads, Executive Leadership Team Members and other employees who by specific reference in their letter of appointment from the City Manager are appointed employees, who serve at the pleasure of, and are removed by, the City Manager. Department Heads, Executive Leadership Team Members referred to in this section and other specific employees referenced above do not have access to the provisions of the Disciplinary Action and Grievance Procedure sections of Personnel Policies (Reference 6.12 and Section 7).

3.2 AT WILL

An employee "at will" serves at the will and pleasure of the City Manager and has no expectation of continued employment or in any position in City employment with the City of Titusville. Department Heads, Executive Leadership Team Members and other specific employees referenced in Section 3 are "at will" employees.

3.3 DEPARTMENT HEAD AND EXECUTIVE LEADERSHIP TEAM MEMBER

Department Heads and Executive Leadership Team Members are "at will" employees and serve at the pleasure of the City Manager, as defined in the job description. An Executive Leadership Team Member typically reports directly to the City Manager.

3.4 EXEMPT EMPLOYEE

An exempt employee is one who is exempt from the provisions of the Fair Labor Standards Act (FLSA) but may be eligible to accumulate compensatory time, with the exception of Department Heads/Executive Leadership Team Members, in accordance with Section VI paragraph F Compensatory Time.

3.5 NON-EXEMPT EMPLOYEE

A non-exempt employee is one who must be paid overtime for work performed in excess of the normal work day, work week, or tour of duty, in accordance with the provisions of the Fair Labor Standards Act.

3.6 REGULAR FULL-TIME EMPLOYEE

A regular full-time employee is one whose budgeted, regular work schedule is forty (40) hours per week, is eligible for full benefits coverage and has completed the probationary period as indicated on the Employee Performance Evaluation Form completed by the Supervisor.

3.7 REGULAR PART-TIME EMPLOYEE

A regular part-time employee is one whose budgeted regular work schedule is thirty-nine (39) hours or less per week. An employee who is classified prospectively as of January 1, 2015 as a regular part-time employee will be eligible for vacation, sick leave, and holiday pay. Each leave benefit is computed at the ratio of the part-time schedule to full-time schedule accordance with the following bi-weekly schedule:

<u>Part-time Schedule</u>	<u>Ratio of Full-time Schedule</u>
20 - 39 bi-weekly hours	2 pro rata hours
40 - 59 bi-weekly hours	4 pro rata hours
60 - 79 bi-weekly hours	6 pro rata hours

A regular part-time employee is one whose budgeted regular work schedule is thirty (30) hours or more per week in reference to Group Health and Life Insurance.

Whether an employee is considered full-time or part-time does not change the application of the Fair Labor Standards Act (FLSA)

3.8 TEMPORARY EMPLOYEE

A temporary employee is employed for a limited term and their status will be re-evaluated no later than at the end of each fiscal year. Temporary employees are not eligible for health/life insurance, floating holidays and pension plan participation. Employees hired as on-call do not receive vacation, sick or holiday pay.

3.9 CONTRACTUAL EMPLOYEE

A contractual employee is employed for a limited term and their status will be re-evaluated no later than at the end of each fiscal year. A contractual employee negotiates a written employment agreement with the City to deliver a specific work product within a designated period of time. Contractual employees are not eligible for health/life insurance, floating holidays and pension plan participation. If a designated holiday occurs during a work assignment, the contractual employee will receive holiday pay. Contractual employees may accrue sick and vacation leave depending on the negotiated agreement. However, a contractual employee will not be eligible for a payment accumulated sick and vacation leave in cases of separation from city employment.

3.10 CHARTER EMPLOYEE

Charter employees such as the City Manager, City Attorney and Assistant City Attorney shall be entitled to such benefits as authorized by their contract and in the absence of an express provision to the contrary, entitled to all benefits that Executive Leadership Team Members are entitled to receive under this manual.

3.11 VOLUNTEERS

A volunteer is an individual who performs hours of service for the City of Titusville for Civic, Charitable, or Humanitarian reasons. The individual does not expect compensation for the services rendered, The City of Titusville may make special provisions provide for expenses or nominal fees on a limited basis depending on the activity (i.e. police auxiliary officers).

1. Individuals who wish to perform volunteer service for the City of Titusville must contact the appropriate City department.
2. Volunteers must complete a City volunteer form prior to performing their hours of service.
3. The department coordinator shall forward the original copy of the City Volunteer form to the Human Resources Department. The department should retain a copy for its records.
4. All volunteers must be issued a photo identification card.
5. Employees of the City of Titusville may volunteer service as long as their service is not in any manner similar to the work that they are employed to perform. Employees of the City can volunteer in other departments of the City provide they understand there is no entitlement of the position and the volunteer position does not conflict with primary job responsibilities.
6. The Human Resources Department must complete a background check and driver's record check before any volunteer operates a city vehicle.

3.12 PROBATIONARY EMPLOYEE

A probationary employee is an employee who does not have regular status; i.e., has not yet successfully completed the probationary period and has not been designated a regular employee. As such, he/she does not have access to the provisions of the Disciplinary Action and Grievance Procedure sections of the Personnel Policies (Reference 6.11 and Section VII). The probationary period for employees covered by Personnel Policies is six (6) months; collective bargaining agreements define probationary periods in each contract. The probationary period can be extended at the request of the Department Head and with the concurrence of the Human Resources Director.

Probationary periods may be imposed upon promotion of a regular employee; the time limits and conditions of promotional probationary periods are outlined elsewhere in this manual.

3.13 REPRESENTED EMPLOYEE

A represented employee is an employee whose position and terms and conditions of employment are governed by a collective bargaining agreement.

3.14 CONTINUOUS SERVICE

Continuous Service is service credit which determines eligibility for employee benefits (vacation, etc.). Breaks in service for approved leaves of absence without pay in excess of thirty (30) days but less than six (6) months (excluding military leave and recall) will be bridged to adjust the original date of hire for a true continuous service date.

3.15 HOURS OF WORK

Hours of work refer to the number of hours an employee is scheduled to work in any 24-hour period.

3.16 WORKING DAY

The term "working day" generally refers to the 5-day period, Monday through Friday, except where 7-day, 24 hours/day operations; 4-day, 10 hours/day operations; or any other schedules apply.

3.17 WORK DAY/SHIFT

Work day/shift refers to the number of hours regularly scheduled to be worked in one 24-hour period.

3.18 WORK PERIOD/TOUR OF DUTY

The specific, recurring interval of time declared by the employer in which hours worked are counted for the purpose of computing overtime, in accordance with the Fair Labor Standards Act.

3.19 WORK WEEK

Work week refers to the number of hours regularly scheduled to be worked during any seven (7) consecutive days. The established work week is Monday through Sunday as set forth on the City of Titusville time card for the purpose of overtime in accordance with the Fair Labor Standards Act.

3.20 OVERTIME PAY

Overtime pay refers to the premium compensation paid at time and one-half for the work performed in excess of the normal work week, as defined in the Fair Labor Standards Act and as provided herein and in applicable Collective Bargaining Agreements. Only actual "worked" hours, holidays, floating holidays and workers' compensation leave will be counted in determining the normal work week for the purposes of computing overtime. Sick Leave, Personal Leave, Vacation Leave, Compensatory Time, Military Leave, Jury Duty Leave, Bereavement Leave, and all other paid and unpaid leave do not count as time worked.

3.21 IMMEDIATE FAMILY

Immediate family refers to spouse, child(ren), parents, brothers, sisters, grandparents and grandchild(ren), step-mother, step-father, step-children, legal guardian and/or ward of both the employee and the employee's spouse

3.22 MAY

The word "may" shall be interpreted as permissive.

3.23 SHALL

The word "shall" shall be interpreted as mandatory.

3.24 USE OF PRONOUNS "HE", "HIM", AND "HIS"

The use of the pronouns "he," "him," and "his" in the Personnel Policies shall also refer to similar pronouns of the feminine gender unless otherwise qualified by the context.

3.25 TERMINATION OR LEAVE OF ABSENCE DATES

When completing the Personnel Requisition or Change in Status form, the effective date of termination (voluntary, involuntary, or failure to return from an approved leave of absence) shall be the last day worked or the last day for which pay was received, whichever occurs first. The start date of an unpaid leave of absence shall be the date following the last day worked or the last day for which pay was received, as in the preceding example. Refer to Section 6.3 for the types of leaves of absence.

SECTION IV - COMPENSATION PLAN

4.1 PAY SCHEDULE

The pay of City employees shall be on the basis of grade schedules prescribed in the Job Classification and Pay Plan adopted by the City Manager.

4.2 PAY RATES

The pay rate, at the time of appointment to any position, shall be the minimum for the position grade. Compensation at higher rates may be considered when experience, skill, training, or conditions of the labor market justify such action. Salary offers above the minimum of the pay grade, upon recommendation of the hiring authority, with Human Resources Director concurrence, are made to the selected candidates by the Human Resources Department. In house promotional notifications are to be made by the Department Head or their designee after review and concurrence of compensatory changes by the Human Resources Director.

When an employee's wage rate equals the maximum of the pay grade, their wage is frozen until a general wage adjustment is applied to the entire pay plan. If a non- bargaining unit employee's wage rate is frozen, the employee will receive the general wage adjustment as designated by the City Council in the form of a lump sum payment when City raises are distributed.

4.3 PAY RATES AFTER LEAVE OF ABSENCE AND RECALL

If an employee is reinstated to the same or comparable position after a leave of absence (other than military leave of absence) or recall (within thirteen (13) months following a fiscal budget reduction in force), he may receive the rate in the grade schedule corresponding to the rate received at the time of departure, or a higher rate if such higher rate occurred during the leave period.

4.4 PAY RATES UPON REHIRE

Pay rates for rehired employees will be determined on an individual basis.

4.5 STARTING PAY RATE FOR TRANSFER OR RECLASSIFICATION

When an employee is transferred or reclassified laterally, there is no change in pay rate. In the event that it is determined that a position is reclassified to a more appropriate pay range, and the incumbent(s)' current salary is appropriate to the new grade/range, there will be no increase in pay rate.

A. When a position changes significantly in job content, scope, skills, or responsibilities, the Human Resources Director or his/her designee may reclassify it upon the request of the Department Director. The

reclassification can either raise or lower the position grade. If upgraded, the department must have the budget accommodate this change.

- B. For reclassifications that elevate a position's grade, the employee's new salary will be at least equal to the minimum of the new grade. If their current salary exceeds this minimum, they will receive a salary increase: 5% for one grade up, 8% for two grades, and 10% for three grades. For changes exceeding three grades, a 5% increase will apply for each additional grade. The minimum salary increase is 5% for a reclassification. The incumbent's salary shall not exceed the absolute maximum of the new pay range.
- C. Changes to job titles or descriptions that don't affect pay will require approval from the Human Resources Director. Any request from a Department Director to deviate from reclassification policies must be documented and approved by both the Human Resources Director and the City Manager.

4.6 RATE OF PAY UPON PROMOTION

- A. It is considered to be a promotion when a position is vacant and through the internal job posting process and in compliance with Equal Employment Opportunity (EEO) principles, and employee applies for the position and is selected to fill the position, and the vacant position is a higher classification and job grade than the employee's current position. The promoted employee shall receive a salary increase to at least the minimum rate of the new pay range or 10%, not to exceed the absolute maximum of the new pay range, whichever is greater.
- B. The salary of an employee appointed by the City Manager to a Department Head position shall be established by the City Manager commensurate with the responsibilities of the position and is not necessarily governed by the above parameters.
- C. Employees covered by negotiated agreements may have different promotional language.
- D. When an employee's wage rate equals the maximum of the pay grade, their wage is frozen until a general wage adjustment is applied to the entire pay plan. If a non- bargaining unit employee's wage rate is frozen, the employee will receive the general wage adjustment as designated by the City Council in the form of a lump sum payment when City raises are distributed.
- E. Non-Union salaries may be adjusted with Department Head approval via a Memorandum of Understanding outlining exception criteria, if deemed in the best interest of the City, and documented funding sources provided. The adjustment must be reviewed by the Human Resources Director and must not adversely affect other similar situated positions. Approval for this adjustment must ultimately be approved by the City Manager.

4.7 RATE OF PAY UPON DEMOTION

- A. When an employee requests to be demoted to a position with a lower pay grade level, or is demoted for disciplinary purposes, performance reasons, or due to a change in job duties compatible with a lower pay range, his/her rate of pay shall be decreased by 10% or to the maximum of the lower pay grade.
- B. If an employee is demoted to a position in a lower pay grade due to circumstances related to a health condition; for purposes of disability accommodation; or if such demotion is deemed to be in the best interest of the City (administrative demotion), his/her rate of pay may or may not be decreased, depending on the circumstances, including labor agreement provisions.
- C. If an employee's wage is at the maximum wage for the position, the wage will be frozen at that level unless there are extenuating circumstances. No increases will be permitted until or unless such employee is promoted to a higher position, or the pay level is adjusted beyond the employee's current pay level.

4.8 TEMPORARY DUTY ASSIGNMENTS (WORKING ABOVE CLASSIFICATION)

- A. Temporary Duty Assignment to Work in a Higher Job Classification for Non-Union Positions.
 - 1. An employee is designated by supervision to work in a higher job classification, requiring a greater level of difficulty/responsibility, on a temporary basis of at least forty (40) consecutive hours due to extended sick leave, vacation, authorized leave, or termination of the employee regularly assigned to the higher classification, the designated employee's salary shall be increased by five percent (5%) for the first week and up to and including a four (4) week assignment duration. If the assignment extends past four (4) weeks, the employee's salary shall be increased by an additional five percent (5%) for a total of ten percent 10% effective the fifth (5th) week until the end of the assignment.
 - 2 This salary adjustment is recorded on the time sheet in the "adjustment" column (40 hours times 5%=2 hours: 48 hours times 5%=2.40 hours and rounded to the nearest .25 hour=2.50 hours). It is the responsibility of supervision to assure that the increased adjustment does not extend after the incumbent returns to work or when the vacant position has been filled; that the increase is not given unilaterally or provided indefinitely to employees *perceived* to be performing duties of a higher classification while the department/division is fully staffed. This benefit is strictly for temporary work assignments while a budgeted employee is not at work for a minimum of forty (40) hours and includes full assumption of duties. An employee in a temporary duty assignment shall never receive a higher wage than the full-time regular employee that he/she

is replacing unless otherwise approved by the City Manager.

B. Temporary Duty Assignments to Acting/Interim (Supervisory or Managerial) for Non-Union Positions

If an employee is designated by Supervision to work as an acting or on an interim Supervisory or Managerial basis of at least forty (40) consecutive hours due to authorized leave, or termination (not vacation or short term sick leave) of the former employee's position, the designated employee's salary shall be increased to the minimum of the pay grade or by the promotional percentage in the schedule referred to in Personnel Policies "Compensation Plan, 4.6 Rate of Pay upon Promotion" whichever is greater, through the end of the assignment, provided the increase does not result in a salary rate that exceeds the employee's position which is being replaced.

This salary adjustment is recorded on the time sheet in the "out of class pay" column.

4.9 ADVANCEMENT WITHIN A GRADE SCHEDULE

Subsequent to the initial rate of compensation at the time of appointment, advancement within a grade schedule is on an annual basis effective with the guidelines issued by the City Manager in accordance with the direction of City Council. The annual Employee Performance Evaluations are conducted in conjunction with the beginning of each calendar year.

4.10 OTHER SALARY INCREASES

Other salary increases may be granted by the City Manager. Such increases may result in the pay grade range (minimum/maximum) being adjusted. The annual salary increase cycles shall not be affected by these adjustments.

4.11 OTHER COMPENSATION/BENEFIT PROGRAMS

Depending upon employee status (i.e., full-time, part-time, union/non-union, etc.), the following types of compensation and/or benefit programs may be authorized:

- A. Health and dental insurance
- B. Prescription card program
- C. Life insurance
- D. Section 125 "Cafeteria" plan
- E. Pension program
- F. Occupational disability leave
- G. Tuition aid
- H. Uniform/clothing/equipment assistance
- I. Incentive pay/programs
- J. Wellness Program
- K. Employee Health Clinic

4.12 EMPLOYEE PAYCHECKS

- A. The official payday for all employees is every other Thursday. There are generally twenty-six (26) pay periods in a year.
1. Special Checks for any Payroll adjustment items will normally be processed the next scheduled payroll by Finance. (Added 7/2011)
 2. Special adjustment requests for processing out of policy will be reviewed and approved by Human Resources Director or his/her delegate and the Finance Director or his/her delegate. (Added 7/2011)
- B. The City is required by law to make the following deductions from each employee's paycheck.
1. FICA (Federal Insurance Contribution Act) and OASDI, commonly called Social Security, are legally established percentages of salary up to a certain dollar amount of salary earned in a year.
 2. Federal Income Tax (Withholding Tax)-the amount deducted based on annual earnings and the number of exemptions claimed.
 3. Members of the Police and Fire Pension Plan are also required by City Ordinance to contribute a percentage of salary to the Pension Plan.
 4. Members of the General Employees' Pension Plan are also required by City Ordinance to contribute a percentage of salary to the Pension Plan
- C. The City of Titusville will make any of the following "voluntary deductions" for specific programs from employee paychecks with the employee's written authorization:
- Additional withholding tax
 - "Cafeteria" plan products
 - Financial Institution
 - Deferred compensation
 - Dependent health insurance
 - Labor union dues
 - Voluntary insurance
 - United Way
- D. In no case will such voluntary deductions be made from the employee's paycheck without prior written authorization/approval by the employee. Voluntary deductions, including, but not limited to, payment of City water bill, lien assessments, personal bills, alimony/child support deduction submitted by the employee rather than via the Clerk of the Court, etc., for the convenience of employee's personal debts/obligations, are prohibited.

E. Direct Deposit

1. It is in the best interest of the City of Titusville to require direct deposit for both financial and administrative reasons. Direct deposit provides a number of benefits such as less chance of a warrant being lost, significant administrative savings to the City, reduced potential for theft or forgery, and earlier availability of funds for the employee on pay day.
2. All employees shall use direct deposit for payroll purposes.
3. The employee's first paycheck of wages will have been validated by the bank prior to being directly deposited into the employee's authorized bank account.

SECTION V - EMPLOYMENT INFORMATION AND REQUIREMENTS

5.1 BASIS OF EMPLOYMENT

- A. All employment with the City shall be based on merit, ability, physical and psychological fitness as evidenced by:
 - 1. Training, experience, certification, registration, skill, etc. based on minimum standards/requirements outlined in the job description.
 - 2. Post-offer of employment examinations, including physical, psychological, and polygraph, based on job requirements.
 - 3. Background screening including verification of previous employment and education verification, driving histories employment credit report, and criminal search based on job requirements and motor vehicle safety sensitive factors.

5.2 RECRUITMENT AND HIRING

- A. Requesting department shall submit a Personnel Requisition to the Human Resources Director or designee when a vacancy exists. Request for personnel shall be made as soon as official notice of impending opening is received. The Requisition is also used to initiate and confirm changes in classification caused by budgetary action, reorganization, revision, promotion, demotion, or other changes in employment or pay compensation status.
- B. Human Resources Director or designee reviews and approves Personnel Requisition for completeness and accuracy of all entries and checks position control to insure the position is authorized.

A job vacancy initiates the following action:

Careers Portal is updated; City's official website is updated with consideration given to the vacancy and promotional bids if applicable. Note: reference is made to the Collective Bargaining Agreement for compliance with posting requirements. It is the policy of the City of Titusville to post every open position on the City's website for a minimum of five (5) working days and to utilize an online application process. The closing date and time are specified in each job announcement.

Sign-On Bonus Program Guidelines Ref. Council Regular February 13, 2024 (Council action approving Incentive Guidelines Sign-On Bonus). Guidelines and agreement are located on share drive.

Human Resources Director is responsible for overall coordination of the search and selection process with authority to insure compliance with all

Federal and State employment laws.

- C. The Operating Department Hiring Authority reviews all employment applications, resumes and requests for Promotion/Transfer Bids from the applicant or employee to ensure eligibility along with any supplemental employment information to be considered during the selection process. A short list of the most eligible candidates for consideration of employment or promotion is prepared when possible with consideration of Veteran's Preference, Americans with Disabilities Act (ADA) if applicable and other applicable statutes.

The Hiring Authority notifies the candidates selected for an interview of the time, date and place of interview. Upon completion of the interview process indicating the applicant selected for the position and those rejected, the Hiring Authority in consultation with Human Resources recommends a starting compensation for approval by the Human Resources Director if other than the minimum of the pay grade.

- D. The Hiring Authority in consultation with Human Resources contacts the selected candidate and makes a conditional offer of employment including the position title, rate of compensation, and any other conditions of employment. Human Resources coordinates a screening of the candidate's employment background according to Personnel Policy and coordinates a start date to include new hire onboarding.

Human Resources sends an appropriate notice to the non-selected candidates.

Upon successful completion of the pre-employment screening process and confirmation of a start date, the selected candidate is electronically supplied with a new hire packet consisting of pay information, benefits, citizenship employment eligibility and work rules.

Human Resources issues Security Badges for designated department to the new hire and prepares an electronic personnel folder for each employee.

Human Resources ensures completeness of Personnel Requisition/Status Change and enters all personnel data and payroll into the Human Resources Information Systems program.

- E. All temporary and contractual employee requests are made through the Human Resources Department by submitting a Request for Contractual or Temporary Staffing. Prior to employment commencing, the Human Resources Department will coordinate any and all salary and benefit offers of employment.

5.3 REQUEST FOR NEW POSITIONS

The request for new position(s) should be part of the annual budget preparation as each department evaluates operational requirements. Departments shall provide the following recommendations and supporting data to the Human Resources Director:

A. Recommendations

1. Position Title.
2. Job Description.
3. Reporting Relationship.

B. Supporting Data

1. Physical location.
2. Support furniture/equipment requested or available.
3. Justification statement to reflect increased efficiency; productivity; cost savings; more effective and responsive service; operational reasons; workload that makes requests necessary; etc. The completed Personnel Request Form and new organizational chart.
4. Source of funds

5.4 RESIDENCY REQUIREMENTS

There are no residency requirements for employees except as follows:

1. Police Officers and Fire Fighters - There are no specific residency requirements; however, when a serious incident occurs and becomes greater than the current manpower had anticipated, all combat personnel will be expected to respond to mandatory call back, regardless of the location of their residence.
2. Other employees may be required to live within a certain distance based on specific job requirements such as response to "call-outs."
3. Department Heads/Executive Leadership Team Members may be required to reside in the City or within a specified area as determined by the City Manager.

5.5 SMOKING

A. INFORMATION AND PROCEDURES

The purpose of this policy is to protect the public health, comfort and environment for citizens and employees by creating areas in public places

and at public meetings that are reasonably free from tobacco smoke and to comply with the Florida Indoor Clean Air Act, F.S. Chapter 386.201. Furthermore, the purpose of this policy is to minimize the risk of fire, provide a healthy environment, eliminate the effects of passive smoke, and encourage good health habits within all City of Titusville facilities.

Smoking by any employee, student, volunteer, contractor, or visitor is prohibited in all buildings, vehicles and spaces either leased or owned by the City of Titusville including but not limited to elevators, restrooms, meeting rooms, hallways, lobbies, and other common areas except in outside designated areas with signage.

1. Employees

- a. Employees who wish to smoke may do so in outside designated smoking areas during their regularly scheduled break times.
- b. Manager and Supervisors are responsible for communicating and enforcing smoking regulations for all employees. Employees found in violation will be disciplined in accordance with Personnel and Administrative Policies – Section 6.13 D. Minor Violations, Violation of Smoke Free Policy.
- c. New employees will be instructed on the Smoke – Free policy during new employee orientation.
- d. Smoking cessation classes will be offered periodically for City of Titusville employees. Employees are encouraged to seek smoking cessation assistance for themselves and family members through various programs offered.
- e. All Firefighter/EMT and Firefighter/Paramedic candidates must be nonsmokers and non-users of tobacco products for at least one (1) year immediately preceding application for employment and will not use tobacco or tobacco products during the course of their employment with the City.

2. Students, Volunteers, Contractors, Visitors:

- a. Smoking will be allowed in outside designated smoking areas marked by signage.
- b. All cigarette remains must be disposed of in ash containers.

City of Titusville Office of Risk Management and the Office of the Fire Marshall staff will be primarily responsible for reporting violations of this policy to the appropriate manager or supervisor, but employees are also expected to assume leadership roles, both by example and

by reminding those of the outside designated areas.

B. DESIGNATED SMOKING AREAS

1. City Hall – 555 S. Washington Ave. Smoking on the east side of the building in courtyard (currently in use by employees.)
2. Police Department - 1100 John Glenn Blvd. Smoking on the west side of the facility, in an area north of the booking facility entrance door, and south of the windows looking into the patrol area. The area is concrete and is equipped with a picnic table, umbrella, and live plants.
3. Public Works/Police Substation/ Records- 445 S. Washington Ave. – northwest corner of building (outside) where standup ashtray sits.
4. Osprey Plant- 105 Buffalo Rd. – outside the front door (north side of building).
5. Sandpiper Plant – 1125 Knox McRae St. – For #5 Sandpiper at 1135 Knox McRae Drive the locations are as follows:
 - Building #2 – Smoking area is located in front and rear of building.
 - Building #3 – (maintenance shop building) – Smoking area is located in front of building.
6. Mourning Dove Plant /WRA Admin/Engineering Shops – 2836 Garden St. - Front entrance of building, - Rear of Annex – back door west of garage door, front of maintenance shop.
7. Blue Herron Plant – 4800 Deep Marsh Road - outside the shop area (south side of building).
8. Public Works Complex – 101 N. Singleton Ave. Streets Maintenance Division/Sign Shop and Fleet Maintenance Division:

The designated smoking areas at the City garage compound are the sign marked areas on the east and west side of the building and anywhere not prohibited by flammable material considerations that is away from the building within the grounds.

- Solid Waste Division - The designated smoking areas at the City garage compound are the sign marked areas on the east and west side of the building and anywhere not prohibited by flammable material considerations that is away from the building within the grounds.
- Facilities Maintenance Division/Electrical/Traffic- The designated

smoking areas at the City garage compound are the sign marked areas on the east and west side of the building and anywhere not prohibited by flammable material considerations that is away from the building within the grounds.

9. Fire Stations

- No. 10 - 616 Singleton Av – Exterior of building on east side; and within apparatus bay during inclement weather.
- No. 11 - & Headquarters Bldg. – 550 S. Washington Ave. - Exterior of building on north and south sides; and within apparatus bay during inclement weather.
- No. 12 - 150 S. Park Ave. Exterior of building on south side; and within apparatus bay during inclement weather.
- No. 13 - 4715 S. Barna Ave. Exterior of building on east side; and within apparatus bay during inclement weather.

10. Marina – 451 Marina Rd. No smoking is allowed in any of the buildings, and where “no smoking” signs are posted.

11. Neighborhood Services – 725 Deleon St. – Bench area located at the front exterior of building and east entry.

5.6 NEPOTISM

A. In compliance with Florida Statutes, Chapter 112.3135, the City policy is as follows:

1. A City employee may not appoint, employ, promote, or advance, nor advocate for appointment, employment, promotion, or advancement in or to a position in the department/division in which he is serving or over which he exercises jurisdiction or control any individual who is a relative of the City employee. An individual may not be appointed, employed, promoted, or advanced in or to a position in a department/division if such appointment, employment, promotion, or advancement has been advocated by a City employee, serving in or exercising jurisdiction or control over the department/division, who is a relative of the individual.
2. All persons currently employed by the City who have existing relationships which would otherwise prevent their employment by the City shall NOT be affected by the above prohibition.
3. All employees who are protected by the exception above shall be subject to the following restrictions and conditions on their continued employment:

- a. If any of the relatives are presently employed in the same department or division, the relative should be transferred to a different department or division, if practical, at the discretion of the City Manager.
 - b. If any of the relatives is not presently in the same department or division, no such transfer to within the same department or division shall take place.
 - c. If any of the employees so related is subject to promotion or advancement or a raise in pay or status other than cost-of-living/general increases--before said promotion, advancement, or raise shall be effective, the City Manager reserves the right to evaluate the proposed changes to assure that there was no influence on the part of a relative.
- 4. If two City employees change their relationship by marriage, adoption, or other means, so as to come in conflict with the employment prohibitions of this article, they shall comply with the above restrictions and conditions.
- 5. Any variance to the above requirements shall be authorized by the City Manager.
- 6. For the purposes of this section, the following definitions apply:
 - a. Public Official or Employee means any officer or employee of the City, specifically excluding members of non-compensated advisory boards of the City.
 - b. Employee means every person engaged in any employment of the City under any appointment or contract of hire, expressed or implied, oral or written, for remuneration, including without limitation all full-time, part-time, seasonal, regular, and temporary employees.
 - c. Relative means an individual who is related to a City employee or public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepchild, stepbrother, stepsister, half-brother, or half-sister.

5.7 PROCESSING OF NEW EMPLOYEES

- A. When a job offer has been made by the Hiring Authority and accepted by the candidate, the job offer shall be contingent upon passing a post-offer of employment physical examination, as described below:
- B. Post-Offer Employment Physical Examination

1. The Human Resources Department shall be responsible for coordination of arrangements for post-offer of employment physical examinations. The purpose of the examination is to certify the fitness and ability of the applicant selected to perform the duties of the position. An officially designated medical authority will perform examinations.
2. All applicants (full-time, part-time, and temporary) who are hired for a role deemed safety-sensitive shall be routinely tested for the presence of controlled substances, narcotic drugs, and alcohol as part of their post-offer employment physical examination. Applicants with a "positive" drug screen result will not be hired. Applicants (including former employees separated from employment due to a positive drug screen) may re-apply for employment after one (1) year or earlier than one (1) year if they complete a drug treatment program at their own cost and submit evidence of the successfully completed program at the time of re-application. Applicants who refuse the test are ineligible for further consideration.

C. Background Screening and the Use of Social Security Numbers

- 1 Each prospective employee signs a statement on the Employment Application authorizing a background screening, if deemed necessary, to verify information contained in the application. This will include, but not be limited to, a check of driving records with the State of Florida Department of Highway Safety and Motor Vehicles, a credit report, employment, education verification, name and social security verification and a criminal background screening.
2. Falsification of information on the Employment Application is grounds for disciplinary action up to and including termination.
3. The City, at any time, has the right to withdraw a conditional offer of employment.
4. The use of Social Security Numbers for purposes of this policy pertains to the collection and dissemination of Social Security Numbers.
 - a. The Social Security Number is a unique numeric identifier that must be disclosed in order for an agency to perform many of its duties and responsibilities.
 - b. The departments of the City will not collect an individual's Social Security number unless specifically authorized by law or imperative in the performance of the City's duties and responsibilities, as prescribed by law, and the need for the collection of Social Security numbers within this policy.
 - c. Social Security numbers held by the City of Titusville and

any other agency are confidential and exempt pursuant to *Florida Statutes*.

- d. Effective October 1, 2007, the Florida Legislature adopted new requirements relating to the collection and dissemination of Social Security numbers by all agencies in Florida. To meet the mandates set forth by Section 119.071(5):
- 1) Employees of the City of Titusville may not collect an individual's Social Security number unless a written statement is provided to the individual. The written statement must be given to any individual at the time the Social Security number is collected.
 - 2) The City of Titusville may not use the Social Security numbers collected for any other purpose than the purpose provided in the written statement.
 - 3) The written statement will confirm that the City of Titusville collects Social Security numbers from individuals for the following purposes: identification and verification, benefit processing, payroll functions, tax reporting, state reporting, income reporting, eligibility verification, background checks, and arrest records.
 - 4) Each department of the City of Titusville shall review its collection of Social Security numbers to certify compliance with this policy and State Statute.
 - 5) *Florida Statutes 119.071(5)* provides a process whereby a "Commercial Entity" engaged in the performance of a "commercial activity" may access Social Security numbers through a public records request under specified conditions. The statute provides a definition of "commercial entity" and "commercial activity" and provides a list of requirements the commercial entity must meet in order to access Social Security numbers. These requirements include:
 - A commercial entity must submit a written request for the Social Security numbers and must verify the written request under penalties of perjury as provided in Section 92.525, *Florida Statutes*.
 - The written request must be legibly signed by an authorized officer, employee, or agent of the commercial entity.
 - The written request must contain the commercial entity's name, business mailing and location addresses, and

business telephone number.

- The written request must contain a statement of the specific purpose for which the commercial entity needs the Social Security numbers and how the Social Security numbers will be used in the performance of a commercial activity.
- 6) The City may request any other information reasonably necessary to verify the identity of a commercial entity requesting the social security numbers and the specific purposes for which the numbers will be used.
 - 7) Any employee who makes a false representation in order to obtain a social security number may be subject to immediate dismissal as a Capital Violation and may also be subject to criminal prosecution as a third-degree felony.
 - 8) Any employee who violates the provisions on providing Social Security numbers to commercial entities may be subject to disciplinary action as a Minor Violation violating operating procedures including violation of confidentiality and may be punished for having committed a non-criminal infraction, punishable by a fine not exceeding \$500 per violation.
 - 9) All public records requests made to any department of the City of Titusville by a commercial entity for the dissemination of Social Security numbers shall be forwarded to the City Clerk's Office.

D. Employee Identification Badges

1. Each employee hired by the City will be issued photo identification card showing:
 - Full Name
 - Date of Hire
 - Employee Number
 - Job Title
 - Department Name
 - Photograph
2. Employee Identification Badges are the property of the City of Titusville and will not be defaced or abused in any manner. Name and photograph must be visible. No other items are to be affixed or attached to the I.D. badge either temporarily or permanently. No lettering, drawing or wording other than what was issued on the I.D. badge is permitted.

3. A hard plastic (PVC) RFID card with imbedded sensor for electronic lock activation and timecard usage will be issued.
4. Persons who are issued photo identification badges are responsible for their safekeeping since badges can be used to access secure areas of the building. Badges should be kept in a secure place when not being worn.
5. Badges will be replaced at the Department's expense under the following conditions:
 - a. Name Change
 - b. Department/Job Title Change
 - c. Normal wear, lost while working or legitimate work-related damage. Supervisor's must approve badge replacement if it is determined the lost or damaged badge was work-related. Department's will be responsible for the cost of the replacement badge.
 - d. Replacement of the photo identification badge for reasons other than those listed above will be at the employee's expense. (The City will not charge for the first replacement card.)
6. Stolen or lost badges must be reported immediately to Human Resources so that the card can be deactivated. Failure to report a lost or stolen card is a serious matter that compromises everyone's safety and may result in disciplinary action.
7. An employee leaving employment with the City of Titusville is required to return any identification badges, keys, and other City property.

5.8 EMPLOYEE ONBOARDING

- A. Each new employee shall receive a Handbook issued by the Human Resources Department for use as a general guide to the City's policies, procedures, employee benefits, standards of conduct and safety.
- B. It is the responsibility of each department/division to orient and train the new employee or newly assigned employee regarding safety, City/department policies and procedures as well as instruct the employee of his/her individual Departmental responsibilities within the first two weeks of assignment.
- C. The Human Resources Department will conduct onboarding meetings for new employees to supply an overview of safety, City/Department policies and procedures as well as benefits, wellness and payroll items.

5.9 PROTECTED STATUS HARASSMENT

OBJECTIVE:

To provide a policy for City employees prohibiting protected status harassment, to define workplace protected status harassment, to explain complaint procedures, and to describe remedial actions.

A. General

This policy incorporates the Sexual Harassment Policy with other variations of illegal harassment into a single policy prohibiting all harassing behavior in the work place.

B. Authority

Title VII of the Civil Rights Act of 1964, as amended and the Florida Civil Rights Act of 1992. The Equal Employment Opportunity Commission and the Florida commission on Human Relations enforce the statutes that prohibit discrimination and harassment in employment.

C. Definitions

For the purposes of this policy, the following terms and definitions are applicable:

1. **Protected Status and/or Protected Group**
Any group protected by anti-discrimination laws or ordinances. The anti-discrimination laws and ordinances protect individuals from unlawful discrimination because of race, sex (including pregnancy, childbirth, or related medical conditions), religion, color, national origin, disability status, marital status, age, citizenship status, genetic information, veteran status, or any other category protected by federal, state, or local law. This policy applies equally to harassment of and by gay and lesbian employees and citizens.
2. **Workplace**
The workplace includes but is not limited to the physical work site, washrooms, cafeterias, training sessions, business travel, conferences, work related social gatherings or worksite, etc. ("Workplace" is an expansive term for city employees and includes activities both during and after hours, if work related.)
3. **Third Parties**
Third parties include, but are not limited to, city employees; contractors, their employees and agents; vendors of goods and services to the City, their employees and agents; customers, including applicants for City employment or services; visitors to City places of work; and persons performing volunteer service with the City.

D. POLICY STATEMENT

It is the policy of the City of Titusville to provide a work place free of protected status harassment. This policy prohibits the harassment of any City

employee on the basis of a protected status. This policy also prohibits protected status harassment against third party entities with whom, City employees come into contact as a result of their employment.

This prohibition includes all forms of protected status harassment, including sexual harassment, and mandates that all employees at all levels must avoid offensive or inappropriate harassing behavior at work on the basis of protected status.

Examples of behaviors that can constitute harassment and/or sexual harassment include, but are not limited to:

1. Any verbal, visual, or physical conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.
2. Any verbal, visual or physical conduct that has the purpose of substantially interfering with the employee's ability to do his or her job.
3. Any verbal or physical conduct of a sexual nature that may threaten or insinuate either explicitly or implicitly that any employee's submission to or rejection of sexual advances will in any way influence any decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.
4. Any sexually harassing behavior, comments, remarks, advances, or gestures in the workplace, whether verbal, visual, or physical, including but not limited to comments about an individual's body; the use of sexually degrading words to describe an individual; offensive comments; off-color language or jokes; innuendos; suggestive objects, books, magazines, photographs, cartoons, pictures, and the display of derogatory expressions on apparel.
5. Any unwelcome or unsolicited speech or conduct, drawings, pictures, or communication towards an individual based on protected status. Such behavior includes but is not limited to derogatory name-calling, insults, jokes, slurs, comments, verbal abuse, threats, and ridicule of an individual based on protected status.
6. Physical harassment such as assault, unwanted touching, blocking normal movement, or interfering with an employee's ability to do his/her job.
7. Verbal harassment such as epithets, derogatory comments, slurs, or unwanted advances or invitations.

This policy is not intended to limit or constrain the employer's right to manage. For example, work assignments, performance reviews, and coaching, work evaluation and disciplinary measures taken by a

manager or supervisor, in good faith for valid reasons, do not constitute harassment in the workplace.

These supervisory and management actions must remain respectful to the individual. This policy will not, under any circumstances, be used to impede the supervisory relationship, nor is it intended to inhibit normal social interaction in the workplace. Individuals in supervisory relationships or other influential roles are subject to more stringent requirements under this policy due to their status as role models, their access to sensitive information and their ability to influence others. Therefore, individuals in supervisory relationships shall avoid developing romantic relationships with their subordinates.

8. This policy delineates some unacceptable behavior but does not modify any other rights or obligations inherently placed on supervisors and managers in the performance of their duties.
9. This policy prohibits conduct that may or may not amount to protected status harassment under the law, as well as conduct that may or may not amount to a statutory violation of county, state, or federal policies, rules, or laws governing standards of conduct of employees. It is the purpose of this policy to stop all forms of protected status harassment before the conduct arises to a level of a violation of law. Employees may be disciplined, up to and including termination, for harassing conduct that does not meet the legal definition of protected status harassment but is nonetheless offensive and inappropriate for the workplace.

E. SPECIFIC EXAMPLES:

Any of these elements may constitute sexual harassment or discrimination:

- Physical Contact
- Squeezing a worker's shoulder or putting a hand around his or her waist
- Gestures, such as puckering one's lips suggestively or making obscene signs with one's fingers or hands
- Telling off-color jokes
- Pictures, including computer images
- Pin-ups, particularly those of scantily-clad individuals
- Comments
- Terms of Endearment, such as calling a co-worker "honey", "dear", "sweetheart", or some similar expression (the effect is the primary issue rather than intent. Even if the person "means nothing to you" or you have "used the terms for years", you should be aware that these expressions are inappropriate.)

Questionable compliments, such as "Nice legs!", "You look hot in that outfit!" (Compliments like these can make individuals feel uncomfortable or worse.

Even if the person who received the “compliment” is not disturbed by it, others may be.)

F. PROCEDURES:

1. Reporting Harassment

- a. Employees should report incidents they believe are violations of this policy in writing, immediately using the steps listed below.
 1. First, discuss any concerns with your Supervisor.
 2. If you are not satisfied after you have talked with your Supervisor, or if you feel that you cannot talk to your Supervisor, you should discuss your concern with your Department Director.
 3. If you are not satisfied after you have talked with your Department Director, or if you feel you cannot talk to your Department Director, you should speak to the Human Resources Director.
 4. If any time, you feel the need to speak to other members of management, you may contact the office of the City Attorney.
- b. Supervisors or managers who receive a report of harassment must inform the Human Resources Director. The Human Resources Director will promptly review the information and determine the appropriate action to be taken.

When a report is made, the City will investigate the report promptly. The City will attempt to keep the information provided and developed during the investigation process confidential; however, the City cannot guarantee confidentiality. The City will take prompt, appropriate action if warranted and close the investigation in a timely manner. If the City determines an employee has made a complaint in bad faith, or has knowingly provided false information regarding a complaint, disciplinary action may be taken against the employee who provided the false information, up to and including termination of employment.

2. Remedial Actions:

a. Engaging in Harassment

Any employee who engages in conduct determined to be harassment, or who encourages such conduct by others, shall be subject to discipline, up to and including termination from

employment.

- b. Allowing Harassment to continue or failing to respond

Managers and/or supervisors who allow harassment to continue or fail to take appropriate corrective action upon becoming aware of the harassment may be subject to discipline, up to and including termination from employment.

3. Retaliation:

- a. Retaliation including threatening an individual or taking an adverse action against an employee or citizen who in good faith has reported harassment or assisted the organization in the investigation of a complaint. Retaliation is against this policy and is against the law and will not be condoned. For example, an employee cannot be punished for submitting a complaint in good faith to Human Resources or giving a statement to a governmental agency that is looking into a harassment or unlawful discrimination claim. Employees should report incidents they believe to be retaliatory immediately to the Human Resources Department as soon as possible.

5.10 WORKPLACE VIOLENCE

It is the policy of the City of Titusville to establish and maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior. Any threats or acts of violence made by or to an employee, against another person's life, health, well-being, family or property will not be tolerated.

- A. Definitions and References:

- **Workplace:** includes any place, site or vehicle owned and/or operated by City of Titusville, any place where and while a City of Titusville employee is conducting City business or any place where City employees have gathered for a City event.
- **Violence:** any act or instance of intentional physical harm or the threat of harm. The City recognizes family violence; violence at work and any other exposure to violence can affect any employee's work performance. The City acknowledges all human relationships have the potential for conflict that may result in incidental or sustained violence. Violence may be a consequence of the actions of employees, supervisors, customers, clients, vendors, or any other person.

- B. All City of Titusville managers, directors, supervisors and employees are to treat each other, their customers and clients, and all others with courtesy, dignity, and respect. Violence, threats, harassment, physical or psychological intimidation, assault or physical abuse, vandalism, sabotage, arson and

other disruptive behaviors in our workplace are not acceptable and will not be tolerated by employees or members of the public.

C. Policy Regarding Firearms and Weapons

It is the policy of the City of Titusville that except as specifically provided in *F.S. 790.251*, employees are prohibited from possessing firearms or other weapons on City premises or during working hours while on duty.

1. Employees in possession of deadly weapons are subject to discipline pursuant to Section VI Personnel Policies – Disciplinary Action, Section 6.12 regarding deadly weapons which reads:

“That the employee possesses a deadly weapon, while on City owned or leased property, or in a City owned vehicle or personal vehicle while being used for City business except as specifically provided in *F.S. 790.251*. Prohibited possession under this Policy shall also apply to a deadly weapon located in an employee’s privately-owned vehicle if such vehicle is parked on City owned or leased property.

2. For the purposes of this policy, a “deadly weapon” shall be defined as an instrument which will cause death or great bodily injury when used in the ordinary and usual manner contemplated by its design and construction and includes, but is not limited to, the following:

Firearms; clubs; knives; other than a common pocket knife with a folding blade or an eating utensil; stun guns; brass knuckles; and num chucks; throwing stars; and other martial arts weapons.

3. Exceptions to the above prohibitions may be granted by appointing authorities to employees whose duties require them to carry such an item or who have a need to carry a firearm or deadly weapon for their own personal protection.”
4. TRAINING: The City of Titusville has implemented a workplace violence training program.

D. Non-Retaliation:

This policy prohibits retaliation against any employee who brings complaints of violent or intimidating behavior, or who helps in investigating complaints; the employee will not be adversely affected in terms and conditions of employment, nor discriminated against or discharged because of the complaint.

E. Discipline

All managers have a responsibility to immediately intervene when any employee or member of the public displays conduct that violates this policy.

In situations where employee safety is at risk or the security of property is an issue, the supervisor, at his/her discretion and in accordance with City of Titusville's disciplinary policies and procedures, may engage the assistance of law enforcement to remove the threatening employee or member of the public.

Any employee deemed responsible for conduct that is prohibited by this policy is subject to disciplinary action appropriate to the specific incident, up to and including termination from employment, and civil or criminal penalties.

5.11 EMPLOYMENT OF THE DISABLED

Disabled persons shall be considered for employment, in accordance with the provisions of the Americans with Disabilities Act Amendments Act (ADAAA), in positions where the disability does not interfere with the discharge of essential duties, as defined in the job description. Disability is defined as a condition that substantially limits one or more major life activities; i. e., caring for oneself, performing manual tasks, talking, seeing, hearing, speaking, learning and working.

Americans with Disabilities Act Amendments Act Compliance

The Americans with Disabilities Act Amendments Act (ADAAA) – is a federal anti-discrimination statute designed, in part, to remove impediments to qualified persons with disabilities who seek the same opportunities and services that are available to persons without disabilities.

The intent is to insure individuals with disabilities are provided with full and equal enjoyment of the programs, services, and activities provided by the City of Titusville. The City has a sincere commitment to the satisfaction and accommodation of all of our citizens, regardless of disability.

The Human Resources Director on behalf of the City Manager will ensure the Americans with Disabilities Act Amendments Act (ADAAA) requirements are met in providing accessible, usable services and facilities for all persons with disabilities. Discrimination is not condoned and will not be tolerated.

A. DEFINITIONS

- Americans with Disabilities Act – Public Law 101.366 prohibits discrimination on the basis of a disability.
- Disabled-An individual with a physical or mental impairment that significantly limits one or more of the major life activities, has a record of such impairment, or is regarded as having such impairment, as defined in Public Law 101.366.
- Reasonable Accommodation – A modification to allow an individual with a disability to be able to utilize and/or enjoy programs, services, or events. The accommodation shall not fundamentally alter the nature of the service, event, or program, or cause an undue financial burden, as set forth in /section 35-164 of the Americans with Disabilities Act Amendments Act (ADAAA).
- Hearing Impaired – A person who demonstrates a loss of hearing that adversely affects an individual's ability to communicate.
- Visually Impaired – A person who demonstrates a decrease in visual acuity.

B. POLICY STATEMENT

1. All staff will be provided the authority to make minor changes in procedures as required to accommodate an individual. If extensive or permanent changes are needed, management, with input from the individual as to his/her preference, will be responsible for making decisions as to what is necessary and appropriate.

2. Where readily achievable (i.e. financially and structurally possible) permanent solutions have been implemented providing for barrier free design for all disabilities.
3. All reasonable efforts will be made to ensure that all individuals are afforded the opportunity to function independently.
4. All equipment and features that are required to provide ready access to Individuals with disabilities will be maintained in working order. Accessible routes will not be blocked and accessible entrances will remain unlocked during operating hours.
5. All individuals, whether disabled or not, shall not be discriminated against and shall be served in the same order in which each respective individual seeks assistance.
6. VISUALLY IMPAIRED – Braille, large print (at least 18 point), computer disk, or audio tape for printed material will be provided for those with visual impairments at written request to the ADA Coordinator.
7. Policy will be modified to permit the use of service animals.
8. HEARING IMPAIRED – Assisted Listening Systems are available for use in all public meetings. Requests for the portable devices in the Council Chambers should be made at least 48 hours in advance to the ADA Coordinator.
9. Hearing aid compatible phone for use by individuals with hearing and speech impairments will reviewed as a reasonable accommodation or with a decision to provide an alternative accommodation.
10. Interpreter services for public meetings and accessible transportation services will be provided by request through the ADA Coordinator; requests should made at least five working days in advance of the meeting in writing by the department/office making the request. The request should include the Date and Time of the Event. Fees for interpreters will be billed to the requesting office/department per current rates.
11. Appropriate signage will be provided to identify accessible features.
12. Within all notices or communication regarding public programs, services, or activities, information can be requested regarding special needs of individuals. Information can be obtained regarding accommodations needed for participation based on mobility limitations/needs; communication needs and visual impairments
13. Where the removal of structural barriers has been determined as not readily achievable, alternate methods of providing equal access to programs, facilities or services will be provided if readily achievable. Example: providing an alternative accessible meeting room should there be a room where accessibility cannot be readily provided.

14. In the event a person with a disability is attempting to seek information and/or assistance from a city employee said employee shall ask the individual if he/she would like to move to a table and/or counter within a reasonable and accessible distance from the main counter for purposes of obtaining information or assistance.
 15. Employees will also provide, when required, reading services to individuals with vision impairments, and provide pad and pencil to individuals with hearing or speech impairments.
 16. This policy is not intended to be inclusive of all possible practices pertaining to persons needing special accommodations. All requests will be considered independently as each individual is unique and may require creative and thoughtful solutions.
 17. Any individual who believes that the City should provide additional accommodations or access to the disabled shall direct their request/complaint to the City's ADA Grievance Procedures herein attached as of "City of Titusville ADA Complaint Procedure" (5.10.D).
- C. Each Department Head shall be responsible for the implementation of the Americans with Disabilities Act Amendments Act Compliance program for the functions under his/her supervision by 1) ensuring that all employees under their direction are informed of this policy; 2) ensuring that all instances or allegations of discrimination are immediately reported to the ADA Coordinator; and 3) posting this policy in conspicuous locations within the workplace. Persons receiving complaints should fully inform the individual of their rights, take appropriate steps to investigate in a timely manner, and when it is merited take prompt and effective remedial action. The Human Resources Director shall be responsible for overall program administration.
- D. CITY OF TITUSVILLE ADAAA COMPLAINT PROCEDURE
- This complaint procedure is established to meet the requirements of the Americans with Disabilities Act Amendments Act (ADAAA). It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, programs, or benefits by the City of Titusville. The City's policy is to expedite a response to all citizen requests or questions including those involving ADAAA compliance.

In the event an individual with a disability attempts to participate in a program or service that he/she feels does not meet their accessibility needs as set forth by the ADAAA, the ADA Coordinator is to be contacted immediately. If the ADA Coordinator is not available at the time of the complaint, then a representative of the hosting department /office should gather the following information from the complainant and immediately forward the information to the ADA Coordinator for prompt follow-up:

1. The first notice to the City of an ADA complaint/question may be made via telephone, verbal or written form. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording will be made available to persons with disabilities. The request/complaint shall be directed to the ADA Coordinator and processed. Within five (5) working days the complainant will be notified of the action taken, information requested, and date of action, and contact person for further information.
2. In the event the complainant is not satisfied with the actions and/or answers resulting from step 1, the complainant shall file a written complaint with the City's ADA Coordinator as identified in Step 4 below.
3. The written complaint shall contain information about the alleged discrimination such as name, address, phone number of the complainant, location, date/time, and specific description of the problem, hosting office/department of the program or service, and what the office/department attempted to do to resolve the issue. The complaint form may be used for this purpose. Upon request, alternative means of filing complaints, such as personal interviews or a tape recording of the complaint, will be made available for persons with disabilities.
4. The complaint shall be submitted by the grievant and or his/her designee as soon as possible but no later than 60 calendar days after the alleged violation.

All complaints shall be submitted to:
Human Resources Director
City of Titusville
555 S. Washington Avenue
PO Box 2806
Titusville, Fl. 32781-2806
321-567-3725
321-383-5702 Fax

5. Within 15 calendar days of receipt of the complaint, the ADA Coordinator will contact the complainant to discuss the complaint and possible resolutions. Within 15 calendar days after the meeting, the ADA Coordinator will respond in writing, and where appropriate, a

format accessible to the complainant, such as large print, Braille, or audio tape. The response will explain the position of the City of Titusville and offer options for substantive resolution of the complaint.

6. If the complainant believes that the response by the ADA Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the ADA Coordinator to the City Manager. The appeal shall be filed within 15 calendar days after receipt of the response from the ADA Coordinator or his/her designee.
7. Within 15 calendar days after receipt of the appeal, the City Manager or his/her designee will meet with the complainant to discuss the complaint and possible solutions. Within 15 calendar days after the meeting, the City Manager or his/her designee will respond in writing and where appropriate in a format accessible to the complainant, with a final resolution of the complaint.
8. All written complaints received by the ADA Coordinator, appeals to the City Manager and the responses from the ADA Coordinator and the City Manager will be kept by the City of Titusville in accordance with the State of Florida Bureau of Records Retention.

5.12 AGE REQUIREMENTS

The minimum age requirement for regular full-time status position is 18 years of age. However, in temporary or seasonal positions the minimum age requirement is 16 years of age.

5.13 EXAMINATION REQUIREMENTS

- A. Including, but not limited to an applicant, employee (including temporary and contract), interns or volunteer may be required to take an examination at the City's expense at any time to determine the individual's general fitness for work to the City based on the essential requirements of the job. Such examinations may include, but are not limited to, physical, psychological, psychiatric, or any medical evaluation deemed appropriate, including drug and alcohol testing in accordance with Florida Statute Chapter 400 meeting the Drug Free Workplace requirements.
- B. A former employee, who is rehired shall be required to take a post-offer employment examination as deemed appropriate, including drug testing in accordance with Florida Statute Chapter 440.
- C. An employee who is promoted from a position that is not considered safety-sensitive to a safety-sensitive position shall be required to take a medical examination which may include, but not limited to, physical, psychological, psychiatric, or any medical examination as deemed appropriate, including drug and alcohol testing in accordance with Florida Statute Chapter 440.

5.14 POLICY ON DRUGS AND ALCOHOL

- A. The City of Titusville is committed to providing a Drug Free Workplace and a safe work environment for employees, guests, our community, and the public. The abuse of alcohol and drugs is a national problem, which impairs the safety and health of employees, promotes crime, and harms our community. In order to maintain the highest standards of morale, productivity, and safety in our operations, the City establishes this drug and alcohol-free workplace policy. With the cooperation and assistance of our employees, this program will provide a safe workplace environment free from the use and/or abuse of drugs and alcohol. The City adopts a zero-tolerance policy regarding drug use. Any violation of the policy will result in an employee's termination from employment with the City. In addition to the Drug Free Work place policies of Chapter 440, Florida Statutes, the City of Titusville supplements those regulations with these policies pursuant to applicable Florida and federal law.

The City recognizes that random drug testing is important to further the City's goal of a safe work place to protect the public health and safety of employees and the general public.

The City recognizes it has a compelling governmental interest in achieving this goal by drug testing. The City finds that certain City employees occupy positions which are safety sensitive, carry firearms, respond to fire and medical emergencies, operate heavy equipment, repair heavy equipment, drive City vehicles or personal vehicles and transport other employees or persons in said vehicles, operate machinery on public streets and right-of-way in close proximity to the general public, operate and repair water, sewer, storm water systems for the benefit of the public, operate facilities which are confidential for security reasons, perform other duties for which a special need exists to maintain a safe and secure workplace and prevent injury to other employees or members of the general public.

That the City has carefully evaluated each position and determined which Safety Sensitive positions should be subject to random testing to achieve the goals and purpose identified herein.

- B. The City recognizes that alcohol and drug dependency require medical supervision and treatment if there is to be successful rehabilitation. The City encourages any employee with alcohol or drug dependency to voluntarily seek assistance via a drug or alcohol rehabilitation program. It is the responsibility of each employee to initiate and obtain assistance before any difficulties with drugs or alcohol affects his work. However, violation of this policy will not be excused or condoned because an employee has sought assistance from the Employee Assistance Program (EAP).
- C. This Drug-Free Workplace Policy Summary applies to all employees, including temporary employees, contract employees, supervisors, and

managers. Any violation of the Policy will result in termination of employment.

D. This policy, in accordance with F. S. 440.102(3), is designed for employees and job applicants as a guide to the essential elements of the City of Titusville Drug-Free Workplace Policy, (which is available in the Human Resources office and each Department Director's office) as follows:

1. In accordance with Florida's Drug-Free Workplace Program Requirements, *F.S. 440.102 et seq.*, and Federal Department of Transportation Regulations, the City of Titusville prohibits the illegal use, possession, sale, manufacture, or distribution of drugs, alcohol, or other controlled substances on its property (City property includes such areas as parking lots, vehicles, break/lunchrooms, lockers, locker rooms, offices, rest rooms, etc.) or while employees are at work or on duty. For purposes of this policy, alcohol is considered to be a drug.
2. For the purpose of this policy, an individual is presumed to be under the influence of drugs if a confirmation drug test is positive. The City may suspend employees without pay under this policy pending the results of a drug test or investigation.
3. It is also against City policy for employees to report to work or to work under the influence of drugs. This includes prescription drugs, which induce an unsafe mental or physical state. It is the responsibility of any employee who is taking any prescription drug, which might impair safety, performance, or any motor functions to advise his supervisor before commencing work under such medication.
4. The City has contracted with a Medical Review Officer (MRO) who is a licensed physician with knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures, the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The purpose of the MRO is to ensure to the maximum extent possible that all test results are accurate. Applicants or employees can discuss any technical questions regarding testing with the MRO prior to or after the test.

E. Drug Testing of Applicants (Safety Sensitive Positions)

1. All mandatory testing or safety sensitive position announcements will include notice of drug testing of candidates offered employment conditioned upon successful completion of drug/alcohol testing.
2. Applicants who have been made an offer of employment conditioned upon successfully passing of a drug/alcohol test will be tested for the presence of drugs/alcohol.
3. Applicants for mandatory testing or safety sensitive positions will be asked to sign a Drug and Alcohol Test Consent form after the

conditional employment offer has been made and accepted. Any applicant who refuses to take the mandatory drug/alcohol test will not be considered for employment and the conditional employment offer will be withdrawn.

4. An applicant whose test is confirmed positive will not be considered for employment at that time and will be informed of failure to meet employment standards.

F. Drug Testing of Employees

1. Reasonable-Suspicion Testing: Employees will be tested when there is a reasonable suspicion that an employee is using or has used drugs.
2. On-the-Job Vehicle Accident/On-the-Job Injury Testing: Employees who sustain an on-the-job injury, which requires medical treatment, and employees who have a preventable vehicle accident while operating a City vehicle, will be tested at the time medical treatment is administered, or following the vehicle accident, or as soon thereafter as possible.
3. Random Testing for Commercial Driver's License holders and Safety Sensitive Positions: Employees whose position requires a Commercial Driver's License (CDL) for operation of a commercial motor vehicle, and those employees in Safety Sensitive Positions, will be selected in a random, unbiased manner on an annual basis for drug and alcohol testing, as follows: 10% of the operators of commercial motor vehicles will be tested for alcohol annually and 50% of the operators of commercial motor vehicles will be tested for drugs annually.

The City of Titusville has identified "safety-sensitive" positions that there is a special need to test which present a substantial and real risk to the public safety if the employee performing the work does so when impaired by drugs or alcohol.

4. Routine Fitness-for-Duty Testing: Employees are drug tested as part of any routinely scheduled employee fitness-for-duty medical examination.
5. Follow-up and Return to Duty Testing: Employees who are permitted by the City to return to work after completing treatment for alcohol or drug abuse will be tested prior to returning to work and will be subject to unannounced follow-up testing on a quarterly, semi-annual or annual basis for a period of two years, or for a period of up to sixty months for drivers of commercial motor vehicles.
6. Additional Testing: Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations.

- G. Under the City's zero tolerance policy, any employee who refuses to submit to a drug test required by this policy or who has a positive confirmation drug test will be terminated from employment. An employee who sustains an on-the-job injury and who refuses to submit to a drug or alcohol test, or who has a positive confirmation test, may forfeit eligibility for workers' compensation medical and indemnity benefits in addition to disciplinary action, which may include termination.
- H. The following is a partial list of drugs (described by brand name, common name, and/or chemical name) for which the City may test. The City may include such additional drugs to be tested as they see fit. Also listed and identified are the most common medications, which may alter or affect a drug test:
1. Alcohol (booze, drink, distilled spirits, wine, malt beverages, beer, intoxicating liquors, alcoholic beverages, etc.)
 2. Amphetamines (Biphetamine, Desoxyn, Dexedrine, meth, speed, crack, etc.)
 3. THC (cannabinoids, marijuana, hash)
 4. Cocaine (coke, blow, nose candy, snow, flake, crack)
 5. Phencyclidine (PCP, angel dust, hog)
 6. Methaqualone Quaaludes
 7. Opiates (opium, dover's powder, paregoric, parepectolin)
 8. Barbiturates (Phenobarbital, Tuinal, Amytal)
 9. Benzodiazepines (Ativan, Azene, Clonopin, Dalmane, Diazepam, Halcion,
 10. Librium, Paxipam, Restoril, Serax, Tranxene, Valium, Vertron, Xanax)
 11. Methadone (Dolophine, Metadose)
 12. Propoxyphene (Darvocet, Darvon N, Dolene)
 13. Metabolites of any substances listed above.
 14. And such other drugs as listed in Chapter 893.03 in Florida Statutes.

I. Confidentiality of Records

All information, interviews, reports, statements, memoranda and drug

test results, written or otherwise, received by the City as part of this drug-testing program, including rehabilitation programs, are confidential communications. Unless authorized by state laws, rules, or regulations, the City will not release such information without a written consent form signed voluntarily by the person tested. The City or its legal counsel may disclose such information in the event that a challenge or other form of civil, disciplinary, or administrative litigation is initiated by a job applicant or employee.

J. Challenge of Drug Test Results

1. A job applicant or employee who receives a positive confirmed drug test result may contest or explain the result to the Medical Review Officer or the City within five days after written notification of the positive test result. If the applicant's or employee's challenge is unsatisfactory to the MRO, a written explanation of the reason the challenge has been determined to be unsatisfactory will be furnished to the job applicant or employee within fifteen days. The applicant or employee has the further right to contest the test results in a court of competent jurisdiction or pursuant to rules adopted by the Florida Division of Workers' Compensation.
2. Any applicant or employee who elects to have a portion of his or her specimen re-tested at another licensed testing laboratory (at his or her expense) must notify the testing laboratory and make a request to the City within one hundred eighty days after written notification of a positive test result.
3. A job applicant or employee has the responsibility of notifying the drug-testing laboratory of any administrative or civil action brought pursuant to *F.S., Chapter 440*. The laboratory will maintain the specimen until the case or administrative appeal is settled.
4. Job applicants and employees have the right to confidentially consult the Medical Review Officer for technical information regarding prescription and non-prescription medication and may contest or explain the test result to the MRO both before and after being tested. A form for reporting to the Medical Review Officer prescription or non-prescription medicine currently used, or used within the last month, which might affect the outcome of a drug test is included in the Drug-free Workplace Policy along with a list of drugs by trade or common names.

K. A representative listing of the names, addresses, and telephone numbers of employee assistance programs and drug rehabilitation programs is included in the Drug-free Workplace Policy.

L. Employees who are covered by any collective bargaining agreement between the City of Titusville and any certified labor organization will have the right to file a grievance regarding disciplinary action imposed by

the City as a result of a violation of this policy, if the grievance is permitted to be filed pursuant to the collective bargaining agreement.

- M. The contents of this policy constitute statements of the City's current policy and may be changed and updated by the City at any time. Nothing in this policy is intended to create a contract between the City and any employee. Nothing in these guidelines binds the City to a specific or definite period of employment or to any specific policies, procedures, actions, rules, or terms and conditions of employment.
- N. The complete Drug-Free Workplace written program is available in the Human Resources office or from Department Heads; the complete program is posted at various locations throughout City facilities.
- O. As a condition of employment and continued employment, all employees are required to abide by this policy.
- P. This policy shall be implemented consistent with F.S. 440.102, Drug-Free Workplace Program, and Rule 49 CFR, Parts 29, 40, 653 and 654 and applicable labor agreements of the City.
- Q. Random and Mandatory Substance Abuse Screening Program Procedures
 - 1. The Random Substance Abuse Examination Program shall be administered through the medical review officer (MRO) designated by the City, and shall be responsible for the identification and notification of all employees to be administered the random substance abuse examinations and records maintenance.
 - 2. The designated MRO shall generate a blind scheduling list monthly of eligible employees for the Random Substance Abuse Examination. The list shall contain a predetermined number of names that are mathematically random and shall not be subject to arbitrary manipulation or discrimination.
 - 3. The selection process shall be restricted to the designate MRO.
 - 4. If the employee selected is not available due to sick leave, annual leave, or other circumstances where he or she is not physically at work, the City's Risk Manager shall note this in their computer records as to why the employee did not submit to testing.
 - 5. Selected employees must be assigned a companion by the department supervisor, and both employees **MUST RESPOND IMMEDIATELY AND DIRECTLY** to the request of the Collection Site Person (CSP) or Collector.
 - 6. Failure to report immediately and directly to the test site shall be grounds for discipline up to and including dismissal.

7. Supervisors shall relieve selected employees of their duties until after the collection process is completed.
8. All employees selected for testing shall act in a professional manner and follow all directives given by the Collection Site Personnel.
9. The Supervisor shall immediately notify Human Resources of any employee's refusal to cooperate with the procedures set forth herein.
10. Human Resources shall resolve the matter by phone or dispatch a supervisor to the collection site.
11. The testing procedures and safeguards provided in this policy are to ensure that the integrity of the Random Substance Abuse Testing Program shall be adhered to by all employees affected.
12. The substance abuse examination shall encompass any of the following drugs or their metabolites:

Positive Threshold Levels / Screening Confirmation:

Amphetamines - 1,000 ng/mL / 500 ng/mL -
(amphetamine, methamphetamine)

Cannabinoids - 50 ng/mL / 15 ng/mL - (11-nor-D9-
tetrahydrocannabinol-9- Carboxylic acid)

Cocaine (benzoylecgonine) - 300 ng/mL / 150 ng/mL

Phencyclidine - 25 ng/mL / 25 ng/mL

Methadone - 300 ng/mL / 150 ng/mL

Opiates* - 300 ng/mL / 300 ng/mL (codeine, heroin & morphine)

Barbiturates - 300 ng/mL / 150 ng/mL

Benzodiazepine - 300 ng/mL / 150 ng/mL

13. An employee shall have a positive drug test reported for any urine drug test that has been verified by the Medical Review Officer (MRO) if the testing laboratory determines the specimen contains a drug (or metabolite) above the screening and confirmatory test threshold levels listed above.
14. Negative Test Result
 - a. A negative test result shall be reported for any urine drug test that has been analyzed by a testing laboratory and found NOT to contain a drug (or metabolite) above the screening levels listed above.

- b. A negative drug test result shall also be reported for any urine drug test result that has been analyzed by a testing laboratory and found to contain a drug (or metabolite) above the screening and confirmatory test threshold levels listed above, and the Medical Review Officer subsequently determines the result is negative based on verification of prescription information or other acceptable verifiable explanation.

15. Mandatory Drug/Alcohol Testing

- a. No employee shall possess, consume, or be under the influence of alcohol, as defined herein, whether resulting from use on or off the job while performing duties for the City of Titusville.
- b. Any employee having a reasonable basis to believe that another employee is illegally using or is in possession of a controlled substance or is using or under the influence of alcohol shall immediately report the facts and circumstances to a supervisor who shall, in turn, notify the Risk Manager.
 - A decision to test an employee shall be based on factors such as: Change in job performance.
 - Physical symptoms associated with drug/alcohol usage such as slurred speech and altered motor skills.
 - Changes in attention span or attendance.
 - Reports or actual witnessing of possession or use of substances.
 - Changes in appetite or sleeping habits.
 - Other mannerisms or behavior changes that indicate the suspicion of alcohol or drug usage.

16. Collection Protocols

- a. Analysis of urine, blood, or saliva specimens collected under reasonable suspicion or the Random and Mandatory Substance Abuse Examination Program shall only be performed by licensed laboratories that are certified by the Agency on Health Care Administration as complying with drug testing standards and procedures for Workplace Drug Testing Programs, defined in section 59A-24 FAC.
- b. The employee shall bring photo identification to the collection

site. When a donor/employee arrives at the collection site, the Collection Site Person (CSP) shall request each donor/employee to be tested to present photo identification in the form of a department ID.

- c. If the donor employee's identity cannot be established, the CSP shall not proceed with the collection.
- d. The CSP shall document the reason for not collecting the specimen and provide the donor/employee with a copy of this documentation.

17. Drug Testing/Urine Collection

- a. The CSP shall take precautions to ensure that a urine specimen not be adulterated or diluted during the collection procedure and that information on the collection bottle and on the Chain-of-Custody form can identify the employee from whom the specimen was collected.

- (1) All employees shall be required to sign the Chain-of-Custody form.
- (2) Employees shall not make any modifications, changes, or deletions on any of the required substance abuse examination forms.
- (3) Failure to complete the Chain-of-Custody form may result in disciplinary action up to and including termination.

- b. Test Restroom Facility

- (1) For urine specimens, toilet-bluing agents shall be placed in toilet tanks so the reservoir of water in the toilet bowl always remains blue.
- (2) There shall be no other source of water in the enclosure or portioned area where urination occurs.
- (3) The Collector shall control all other sources of water
- (4) Only one (1) donor/employee shall be allowed inside the collection site (restroom) at any given time.
- (5) The collection site shall consist of a private and secure restroom facility.
- (6) Prior to collection, the CSP shall ask the employee to remove any unnecessary outer garments, such as a coat or jacket, and to empty all clothing pockets.
- (7) Employees shall not bring anything, including any

smoking materials, with them into the collection site.

- (8) The CSP shall ensure that all belongings, such as a purse or briefcase, remain with the outer garments.
- (9) The employee may retain his or her wallet provided that the CSP shall check it for possible contaminants. (Employees shall not be searched; however, if the Collector notes any unusual behavior, abnormal urine temperature, or any other indication that a specimen may have been adulterated, substituted, or diluted, the Risk Manager or designee shall immediately be notified, and another specimen may be collected/ witnessed by a same-gender Collector.)
- (10) The employee shall be instructed to wash and dry his or her hands prior to urination. After washing hands, the employee shall remain in the presence of the CSP and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials that could be used to adulterate the specimen.

c. The Collected Sample

- (1) Upon receiving the specimen from the employee, the CSP shall determine that urine specimens contain at least thirty (30) milliliters (mL) of urine. The Collector shall document the appropriate volume of the specimen at the time of collection.
- (2) If there is less than thirty (30) mL of urine in the container, another urine specimen shall be collected in a separate container.
- (3) Collected specimens that contain less than thirty (30) mL of urine shall not be submitted to the laboratory for testing. The Risk Manager or designee shall be notified. Such specimens shall be discarded in the presence of the donor/employee and such procedure shall be annotated by the Collector on the Chain-of- Custody form.
- (4) The Collector shall be permitted to give the donor/employee water to drink for the purpose of providing another urine specimen, not to exceed forty (40) ounces in three (3) hours or four (4) ounces every fifteen (15) minutes but not exceeding three (3) hours.
- (5) If the donor/employee still fails to provide thirty (30) mL of urine, the CSP shall notify the Risk Manager or

designee, who shall respond to the collection site.

- (6) The Risk Manager or a representative shall remain with the employee until he or she provides an acceptable sample.
- (7) Failure to submit an acceptable sample shall be considered a refusal to submit to a drug test.
- (8) After a urine specimen has been provided and submitted to the CSP, the employee shall be allowed to wash his or her hands.
- (9) Temperature of Sample
 - a. No longer than four (4) minutes following the collection, the CSP shall measure and record the temperature of the urine specimen, as indicated, on the Chain-of-Custody form.
 - b. The temperature-measuring device shall be placed on the outside of the container to prevent contamination.
 - c. If the temperature measurement is not conducted within four (4) Minutes, the specimen shall be rendered invalid and shall be rejected.
 - d. A second specimen shall be collected and a new Chain-of- Custody form generated.
 - e. If the temperature of a urine specimen is outside the range of 90 - 100° Fahrenheit, there shall be reason to believe that the donor/employee may have altered or substituted the specimen.
 - f. Another urine specimen shall be collected under the direct observation by an observer of the same gender as the donor employee.
 - g. The reason for the observed collection and the identity of the direct observer shall be documented on the Chain-of-Custody form.
 - h. Immediately after a urine specimen is collected, the CSP shall also inspect the specimen to determine its color and look for any signs of contaminants.
 - i. Any unusual finding shall be noted on the Chain-of-Custody form.

j. The Risk Manager or designee shall be notified.

d. Suspicious Sample

- Whenever a CSP has reason to believe that a donor/employee may alter or has altered or substituted a urine specimen, a higher-level supervisor at the collection site or at the laboratory shall review the decision and concur in advance with the collection of a second specimen under the direct observation of an observer of the same gender as the donor/employee.
- Once approved by a higher-level supervisor, the Collector shall require the donor employee to provide another specimen under direct observation.
- If the same gender observer is not the Collector, the observer shall be identified on the Chain-of-Custody form.
- The observer, if different from the Collector, shall not handle the specimen, and the donor/employee shall hand the specimen to the Collector in the observer's presence.
- The observer shall keep the specimen in sight at all times prior to it being sealed.
- A new Chain-of-Custody form shall be executed to accompany any specimen collected under direct observation.
- Information regarding a specimen collected under direct observation shall be included on both the new Chain-of-Custody form and on the original form in the Remarks section.
- In addition, the new Chain-of-Custody specimen identification number shall be annotated on the original form.
- Both specimens shall be sent to the laboratory to be analyzed.
- The employee being tested, the CSP, and the observer, if used for direct observation, shall keep the specimen in view at all times prior to it being sealed and labeled

e. Sample Labeling and Custody Form

- (1) The CSP shall place securely on the bottle an identification label containing the donor/employee's specimen number, which matches the specimen number on the Chain-of-Custody form, and the date.

The donor/employee and the Collector shall initial the identification label on the specimen bottle for the purpose of certifying that it is the specimen collected from the donor/employee.

- (2) The Collector shall enter all required information on the Chain-of- Custody form.
- (3) Employees shall not make any modifications, changes, or deletions on any of the required substance examination forms except as directed by the Collector.
- (4) The donor/employee shall be asked to sign a statement on the Chain-of-Custody form certifying that the specimen identified as having been collected from him or her is, in fact, the specimen he or she provided.
- (5) All employees shall be required to sign the Chain-of-Custody form when requested to do so by the Collector.
- (6) It shall be noted and signed on the Chain-of-Custody form by the CSP, with a witness' signature, if the employee refuses to sign the statement.
- (7) Failure to complete the Chain-of-Custody form may result in disciplinary action, up to and including dismissal.
- (8) While any part of the above Chain-of-Custody procedures is being performed, it shall be essential that the specimen and the Chain- of-Custody form be under the control of the CSP.
- (9) If the CSP leaves his or her work station momentarily, the specimen and the Chain-of-Custody form shall be taken with him or her or shall be secured in a locked room, drawer, file cabinet, etc.
- (10) After the CSP returns to the workstation, the chain-of-custody process shall continue.
- (11) If the CSP is leaving for an extended period of time, the specimen shall be packaged for shipment before he or she leaves the site.

- (12) Upon completion of the collection process, tested employees shall receive a copy of the laboratory Chain-of-Custody form.
- (13) The reverse side of the employee's Chain-of-Custody form shall contain a list of the over-the-counter and prescription medications that can interfere with a drug test result.
- (14) This form shall be provided to facilitate the employee's providing the Medical Review Officer with information necessary to determine a verifiable result (either positive or negative) if the testing laboratory reports an unverifiable result.

f. Alcohol Testing:

- (1) To preclude unnecessary blood testing for alcohol, non-invasive collection-site saliva and/or breathe screening, tests for alcohol may be used under the Mandatory Substance Abuse Examination Program to determine the need for blood-alcohol confirmation testing.
- (2) If the results of the screening test produce a result of less than 0.02 g/dL, the results shall be noted by the CSP for verification and reported as negative to the Risk Manager or designee.
- (3) If the results are 0.02 g/dL or greater, the Collector shall wait fifteen minutes and the CSP shall direct the employee to take a confirmation test.
- (4) Alcohol Confirmation Test Waiting Period, The CSP must carry out a requirement for a waiting period before the confirmation test, by taking the following steps:

After the waiting period has elapsed, the CSP should begin the confirmation test as soon as possible, but not more than 30 minutes after the completion of the screening test.

- (a) The CSP, or an employer representative, must observe the employee during the waiting period.
- (b) Concerning the waiting period, the CSP must tell the employee:
 - (i) Not to eat, drink, put anything (e.g.) cigarette, chewing gum) into his or her mouth;
 - (ii) The reason for the waiting period (e.g.) to prevent an accumulation of mouth alcohol from leading to an artificially high reading);
 - (iii) That following the Operator's instructions

- concerning the waiting period is to the employee's benefit; and
- (iv) That the confirmation test will be conducted at the end of the waiting period, even if the instructions have not been followed.
- (c) If the CSP becomes aware that the employee has not followed the instructions, the CSP must note this on "Remarks" line of the alcohol Testing Form (ATF).
- (5) The CSP must follow these steps in order to complete the
- (a) In the presence of the employee, the CSP must conduct an air blank on the Evidential Breath Testing Device (EBT) before beginning the confirmation test and show the reading to the employee.
 - (i) If the reading is 0.00 g/dl, the test may proceed, if the reading greater than 0.00, the CSP must conduct another air blank.
 - (ii) If the reading on the second air blank is 0.00g/dl, the test may proceed.
 - (b) The CSP must open a new individually wrapped or sealed mouthpiece in view of the employee and insert it into the device in accordance with the manufacturer's instructions.
 - (c) The CSP must ensure that the CSP and the employee read the test number displayed on the EBT.
 - (d) The CSP must instruct the employee to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained.
 - (e) The CSO must show the employee the result displayed on the EBT.
 - (f) The CSP must show the employee the result and unique test number that the EBT prints out either directly onto the ATF or onto a separate printout.
- (6) After the EBT has printed the test result of an alcohol confirmation test, the CSP takes the following additional steps:
- (a) Sign and date
 - (b) If the alcohol confirmation test result is lower than

0.02g/dL, nothing further is required of the employee. The CSP must sign and date Step 3 of the ATF.

- (c) If the alcohol confirmation test is 0.02 g/dL or higher, direct the employee to sign and date Step 4 of the ATF. If the employee does not do so, the Operator must note this on the "Remarks" line of the ATF.
 - (d) Immediately transmit the result directly to the Risk Manager in a confidential manner; and
 - (e) The Operator must immediately notify the Risk Manager of any result of 0.02 g/dL or greater by any means (e.g.) telephone or secure fax machine) that ensures the result is immediately received. The specimens shall be transported using the best handling practices reasonable for the circumstances. The chain- -of- custody form shall be delivered with its shipment.
- (7) An employee's confirmed test result of 0.02 g/dL or greater constitutes a violation of City Policy 6.12 F Capital Violations.

Reporting to Work Under the Influence of Alcohol; such conduct may be subject to immediate discharge.

g. Medical Review Officer (MRO)

- (1) The laboratory shall test and report drug test results to the Medical Review Officer (MRO) no more than three (3) working days after the receipt of the specimen in the laboratory.
- (2) The MRO shall evaluate the drug test result(s) that is reported by the laboratory, to verify by checking the Chain-of-Custody form that the specimen was collected, transported, and analyzed under proper procedures, as specified in these rules, and to determine if any alternative medical explanations caused a positive test result. This determination could include conducting a medical interview with the employee, review of the employee's medical history, or the review of any other relevant biomedical factors.
- (3) The MRO shall review all medical records made available by the tested employee.
- (4) The MRO shall not consider the results of samples that are not obtained or processed in accordance with these

results.

- (5) The MRO shall notify the City in writing of a negative result no more than seven (7) working days after the specimen was received by the laboratory, and shall appropriately file copy two and four of the Chain-of-Custody form under confidential procedures for a period of two (2) years.
- (6) The MRO shall notify the City in writing of a negative result no more than seven (7) working days after the specimen was received by the laboratory, and shall appropriately file copy two and four of the Chain-of-Custody form under confidential procedures for a period of two (2) years.
- (7) To verify that a positive test result was properly analyzed and handled according to these rules, the MRO shall:
 - (a) Receive and review the test result(s) from the laboratory.
 - (b) Verify the laboratory report by checking the Chain-of-Custody form for required signatures, procedures, and information.
 - (c) Ensure that the donor/employee's specimen identification number on copy two of the laboratory test report and on copy four of the Chain-of-Custody form that was sent to the MRO by the collection site accurately identifies the donor/employee with the positive test result.
 - (d) Notify the employee of a confirmed positive test result.
 - (e) Within three (3) days of receipt of the test result from the laboratory, inquire as to whether prescription or over-the-counter medications could have caused the positive test result.
 - (f) Within five (5) days of notification to the donor/employee of the positive test result, the MRO shall:
 - (g) Provide an opportunity for the employee to discuss his or her positive test result and to submit documentation of any prescriptions relevant to the

positive test result.

- (h) Review any medical records provided by the employee or authorized by the employee and released by the employee's physician, to determine if the positive test result was caused by a legally prescribed medication.
- (i) If the donor/employee does not have prescribed medication, the MRO shall inquire about over-the-counter medications that could have caused the positive test result. The MRO may order such additional laboratory tests as may be necessary to corroborate the presence of other legal substance(s) that could have produced a positive laboratory test result.
- (j) The donor/employee shall be responsible for providing all necessary documentation (i.e., a doctor's report, signed prescription, etc.) within the five (5) day period after notification of the positive test result.
- (k) The MRO shall notify the City in writing of the verified test result, either negative, positive, or unsatisfactory, no more than seven (7) working days after the specimen was received by the laboratory and shall appropriately file the Chain-of-Custody form under confidential procedures for two (2) years.
- (l) If the MRO determines there is a legitimate medical explanation for the positive test result based on the medical judgment of the MRO and accepted standards of practice, the MRO shall report a negative test result to the City.
- (m) If the MRO is unable to contact the donor/employee that tested positive within three (3) working days of receipt of the test results from the laboratory, the MRO shall contact the City and request that the City direct the donor/employee to contact the MRO as soon as possible. If the MRO has not been contacted by the donor/employee within two (2) working days from the request to the City, the MRO shall verify the report as positive.
- (n) As a safeguard to employees, once a MRO verifies a positive test result, the MRO may change the verification of the result if the donor/employee presents information to the MRO that documents

that a serious illness, injury, or other circumstance unavoidably prevented the employee from contacting the MRO within the specified time frame and if the donor/employee presents information concerning a legitimate explanation for a positive test result.

- (o) If the donor/employee declines to talk with the MRO regarding a positive test result, the MRO shall validate the result as positive and annotate such decline in the Remarks section of the written report.
- (p) Drug testing laboratories shall retain and place all confirmed positive urine specimens in locked, secured, long-term frozen storage (-15° Celsius or less) and confirmed positive blood specimens in locked, secured, long-term refrigerated storage (68° Celsius) for a minimum of 210 days.
- (q) Within this 210-day period, the City, employee or MRO shall be permitted to request in writing that the laboratory retain the specimen for an additional period of time.
- (r) If no such request is received, the laboratory is permitted to discard the specimen after 210 days of storage.
- (s) When notified in writing, the laboratory shall be required to maintain any specimens under legal challenge until such challenge is resolved.

h. Employee Rights of Appeal

- (1) The MRO shall process any donor/employee requests for a retest of the original specimen within one hundred eighty (180) days of notice of the positive test result at another similarly licensed laboratory selected by the employee or the job applicant.
- (2) The donor/employee requesting the additional test shall be required to pay for the costs of the retest, including handling and shipping expenses.
- (3) The MRO shall contact the original testing laboratory to initiate the retest.

i. Reporting of Drug Test Results

Following verification of a positive test result, the Medical

Review Officer shall notify the Risk Manager or designee. The Risk Manager shall conduct the appropriate investigation if necessary.

Glossary

Alcohol - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol Concentration - The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

Alcohol Use - The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Breath Alcohol Technician (BAT) - A person who instructs and assists individuals in the alcohol testing process and operates an EBT.

Chain of custody - Procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form (see CFR 49 part 40.23(a)) be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody forms account for the sample within the laboratory.

Collection site - A place designated by the employer where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.

Confirmation test - For alcohol, a second test, following a screening test with a result of 0.02 or greater, that provides an exact measure of alcohol concentration. For controlled substances testing, a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy.

Controlled Substance - For the purposes of this guide, a controlled substance is any drug or other substance that impairs the ability or alertness of an employee performing a safety-sensitive function, regardless of whether the substance is legal or illegal. Legally, a controlled substance is a drug or other substance, or immediate precursor, listed in 21USC 812 (Controlled Substance Act). The term does not include distilled spirits, wine, malt beverages, or tobacco.

Designated Employer Representative - An employee authorized by the employer to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of the testing program.

Driver - Any person who operates a motor vehicle owned or otherwise controlled by the City, persons operating their personal vehicle for City business, or an operator of any commercial motor vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle.

Evidential Breath Testing Device (EBT) - An EBT is approved by the National Highway Traffic Safety Administration (NHTSA) for evidential testing of breath and placed on NHTSA's "Conforming Products List of Evidential Breath Measurement Devices" (CPL), and identified on the CPL as conforming with the model specifications available from the NHTSA, Office of Alcohol and State Programs. As of October 1, 1997, EBTs are considered evidentiary.

Medical Review Officer (MRO) - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

Performing (a safety-sensitive function) - An employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

Refuse to submit (to an alcohol or controlled substances test) - An employee:

1. Fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part; or,
2. Fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, or
3. Engages in conduct that clearly obstructs the testing process.

Safety-sensitive function - Any on-duty work task, activity, or duty that has potential of causing significant physical or mental injury to people or damage to property. The focus is on function rather than job description. A person's job may require several different functions, some of which are not safety-sensitive.

Screening test (also known as initial test) - In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, an immunoassay screen to eliminate "negative" urine specimens from further consideration.

Substance abuse professional (SAP) - A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

Safety Sensitive employees are those individuals in which a drug impairment would constitute an immediate and direct threat to public health and safety. For mandatory testing positions, or those positions that, because of special trust or responsibility or sensitive location, require security background investigation, such vacancy announcement will include "This is a safety sensitive position that is subject to random drug testing."

5.15 OUTSIDE EMPLOYMENT AND CONFLICT OF INTEREST

- A. No employee of the City of Titusville shall participate in any employment or business relationship that will create a conflict of interest with the performance of his responsibilities as a City employee (FS 112.313). As an example, an electrical inspector who requests approval to engage in outside employment with an electrical firm may have a conflict of interest with his City position. This outside employment may create the potential of allegations of competition with private firms, favoritism, leniency in enforcement by the inspector toward his outside employer, and/or unfair enforcement on other contractors. In addition, the inspector places himself in a position of conflicting responsibilities with respect to his primary public employment and his outside secondary employer.
- B. To ensure that no conflict of interest exists, an employee must complete an "Outside Employment" form. For current employees of the City, this disclosure form must be completed and approved by the department head, and the Human Resources Director prior to accepting outside employment.
- C. The City reserves the right to revoke approval to engage in outside employment based on a determination that a conflict of interest exists.

- D. Employees shall not disclose confidential information gained by reason of their official positions, nor shall they otherwise use such information for their personal gain or benefit. This prohibition is not intended to conflict with statutory provisions governing the City's response to citizens' request for public records. Rather, this section is intended to provide guidance to employees regarding business issues deemed confidential in the best interest of the City; for example, economic development negotiations for attracting new business.
- E. Employees shall not transact any business in their official capacity with any business entity of which they are an officer, director, agent, or member, or in which they own a controlling interest, excluding civic, charitable, non-profit or religious organizations.
- F. An employee's outside employment is subject to review by the City Attorney for conformance with City policies and Florida Statute.
- G. The disclosure of outside employment/business activity is monitored by the Human Resources Director and shall be reviewed periodically.
- H. If an employee serves as staff support or liaison to a Board or Commission, he is prohibited from representing his own business or new employer before that Board or Commission for two (2) years following his termination from employment with the City.

5.16 STANDARDS OF CONDUCT AND ETHICS

- A. The employees of the City of Titusville have the responsibility to provide a safe, pleasant environment for the citizens of Titusville. Accordingly, City employees will deliver public services in a prompt, efficient, and courteous manner.
- B. Employees are expected to maintain a standard of appearance/attire appropriate to their work setting and in accordance with any applicable safety requirements. Office personnel assigned to administrative offices are not allowed to wear shorts, jeans (except as permitted during Friday day of casual dress and days when physical exercise is required such as moving or lifting boxes of files), halter tops, etc. Personnel assigned to field operations/facilities may be allowed, at the discretion of supervision, to wear shorts (unless deemed unsafe by supervision/safety standards) or jeans. Torn, ripped, soiled attire is not appropriate for reporting to work regardless of position, job assignment, or location. It is the responsibility of supervision to establish the appropriate dress code for the work site/facility and safety regulations/requirements.
 - 1. All employees who are provided with uniforms are required as a condition of employment to wear the proper uniform during paid work time and follow a standard dress code and/or uniform policy and not worn or adaptable to general usage as ordinary clothing. In addition,

the value of the work clothing for each employee provided by the City in this instance is nontaxable and the City does not have to withhold taxes.

2. The City will determine which employees will be required to wear uniforms and issue each employee so designated a reasonable number of uniform sets.

Any employee reporting to work not wearing the complete uniform as defined by the Department Head will be informed to return home and report back to work wearing a complete uniform. An employee so advised will be docked for the time not worked. Repeated dress code violations may result in disciplinary action in accordance with the City's discipline policy, item E. Major Violations and Suggested Discipline.

However, clothing which is received by employees in conjunction with a City recognition program which can be worn for general usage, for example polo shirts with a city logo, and not maintained or leased by the City, and not required to be worn as a condition of employment is taxable because it is appropriate for personal use and can be worn outside of work – same with jackets or wind breakers.

- C. Each employee is a "good-will ambassador" who provides service in a manner so that the public will maintain a favorable impression of the City Administration and its programs and policies.
 - D. Employees must also maintain a high standard of ethical conduct in which their behavior, including the appearance of their behavior, is beyond reproach. They should avoid placing themselves in situations that create, or have the appearance of creating, a conflict of interest with their position as a public servant. City employees are expected to conform to the standards of ethics outlined in Florida Statutes for public employees.
1. Employees are prohibited from using their positions for personal gain. Employees shall not accept any form of gratuity or gift or offer of a favor that could be considered a conflict with their position.

No individual employee should receive and/or accept a gift from any vendor, client, customer, provider, consultant, etc., for his/her personal use. All gifts (i.e., fruit baskets, food trays, boxes of candy, flowers, etc.) should be made available for consumption by all members of the department and placed in a public area (lounge, counter, open area easily accessible by employees, visitors, and the public). This applies to any gifts received outside of City facilities. Large consumables, such as hams, turkeys, etc., will be sent to Social Services for their use or disposition to a charitable organization.

Food consumed at a single setting, such as a hospitality event, is not considered a gift. Accepting a single lunch or dinner from a vendor or

client is not encouraged but is allowable. Accepting more than one lunch or dinner from an individual vendor or vendor representative is considered a gift and should not be accepted.

Tickets to sporting events or recreational opportunities, such as a gift of a round of golf, are considered a gift and should not be accepted from a vendor or client.

Accepting a fee or payment for teaching a class or a seminar does not constitute a violation of ethics laws or this policy. Accepting an honorarium by a vendor or client for speaking before any group is a violation of ethics laws and this policy. See conflict of interest personnel policy. Outside employment must be filed with the Human Resources Department.

Gifts to an employee's family members by a City of Titusville vendor or client are exempt from this policy if the gift was the result of the spouse's employment. If the gift could be construed to be to the City employee through the family member's name, the gift should not be accepted.

Trips and/or training seminars sponsored by vendors with whom we have a contract or franchise and which are intended to optimize the City's contracted services are not a gift and may be accepted with prior approval of the City Manager. Trips or seminars sponsored by private vendors who are soliciting the City are considered gifts and are a violation of ethics laws and this policy.

- E. An employee who conducts himself in a manner, which reflects unfavorably on the City, is subject to disciplinary action up to and including termination.
- F. The City Manager, or his designee, reserves the right to require an employee to disclose information revealing real property ownership of the employee (other than personal residence) in Brevard County and any business in which the employee has a financial interest.

G. **FRAUD POLICY**

1. Purpose

- a) The City of Titusville is committed to establishing standards and requirements for all employees with respect to fraud prevention and detection, and to respond to allegations of fraud in connection with all City employment, programs, functions and activities. City management and all employees share responsibilities to maintain a fair, honest and ethical workplace and environment for employees, suppliers, citizens and all persons having a relationship with the City. The policy on prevention of fraud is intended to prevent fraud in all City

operations and activities, and to provide a process for the receipt and investigation of allegations of fraud.

2. Policy

The City has a "zero tolerance" policy regarding fraud, and all employees are required to comply with this policy without exception. Employees who are found to have committed fraud will be subject to disciplinary action up to and including termination. In addition, criminal enforcement may be considered. Employees who have knowledge of fraudulent acts by city employees or others acting in concert with them are expected to report their information promptly in accordance with this policy or be subject to formal disciplinary measures, including termination.

a) Definition of Fraud

Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it for personal gain or benefit. Fraud includes theft, intentional waste or abuse of city funds, assets, property or time. Examples of fraud include, but are not limited to:

- Filing a false claim for workers' compensation
- Forgery or alteration of any document or account
- Forgery or alteration of a check, bank draft, or any other financial document
- Misappropriation of funds, securities, supplies, or other assets
- Impropriety in the handling or reporting of money or financial transactions
- Profiteering as a result of insider knowledge of City information or activities, which knowledge is not available to the public at large
- Disclosing confidential and/or proprietary information to outside parties
- Acceptance or seeking anything of material value from consultants, contractors, vendors or persons providing services or material to the City
- Willful damage, destruction, removal or inappropriate use of records, furniture, fixtures and equipment
- Any claim for reimbursement of expenses that are not made for the exclusive benefit of the City
- Embezzlement, larceny or any other misapplication of City funds

b) Opportunities for Fraud

Opportunities for fraud occur because of the following reasons: poor internal controls, management override of those controls, collusion between employees and third parties, poor or non-existent standards and lack of control over supervisors by their managers.

c) Indicators of Fraud (Red Flags)

The following are common indicators fraud: unaccounted for changes in an employee's lifestyle, spending habits or behavior; poorly enforced internal controls, procedures, policies, or security; overly complex and confusing financial information; inventory shortages; failure to take action on results of internal/external audits or reviews; unusually high expenses or purchases; frequent complaints from customers or citizens; missing files and supporting documentation; and ignored employee comments concerning possible fraud.

d) Fraud Prevention

The following internal controls are implemented to help prevent fraud:

- Adherence to all organizational procedures, especially those concerning documentation and authorization of transactions
- Physical security over assets such as locking doors and restricting access to designated areas
- Proper training of employees
- Independent review and monitoring of tasks
- Segregation of duties that no one employee is responsible for a transaction from its beginning to its end, when the transaction involves assets of value
- Clear lines of authority
- Adherence to the City's policies on ethics and standards of conduct
- Rotation of duties in positions susceptible to fraud
- Ensuring that employees take regular vacations
- Regular process reviews of areas susceptible to fraud

3. Procedures

a) Fraud Reporting Procedures

All employees are expected to be alert for possible fraud. Any employee who has knowledge of an occurrence of irregular conduct, or has reason to suspect that a fraud has occurred shall immediately report it to the City's Internal Auditor.

If an employee contacts his or her supervisor directly regarding suspected fraud, the supervisor is instructed to direct the employee to contact the City's Internal Auditor or report the allegation on the employee's behalf. The City will keep the name of the person reporting a fraud confidential if desired, in accordance with Florida Statutes, Section 112.3188, which generally provides that the identity of the person reporting the

activity need not be disclosed while the report remains under active investigation and a final decision has not been made.

Employees who intentionally or knowingly make false accusations and/or provide false information concerning instances of fraud will be subject to disciplinary action which may include termination.

b) Cooperation

All employees are required to cooperate fully during any City review or investigation of an alleged fraud. Anyone informed of an investigation in progress shall ensure that strict confidentiality is observed. Employees should not contact the suspected individual under investigation in an effort to determine facts or demand restitution.

c) Investigation Responsibilities

When a suspected act of fraud has been reported, the City Internal Auditor will conduct an appropriate investigation in an objective and impartial manner.

The City Internal Auditor shall take immediate action to prevent theft alteration, or destruction of property or relevant records. Such actions may include removing records and placing them in a secure location, limiting access to the location where relevant records currently exist or preventing individuals from having access to the records while the investigation is active.

d) Training

All current and new employees will be trained on this policy and are expected to complete a statement acknowledging the policy and agreeing to abide by it. The training will cover the employees' responsibilities under this policy, how to recognize suspected fraud and their duty to report the suspected fraud. Training on this subject will occur at the New Employee Orientation.

e) Protection from Retaliation

Florida statutes provide protection from adverse personnel action for employees of municipalities who provides information concerning:

- (i) Any violation or suspected violation of any federal, state or local law, rule, or regulation committed by an employee or agent of the municipality which creates and presents a substantial and specific danger to the public's health, safety, or welfare, or

- (ii) Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of the municipality. Gross mismanagement means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

4. Responsibility

- a) The Human Resources Department is responsible for reviews on this policy with all new-hire employees during orientation. The Human Resources Department will maintain a record of all training and retain all completed employee acknowledgement statements.
- b) The City's Finance Director is responsible for establishing a system of internal controls to provide reasonable assurance of the detection and prevention of fraud. Department directors/division administrators should be familiar with the types of improprieties that might occur within their own area(s) of responsibility and be alert for any indication of irregularities. If a Department/division requires assistance in establishing, reviewing or testing internal controls they should contact the City Internal Auditor.
- c) Department directors/division administrators are responsible for ensuring that their employees are familiar with the standards outlined in this policy and the procedures for reporting suspected fraud.

5. Review

This policy shall be reviewed annually by the Human Resources Department and City Internal Auditor for accuracy and updated accordingly.

5.17 POLITICAL PARTICIPATION

- A. The City of Titusville recognizes the citizen rights of its employees, and encourages each employee to register to vote, and to form and express opinions on matters related to public law, public policy, and the candidate or incumbent for public office; provided, however, that no employee is engaged in political activity which would conflict with his employment with the City. For policy administration purposes, the following examples shall indicate what is prohibited; however, in no way is this list intended to be all inclusive.

- B. Direct or indirect coercion, command, or advice to any employee to pay, lend, or contribute any part of his salary or anything else of value to any party, committee, organization, agency, or person for political purposes.
- C. Use of his official authority or official influence to affect the results of any nomination or election.
- D. Holding or seeking to hold the position of Mayor or City Council members.
- E. Participation in any political activity while on duty or use of any City equipment or facilities for such activity.
- F. Distribution or display of campaign literature, buttons, or other paraphernalia while on duty or in uniform.
- G. The City Manager may designate an escort to accompany candidates through City facilities for the purpose of introduction, with minimal disruption to City operations. Each employee is required to use his best judgment in determining when other political participation may conflict with the performance of his duties. It is the intent of this section to permit meaningful, constructive political participation, but not in those areas where the effectiveness of the employee or the City organization as a whole would be harmed.

5.18 EMPLOYEE PERSONNEL FILES/VERIFICATIONS/REFERENCE CHECKS

- A. The Human Resources Director is the custodian of employee personnel records.
- B. All requests for employment verification information on current or former employees shall be referred to the Human Resources Department (i.e., mortgage forms, reference checks, eligibility for rehire, confirmation of employment dates, etc.) so that any verification of information requested will be documented information only. Supervisors must refer all calls of this nature to the Human Resources Department. Supervisors, who, contrary to this policy, release employment information on their own authority do so at the risk of personal legal liability and may be subject to disciplinary action.

5.19 TIME-OFF TO VOTE

- A. Employees who are registered to vote shall be granted sufficient time-off without loss of pay to vote.
- B. Employees are authorized up to one (1) hour time-off to vote in national/presidential/primary and local elections.
- C. Supervision has the authority to verify the employee is registered to vote, that the employee would be unable to vote unless time off is allowed, and to

decide when an employee can be released from work to vote based on operational requirements.

D. The employee is responsible to request time-off for the purpose of voting in advance to ensure that operational/manpower requirements are satisfied. Time spent away from work to vote is considered as regular work hours, but a notation should be made in the "Comments" Section of the time sheet.

5.20 INTERACTION WITH CITY COUNCIL

An informational request from council members to departments is a long-standing practice and an efficient way to respond to council members' questions. Individual council requests that require research that will take more than 2 hours is covered in City policies and requires council authorization (Resolution No. 17-1992). Requests that fall into that category are to be referred to the City Manager's office. General discussions with council members regarding personal or general issues are also positive interaction. In a city manager/city council form of government and, more specifically, our charter envisions that those issues that employees have regarding the City operations and their grievances with those issues or other personal situations are to be presented through the organizational structure and process. Based on this situation, it would be inappropriate for employees to directly seek resolution to their issues through the elected officials just as it is inappropriate for council members to direct employees other than the City Manager or City Attorney.

Each department head will be responsive to employee issues and try to address them as much as possible and that if an issue cannot be addressed at that level, it should be brought to the City Manager's attention.

If individual Council members direct employees or department heads to take an action other than informational requests, it would be appropriate for the department head to refer the council member to the City Manager so that those requests can be prioritized and properly assigned, tracked, and responded to. Department Heads are responsible for keeping the City Manager advised of Council requests for information so we can respond as efficiently as possible city-wide.

5.21 EMPLOYEE USE OF CITY VEHICLE

A. Vehicles Designated As "Take Home"

1. Departments may adopt take-home vehicle policies subject to the approval of the City Manager which address specific Departmental needs in addition to the citywide policy. Once a departmental take home vehicle policy has been approved any subsequent revisions to the policy that affect the criteria for determining eligibility must be approved by the City Manager. Any new requests for a take-home vehicle, which were not in the established policy, must be reviewed and approved by the City Manager.

2. All take-home vehicles will be indicated on the Department's vehicle assignment list. Operating Departments shall submit the assignment list annually to the Executive Director of Support Services. Changes to the list shall be reported to the Executive Director of Support Services as they occur. A comprehensive take-home list shall be prepared by Fleet Management Division and updated at least annually.
3. Departmental authorization is typically granted on the basis that the employee is frequently required to work during non-regular duty hours usually without overtime pay to include a cost benefit and emergency response criteria. Department Directors shall determine requirements of the job that require staff to have a take home vehicle. The vehicle shall be used solely to provide transportation to and from the employee's place of work.
4. The City does not authorize unrestricted personal use of a take-home vehicle, therefore requests for unrestricted personal use of a take-home vehicle must be submitted in writing by the Department Director to the City Manager for approval.
5. There are IRS considerations for unrestricted use of an employer provided vehicle because the personal use of a City vehicle is considered a non-cash fringe benefit and is taxable. A separate record of personal mileage is required. If no records are kept, the value of all of the use of the vehicle is considered taxable. By keeping records of the personal usage only the personal use is taxable.
6. A Vehicle allowance offsets the business use of the employee's personal vehicle and is taxed through the payroll system.
7. The City Manager will approve all requests for vehicle allowance.
8. In accordance with IRS regulations, each employee who is assigned a take-home vehicle is required to sign a Vehicle Use Agreement. If the take-home vehicle is determined to meet the IRS commuting valuation rule, the employee will be taxed in accordance with IRS guidelines used for compliance.
9. The following criteria must be met before a vehicle is to be classified as being exempt or nontaxable from use as a take-home vehicle:
 - a) Clearly marked Police and Fire vehicles. Marking on a license plate is not considered a clear mark.
 - b) Unmarked vehicles used by law enforcement – must be full time law enforcement officer authorized to carry a firearm, execute a warrant, make an arrest and the personal use must be for law enforcement purposes. The officer must

regularly carry firearms, except when not possible to do so because of undercover work.

- c) Any vehicle designed to carry cargo with a loaded gross vehicle weight of more than 14,000 lbs.
- d) Specialized utility repair truck – excluding a van or pick up and must have permanent interior construction such as shelving and racks. The City must require the employee to commute for emergency call-outs to restore or maintain services.
- e) Vans and pick-up trucks specifically modified to be unlikely to have more than minimal personal use. For example, vans having a loaded gross vehicle weight of 14,000 lbs. or less clearly marked with permanently affixed decal, special painting, or other advertising associated with the City. Vans must have a seat for the driver and one other person only. It must have permanent shelving that fills most of the cargo area or an open cargo area and the van always carries merchandise, material, or equipment used for City work. Pick-up trucks must be equipped with one of the following: hydraulic lift gate, permanent tanks and drums, permanent side boards or panels that materially raise the level of the sides of the truck bed, other permanently affixed heavy equipment such as electric generator, welder, boom or crane used to tow vehicles; or the truck is used primarily to transport loads – not over public highways in construction, manufacturing, processing, mining, drilling, or timbering.

B. Procurement and Disposal of Vehicles

1. Procurement and disposal of City vehicles will be accomplished through the Fleet Replacement Plan as part of the annual budget process. As part of the Fleet Replacement Plan process, all requests for disposal will be reviewed and determined if it is appropriate for replacement or to use the vehicle as a reassignment. When vehicles are taken out of service or replaced by lease or purchase of a new vehicle, the Fleet Management Division Superintendent may recommend auction of the vehicle or that it be retained for assignment to another department. In the event a recommendation for retention of a vehicle replaced through lease or purchase is made, input for assignment will be coordinated by Fleet Management. Retention of vehicles otherwise displaced by the Fleet Replacement Plan must be approved by the City Manager.
2. The City Manager will recommend the disposition of court-awarded, confiscated vehicles.
3. Following approval by the City Manager and City Council and inclusion

in the annual budget, vehicles and equipment are typically purchased through the bidding process. After the bid has been awarded by the City Council and the new vehicle /equipment is scheduled for delivery, the vehicle/equipment which is being replaced is to be turned in to the Fleet Management Division no later than ten days after the new vehicle/equipment is available for use. Any substitutions of vehicles, approved for replacement must be recommended by Fleet Management and approved by Council if such approval is required.

At the time of vehicle turn in, Requests for Fixed Asset Disposal (FAD) and Public Auction Inventory (PAI) Forms are to be initiated by using the Department and forwarded, signed by the Department Director, to Fleet Management for approval. Fleet Management will provide signed forms and vehicle titles to Purchasing and Contracting.

4. Purchasing and Contracting will be responsible for monitoring the auction to assure that the items approved for auction are those offered to the public, and that any substitutions have been duly authorized. Purchasing and Contracting will provide a list of auctioned vehicles /equipment to the City Manager for inclusion in its Report to Council and to the Human Resources Department for removal from the vehicle and equipment insurance records.

C. Dispensing of Fuel

1. Fuel for City vehicles is available at the Fleet Management maintenance facility (garage), 24 hours a day, seven days a week. The Fleet Management maintenance facility is open from 6:00 a.m. till 5:30 p.m., Monday through Friday. If a division requires fuel at any other time, a gate key will be issued to the Superintendent. Any lost key must be reported immediately to Fleet Management. Fuel is dispensed with special keys that are issued to each vehicle. These keys are to be kept on each vehicle key ring.
2. A miscellaneous fuel key will be issued to each division and will be used for approved portable containers or other City equipment that does not have an I.D. number. There will be a charge to replace any lost fuel key or gate keys.

D. Maintenance by Departments other than Fleet Management

In order to decrease operational impacts and maintenance downtime for Departments, certain vehicle maintenance functions may be performed at locations other than the City Fleet Management maintenance facility.

1. Fleet Management will be notified of all work performed on City vehicles to include vehicle maintenance and repair work at Department locations other than the City fleet maintenance facility. The Department will provide information to include all work performed and parts used at each instance. This will insure the proper

documentation in the City fleet management data base tracking all maintenance and costs and prevent liability issues.

2. Parts are to be procured through Fleet Management to insure proper vendor contracting and inventory control is observed and payment is made through the proper Department maintenance account for the vehicle.
3. Repair and maintenance operations performed by Departments at locations other than the Fleet Management maintenance facility include replacement of wiper blades, light bulbs, belts, small hoses, alternators, starters, water pumps, radiators, trailer hitches, and batteries; repair of tires by tire plug; greasing fittings; and fluid top offs.
4. The following repair and maintenance operations are to be performed and inspected by Fleet Management: drive trains, major engine work, brakes, transmission, wheel bearings, AC recovery, AC systems, welding, fuel systems, internal pumps, accident damage body repair, and oil service.
5. The Police Department has an assigned certified vehicle mechanic and fleet coordinator and may perform the complete range of repair and maintenance operations. Documentation of all work will be reported to Fleet Management through the BS&A work order system.

E. Use of Seat Belts

The purpose of this policy is to comply with Florida Statute 316.614, which requires the use of seat belts in City vehicles to prevent and/or lessen the severity of injury in case of an accident. This policy applies to all drivers and passengers in City vehicles. A City Vehicle refers to any vehicle that is: owned, rented, or leased by the City, and equipped with seat belts, and designed for use on Public Street, roads, or highways.

1. Seat belts are considered as Personal Protective Equipment and drivers and/or passengers of City vehicles must wear seat belts in the front and rear passenger seats while the vehicle is in motion.
2. The driver of the vehicle is responsible to ensure that the passengers are properly wearing seat belts. This means to wear the lap belt in addition to the shoulder belt. The shoulder belt must be worn in the proper manner to avoid injury.
3. Employees who are passengers in vehicles that make frequent stops (i.e., sanitation workers holding a grab bar and standing on a rear platform of a garbage truck) may be exempted from this policy during that portion of their route or assignment, which requires frequent stops. Seat belts shall be used when employees are seated inside the cab of

a vehicle when driving to, during, and from the route/assignment.

4. All supervisors are responsible for the implementation of this policy and its communication to his/her employees.
5. Supervisors are expected to check for safety belt violations as part of any vehicle accident investigation. Said information will be reviewed by the Risk Manager for consideration of workers compensation reductions.
6. The Fleet Management Division shall maintain seat belt systems as part of its routine vehicle maintenance program to assure that they are operational, clean, and accessible.

F. Driver Eligibility to Operate City Motor Vehicles

1. The monitoring of driving records of City employees and providing a method of determining eligibility of drivers operating City vehicles requires any employee whose job classification requires that he/she operate a City motor vehicle shall possess at all times a valid Florida Operator, Non-Commercial, or Commercial Driver's License based on job classification and assignment. The requirement also applies to employees who submit requests for mileage reimbursement.
2. Promotion/reclassification of employees upgraded or reassigned to a position or pay grade requiring a driver's license shall have his/her driving record reviewed and a record check through the Driver's License Division, Highway Safety and Motor Vehicle Department may be requested.
3. Determination of eligibility will be accomplished by a motor vehicle driving records check. A three (3) year driving history record of City employees will be requested annually, quarterly or monthly from the Department of Highway Safety & Motor Vehicles, Tallahassee, Florida or from a State approved record's vendor by the Human Resources Department. All responses are reviewed to establish eligibility and then filed in the employee's Personnel file.
4. Based on information published on the State motor vehicle report each driver shall be individually evaluated on his/her driving performance for the preceding three years. All incidents/violations included in the motor vehicle report which occurred during the previous thirty-six months shall be reviewed when the employee is hired or reassigned the responsibility of operating a City motor vehicle. Employees whose licenses are suspended or revoked shall notify their supervisor immediately and may be temporarily reassigned until the license is reinstated.
5. A Vehicle/Accident Review Board will be established by the City Manager to review all serious vehicle accidents in which the City is

involved. The mission of the Review Board is to reduce the number and frequency of vehicle accidents/misuse of equipment by City employees.

6. Reclassification/reassignment may occur when an evaluation of an employee's driving record indicates there has been an excessive number of motor-vehicle violations, or that an employee has been convicted of a major violation. Salary adjustment or disciplinary action up to and including discharge may be considered. Employees who engage in improper driving practices are subject to disciplinary measures in accordance with City Personnel Policies. The Human Resources Department shall notify respective Executive Leadership Team Members when an employee's driving record fails to meet acceptable standards. If an employee's record reveals seven (7) or more points under F.S. Section 322.27 (d) within the past (1) year as a result of moving traffic violations, the employee may be removed from his/her driving position. The City will consider the nature of his/her job duties and the nature of the violations when considering the employees removal from the position.
7. Upon written application, the employee will be considered for placement in other non-driving vacancies in the City for which he/she is qualified; however, he/she shall be given no preferential treatment because he/she is a City employee. If the employee does not accept a non-driving job within thirty (30) days of his/her removal from the driving position, he/she may be terminated. If the employee is offered and accepts a non-driving job within thirty (30) days, the employee's service record will remain unbroken.

G. If an employee is involved in an accident while operating a City vehicle, he must notify his supervisor and contact a law enforcement agency or the Human Resources Risk Manager so that an on-site investigation can be completed. If an employee receives a citation as a result of the accident, payment of the ticket/fine shall be the employee's responsibility.

H. Distracted Driving

The purpose of this section is to comply with Florida Statute 316.304, which limits the use of headsets, and to adopt the research by the American Automobile Association (AAA) the National Highway Traffic Safety Administration (NHTSA) and the National Safety Council regarding the unsafe practice of driving while distracted. This policy applies to all drivers and passengers in City vehicles.

A City vehicle refers to any vehicle that is owned, rented, or leased by the City (including private vehicles used for City business) and equipped with seat belts, and designed for use on public streets, roads, or highways.

Driving while distracted refers to one of the several hazardous behaviors that can be exhibited while operating a City vehicle:

1. Drivers of City vehicles must be able to hear surrounding sounds while the vehicle is running, whether in motion or not
 2. Drivers of City vehicles must be aware of other vehicles, pedestrians, road signage and traffic while operating a City vehicle.
 3. No person shall operate a City vehicle while wearing a headset, headphone, or other listening device, other than a hearing aid or other instrument for improving the loss of human hearing.
 4. Drivers of City vehicles are not to drive while talking on a hands-free or handheld mobile telephone.
 5. Drivers of City vehicles will switch all mobile telephones in the vehicle to "voicemail" while the vehicle is in motion.
 6. Drivers of City vehicles will stop the vehicle off road to place a mobile telephone call and remain stopped until the phone call is completed.
- I. Smoking is not permitted in City-owned, or leased vehicles.
- J. Firearms excluding those carried by sworn law enforcement officers are not permitted in a City-owned vehicle, or leased vehicles.
- K. Hazardous materials should not be transported in City-owned, or leased vehicles.
- L. All drivers of City vehicles are required to attend Driver Improvement Training at intervals offered by the City.

5.22 USE OF PERSONAL VEHICLE FOR CITY PURPOSES

- A. Definitions:
1. Incidental Use: This amount varies among providers of automobile insurance; the individual providers of insurance will make a determination whether the amount of driving constitutes "business use" or is an inconsequential amount. The frequency and mileage of trips made for the City's benefit using a personally owned vehicle shall be disclosed to the employee's insurance provider.
 2. Primary Insurance: Insurance, which responds first to a claim. For example: a POV, insured through an employee's personal insurance carrier, being used for City purpose is involved in a collision. The employee's personal insurance carried on that vehicle is considered "primary" and is responsible for first-dollar coverage of the loss.
- B. The Department Director shall approve all requests for use of a personal vehicle for City purposes. This policy will be reviewed and acknowledged by

the employee who is being reimbursed.

- C. All employees who are seeking reimbursement for POV use should incur the lowest reasonable travel expense. The employee shall exercise care and use good judgment when operating a POV for City purposes to avoid conduct which may reflect negatively on the City.
- D. Travel reimbursement is permitted only when reimbursement has not been, and will not be, received from other sources.
- E. If a circumstance arises that is not specifically covered in the travel policy the most conservative course of action should be followed.
- F. The rate used for Mileage reimbursement will be standardized and issued periodically by the IRS. This mileage allowance will be made in lieu of actual expenses for gasoline, oil, repairs, tags, insurance and depreciation. Therefore, actual expenses for those items will not be reimbursed when a personally owned vehicle is being used for City business.
- G. Alcohol and Drug Use. No alcoholic beverages, prescription drugs which could impair someone's driving ability, illegal drugs, or controlled substances are to be used or consumed by the driver and/or passenger(s) of a city-owned, leased, or rented vehicle, including personal vehicles while being used on City business. An employee who is arrested for Driving under the Influence while in the performance of City business, is subject to disciplinary action up to and including dismissal from employment.

In the event an employee chooses to consume alcoholic beverages while attending a City sponsored function, the City expects an employee to behave responsibly. If an employee has any concerns that he/she is incapable of driving safely after such an event, the City will reimburse the cost of alternative transportation to ensure that the employee does not place themselves or others in danger.

- H. The use of seat belts is required for all persons occupying a personally owned vehicle while on City business. It is the driver's responsibility to ensure that all persons are properly secured while the vehicle is in motion.
- I. City employees may be required to use their personally owned vehicles in order to carry out their assigned duties if a City vehicle is not available or if the employee does not satisfy the rules for driving a City vehicle. The City is not required to provide a City vehicle to employees who refuse to use their own vehicle to perform assigned duties.
- J. The Supervisor is responsible for ensuring that reimbursement for the use of a personally owned vehicle is authorized and controlled only in the City's best interest.
- K. Employees who receive a travel allowance and/or who submit a request for travel reimbursement by the City are required to attend Driver Improvement Training at intervals offered by the City.

- L. Firearms, other than those carried by City authorized law enforcement officers and those provided for in the Preservation and Protection of the Right to Keep and Bear Arms in Motor Vehicles Act of 2008, are not permitted in a Privately-Owned Vehicle used for City business.
- M. Hazardous materials should not be transported in personally owned vehicles used for City business.
- N. The driver of any personally owned vehicle used for City business is required to obey all state and federal traffic laws pertaining to the safe operation of a vehicle. The driver is personally liable for any fines, traffic or parking violations received.

5.23 OFFICIAL USE OF CITY EQUIPMENT AND FACILITIES

- A. The equipment and facilities that are provided for use by the City of Titusville employees are to be used to conduct official City business only. Employees should not conduct personal business using City equipment/facilities nor remove any property/equipment off-site for personal use. Employees have no personal privacy rights when using City equipment, vehicles, facilities, lockers, etc. in the discharge of their position duties.
- B. An employee who misuses City property, equipment, facilities for personal use or gain shall be subject to disciplinary action up to and including termination.
- C. Some examples of inappropriate use of City property, equipment/facilities:
 - 1. Frequent and/or excessive use of the telephone (including cellular telephones) to make and/or receive personal telephone calls.
 - 2. Charging personal long-distance telephone calls to the City of Titusville.
 - 3. Use of the City of Titusville mail system to receive personal mail or to use the City's postage meter for personal mail.
 - 4. Use of official letterhead stationery for personal correspondence.
 - 5. Use of obscene or profane language on the City of Titusville mobile or desk unit radios. All communications must be in accordance with the FCC guidelines/regulations.
 - 6. Borrowing or taking City equipment from City premises for personal use.
 - 7. Use of City facsimile (fax) machines to send or receive personal information except for urgent personal business that cannot be handled at any other time (e.g. legal correspondence, real estate contracts, and insurance matters) provided it is not a long-distance call.
 - 8. Use of City-issued pagers for personal business, including outside

employment other than communication with family members.

9. Use of City computer hardware/software and internet services for personal reasons during employee's working hours or improper use (e.g., computer games, etc.) of computer during or after employee's working hours.
10. Employees who fail to comply with these regulations are subject to disciplinary action.

5.24 CELLULAR TELEPHONE USE

- A. The following options are available to City employees who use cellular telephones for City business.

Phones supplied by the City.

1. Employees with a business need for a cellular phone may be assigned a City-issued phone.
2. Use of City-issued cellular phones is restricted to City business; personal calls (outgoing or incoming) will only be allowed infrequently for limited duration in emergencies when these calls cannot be made from a land line within a reasonable period of time.
3. City-issued phones will be City property and will be on a cellular telephone plan provided by the City.
4. Cell phone plan administrators will be defined in all departments who work with the telephone plan and will obtain the return of the City-issued cell phones.
5. City-used phone will be audited for employee usage and that employees pay for personal calls – including a pro-rata share of the monthly service charge.

- B. Personal cellular phones provided as an employment benefit.

1. The City recognizes that, due to the nature of some positions, it may be more cost-effective and give more flexibility to provide some employees a cellular phone allowance in lieu of providing the employee with a City-owned cellular phone.
2. The utilization of a cellular phone allowance is intended to provide the City with an opportunity to access the employee's personal cellular phone for City business. It is not intended to completely cover the expense of a personal cellular telephone.
3. Under this plan, Department Heads may designate employees who will be provided with a monthly allowance to obtain a personal cellular phone to be used for City-related and personal business of

the employee. Authorization of this benefit shall be approved by the City Manager or his/her designee.

4. Department Heads will need to notify Human Resources of the name of employee to receive this allowance. Since this method of payment is not expense substantiated, the allowance is considered a taxable fringe benefit and will be included in the employee's 1st biweekly pay check of the month.
5. The allowance may be adjusted periodically by Finance to attempt to conform generally to commercially available cellular telephone usage plans.
6. Under this plan, the employee is allowed unrestricted business and personal use of his or her cellular telephone.
7. Each employee who receives a cellular telephone is responsible for obtaining their own phone and usage plan.
8. Employees who receive a cellular phone allowance may seek reimbursement from the City for excessive charges incurred for a specific emergency situation with the approval of their supervisor.

5.25 INFORMATION TECHNOLOGY USAGE POLICY

The City of Titusville considers information technology (IT) resources to be city resources. It shall be the policy of the city to maintain these resources in a consistent, predictable, and reliable manner to serve the city as business communications tools. All users of these IT resources are expected to conduct themselves in a responsible, efficient, professional, ethical manner and in accordance with city policies, as well as federal, state and local laws.

A. Purpose

The purpose of this policy is to define the appropriate use of the City of Titusville computer and network resources. They apply to access to the internet, the city network and the use of computer resources at any location, from any device. The city authorizes the use of computing and network resources by city employees in connection with the transaction of official business of the city. All use must be consistent with the intent and requirements of all city policies and must be carried out in an ethical, legal, and responsible manner.

Users of city IT resources should have no expectation of privacy while using city- owned or city-leased equipment. Information passing through or stored on city equipment can and will be monitored.

The city purchases and licenses the use of various computer software for

business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, the city does not have the right to reproduce such software for use beyond the licenses purchased by the city.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. The city prohibits the illegal duplication of software and its related documentation.

B. Establishing and Maintaining the Internet

The Information Technology Department (IT) will arrange for city-wide connection to the internet. The IT staff will maintain and administer the link to the internet and the internet client software. They will also monitor the connection, traffic levels, illegitimate access attempts, and response times to optimize performance and notify management of problems requiring attention. The City of Titusville will not provide computer assistance with your home computer system and/or network.

C. Internet/Intranet Usage

City employees requesting internet access must do so via an internet agreement form. The request must be signed by the department director of that employee. An account will be established and activated when the form has been completed and received by the Information Technology Department. The employee can request internet training which the Information Technology Department can provide. At the end of the training, users may be required to demonstrate their proficiency.

D. Prohibitions

1. Electronic communication resources are limited. Employees should conserve these resources and must not deliberately perform actions that waste resources or monopolize them to the exclusion of other employees. This includes subscribing to list servers or web sites not directly related to job responsibilities, spending extensive time on the Internet, downloading non- work files and streaming audio and/or video.
2. Staff must presuppose that all materials on the internet are copyrighted and/or patented unless specific notices state otherwise. Downloading and storing copyright material on city equipment is prohibited.
3. The use of technology resources for conducting personal business, consulting, commercial activities, religious causes, solicitations, political activity, or any activities not directly in connection with the transaction of official business of the city are prohibited.

4. Internet usage will conform to all city policies and work rules, intentionally visiting “adult” or sexually-oriented web sites, sites associated with hate crimes, violence or others that create discomfort or harassment in the workplace and have no legitimate business value are prohibited.
5. Access or attempting access to the computer-based records or services that an official or employee does not have explicit authorization to utilize is prohibited.
6. The use of technology resources for illegal or illicit activities is a violation of this policy.
7. A violation of any software license agreement is prohibited.
8. Downloading and/or installing software is prohibited, unless specifically authorized in writing by the Information Technology Director. Any downloaded software must only be used under the terms of its license. Furthermore, any material installed on computers must be scanned for viruses or other destructive code.
9. City employees or any other persons may not install hardware or software that was not purchased by the city on city-owned computers.
10. The city has designed internet access in such a way as to try to assure the safety and security of the city’s network. Any attempt to circumvent, disable, destroy or defeat any city security feature is a violation of this policy. Any employee other than Information Technology employees, disabling anti-virus, security, or remote access applications on any PC or server without the consent of the Information Technology Director will be subject to a minimum of suspension and up to and including termination.

E. Passwords

Regardless of the circumstances, individual passwords must never be shared or revealed to anyone besides the authorized user. To this end passwords must not be documented or stored in a manner which can be accessed by others. Sharing your password with others may create a liability to you if anything detrimental happens under your sign on with access to the city network.

Information Technology has implemented a secure password initiative in which they will generate a password change periodically.

F. Electronic Mail (E-mail)

E-mail is the electronic transfer of information, typically in the form of

electronic messages, memoranda, and attached documents, from a sending party to one or more receiving parties by means of an intermediate telecommunications system. When creating email messages, refrain from using caps, bold, underline as this has been interpreted by the courts as being "reckless use".

E-mail which is created or received by a city employee, council member, or members of advisory boards, committees and task forces (hereinafter referred to as "Users") in connection with the transaction of official business of the city may be considered a public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes, and is subject to applicable state retention laws and regulations, unless expressly exempted by law. Users must use city e-mail accounts in connection with the transaction of official business of the city. Users are prohibited from using personal e-mail accounts in connection with the transaction of official business of the city. Any e-mail received by a user in their personal e-mail account in connection with the transaction of official business of the city shall be forwarded to their city e-mail account.

The Florida Statutes contain numerous specific exemptions to the access and inspection requirements of the Public Records Law. Users are responsible for ensuring that electronic public records which are exempt from access or inspection by statute are properly safeguarded. No exempt or confidential information will be transmitted by e-mail. The originator is responsible for advising the custodian that an e-mail may have confidential or exempt information (for e-mails prior to this policy being adopted.)

The city provides electronic mail services to Users. These systems are designed to facilitate communication with other employees and the public when such communication is part of a User's job. All electronic communication systems and all communications and stored information transmitted, received or contained in the city's information systems are the property of the city.

Users have no right of personal privacy in any material created, stored in, received, or sent over the city's e-mail system. The city reserves and may exercise the right, at any time and without prior notice or permission, to intercept, monitor, access, search, retrieve, record, copy, inspect, review, block, delete and/or disclose any material created, stored in, received, or sent over the city's e-mail system for the purpose of protecting the system from unauthorized or improper use or criminal activity.

E-mail is for the use of Users in the performance of their jobs. However, it is recognized that occasional communications between Users within the city e-mail system for personal reasons under circumstances that do not take away from or interfere with their duties or the duties of those Users with whom they communicate, is not prohibited except the e-mail system shall not be used for any unauthorized purpose including but not limited to:

1. Sending solicitations including, but not limited to, the sale of goods or services or other commercial activities not in connection with the transaction of official business of the city.
2. Sending copies of documents in violation of copyright laws or licensing agreements.
3. Sending information or material prohibited or restricted by government security laws or regulations.
4. Sending information or material which may reflect unfavorably on the city or adversely affect the city's ability to carry out its mission.
5. Sending information or material which may be perceived as representing the city's official position on any matter when authority to disseminate such information has not been expressly granted. When an employee sends a personal e-mail, especially if the content of the e-mail could be interpreted as an official agency statement, the employee should use the following disclaimer at the end of the message: "This e-mail contains the thoughts and opinions of (employee name) and does not represent official City of Titusville policy."
6. Sending confidential or proprietary information or data to persons not authorized to receive such information, either within or outside the city.
7. Sending messages or requesting information or material that is fraudulent, harassing, obscene, offensive, discriminatory, lewd, sexually suggestive, sexually explicit, pornographic, intimidating, defamatory, derogatory, violent or which contains profanity or vulgarity, regardless of intent. Among those which are considered offensive include, but are not limited to, messages containing jokes, slurs, epithets, pictures, caricatures, or other material demonstrating animosity, hatred, disdain or contempt for a person or group of people because of race, color, age, national origin, gender, religious or political beliefs, marital status, disability, sexual orientation or any other classification protected by law.
8. Sending messages or requesting information reflecting or containing chain letters or any illegal activity including, but not limited to gambling.
9. Sending or requesting information or material that promotes a religious or political view, cause, position or action.
10. Sending or requesting personal outside email that is not in connection with the transaction of official business of the city to include, but not limited to, personal activities, automated email from non-city business entities, shopping, auction, and personal pictures. No personal email shall be sent from employees on the city email system. Any incoming personal email captured by network filters will be deleted.

11. Normally employees are not responsible for unsolicited offensive e-mails.

The use of e-mail is a privilege, not a right. As such, the privilege may be revoked at any time and for any reason. Abuse of the privilege may result in appropriate disciplinary action.

Electronic records (such as e-mail and computer stored documents) may be public records dependent upon Chapter 119, Florida Statutes, subject to access by the general public as well as the press in the same manner as physical documents. An electronic communication in connection with the transaction of official business of the city may not be deleted or destroyed except in compliance with the records retention schedule in Chapter 119, Florida Statutes. Unless it falls within one of the specific exemptions described in the public records statute, the e-mail message must be produced for any person upon request.

All e-mail and other public records in the city's custody are maintained for the required retention period(s). Automatic backups are done under the city's disaster recovery plan.

Sorting e-mail into appropriate personal folders is a helpful way to manage these records and to ensure that they will be easier to locate if you need to refer back to them. E-mails will remain in individual "live" accounts for one year in order to maintain functionality and efficiency. Trash should be emptied every 7 days.

Archived e-mails will be available for viewing or printing after the one year "live" mailbox limit. Once e-mail has met its retention in accordance with Chapter 119, Florida Statutes, it will be removed.

G. Policy Violations

All Users should report any discovered unauthorized access attempts or other improper usage of City of Titusville computers, networks, or other information processing equipment. If you observe, or have reported to you, a security or abuse problem, with any city computer or network facilities, including violations of this policy, you should notify the Information Technology Director or the city's ethics compliance officer as appropriate. Employees who violate these policies cost the city money, waste scarce resources, tarnish the image of the City of Titusville, and may violate the law. Persons in violation of this policy are subject to the full range of sanctions, including the loss of computer or network access privileges without notification, and disciplinary action pursuant to the City of Titusville's Procedures and Rules, up to and including discharge. In the event an employee is suspected of violating federal, state or local laws, all relevant materials will be made available to the appropriate law enforcement department for investigation and possible criminal prosecution.

5.26 USE OF RESTROOM/CHANGING FACILITIES (SAFETY IN PRIVATE SPACES) POLICY

- A. It is the policy of the City to comply with the State of Florida's Safety in Private Spaces Act, section 55.865 Florida Statutes.
- B. Except where designated as unisex, each restroom and changing facility located in each of the City's buildings are separately designated for the exclusive use by females and males, as those terms are defined by F.S. 553.865, unless a statutory exception applies.
- C. Any employee who willfully enter, for a purpose other than those listed in subsection (6) F.S. 553.865, a restroom or changing facility designated for the opposite sex at a City building and refuses to depart when asked to do so by an employee of the City of Titusville will subject to disciplinary action.
- D. Any violation of this policy may result in discipline up to and including termination.

SECTION VI - PERSONNEL AND ADMINISTRATIVE POLICIES

6.1 ACCOUNTING RESPONSIBILITIES

- A. Department Heads are responsible for maintaining complete and accurate attendance records for their employees via print-outs furnished on a bi-weekly basis by the Finance Department. Such records constitute the basis for preparation of departmental payrolls, and will be preserved for future auditing purposes as needed or required.
- B. The Human Resources Director is responsible for monitoring the compliance of departments with the requirements and policies established by the official job classification and pay plan, as well as departmental conformity with the established policies and rules governing wages, hours of work and working conditions.

6.2 WAGES, HOURS OF WORK, AND WORKING CONDITIONS

- A. Wages and/or salaries shall be in accordance with the provisions of the pay plan and within the limitations of the budget of each department, as approved by the City Manager for each fiscal year.
- B. Work Shift Assignments
 - 1. When employed, each employee is assigned a work shift in accordance with the particular operational requirement of his department. Any changes to those shifts, except where specifically noted otherwise, shall be at the sole discretion of management. A 24-hour notice or more, whenever practical, is suggested in order to allow the employee time to make necessary personal arrangements.

- a. Stand-by pay for Public Works Department employees in Field Operations, Streets Maintenance and Stormwater Divisions working in the classifications of Crew Supervisor and Logistics Coordinator when required to respond to call-out to support Division emergency operations if approved by Department Head, shall be placed on weekly stand-by status. A Crew Supervisor and Logistics Coordinator who is on stand-by will receive one (1) hour of pay per day at their regular rate of pay. Monday – Friday, and two (2) hours of pay per day Saturday, Sunday and Holidays.
2. Flexible work schedules, including work at home for temporary specialized tasks/projects, may be authorized by Department Heads provided there is no operational impact and adequate staffing is maintained during hours of business at the work site. Supervision shall establish standards for employees authorized to work at home to document time spent in such work. Refer to Administrative Policy 3-2 and Remote Work Acknowledgement Form.
3. At the sole discretion of departmental/division management/supervision, work breaks may be permitted, provided the operational needs and customer service requirements of the work site are met. If work breaks are authorized, management/ supervision shall establish the frequency, time allowed, and any other conditions deemed appropriate, to insure no adverse operational impact occurs. There is no entitlement to work breaks; as stated, such breaks, if allowed, are authorized by management/supervision as may be deemed appropriate. Work breaks, if authorized, shall not be saved, accumulated, or carried over in order to extend the lunch period, come to work late or leave work early, or to take an extended break on a subsequent day.
4. Employees are authorized a meal period (lunch or dinner, depending on work shift) during each work day. Supervision/management should plan work assignments in a manner that assures that employees are able to take their meal periods on a daily basis. Occasionally, if work assignments prevent the employee from taking the meal period, at the direction and approval of supervision/management, the employee shall be compensated for the time worked or authorized a later meal period in the same work shift. Meal periods shall not be saved, accumulated, or carried over in order to extend work breaks, to come to work late or leave work early, or to take an extended meal period on a subsequent day.

C. Requesting a Paycheck for a Day Other Than Payday

1. As a general practice, paychecks will be issued to employees on their regularly scheduled payday. Exceptions to receiving paychecks on the regular payday are as follows:

a. Advance Vacation Paycheck

If an employee is going to be on a vacation during a pay period, he may request an advance vacation paycheck for the pay period involved. The paycheck will be issued in increments of eighty (80) hours by the Finance Department on the employee's last work day prior to the start of the employee's vacation. The employee must submit a written request to his supervisor for approval; upon approval, the request will be sent to the Finance Department at least five (5) days prior to the date the check is needed to ensure processing.

b. Advance on Wages

In case of an unforeseen personal emergency, an employee may request an advance on his wages. An advance on wages will not be approved routinely. The employee must have already worked sufficient hours during the pay period to fund the amount of the request. The employee's written request must include the reason the advance is needed and requires approval of the Department Head, Human Resources Director, and City Manager. An advance on wages will not be authorized for time that has not been worked, or if there is not ample vacation/sick leave to cover the time requested.

c. Early Paycheck

If an employee is going to be absent on a specific payday, an early paycheck may be requested by submittal of a written request to the Finance Department through the Supervisor. Early paychecks are available in the Finance Department, after 3:00 p.m. on the Wednesday immediately preceding payday. Department Heads may request early pay checks directly to the Finance Department without prior approval of the City Manager.

D. Overtime Work and Pay

1. Employee classifications are evaluated by the Human Resources Department as to eligibility for payment of overtime in accordance with the Fair Labor Standards Act. Employees who are classified as non-exempt shall receive overtime pay at time and one half for hours worked in excess of their scheduled forty (40) hour work week. Holidays, floating holidays and workers' compensation shall count as time worked for the purpose of payment of overtime. Provisions for overtime compensation for employees represented by a collective bargaining agreement are outlined in the respective labor contracts. Part-time employees who are scheduled to work less than forty (40) hours per week shall not be paid at the overtime rate until they have worked more than forty (40) hours in a work week.

2. A non-exempt employee shall not commence his principal work assignment before the start of his assigned shift unless authorized by his supervisor. A non-exempt employee shall cease his principal work assignment at the end of his assigned shift unless authorized by supervision.
3. Overtime work must have prior authorization of the employee's supervisor and/or Department Head. It shall be authorized/approved when necessary to meet essential operating requirements or emergency situations. Department Heads shall maintain accurate records of overtime and have the responsibility to monitor overtime usage. Examples of work eligible for overtime compensation:
 - a. Time worked on a holiday.
 - b. Time worked on a scheduled day off.
 - c. Call back time (minimum two (2) hours at time and one-half, or total three (3) hours' pay). If a non-exempt employee is called back to the job unexpectedly after leaving work at the end of his normal shift, he is eligible for this pay.
 - d. Time worked in addition to the normal work week.
4. Overtime usage, previously authorized by supervision, shall be recorded on the employee time sheet in the comments section, with the date, number of hours worked, and the reason for the overtime noted and initialed by the supervisor/department head.
5. For purposes of computing overtime of less than one hour, increments of .25, .50 and .75 will be used by rounding off time worked to the nearest quarter hour increment.
 - Only actual "worked" hours, including holidays, and floating holidays and workers' compensation leave will be counted in determining the normal work- week for the purposes of computing overtime.
 - Sick Leave, Personal Leave, Vacation Leave, Compensatory Time, Military Leave, Jury Duty Leave, Bereavement leave and all other paid and unpaid leave do not count as time worked. Collective bargaining agreements contain provisions governing overtime payment methods for represented employees.
 - After the City activates the Emergency Management Plan, for a declared emergency, or in cases of deployment of City employees to other agencies, pursuant to State-wide mutual aid agreements, exempt employees shall receive straight-time hourly compensation, in lieu of compensatory time, for all hours worked, including travel time, performing duties related to the emergency in excess of forty hours, or their regular work

week schedule. The City shall request reimbursement of these costs from FEMA or from the agency to which mutual aid was sent.

E. Automated Time Cards

1. The City of Titusville timekeeping system is EXECUTIME which is a Time and Attendance System that collects actual time entered by employees using a time clock, computer or mobile app. All employees shall use the timekeeping system selected by the City which integrates with the Payroll System for the accurate payment of hourly wages and overtime payments.
2. Exempt (salaried) and Non-Exempt (hourly) employees must record time and attendance using the EXECUTIME system. All employees may use the "Clocking In and Clocking Out" method of recording time or they may enter the total number of hours worked per day. In addition, supervisors have the responsibility for reviewing and approving all time submitted by these employees. Under certain call out conditions requiring an employee to respond to an emergency call out involving public safety such as a barricaded party threatening harm or a service line in need of repair the employee shall log their time upon returning from their assignment.
3. Non-Exempt (hourly) employees eligible for compensatory time must submit an automated timekeeping record on a bi-weekly basis. The time records are to be completed by indicating the number of hours worked. If this category of employee uses accrued time, a "Time off Request" must be entered and approved by the supervisor. Non-Exempt employees who work less than 80 hours in a pay period are required to substitute leave to make up the difference if available. Once completed and submitted the record must be approved by the employee's supervisor or designated approver.
4. Exempt (salaried/ELT) employees' time will automatically be populated in this system. In addition, at the direction of an ELT member or at the direction of other supervisory direction an Exempt employee's timekeeping may be adjusted to the "Clocking In and Clocking Out" method for recording regular time worked. All Leave balances applicable to each employee as well as leave balances are available online through Employee Self Service.
5. All approvals and edits to an employee's time record must be entered and initialed by the employee and the supervisor. The Executime System allows for digital approval with an entry first by the employee then followed by the approval of an immediate supervisor or Department Head. All approvals and edits to an employee's time record shall be completed per Administrative Policy 2-10. The Human Resources office will review time records to ensure employees have

recorded time and attendance in compliance with Personnel Policy and Procedures. The Finance Department will review hours and will export the time and attendance data to the payroll software. If an employee is not available to approve their timesheet due to illness, vacation or other absence a supervisor shall digitally approve the time on their behalf. Upon return to work, an employee shall approve their time by signing a physical copy of their timesheet.

6. It is the responsibility of the respective department to set the employee's work schedule. Non-Exempt and Exempt employees' schedules are determined based on the requirements of the Department. All hourly employees are responsible for entering accurate "Clocking In and Clocking Out" times and for properly charging their accrued leave balances where appropriate. Supervisors are responsible for monitoring compliance with this policy; verifying the authenticity and accuracy of employees' electronic time card; and ensuring that electronic time cards are kept current. Employees should address all questions regarding pay and time cards to their supervisor.
7. Any employee who knowingly misrepresents or falsifies documentation about their time worked will be subject to disciplinary action, up to and including termination for the following:
 - Any attempt to tamper with the timekeeping hardware or software will be considered a serious offense, subject to action up to and including termination.
 - Non-supervisor clocking in/out for another employee (a.k.a. "buddy clocking") will also be considered a serious offense by both employees, subject to action up to and including termination.
 - Interfering with another employee's use of the time clock.
 - Failure to use the EXECUTIME system properly
 - Failure to promptly verify and reconcile time and leave record in accordance with the City's policies and procedures.
 - Falsification of hours actually worked

F. Compensatory Time

1. In certain positions, i.e., exempt positions as defined by the Fair Labor Standards Act (FLSA), it is recognized that, by the nature of the Executive, Administrative or Professional position, time worked in addition to the 8-hour day/40-hour week may be required. There is no statutory provision requiring accumulation or use of compensatory time. The City, however, provides compensatory time off for exempt employees, approved in advance, for the purpose of an "occasional day off," as defined herein.
2. Authorized compensatory time off is not a substitute for charging vacation time, which is provided for the purpose of annual leave.

3. Positions are classified as "exempt" (i.e., not covered by the FLSA provisions for overtime compensation) by the Human Resources Department, as appropriate. Employees who are classified as exempt, and who are not Department Heads, are permitted to accumulate compensatory time after they have worked over forty (40) hours per week. "Worked" hours are hours actually worked.

Holiday time off, floating holidays and workers compensation leave are counted as hours worked. Sick Leave, Personal Leave, Vacation Leave, Compensatory Leave, Military Leave, Jury Duty Leave, Bereavement Leave, and all other leave paid and unpaid leave do not count as time worked. Department Heads are not eligible to accumulate compensatory time.

4. The employee is responsible for monitoring their compensatory balance and for compliance to this policy. The employee's supervisor and/or Department Head shall be responsible for monitoring the employee's use of compensatory time.
5. Exempt employees, who are not Department Heads, accumulate compensatory time at a straight time rate. If the employee works two (2) hours beyond the normal work shift, two (2) hours are credited toward his compensatory time balance. The maximum amount of compensatory time that can be accumulated is two hundred forty (240) hours.
6. Department Heads shall not accumulate compensatory time. However, those employees, who had a compensatory time balance as of January 1, 1996, may carry over the accumulated hours, and charge time off against this compensatory balance as needed. There is no provision to carry over the excess hours worked beyond the pay period.
7. Exempt employees are not eligible for "call back" time/pay.
8. Exempt employees are not allowed to use compensatory time solely to extend the termination date or in conjunction with their final week of employment (i.e., to extend the termination date).
9. Exempt employees who are not Department Heads are not eligible to receive any payment for unused compensatory time at termination.
10. Department Heads who accumulated compensatory time prior to January 1, 1996, are eligible to receive payment of up to two hundred forty (240) hours of accumulated compensatory time upon recommendation/approval of the City Manager. Payment of up to two hundred forty (240) hours of accumulated compensatory time is based on the employee's overall work record, evaluations and

attendance record. It is not automatic and must be authorized by the City Manager.

11. Non-exempt employees can choose with the authorization from the immediate supervisor to be paid overtime pay or earn compensatory time up to a maximum of 120 hours, representing no more than 80 hours of actual overtime work for all hours worked in excess of their regular weekly schedule. All compensatory balances applicable to each non-exempt employee is available on line through Employee Self-Service. Compensatory time may be used in lieu of cash overtime compensation only if such an agreement or understanding has been arrived at before the performance of work.

Employee must sign "Compensatory Time Agreement" form in order to be eligible to accumulate compensatory time in lieu of overtime pay.

If accrued time is not taken by the 25th payroll in the fiscal Year, the employee shall receive full payment by the City of the compensatory time balance. Compensatory time will start accumulating at the beginning of the first pay period of each fiscal year.

In the case of separation with the City prior to the end of the fiscal year the employee will receive full payment of their compensatory balance with their final paycheck. These accumulated hours cannot be paid in cash except in the case of death, retirement (regular or medical) or termination. If there is a pay rate change for any reason prior to the 25th pay period, the employee will be paid all compensatory time earning prior to the pay rate change.

G. PAY FOR WORK DURING EMERGENCIES OR DISASTERS (Revised 9/25/2019)

It is the policy of the City of Titusville to fairly compensate employees when any natural, technological or human caused emergency or disaster requires an emergency declared by the City resulting in an interruption to normal work schedules.

PROCEDURE

- 1 After the City Manager instructs Department Heads and Leadership Team Members to begin emergency or storm related preparations or in cases of deployment of City employees to other agencies, such as statewide mutual aid agreements normal payroll will be continued. All non-exempt employees who are designated by their Department Head or Supervisor as essential personnel for the response and in support of the plan and who are assigned to work or sequestered at a designated area as instructed (i.e. Emergency Operations Center) in contemplation that his/her services might be needed during the emergency or disaster, will be compensated at their regular rate

for all regular hours worked or for all hours covering the confined period. These hours will be counted as hours worked for overtime purposes. All other monetary considerations affected by specific collective bargaining agreements will not be suspended. Essential personnel who are instructed to work during the emergency or disaster and are not able to work due to a catastrophic event affecting their personal circumstances for example, flooding of the employee's home or street and prohibiting their ability to respond as instructed will be required to use accrued leave time. Exempt employees shall receive in addition to their regular salary, straight-time hourly compensation, in lieu of any, paid administrative leave, for all hours worked or sequestered at a designated area as instructed (i.e. Emergency Operations Center), including travel time, performing duties related to the emergency in excess of forty hours, or their regular work week schedule. Executive Leadership Team members as defined by the City's Organizational Chart shall receive straight-hours worked or for all hours covering the confined period including travel time and performing duties related to the emergency, in excess of forty hours or their regular work week schedule. The City shall request reimbursement of these costs from FEMA or from the agency to which mutual aid was sent. When all eligible cost recovery efforts related to the emergency or storm have been completed as designated by the City Manager then all work associated with these activities will expire.

2. Following the closure of City Offices, employees who are considered as non-essential to the response and in support of the Plan and are sent home will be paid for the remainder of their shift. Employees considered non-essential and are not instructed to report beyond the initial closure of the offices, but may request leave by charging vacation, personal or compensatory hours approved in advance by their Department Head. If no leave time is available, this time will be reflected as leave without pay.
3. In the event the City closes administrative and /or other offices/facilities, employees who are instructed to work performing duties related to the event (storm clean-up, damage assessment etc.) will be compensated their regular rate of pay only at those administrative and/or other offices/facilities that are impacted. These hours will be counted as hours worked for O/T purposes. For those employees who were instructed not to report to the closure of administrative and/or other offices/facilities that are impacted will be compensated with paid administrative leave for the days specifically instructed by the Department Head.
 - a. Following the deactivation of emergency operations as instructed by the City Manager or when an employee who is released from an assignment to work or sequestered at a designated area as instructed and the City Offices are unable

to reopen, an employee will be paid administrative leave time for the balance of the remaining work day.

4. During such emergency, if the City establishes temporary offices/facilities or directs employees to report to work at a work site other than their usual work site, the employees will be required to report to work.
5. Department Heads and Supervisors are responsible for coordinating the transition roles of employees including releasing employees from their normal duties in a timely and orderly fashion while maintaining the necessary operations and service levels.
6. Employees already on leave (vacation, sick, etc.) will not receive any additional paid time off and will be granted leave according to their original leave request. Employees on leave and who are called in to work due to the emergency situation will be paid for hours worked.

6.3 EMPLOYEE ABSENCE FROM WORK

- A. No employee shall be absent from his regularly scheduled duties without PRIOR authorization from his supervisor or Department Head. Failure to obtain prior authorization to be absent from the work area, or to notify supervision of employee absence, may result in disciplinary action.
- B. An employee requesting time-off for vacation, personal leave, compensatory time, floating holiday, leave of absence, or similar absence, must obtain prior approval from his supervisor to assure that departmental operations will not be impacted.
- C. It is the responsibility of supervision to verify requests for use of sick leave. The supervisor's responsibility in this process includes assuring that the employee has accumulated sufficient sick leave hours to cover the absence. In circumstances where the employee may have an insufficient sick leave balance, vacation and/or floating holidays are not authorized for use in lieu of sick leave. Vacation and floating holidays are "planned" absences requiring prior approval. Therefore, there will be instances when an employee will be in a "no-pay" status when calling in sick. Employees cannot voluntarily request to be placed on a "no-pay" status to preserve sick and vacation leave balances. If this no-pay status results from misuse or abuse of sick leave, it is the supervisor's responsibility to take appropriate action as outlined in Section 6.12 of Personnel Policies.
- D. When an employee must be absent due to illness or circumstances beyond his control, it is his responsibility to notify his supervisor prior to the start of his shift, if possible, but not later than one (1) hour after the start of his/her shift. In the event of an extended, verified illness, the employee's immediate supervisor shall have the authority to modify the requirement for

daily employee reporting.

- E. If an employee is going to be late for work, he must notify his supervisor prior to the start of his/her shift, if possible, or as outlined in the appropriate contracts for bargaining unit employees.
- F. Additional provisions governing absence from work for represented employees are outlined in the respective labor agreements.
- G. Union Stewards should refer to the appropriate contract regarding time spent in grievance resolution and other contractually permitted union business for procedure to notify supervision of absence from work.
- H. Stewards are not compensated for negotiation sessions. All negotiations will be scheduled on days off or Union personnel must charge vacation, personal leave or participate in a shift exchange.
- I. Employees who attend a meeting of either the General Employees' Pension Board, the Police and Fire Pension Board, or the other City of Titusville Employee Benefits- Trust Board must obtain prior approval from supervision to assure operational needs are met. If the employee is not an elected or appointed member of the Pension Boards, the absence from work must be charged to either vacation or compensatory time or it will not be compensated.

6.4 EMPLOYEE BENEFITS

A. Educational Assistance Program - Tuition Aid

The City of Titusville encourages all regular employees to pursue educational opportunities to the fullest extent possible. Such opportunities include both job- related and/ or self-improvement courses that would enhance the employee's present or future position with the City. This policy does not apply if the City requires an employee to attend a course.

In this regard, the City has established an educational assistance program to help its employees defray the costs associated with the aforementioned pursuit. Specific requirements, criteria and procedures associated with the educational assistance program are as follows:

- 1. All active regular full-time employees who are eligible to receive full benefits are eligible to participate in the educational assistance program and will receive tuition aid up to a maximum or limited to 156 hours of course work which can be used to pursue a Bachelor's and/or Master's Degree. Employees must be on the payroll when final grades are submitted in order to be eligible for this benefit.
- 2. A probationary employee may participate in the educational assistance program if his/her probationary period ends before he/she

completed the class. If the employee is still on probation when he/she completes the class, he/she is not eligible for tuition assistance.

3. Education expenses from non-City sources

- a. Employees receiving payments or assistance for educational expenses from any other non-City sources (i.e. student loans) which do require repayment are eligible for participation to the maximum extent provided herein and the City's assistance should be considered as primary for the purpose of determining any City entitlement. In this regard it is the employee's responsibility to provide to the City adequate certification of the source and terms of repayment of such non-City assistance.
- b. Once the primary source of assistance has been applied to the total educational expenses, the employee may then be eligible for additional assistance from the City to the extent and limits as specified in section above.

4. The intent of the Educational Assistance Program is to encourage Employees to pursue undergraduate and graduate (excluding Doctorate) degrees while improving their individual productivity to the City. The Educational Assistance is not intended to fund the individual pursuit of professional certifications (i.e. IACP, CPA, PE, CMC, PHR). Obtaining such certifications, although encouraged, should be planned for and addressed in each department's budget.

a. Items included for educational assistance include:

- (1) Tuition costs
- (2) Testing fees (i.e. CLEP, etc.) related to the degree or course credit for skills as opposed to eligibility related (i.e. SAT, GRE)
- (3) Laboratory fees
- (4) Internet Fees

b. Items **excluded** for educational assistance consideration include:

- (1) Miscellaneous supplies and course material (i.e. pencil, pens, calculators, etc.) Textbooks and other publications related to courses
- (2) Any other item not specifically addressed above shall be considered excluded for the purpose of

consideration for educational assistance.

5. The amount of assistance is based on the following grades:

Letter grade	A – 100 %	Satisfactory /Pass –100%
	B - 75 %	
	C - 50 %	
	D or Unsatisfactory/Fail – 0%	

6. Educational Assistance applies toward college courses or continuing education course(s), which will enhance an employee's present or future position with the City. Educational Assistance is provided for degree and non-degree purposes at a state university and/or community college tuition rate.
7. The application for program participation shall provide an agreement to be signed by the employee stipulating that should the employee's services be terminated during the following period's either voluntary or involuntarily, the City shall be reimbursed for funds paid the employee for educational expenses as provided in the following reimbursement formula:

Termination after Completion Of the course(s)

Reimbursement to the City - Within Two (2) years-

100%

- a. If the employee does not work for the full two (2) years, then reimbursement of the tuition will be made on a pro-rata basis.
- b. In the case of an employee terminating employment with the City by reason of resignation or dismissal (voluntary or involuntary) and not due to death, and who owes the City for repayment of educational assistance, such repayment shall be made for any accrued sick leave and/or vacation leave cash benefits due to the employee at the time of termination. Any amount owed over and above those accrual benefits must be paid to the City in full within a twelve-month period in twelve equal monthly installments. Should an employee wish to repay the City in a shorter timeframe, such as lump sum repayment, such repayment is encouraged.
8. Educational Assistance is contingent upon compliance with all requirements and availability of funds. The Human Resources Director is responsible for the Education Assistance Program and budget.
9. Employees must obtain authorization on the "Request/Approval for

Educational Assistance Form” to participate in the program. The procedure to follow to complete form is:

- a. Prior to the date the class begins, the employee must submit “Request/Approval for Educational Assistance” form to his/her supervisor for approval of course(s). Failure to submit this paperwork in a timely manner will result in denial of tuition assistance for the requested course(s). A copy of the registration form must be attached.
- b. The Supervisor approves or disapproves class(es) based on the course or courses being job related and/or enhancing the employee’s career with the City and forwards to the Human Resources Director for approval.
- c. When final grade is received, employee attaches copy of the Transcript to signed form authorizing class and returns to the Human Resources Department for payment.
- d. The Human Resources Department authorizes the Finance Department to pay or reimburse tuition based upon final course grades.

B. Leaves of Absence - FMLA

The provisions of The Family and Medical Leave Act of 1993 are outlined in this section. The FMLA is designed to help employees balance their work and family responsibilities by allowing them to take leave for certain family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave. It also seeks to accommodate the legitimate interests of employers and promote equal employment opportunity for men and women. The FMLA entitles eligible employees to take up to 12 workweeks of job-protected leave in a “rolling” 12-month period for any of the following reasons:

- For the birth and care of the newborn child of an employee;
- For 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
- To take medical leave when the employee is unable to work because of a serious health condition.

Employees are eligible for leave if they have worked for the City for at least 12 months, or at least 1,250 hours over the past 12 months. The FMLA acknowledges military family entitlements effective January 16, 2009 for an employee for up to 26 workweeks of Military Caregiver Leave during a single 12-month period to care for a service member who is receiving treatment for a serious injury or illness that may render the member medically unfit to perform the duties of the member’s office, grade rank or

rating. Qualifying Exigency Leave: entitles eligible employees to take up to 12 workweeks of FMLA leave in a "rolling" 12-month period for a "qualifying exigency" related to the foreign deployment of the employee's spouse, son, daughter or parent. This entitlement helps families of members of the National Guard and Reserves manage their affairs while the member is on active duty in support of a contingency operation. Examples of a qualifying exigency refers to a number of broad categories for which employees can use FMLA Leave: 1) Short notice deployment; 2) Military events and related activities; 3) Childcare and school activities; 4) Financial and Legal Arrangements; 5) Counseling; 6) Rest and Recuperation; 7) Post-deployment activities; and 8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

1. Definitions:

- a. Child(ren)--biological, adopted or foster child(ren), step-child(ren), legal ward(s), or child(ren) of a person standing "in loco parentis," who is under 18 years of age; or 18 years of age or older but incapable of self-care because of a mental or physical disability. Eligible employees may also take leave to care for the child of the employee's same-sex partner provided that the employee meets the "in loco parentis" requirement.
- b. Health Care Provider--a doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices.
- c. Parent--the biological parent of an employee or an individual who stood "in loco parentis" to an employee when the employee was a child. This definition also extends FMLA rights when an eligible employee's parent has a same sex spouse.
- d. Reduced Leave Schedule--a leave schedule that reduces the usual number of hours per workweek or hours per workday, of an employee.
- e. Serious Health Condition--an illness, injury impairment, or physical or mental condition that involves inpatient care at a hospital, hospice, or residential medical care facility, or continuing care by a doctor of medicine or osteopathy. The employee shall be required to provide a doctor's certification of the existence of a serious health condition.
- f. Spouse--husband or wife of the employee. This definition also extends FMLA rights to eligible workers in same sex marriages.

2. Eligibility:

An employee must have been employed by the City for at least twelve (12) months and have worked at least one thousand two hundred fifty (1,250) hours during the past twelve (12) months in order to be

eligible for the leave benefit provided by the Family and Medical Leave Act of 1993. An eligible employee is entitled to a total of twelve (12) weeks of leave time (includes both available paid leave and unpaid leave combined) during a “rolling” twelve (12) month period measured backward from the date of any FMLA leave usage (Each time an employee takes FMLA leave, the remaining leave is the balance of the twelve (12) weeks not used during the twelve (12) months immediately before the FMLA leave is to start) for one or more of the following reasons:

- a. Birth, adoption, or foster care placement of child(ren) in order to care for such (child(ren)).
- b. Caring for spouse including workers in same sex marriages, child(ren), or employee’s parent(s) with a serious health condition.
- c. The serious health condition of the employee.

3. Employee Benefits:

- a. An employee granted Leave under the provisions of the Family and Medical Leave Act of 1993 shall be returned to the position previously held or an equivalent position with equivalent benefits, pay, and other terms and conditions of employment provided the total period of leave does not exceed twelve (12) weeks.
- b. Health and life insurance will be continued during the period of the leave (paid and unpaid leave time) at the same level as in force at the beginning of the leave. The employee is responsible for payment of his/her share of dependent health insurance premiums, co-payments, deductibles and other out-of-pocket costs. The City will continue its payment of the premium for employee health/life insurance during the period of the leave (paid and unpaid leave time).
- c. Employees on any unpaid portion of Family and Medical Leave, must make arrangements with the Human Resources Department for payment of any voluntary benefit programs/deductions.
- d. Employees whose salaries are in the top 10% of the City’s work force granted leave under this section shall receive all applicable life and health insurance benefits for up to twelve (12) weeks of approved leave; however, there is no guarantee of reinstatement to an equivalent position. Consideration for reinstatement will be based on operational impact.

- e. Employees who terminate due to inability to return to work at the conclusion of a twelve (12) week leave are entitled to elect up to eighteen (18) months of health insurance continuation in accordance with the provisions of the Consolidated Omnibus Budget Reconciliation Act (COBRA). The employee will be required to reimburse the City any health/life insurance premiums paid by the City on behalf of the employee/dependents during the unpaid portion of the leave unless the employee's failure to return to the job is due to circumstances beyond his/her control.

4. Employee Responsibilities:

- a. When the necessity for leave under this section is due to the serious health condition of the employee or eligible family member or is foreseeable based on an expected birth or placement of child(ren), it shall be the employee's responsibility to:
 - 1) Submit a written request, including reason, start date for the leave and expected duration of the leave, to the Department Head for consideration.
 - 2) Make reasonable efforts to schedule treatment/care in order to minimize the disruption to work operations.
 - 3) Provide at least thirty (30) days' notice prior to commencement of the leave, except that if planned treatment/care is required in less than thirty (30) days, the employee shall provide such notice as is practicable.
- b. Following the coordination of the leave by the Department Head and Human Resources Director or representative, the employee will be provided with the designation notice letter approving or disapproving the leave. If approved, outlined in the Notice of Eligibility & Rights and Responsibilities letter provided to the employee is information regarding reimbursement and payment of any arrearage which may occur and which is the employee's responsibility.
- c. Prior to return to work, the employee shall provide verbal or written notice to the Department Head of the anticipated date of return to work, accompanied by medical verification (in the case of employee's own serious health condition) from the treating physician of ability to return to full-time unrestricted duty.

5. Conditions and Limitations

- a. Unpaid leave under this section (combined with paid time up to statutorily-allowed twelve (12) weeks in one (1) year) will be authorized only after the employee has exhausted all available paid leave (sick, vacation, compensatory time, or applicable workers' compensation leave) which is a permitted use.
- b. Employees who have sick, vacation, and compensatory leave time available shall be required to use all available paid leave which is a permitted use prior to leave without pay. Such paid leave is included in the calculation of twelve (12) work weeks within a twelve (12) month period.
- c. In the event that both spouses are employed by the City, the leave for both may be limited to a total of twelve (12) work weeks during any twelve (12) month period when such leave is due to the birth or placement of child(ren).
- d. Entitlement to leave for birth or placement of child(ren) shall expire at the end of the twelve (12) month period which follows the date of such birth or placement. Such leave must be taken all at once (i.e., no intermittent leave). Leave taken for birth or placement of child (ren) may be charged to accumulated sick leave.
- e. Leave, under the provisions of this section, cannot be taken intermittently or on a reduced leave schedule unless the employee and the Department Head, Human Resources Director agree otherwise, or unless certified as medically necessary.
- f. If an employee requests leave on an intermittent or reduced leave schedule, the City may require the employee to transfer to an available, equivalent alternative position which better accommodates an intermittent or reduced leave schedule.
- g. When leave is to be taken due to the serious health condition of the employee or an eligible family member or when leave is to be taken on an intermittent or reduced leave schedule due to medical necessity, certification of the health care provider will be required. The City reserves the right to require, at the City's expense, the opinion of a second health care provider designated or approved by the City. Should the first and second opinions conflict, the City reserves the right to require the opinion of a third health care provider, at City's expense, designated or approved jointly by the City and the employee. The opinion of the third health care provider shall be final. To be sufficient the certification must state:

- 1) The date on which the serious health condition commenced.
 - 2) The probable duration of the condition
 - 3) The appropriate medical facts within the knowledge of the health care provider regarding the condition.
- h. Inability/failure to return to work at the expiration of the twelve (12) week period may result in termination of employment.
 - i. A Leave of Absence following FMLA and other Leaves of Absence may be approved, depending on the factors involved including but not limited to: the employee's medical or personal circumstances involved (i.e. Likelihood of a restoration of health and return to work after the leave), tenure and overall work record, operational impact, etc. Such leaves, if granted following submittal of the employee's request for leave, shall be solely at the discretion of the City except where otherwise required by State Statute and shall require the prior approval of the Department Head, and the Human Resources Director.
 - j. A Leave of Absence may be approved for a period not to exceed thirty (30) days upon the approval of the Department Head and Human Resources Director. An additional period not to exceed sixty (60) days may be approved by the Department Director, and Human Resources Director.
 - k. A Leave of Absence without pay exceeding thirty (30) days will constitute a break in service and will be deducted from the employee's length of service for seniority, pay and leave accrual purposes.
 - l. Group Health Insurance and Dependent Health Insurance Coverage during a Leave of Absence without Pay will be continued beyond the thirty (30) day period provided all premium payments are paid by the employee to avoid a lapse in coverage.
 - m. No accrual of sick/vacation benefits shall occur during any unpaid portion of leave.
6. Leave for Employees of Domestic Violence

An employee is permitted to take up to 3 working days 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.

- a. An employee seeking leave for Domestic Violence is permitted

to use annual or vacation leave, personal leave, or sick leave. Unpaid Leave under this section will be allowed only after the employee has exhausted all available paid leave.

- b. This section applies to an employee who has been employed for 3 or more months.
- c. Except in cases of imminent danger to the health or safety of the employee, or to the health and safety of a family or household member, an employee seeking leave from work under this section must provide appropriate advance notice of the leave along with certification from a health care provider who can provide sufficient validation of the need for such medical or mental health care services.
- d. Such information will be kept confidential and exempt to the extent authorized by Florida Statute.
- e. An employee's use of leave is limited to the following activities:
 - 1) To seek an injunction against domestic violence
 - 2) To obtain medical care or mental health counseling for the victim of domestic violence; 3) to obtain services from a victim services- services organization; 4) to make the employee's home secure from or to escape from the perpetrator of domestic violence; or
 - 5) to seek legal assistance or attend court proceedings related to the domestic violence.

C. Medical/Sick/Personal Leave

- 1. Medical/sick leave is a privilege and a benefit to be accumulated to protect employees in times of major illness and assure they will not have to worry about receiving a paycheck in addition to coping with a serious medical condition. Using medical/sick leave as soon as it accumulates may indicate a pattern of abuse of the medical/sick leave benefit, as does calling in sick on a Monday/Friday pattern to extend the normal weekend. Example: a pattern of sick leave taken at the beginning or end of a work week/shift, i. e., Mondays and Fridays for employees working an eight (8) hour five (5) day week indicates abuse of the sick leave benefit.
 - a. Eight (8) hours of sick/personal leave allowance are accumulated for each month of service completed, providing an annual accumulation of ninety (96) hours. * The ninety-six (96) hours of sick leave/personal leave is one fund/account (not separate accruals) for absences which are recorded under the "personal leave" or "sick hours" column of the time sheet

as outlined herein. Medical/Sick leave does not accumulate while on leaves without pay. Regular part-time employees shall accumulate the pro-rata amount based on their schedule (see Definition: Part-time). Temporary employees are not eligible for this benefit.

- b. *Annual accumulation for combat Fire personnel is one hundred thirty-five (135) hours.
- 2. Hours to be charged under the "sick hours" columns are: employee's illness, employee's child's illness, injury or doctor/dentist appointment; or illness of a member of employee's immediate family.
- 3. Hours to be charged under the "personal leave" column are: mandatory court appearance as a witness**, and urgent personal business which can only be conducted during normal work hours. Personal leave must be approved by the supervisor or Department Head. **Mandatory court appearance as a defendant or plaintiff is charged to compensatory time, vacation, if available or is no pay. Service as a juror is fully compensated as regular pay.
- 4. It is the responsibility of supervision to verify requests for use of sick leave. Unlike sick leave, vacation, floating holidays, and compensatory time are "planned" absences requiring prior approval. If an employee has an insufficient sick leave balance, supervision should not authorize the use of vacation and/or floating holidays in lieu of sick leave. Therefore, there will be instances when an employee will be in a "no-pay" status when calling in sick, even though vacation, compensatory time balance and/or floating holidays are available.
- 5. Sick/Personal leave is available for purposes as specified in this policy from the first month of service.
- 6. Sick/Personal leave will accumulate and be maintained on the bi-weekly departmental employee status report. Hours over seven hundred twenty (720) will be used ONLY for sick/personal leave and not for termination pay. All hours up to seven hundred twenty (720) will be used as stated in the following paragraphs of this section.
- 7. Employees who are absent more than four (4) consecutive scheduled working days due to employee's illness may be required by the Department Head to submit a physician's statement. Upon release from confinement in a hospital or other medical facility or following surgery, whether in-patient or out-patient, a physician's written release must be submitted to supervision prior to the employee's return to work. Such release must specify any and all limitations. Physicians' releases are considered confidential medical records, in accordance with applicable statutes; as such, they are not public records. All such medical records are to be placed in an envelope

marked "confidential" and forwarded to the Human Resources Department for inclusion in the employee's confidential medical file.

8. Department Heads are authorized to make any investigation of benefits claimed under this rule which they deem necessary and to disapprove any claims not properly substantiated.
9. For purposes of charging sick/personal leave on the time sheet, the time not worked will be rounded off in increments of .25, .50, and 75. Fifteen (15) minutes is established as the minimum amount of sick/personal leave to be reported.
10. Frequent claiming of sick/personal leave benefits constitutes grounds for the employee's Department Head to request medical verification that an employee is fit to perform job duties. Evidence of malingering may result in disciplinary action up to and including discharge.
11. Frequent and/or excessive absences, charged to sick/personal leave, with or without medical verification which hinders operations, impedes work flow, or creates other adverse operational impact, may result in disciplinary action, up to and including discharge.
12. Sick leave may be converted to vacation leave based on two (2) sick-leave hours equaling one (1) vacation hour. This conversion will be available for hours of sick leave accumulated beyond two hundred forty (240) hours of total sick leave accumulation (three hundred thirty-six (336) hours for combat fire personnel) with the intent to provide paid leave for a vacation when an employee's balance will not cover the length of a planned absence. Sick Leave conversion cannot be used for the purposes of increasing an employee's vacation balance at the time an employee is giving notice of an intended separation from employment or to participate in the Vacation Leave Buy Back Program.
13. The employee must submit a written request to his/her supervisor to request conversion of sick leave to vacation leave. The request requires approval of the employee's Department Head and the Human Resources Director.
14. **Employees hired before 10/1/05** - Employees eligible for sick leave benefits shall be paid 50% of accumulated sick leave up to seven hundred twenty (720) hours (one thousand eight [1008] hours for combat Fire personnel) upon termination provided they have completed one year's continuous employment and terminate in good standing with the City. In other words, the maximum eligible payment of such accumulated leave shall be three hundred sixty (360) hours upon termination (five hundred four [504] hours for combat Fire personnel).

15. **Employees hired before 10/1/05** - In the event of the death of an employee who does not meet the age and service requirements for early or normal retirement, the employee's beneficiary shall receive payment of 50% of accumulated sick leave up to seven hundred twenty (720) hours (one thousand eight [1008] hours for combat Fire personnel) in accordance with City policy. Maximum payment shall be three hundred sixty (360) hours or five hundred four [504] hours for combat Fire personnel.
16. **Employees hired before 10/1/05** - Employees retiring at early or normal retirement which occurs simultaneously with the termination of their employment (not a deferred benefit for terminated vested employees who retire at some future date) and employees eligible for disability retirement who meet both the age and service requirements of early or normal retirement shall be paid 50% of **ALL** accumulated sick leave.
17. **Employees hired after 10/1/05** – Maximum accrual will be 720 hours. Employees who separate from employment in good standing are eligible for sick leave pay out benefits equal to the product of unused sick leave, the employee's rate of pay in effect on their date of separation and a payment percentage relating to the number of full years of credited service with the City. The table of percentages and credited service is as follows:

<u>Service</u>	<u>Accrued Sick Leave Payout</u>
Less than five (5) years of credited service	0%
Five (5) years or more of credited service but less than ten (10) full years of credited service	25%
Ten (10) or more full years of credited service but less than (15) full years of credited service	35%
Fifteen (15) or more full years of credited service but less than twenty (20) full years of credited service	40%
Employees who receive a normal retirement based on Age or years of service or employees who separate With twenty or more years of credited service	50%

18. In no case shall sick/personal leave or vacation be used to extend the termination date. Sick leave charged following an employee's notice of resignation and occurring prior to the date of termination must be verified by a physician's statement certifying the illness in order to be compensated.

D. VOLUNTARY SICK LEAVE DONATION PROGRAM

It is the purpose of this program to establish a procedure by which City

employees may donate accrued sick hours in whole hour increments each fiscal year to other City employees who meet the eligibility criteria as outlined below. An employee may donate no more than one-half of the annual sick leave he or she accrues within a calendar year.

1. Eligibility for Receipt of Donations

- a. The recipient of such donated time must have experienced a serious illness, injury, impairment, or physical/mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or continuing medical care/treatment by a duly certified medical doctor for a serious health/condition which renders the employee unable to perform the functions of his/her position and be placed on Family Medical Leave. This eligibility for receipt of Sick Leave Donation may be extended with a medical provider's certification for a prolonged period of time but not to exceed 6 months.
- b. The recipient of such donated time must have exhausted all accrued sick leave, vacation leave, and personal leave.

(Note – Recipients will not be required to exhaust accrued compensatory time).
- c. The recipient of such donated time must be filling a position which is considered to be an authorized regular full-time or regular part-time position as specified in the City's authorized chart of Budgeted personnel plan document.
- d. The recipient of such donated time must have worked for a minimum of one (1) year in the capacity as described in (c) above.
- e. The recipient of such donated time must provide to the City sufficient written medical certification as described in (a) above to document particulars of the condition, treatment, and expected duration of same.

2. Restrictions

- a. Employees who are receiving workers compensation are not eligible for receipt of voluntary sick leave donations.
- b. Recipients cannot actually receive voluntary sick leave for sick leave donated hours in excess of what they actually need in any given situation.

- c. The decision to voluntarily donate sick leave hours is a purely individual decision. Under no circumstance will any employee be threatened, coerced, or intimidated in any way by anyone to donate accrued sick leave.
- d. Subject to the restrictions and limits set forth in this policy, it shall be understood that all donated hours shall become the property of the person to whom it was donated and shall be considered to be irrevocable for any reason. Therefore, the City will in no way assume responsibility for any misunderstandings between the donor and the recipient.

3. Conversion of Sick Leave Hours

All donated hours will be converted to dollars at the time of donation at the donor's rate of pay. Subsequently, the recipient shall be able to draw upon that amount of converted sick leave at the recipient's rate of pay.

E. Bereavement

- 1. Bereavement Leave with pay will be granted in the event of the death or critical illness of a member of an employee's immediate family (see Definitions, Section 3). Up to three (3) work days shall be granted to the employee upon request for an in-state funeral. Up to two (2) additional work days shall be granted provided the employee is required to travel out-of-state for funeral or critical illness of immediate family member. If more than the authorized days are needed, the additional days may be charged to accrued sick leave or vacation balances.
- 2. Bereavement leave is entered as "bereavement leave" on the time sheet. At the discretion of supervision/management, supporting documentation (i. e. newspaper obituary, death certificate, etc.) and documentation of immediate family relationship may be required in order to receive this benefit.
- 3. In the event of the death of a current or retired City of Titusville employee or elected official, the City encourages employees to attend local funeral or memorial services. An employee may be released by supervision to attend services if his/her absence will not impact routine work operations. The time should be treated as normal work hours on the employee time sheet. No overtime will be paid to participate in these services.
- 4. Part-time, regular status employees who are classified prospectively as of January 1, 2015 are eligible for this benefit. Temporary employees are not eligible for this benefit.

Note: Rules governing sick, personal, and bereavement leave for bargaining unit employees, are outlined in the respective labor agreements.

F. Jury/Witness Duty

1. Employee Serving on a Jury

- a. An employee who is summoned for jury duty must notify supervision of jury service as soon as summons is received. The employee will be allowed time off with pay. The time spent on jury duty is charged as "jury duty" code hours on the time sheet. The employee must attach a copy of the jury duty summons to the time sheet for the period involved. When the employee is excused or released from jury duty, he /she should report to his/her regular City employment provided that at least one hour remains in his/her regular work day/shift.
- b. All monies earned while serving on jury duty are in addition to the employee's regular salary and may be kept by the employee.

2. Serving as a Witness on behalf of the City.

- a. When a City employee is called as a witness in any court case due to his/her position with the City; i.e., workers' compensation, civil cases, etc., he shall be in a full-pay status including overtime, if applicable, with provisions for use of a City vehicle or reimbursement for personal car mileage, and meal reimbursement, as needed.
- b. All monies received from the court and/or attorney(s) for witness fee, mileage, etc., must be remitted to the City. If the employee elects to retain the court or attorney fees, then he will forfeit any remuneration by the City.

G. Occupational Disability Leave (for non-represented employees)

1. All cases of injury occurring on the job shall be filed for action in accordance with the provisions of the Workers' Compensation Act. Employees shall notify supervision of any on-the-job injury as soon as possible to ensure proper reporting of the incident even if immediate medical attention is not required.
2. Any employee who sustains a Workers' Compensation injury which results in lost time up to and including seven (7) calendar days following the date of injury shall be in a full-pay status for the seven (7) day period, with no time charged against accrued leave balances. Any wage reimbursement from the workers' compensation insurance company shall be credited to the City to offset the one hundred percent (100%) wage payment provided by the City during the first seven (7) days of temporary/total disability.

3. In the event that the period of temporary/total disability exceeds seven (7) calendar days, the employee shall be paid under workers' compensation sixty-six and two-thirds (66 2/3%) of their gross base salary by the Third-Party Administrator (TPA), and may elect to use accumulated sick leave or vacation balance in a prorated amount in order to equal one hundred percent (100%) of the gross base salary received immediately preceding the date of injury. The calculation is performed by the Human Resources Department and a charge to sick leave/vacation balance will be entered on the time sheet in addition to the entry "workers' compensation" in the Comment column. In the event that an employee has an insufficient balance or elects not to use sick and/or vacation to supplement workers' compensation reimbursements, the time sheet entry will reflect "workers' compensation" in the Comment column. The TPA shall pay sixty-six and two-thirds (66 2/3%) of their gross base salary on a bi-weekly basis.
4. Under no circumstances shall any combination of Workers' Compensation wage benefits and City leave benefits exceed one hundred percent (100%) of the employee's base salary, prior to the date of the injury.
5. While on temporary disability, with written approval of the treating physician and if available, the employee may be assigned light duty within any City department, until the employee is released to return to full-time duty.
6. In accordance with the provisions of Family Medical Leave Act (FMLA), if the employee remains temporarily, but totally disabled at the end of a twelve (12) week period, he may, at the discretion of the City, be placed on continued leave, using accumulated paid leave, depending upon medical verification of likelihood of return to full-time, unrestricted duty within a reasonable time frame, operational impact of continued unavailability for work, and other factors. Workers compensation is a paid leave status and will be reported and counted toward FMLA entitlement. After the twelve-week (12) period, if the employee's accrued leave balances have been exhausted, the employee shall no longer accrue additional paid leave.
7. If a determination is made that the City is unable to authorize additional leave as outlined in number 6 above, the employee may be terminated. If a doctor verifies that an employee can perform light duty, the City also reserves the right to review the operational impact of maintaining the employee on light duty. If operational considerations require an employee who is able to fully discharge their job duties, the employee may be terminated.
8. Probationary and temporary/contractual employees shall be eligible only for Workers' Compensation payments. Rules governing Workers' Compensation leave benefits and compensation for bargaining unit employees are outlined in the respective labor agreements.

9. The City Manager reserves the right to deny the City-provided salary payment for seven (7) calendar days outlined above if the injury resulted from the negligence of the employee.
10. Nothing in this policy shall be construed as a guarantee of continued employment during the period of disability.

H. Military Training Leave

1. Military leave shall be granted for annual training periods may not exceed 240 working hours in one annual calendar year period, in accordance with Florida Statutes, Chapter 115.07, upon presentation of official orders to their immediate supervisor.

*NOTE: Each shift of twelve (12) hours or less is equal to one (1) working day leave for military training. All shifts over twelve (12) hours and up to twenty-four (24) hours shall equal two (2) working days leave for military training.

2. These orders shall be attached to the bi-weekly time sheet. The employee shall be in a full-pay status during this period; all monies earned while on active duty will be in addition to his/her regular earnings from the City. Full pay status for military leave is defined as providing sufficient number of paid hours to keep the employee's planned work schedule whole without a loss in pay during the pay period which military leave is taken. Paid military leave is not to be charged over and above the planned regular base schedule regardless of how many hours the employee worked before the leave starts. A regular base schedule dependent upon employee status, is forty (40) hours per week (regular full-time employee), eighty (80) hours per pay period (sworn), or ninety-six/one hundred twenty (96/120) per pay period (fire). Regular base schedules for part-time employees are based on the normal scheduled hours worked.

Continuous service credit will accumulate during such military training absence.

3. If the employee's annual military training requires more than 240 hours per calendar year, or more than ten (10) shifts for combat Fire personnel, the employee must charge the additional time to Personal leave, vacation, compensatory time, or leave without pay.
4. Probationary, part-time, and temporary employees are also eligible for this benefit.
5. Long-term military leave shall be governed by and granted in accordance with the provisions of applicable state and/or federal statutes. Employees called to active military duty will receive the first thirty (30) days of leave at full pay and supplemental pay to make up

the difference between military pay and city pay for up to a six-month period.

I. Vacation Leave

1. Vacation is an earned benefit for the purpose of annual leave, used for rest and relaxation (R&R), generally in no less than one day increments. Vacation leave for less than a day may be approved by the Supervisor if requested and authorized in advance, and which is not simply to supplement sick leave balance insufficient to cover a full-day's absence. Vacation leave is planned R&R from the job and requires prior approval by supervision.
2. All Department Heads shall make every effort to provide their respective employees with the opportunity to take their accumulated vacations at least once a year to remove themselves from the work atmosphere for relaxation and rest in order to return to their jobs refreshed and ready to perform at their maximum efficiency.
3. Each employee shall accumulate vacation leave with pay at the rates shown in the schedule below. Employees are eligible to take vacation after completing six (6) months of service. Temporary employees are not eligible for this benefit.

YEARS OF SERVICE ACCUMULATION	HOURS PER YEAR	PER PAY PERIOD
1 Year	80 hours	3.08
2 through 3	88 hours	3.39
4 through 5	96 hours	3.70
6 through 7	104 hours	4.00
8 through 9	112 hours	4.31
10 through 11	128 hours	4.93
12 through 13	136 hours	5.24
14 through 15	144 hours	5.54
16 through 17	152 hours	5.85
18 through 19	160 hours	6.16
20 through 21	176 hours	6.77
22 through 23	184 hours	7.08
24 through 25	192 hours	7.39
26 or more	200 hours	7.70

NOTE: Provisions governing vacation usage/accrual for represented employees are outlined in the respective labor agreements.

Executive Leadership Team Members/Department Head accumulate 120 hours or 4.62 hours per pay period in years 1 through 9. (Beginning in the 10th year they will accrue vacation according to the above schedule). Eligible members also include the City Manager, City Attorney and Assistant City Attorney.

4. The maximum amount of vacation that an employee may accumulate is the annual accrual amount plus one hundred twenty (120) hours.
5. Employees are encouraged to take vacation. However, with approval of the employee's Department Head, Human Resources Director and City Manager, an employee may be paid for accumulated vacation in lieu of taking such vacation only when work assignments have prevented him from taking a vacation.
6. When an employee completes the years of service required to move to a higher vacation accrual rate per pay period, the new accrual rate will be effective on the payday nearest the employee's anniversary date (i. e., when an employee has completed five (5) years of service, his/her vacation accrual rate will increase from ninety-six (96) to one hundred four (104) hours per year).
7. An employee must have prior approval from his/her supervisor to take vacation. Vacation shall not be approved in lieu of sick leave for the date of absence.
8. Vacation, compensatory time and floating holidays are generally "planned" absences requiring prior supervisory approval.
9. Holidays which occur during the period selected by the employee for his vacation shall not be charged against such vacation. The holiday will be charged against holiday leave regularly due the employee.
10. In no event shall an employee be allowed to take vacation in conjunction with termination; i.e., to extend the termination date.
11. Upon completion of probation, employees in a regular full-time status positions will be eligible for payment of accumulated vacation leave in cases of separation from City employment in good standing. An employee who terminates with less than six (6) months' service is NOT eligible for vacation pay.
12. Vacation leave does not accumulate while on leaves of absence without pay. In the event of an employee's death, his/her beneficiary shall be paid for accumulated vacation in accordance with the provisions outlined above.

J. Vacation Leave Buy Back Program

Effective January 1, 2017 the City will elect to implement a vacation leave buy-back program to relieve future liabilities. This program is open to regular full time and regular part time employees who meet the eligibility requirements of the program. Members who are covered by a collective bargaining agreement should refer to the specific agreement explaining the terms and conditions of the program. Such

lump-sum payments for accrued vacation leave shall not be considered as a part of pensionable earnings. Future Buy Back Program pay outs will be subject to the availability of funds approved through the budget process.

An employee may elect to be paid a portion of his/her accrued leave balance at his/her current rate of pay, subject to the following conditions:

1. An employee must maintain a minimum of 100 hours of annual leave at the end of the pay period in which the sell back occurs, after the buyback hours and other leave hours used in that period are deducted. Part-time regular employees are permitted a pro-rated vacation leave buy-back and must maintain a pro-rated minimum balance.
2. Effective February 4, 2019 annual leave must be sold back in a minimum of eight (8) hours per buy back request and not to exceed 80 total hours per fiscal year.
3. Payment for Annual Leave Sell Back may be requested in any pay period during the fiscal year by completing the form designated for use in the program.
4. Hours sold back under the Annual Leave Sell Back provision will be subtracted from the employee's accrued leave balance.

K. Holidays

1. The eleven (11) days designated as holidays for all City employees, (unless otherwise designated by union contract) are:
 - a. New Year's Day--January 1.
 - b. Martin Luther King Day--Third Monday in January.
 - c. Memorial Day--last Monday in May.
 - d. Independence Day--July 4.
 - e. Labor Day--first Monday in September.
 - f. Thanksgiving Day--4th Thursday in November.
 - g. Friday after Thanksgiving Day.
 - h. Christmas Day--December 25.
 - i. One day before or after Christmas Day, designated by the City Manager.
 - j. Two "floating" holidays taken at employee's discretion with prior supervisory authorization.
2. Holidays must be taken as they occur; accumulation is not allowed.
3. Holidays falling on Saturday are normally observed on the preceding Friday; holidays falling on Sunday are normally observed on the following Monday.

4. If the holiday falls on a scheduled/regular day off, the employee will receive one (1) day's pay at straight time rates OR one day's leave with the approval of the Department Head. If, in the opinion of the Department Head, it becomes necessary for an employee to work on a scheduled holiday, he shall authorize overtime pay or compensatory time for the employee.
5. Employees scheduled to work on a holiday will receive overtime pay or compensatory time, whichever is applicable.
6. Part-time employees are eligible for holiday pay (see Definition: Part-time).
7. Temporary employees are eligible for holiday pay if the holiday occurs on a scheduled work day and the temporary assignment exceeds three (3) months.
8. In the Fire and Emergency Services, a non-union employee who works on shift will be paid holiday pay on the same schedule and in the same manner as departmental shift personnel.
9. An employee must be on active pay status or work his /her normal schedule of hours, either on the regularly scheduled working day immediately prior to a holiday or the regularly scheduled working day immediately following a holiday in order to qualify for the holiday time.

L. Floating Holiday

1. A floating holiday is a day that a regular status full-time employee and regular part-time employee may take at his/her discretion with advance approval by supervision. Its scheduling is contingent on departmental operational requirements. Probationary employees are not eligible to take floating holidays.
 - a. Floating holiday(s) must be approved in advance by the employee's supervisor. Approval/disapproval by the supervisor shall be dependent upon operational needs.
 - b. Floating holidays are recorded on the employee time sheet under the column Floating Holiday.
 - c. Floating holiday(s) must be paid out by the last day of the last pay period in the calendar year.
 - d. No employee will be paid in lieu of time off for a floating holiday.
 - e. Each floating holiday must be taken in its entirety.
 - f. Temporary and probationary employees are not eligible to take

floating holidays.

- g. Each department is responsible for control of the floating Holidays in the same manner as any absence from work.
- h. The Finance Department, through the payroll function, is assigned the general audit responsibilities.
- i. An employee who has achieved ten years of service with the City is awarded one extra floating holiday to be used annually during the payroll calendar year following the year in which the anniversary year noted above occurs. Employees who have completed twenty years of service is awarded one extra floating holiday to be used annually during the payroll calendar year following the year in which the anniversary year noted above occurs. The Human Resources Department notifies each employee involved of the entitlement to this additional floating holiday.

M. Administrative Leave for Executive Leadership

- 1. It is recognized that, by the nature of the Executive Leadership Team /Department Head executive position, time worked in addition to the 8-hour/40-hour week may be required. The City provides 40 hours per calendar year of time off for eligible "at will" and appointed employees as defined in Sections 3 and 3.1 entered at a prorated amount. Eligible members include: City Manager, City Attorney and Assistant City Attorney.
- 2. Unused Administrative Leave balance must be used by the last day of the last pay period of the calendar year.
- 3. Administrative Leave must be approved in advance by the City Manager. The employee is responsible for monitoring their Administrative Leave balance and for compliance to this policy.
- 4. Eligible employees are not allowed to use Administrative Leave To extend their termination date or in conjunction with their final Week of employment.
- 5. Executive Leadership Team Members are not eligible to receive payment for unused Administrative Leave time at termination.

N. Incentive Pay

- 1. The City of Titusville encourages its employees to maintain high professional standards when performing their duties. Professional certification is required to hold some positions. In addition to these mandated certifications, the City will provide incentive pay for some Certifications authorized by supervision. Employees at the division or

department head level shall only be eligible to receive state mandated incentive pay unless they have the specific approval by the City Manager for other incentive pay.

Incentive pay, as outlined herein, is available to employees who possess the certification/license at the time of hire or who obtain the certification/license while employed by the City. Incentives granted by the City will be terminated if the employee allows the certification/license to expire or if the certified skill is no longer required to perform that particular position. Employees will not be eligible to receive an incentive for a function they no longer perform. It is the Department Heads responsibility to notify Human Resources when incentives should be awarded or withdrawn from an employee.

A professional certification is a certificate, license, or diploma attesting that the employee has met the standards and/or requirements of the agency granting the certification program and/or passing an examination administered by the agency that certifies the specialty. To be eligible for incentive pay, the certification must be current.

2. An employee shall be subject to disciplinary action and termination if he fails to obtain a certification required by his/her job or if he fails to maintain a required certification. Incentive pay may be retroactive to the pay period closest to the issue date of the certificate/license or retroactive to the date an incentive pay program is approved.
3. Incentive Pay programs may be provided as deemed necessary by the City Manager or as outlined in collective bargaining agreements.

a. Educational Incentive for Law Enforcement (sworn only)

(1) Associate Degree or equivalent \$30.00 per month

(2) Bachelor's Degree \$80.00 per month

These incentive monies are in addition to the \$25 per month which the City pays to Law Enforcement Officers who have completed the Police Standards Certification and have worked as an officer before July 1, 1980. Officers are entitled to receive an additional \$20 per month for each eighty (80) hours Police Standards Council training unit completed. The maximum salary incentive for advanced course training is up to a maximum of \$120 per month. The training combination of basic, advanced courses and/or education is a maximum payment of one hundred thirty (\$130) per month (Reference Florida Statutes).

b. Educational Incentive for Fire and Emergency Services - For Fire Combat personnel who possess a degree in Fire Science (Reference Florida Statutes):

(1) Associate Degree \$ 50.00 per month

(2) Bachelor's Degree \$110.00 per month

*Note: The effective date of the Police and Fire incentives is the effective date of approval by the State of Florida for those incentives that fall under the State reimbursement program. All other incentives will become effective upon the date submitted to the City.

c. Recording Secretary to a Board or Commission:

(1) For secretarial/clerical employees: \$50.00 per month.

d. Certification(s):

Personnel who possess or obtain job-related certifications, while working for the City, as authorized by supervision, are eligible for:

(1) Administrative Staff Incentive Plan:

Administrative personnel including Administrative Coordinator, Sr. Administrative Assistant, Administrative Assistant, Clerical Assistant and Legal Secretary are eligible for the following:

Certified Administrative Professionals (CAP):

- IAAP Certified Administrative Professional \$50.00/month

University of Central Florida Continuing Education:

- Administrative Assistant Fundamentals \$25.00/month
- Administrative Assistant Applications \$25.00/month

(2) Public Works Department Incentive Plan:

Refer to the Public Works Department Incentive Plan for an official list of all incentives available for the Public Works Department employees who serve in Facilities Maintenance, Fleet, Streets, Solid Waste/Recycling, Stormwater, Engineering, Water Production, Water/Sewer Field Operations, Water Reclamation, Laboratory Services, and Electronic Services. Administrative staff within Public Works will be eligible for the Administrative Staff Incentive Plan in section (1). Public Works employees are eligible for a maximum of \$300 per month of incentive pay. An exception shall be made for an employee holding a Master Electrician license prior to 1999. The maximum for an employee holding a Master Electrician license prior to 1999 is \$350 per month.

(3) Fire (Non-Union)

Fire Officer 1 Certification	\$50.00/month
Fire Investigator Certification	\$50.00/month
Municipal Fire Safety Inspector I	\$50.00/month
Cartographer	\$50.00/month
SCBA Technician	\$50.00/month
Municipal Fire Safety Inspector II	\$50.00/month
Child Safety Technician/Instructor Certification	\$50.00/month
Florida Fire Instructor 1	\$25.00/month
Florida Live Fire Training Instructor 1 (LFTI 1)	\$50.00/month
Fire Plans Examiner Certification	\$2000.00/year

(4) **Support Services**
Continuing Education for Support Services Professionals
Supplemental Compensation Provisions

Certified Public Accountant Pay

- Any employee in a position where possession of a CPA license would be valuable to the City. License as a part of the job description is not eligible for extra pay. \$100.00/month

Certified Government Finance Officer

- Any Finance employee who earns the Designation of CGFO. \$100.00/month

Certified Public Procurement Buyer (CPPB)

- Any Purchasing Department employee who becomes a Certified Public Procurement Buyer. \$100.00/month

Certified Public Procurement Officer (CPPO)

- Any Purchasing Department employee who becomes a Certified Public Procurement Officer. \$100.00/month

Information Technology Certifications

City Information Technology personnel will have eligibility for technical certifications in two (2) categories: entry-level and advanced. This policy applies to all regular full-time and part-time IT employees.

Eligibility:

- Employees must meet any necessary prerequisites for each certification and must pass the certification exam to be eligible for a pay incentive. The certification must be up-to-date

(non-expired).

Employees in the IT department who hold one (1) or more of the certifications presented in the IT Department Incentive Plan will be eligible for a pay incentive of a minimum of \$25 (twenty-five dollars) per certification and a maximum of \$100 (one hundred dollars) per certification. IT Department personnel can be eligible for a maximum of \$300 (three-hundred dollars) per month.

Human Resources Professional Pay

Human Resources employees who possess a HR Professional Certification. (Up to two certs allowed) \$100.00/month

Certified Labor Relations Professional

Human Resources employees and members of the City's Labor Management Bargaining Team who complete FPELRA course of study with simulation training required \$100.00/month

Risk Management Pay

Risk Management employee or Human Resources employee who obtains an Associate Risk Management Professional certification or RIMS-Certified Risk Mgt Professional. \$100.00/month

Community Relations

FAA Safety Team Aviation Learning Center Online Course Part 107 small Unmanned Aircraft Systems (sUAV) Course Number ALC-451 \$100.00/month

FAA Part 107 Remote Pilot Certification

Approved online course training, addressing sUAV classification and operating rules. Unmanned aircraft knowledge test. Receive Remote Pilot Certification from FAA \$100.00/month

ADA Certifications from Deque University or equivalent

MS Word Accessibility
PDF Accessibility
In Design Accessibility
MS Power Point Accessibility
Basic Web and Doc Accessibility
EPUB Accessibility
MS Excel Accessibility
(Any 2) \$100.00/month

Adobe Photoshop Suite Certification Linked Learning Academy

Illustrator

	Photoshop InDesign Premier Any 2 must covert to Adobe Certified Professional within 1 yr.	\$100.00/month
	<u>Emergency Manager</u> Employees who obtain an Associate Emergency Manager (AEM) or Certified Emergency Manager (CEM) Certification	\$100.00/month
(5)	<u>City Clerk</u> <u>Municipal Clerk Certification (CMC)</u> City Clerk, Assistant City Clerk holding Municipal Clerk Certificate; eligible to receive one (1) only certified municipal clerk or master clerk	\$100.00/month
	<u>Master Municipal Clerk (MMC)</u> The MMC is an advanced continuing education program; eligible to receive one (1) only certified municipal clerk or master clerk	\$100.00/month
	<u>Certified Records Manager</u> Employees who obtain certification in records and information management	\$100.00/month
(6)	Certified Internal Auditor	\$100.00/month
(7)	AICP (American Institute of Certified Planners):	\$100.00/month
(8)	Arborist:	\$100.00/month
(9)	CFM (Certified Floodplain Manager):	\$100.00/month
(10)	Law Enforcement Law enforcement personnel are eligible for a maximum of \$300 per month of incentive pay.	
	<u>Law Enforcement Level 1 Incentive Pay</u> Must be an active member of the following units to be eligible for Level 1 incentive pay.	
	S.W.A.T (sworn)	\$100.00/month
	CNT (Crisis Negotiations Team) (sworn)	\$100.00/month
	K9-OnCall (sworn)	\$100.00/month

Traffic Homicide Investigator (sworn)	\$100.00/month
Investigations (sworn and civilian)	\$100.00/month
High Liability Instructor – Firearms, Vehicle Ops, First Aid, DT – K9 Instructor (sworn)	\$100.00/month
FAA Certified Part 107 Drone Pilot (Must renew Every 2 years) (sworn and civilian)	\$100.00/month
Digital Forensics Technician (sworn and civilian)	\$100.00/month
Drug Recognition Expert (sworn)	\$100.00/month
Digital Forensics Certification – Celebrite (sworn and civilian)	\$100.00/month
Digital Forensics Certification – Cellular analysis (sworn and civilian)	\$100.00/month
Subject matter expert for court – Deemed by Judge (sworn and civilian)	\$100.00/month
School Resources Officer Certified and Continued Training (sworn)	\$100.00/month

Law Enforcement Level 2 Incentive Pay

Must be an active member of the following units to be eligible for Level 2 incentive pay

Field Training Officer (FTO) (sworn)	\$41.66/month in addition to an additional two (2) hours for each day a FTO is assigned to train/ supervise a trainee.
Honor/Color Guard (sworn)	\$41.66/month
Bi-lingual (must be subject to call from Communications) (sworn and civilian)	\$41.66/month
Certified Instructor (sworn and civilian)	\$41.66/month
Background Investigator (sworn and civilian)	\$41.66/month
Communications Training Officer (CTO) 911 PST	\$41.66/month
Breath Test Operator (Must be renewed every 2 years) (sworn)	\$41.66/month

Tactical Dispatcher	\$41.66/month
FAC/ALT FAC (E Agent) Terminal – FAC/ALT-FAC-911 PST FAC = FCIC (Florida Criminal Information Center Agency Coordinator)	\$41.66/month
CFA (Commission for Florida Law Enforcement Accreditation) Assessor – Certified – (Must be Renewed every 3 years) (sworn and civilian)	\$41.66/month
FDLE Crime Analyst Cert (civilian)	\$41.66/month
Florida Association of Code Enforcement Level 1	\$41.66/month
Florida Association of Code Enforcement Level 2	\$41.66/month
Florida Association of Code Enforcement Level 3	\$41.66/month
Florida Association of Certified Code Enforcement Professional	\$41.66/month
Certified Fire Inspector Level 1 – Code	\$50.00/month
Certified Fire Inspector Level 2 – Code	\$50.00/month
Crime Prevention Certification (residential/ commercial) – Code	\$41.66/month
CPTED (Crime Prevention Through Environmental Design) Certification – Code	\$41.66/month
International Association of Certified Home Inspectors – Property Maintenance Certification – Code	\$41.66/month
Crossing Guard Instructor (sworn and civilian)	\$41.66/month
ATV Certified (sworn and civilian)	\$41.66/month
Pepperball Instructor (sworn)	\$41.66/month
Defense Technologies (less lethal) Instructor (sworn)	\$41.66/month
Simunitions Instructor (sworn)	\$41.66/month
Glock Armorer (sworn)	\$41.66/month

Rifle Armorer (sworn)	\$41.66/month
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BLS/First Aid Instructor (sworn)	\$41.66/month
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Law Enforcement Level 3 Incentive Pay – Certificate holder is credentialed however the certificate holder is no longer active in the use of the certificate in any of the fields.

S.W.A.T. (Cert. does not expire) (sworn)	\$20.83/month
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CNT (Crisis Negotiations Team) (sworn) (Cert. does not expire)	\$20.83/month
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SRO (Cert. does not expire) (sworn)	\$20.83/month
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FTO (Cert. does not expire) (sworn)	\$20.83/month
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THI (Traffic Homicide Investigator) (Cert. does not expire) (sworn)	\$20.83/month
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Background Investigator (Cert. does not expire) (sworn and civilian)	\$20.83/month
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Forensics Certifications: The following certifications are required through the International Association of Identification (IAI), Property and Evidence Association of Florida (PEAF), and International Association for Property and Evidence (IAPE):

For the International Association of Identification, certification must apply to each program, completing a set number of training hours plus longevity – see Forensic Certification Management Board (FCMB) Cert. Manual for further explanation.

Crime Scene Investigator	\$41.66/month
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Facial Recognition	TBD (Certification is in the development stage at this time.
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Crime Scene Reconstructionist	\$100.00/month
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Latent Prints Examiner	\$100.00/month
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Ten Print Certification	\$100.00/month
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Crime Scene Analyst	\$41.66/month
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Facial Identification	TBD (Certification is in the development stage at this time.
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Senior Crime Scene Analyst	\$41.66/month
Bloodstain	\$100.00/month
Forensic Video	\$41.66/month
Forensic Art	\$100.00/month
Footwear Certification	\$100.00/month
Forensic Photography and Imaging	\$100.00/month

Evidence Certifications: The following certifications are required though the Property and Evidence Association of Florida (PEAF):

Evidence Specialist Certification Program	\$41.66/month
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- (11) Safety Incentive Awards – Safety awards are given to employees in certain classifications, based on the Union Contract who demonstrate an awareness of safety by not seeking medical treatment for an on-the-job injury, any lost time due to an injury, and not being charged with an at-fault vehicle accident.

(12) Six Sigma Certification

Any city employee who achieves and maintains the following Six Sigma Certifications:

- Green Belt \$50.00/month
- Black Belt/Master Black Belt \$100.00/month

Employees must meet all eligibility requirements for the level of certification including completion of work related project analysis.

Community Development

State of Florida Inspector/Plans Examiner License Incentives:

For Community Development department employees in the following positions: Building Inspector, Sr. Building Inspector, Building Plans Manager, Development Services Inspector, Development Site Inspector, & Sr. Engineering Site Inspector, who possess and maintain the following active Florida Department of Business and Professional Regulations (DBPR) licenses, in addition to their base salary, shall be compensated per the schedule below:

Standard Inspector License	1 & 2 Family
\$2,000.00/year	

\$1,000.00/year	Building
\$1,000.00/year	Electrical
\$1,000.00/year	Mechanical
\$1,000.00/year	Plumbing
Standard Plans Examiner License	
Building	\$2,000.00/year
Electrical	\$2,000.00/year
Mechanical	\$2,000.00/year
Plumbing	\$2,000.00/year

Community Development Certificate/License Incentives:

All non-exempt and the Building Plans Manager included as Community Development personnel who possess and maintain active job-related certifications that are required to be renewed on a regular basis, as authorized by supervision, are eligible for the following incentive pay:

First:	\$ 50.00/month
Subsequent:	\$ 25.00/month
Maximum:	\$300.00/month

Building:

- International Code Council Inspectors:

Residential Building	Commercial Building
▪ Mechanical	Mechanical
▪ Electrical	Electrical
▪ Plumbing	Plumbing
- International Code Council Plans Examiner:
 - Building
 - Mechanical
 - Electrical
 - Plumbing
- ICC Permit Technician

Site:

- Asphalt Paving Technician (FDOT)
- Concrete Field Technician (FDOT)
- Earthwork Construction Inspection (FDOT)
- Maintenance of Traffic/Temporary Traffic Control (FDOT)
- Pervious Concrete Technician (NRMCA)

Environmental:

- Stormwater, Erosion & Sedimentation Control Inspector (DEP)
- Stormwater Operator (FSA)

Water Resources:

- Backflow Prevention Tester (TREEO - University of Florida)
- Reclaimed Water Distribution (FW & PCOA)
- Water Distribution System (DEP)
- Wastewater Collection (Florida Water and Pollution Control Operators Association)

EXAMPLES:

Employee #1

1. Backflow Prevention - \$50.00
2. Earthwork (FDOT) – \$25.00
3. ACI Concrete – \$25.00
4. Pervious Concrete – \$25.00
5. Stormwater, Erosion and Sediment (DEP) – \$25.00
6. Maintenance of Traffic/TTC (FDOT) - \$25.00

Total - \$175.00 (less than the \$300.00 monthly maximum)

Plus:

- Arborist - \$100.00

Total per Month - \$175.00 + \$100.00 = \$275.00

Employee #2

1. Reclaimed Water Distribution - \$50.00
2. Earthwork (FDOT) – \$25.00
3. ACI Concrete – \$25.00
4. Pervious Concrete – \$25.00
5. Stormwater, Erosion and Sediment (DEP) – \$25.00
6. Maintenance of Traffic/TTC (FDOT) - \$25.00
7. Asphalt Paving Technician (FDOT) - \$25.00
8. Water Distribution System (DEP) - \$25.00

Total per Month - \$225.00 (less than the \$300.00 monthly maximum)

Plus:

- Standard Inspector License Electrical - \$1,000/year

Total per Month - \$225.00, plus \$1,000/year

O. Retirement Program

1. **SCOPE:** The City provides a defined benefit retirement plan for all regular full-time employees, (excluding current retirees who are re-employed) with automatic enrollment in the pension plan (Police Officers'/Firefighters' Pension Plan or General Employees' Pension Plan) applicable to their position as of the first date of employment. Part-time, temporary and contract employees are not eligible to participate in any of the City's retirement programs. The retirement programs' provisions are in accordance with City ordinances, and applicable statutes and regulations (i.e., Florida Statutes, Chapters 175 and 185, for certified fire and sworn law enforcement employees, respectively; and Chapter 112 for all employees' pension plans; and the Internal Revenue Code).
2. **FUNDING:** The City contributes an amount specified by City ordinances and/or as determined by an Actuary, on an annual basis, to maintain actuarial soundness of the respective pension plans. Employee member contributions, if mandated by City ordinance, are in an amount prescribed by ordinance and are deducted from the employee's paycheck on a pre-tax basis in accordance with applicable Internal Revenue Code provisions.
3. **BOARDS OF TRUSTEES:** Each pension plan is governed by a Board of Trustees comprised of the number of appointed and employee-elected members specified in each pension ordinance.
 - a. Pension Plan trustees must obtain prior approval from supervision to attend meetings to assure that their absence will not impact their work duties. A pension plan trustee is compensated for attendance at meetings which occur during his/her regular work hours. There is no compensation for attendance at meetings held after his/her regular shift or on a scheduled day off.
 - b. Trustees who attend meetings which are held at times other than during their regularly scheduled work shift do not receive overtime compensation or compensatory time.
 - c. Employees (other than trustees or staff liaison) who wish to attend a pension board meeting must obtain prior approval from supervision for the absence, which must be charged to either accumulated vacation, personal leave, or compensatory time.

If accumulated leave is not available, the time off will be unpaid.
4. The City currently has two pension plans for employees, as follows:
 - a. General employee's retirement program

- (1) Full-time general employees (employees other than sworn law enforcement and certified fire department personnel) are eligible members of this plan, provided they are not current retirees under the plan.
- b. Police officers and firefighter's retirement program.
 - (1) All full-time sworn law enforcement officers and all certified firefighters are eligible members of this plan, provided they are not current retirees under the plan.
 - (2) Detailed provisions governing age and service requirements, vesting, benefit levels, disability benefits, etc., for each of the pension plans are fully outlined in the Summary Plan Description and the ordinance applicable to each plan.

5. Reemployment After Retirement

- a. After retiring under the City's General Employees or Police Officers and Firefighters Pension Plan or concluding participation in the Deferred Retirement Option Program (DROP), a retiree may work for the City. However, these retirees are subject to certain limitations set forth in Section 15-113 of the General Employees' Pension Plan and in Section 15-236 of the Police Officers and Firefighters Pension Plan.
- b. If a reemployed member of the City's Pension Plan is receiving a retiree health insurance premium benefit along with the member's retirement benefit, the retiree returning to full-time benefits eligible employment shall be offered the same health insurance benefits under the same conditions as made available to active employees and dependents. Retirees covered under the city's applicable Medicare group coverage shall also be offered the same health insurance benefits under the same conditions to active employees and dependents. Retirees who are reemployed returning to full-time benefits eligible employment shall place on hold their retiree health insurance premium benefit and would be allowed to regain their retiree health insurance premium benefit at the time of their separation from full-time employment. A reemployed member who is enrolled in the retiree health insurance will not be required to complete a regular full-time medical waiting period.
- c. Group insurance benefits if not receiving a health care subsidy will require the same enrollment process as a newly hired employee including a waiting period, first of the month following two full months from date of hire.

- d. Basic Term Life and AD&D insurance for a reemployed member will be paid for by the City in accordance with City of Titusville Basic Term Life and AD&D insurance policy and provisions made available to active members. Reemployed members that elected retiree Group Life upon retirement must cancel Retiree Group Life Insurance coverage to be able to participate in the City sponsored Basic Term Life and AD&D Insurance. Upon separation from full-time employment a reemployed member can elect to participate in the same level coverage of Retiree Group Life Insurance that was elected prior to reemployment. If there was not an election of Retiree Group Life Insurance at retirement a reemployed member cannot elect Retiree Group Life Insurance upon termination of reemployment. Portability of Basic Term Life Insurance can be elected within 31 days of termination of reemployment and if elected continues to apply at the retiree's expense.
- e. Group Dental Coverage may be elected at the reemployed member's expense and be deducted from each paycheck received while working. Upon separation from full-time employment a reemployed member can elect to participate at the same level coverage and the deduction will be taken from the monthly pension payment.
- f. Eligibility for Leave Benefits are paid in accordance with Leave policy.
- g. An employee's anniversary date is defined as his/her first day of employment. Reemployed members who are rehired after retirement will be assigned a new date corresponding to their reemployment date.

P. Group Health and Life Insurance

- 1. Regular full-time employees are eligible for the City's group life, medical, health, and dental insurance plan on the first day of the month following completion of two (2) full months from date of hire. The City currently pays 100% of the employee monthly premium. A budgeted regular scheduled part-time employee who works 30 hours or more per week is eligible for the City's group Life Insurance, Health and Dental plan. If the employee elects dependent coverage, the City pays 50% of the dependent(s)' premium and the employee pays 50% of the dependent(s)' premium. The subsidy for dependent coverage is available to a full-time employee only whose regular schedule is 40 hours or more per week. Dental insurance coverage may be elected with the employee paying the full premium. Employees are provided life insurance at City expense in an amount equal to twice their annual base salary, rounded to the nearest \$1,000; annual base salary excludes overtime, bonuses, incentive pay, safety awards, etc. (Health and

life insurance are subject to amendment, modification, change or deletion.

2. Group health/dental and life insurance coverage will be continued while an employee is on approved Family and Medical Leave of absence, with the same premium payment ratio as was in effect preceding the leave. Continuation of group health/dental and life insurance and premium payment arrangements during other approved leaves of absence will be at the City's discretion, based on the circumstances of the leave, and will be included in the memorandum authorizing the leave prior to the commencement of the leave. The City's group life, health, and dental insurance plan is terminated on the last day of the month in which the employee terminates. Upon termination, certain coverages may be continued under certain circumstances and depending upon insurance policy provisions. Part-time and temporary employees are NOT eligible for participation in the group insurance program.

Q. Group Life Insurance for Disabled Terminations.

In accordance with the life insurance policy in effect at the time, if an employee terminates because of a permanent, total disability prior to age 60, life insurance equal to twice the employee's salary at the time of termination continues until age 65, contingent upon approval of submitted medical verification of disability to the insurance company. There is no premium cost for these life insurance benefits, either to the City or to the disabled employee.

R. Group Health Coverage for Retirees (Including Certain Disability-related Retirements) Collective Bargaining Agreements also contain provisions governing Retiree Healthcare coverage.

1. Effective April 4, 2014, for employees hired before 10/1/03, and retiring after April 4, 2014 the retiree health insurance premium benefit shall be as follows: 50% of retiree coverage including Medicare or \$8.00 per month times the number of years of continuous credited service not including any years of service purchased in the municipal pension plan, whichever is greater applied towards the premium of the City provided health insurance plan. Employees are eligible for the retiree health insurance benefit at the time of their separation from employment and who retire in accordance with the early or normal retirement date provisions of the pension plan. The City's retiree health insurance obligation shall not exceed \$500 per month for all employees hired prior to October 1, 2003 and retiring after April 4, 2014.

Employees hired before 10/1/2003 and retiring before April 4, 2014 receive 100% of their Employee Only health care premium. (Council action rescinded the \$500 cap on employees hired before 10/1/2003 and retiring before 04/04/2014. Ref. Council Regular – May 9. 2017.

Employees hired before 10/1/2003 and retiring (not normal retirement age) before 4/4/2014 receive 75% of their Employee Only health care premium. (Council action rescinded the \$500 cap on employees hired before 10/1/2003 and retiring before 04/04/2014. Ref. Council Regular – May 9, 2017.

All persons retiring after April 4, 2014 whether hired before or after October 1, 2003 shall pay the entire cost of the premium for the dental plan made available to retirees.

For employees hired after 10/1/03, the retiree health insurance premium benefit shall be as follows: \$8.00 per month times the number of years of continuous credited service not including any years of service purchased in the municipal pension plan up to a maximum of \$200.00 per month, applied towards the premium of the City's health insurance plan. (For example, 10 years of service = \$80 / month towards the insurance premium) Credit is only provided if eligible for early or normal retirement and simultaneous with termination.

Effective October 1, 2017, all employees hired after October 1, 2017 will pay the entire cost of the premium for the Medical Plan made available to retirees.

Retirees may OPT-OUT of the City sponsored health plan and would be allowed to re-enroll during open enrollment or upon a loss of coverage due to a qualifying event.

2. Effective February 1, 2006 employees retiring simultaneous with separation, for disability reasons and who meet the criteria for disability retirement but are not eligible for normal or early retirement will be eligible for a continuation of health (medical/ dental) insurance coverage. The City will contribute a portion of the premium, toward the cost of their individual coverage at \$8 for each year of service up to a maximum of \$200 per month toward the premium of the City's sponsored health (medical/dental) insurance plan, provided those employees who are granted disability pensions have completed 10 years of credited service and the retiree continues to receive said pension. For employees hired after 10/1/03, the subsidy benefit is reduced however, by 3% for each year by which the separation and commencement of benefit precedes normal retirement. The retiring employee approved for disability reasons will be entitled to the same health insurance coverage as is afforded active employees and the total premium will not exceed the total premium charged to the active group. Employees retiring for disability reasons shall have submitted to the City, proof of application for disability retirement coincident with the employee's date of termination and shall be required to apply for and enroll in Medicare disability health insurance coverage.

3. The Health Insurance Coverage remains the same until Medicare takes effect. After the retired employee reaches Medicare eligibility, he/she will remain on the City's Health Plan however a coordination of benefits determines the manner in which expenses will be paid. When the retired employee including disability retiree or dependent spouse reaches Medicare eligibility, the employee shall be required to obtain Medicare Insurance Part A and Part B. Medicare coverage and the City's coverage is limited to consideration of expenses only to the extent that payment by Medicare and the City's insurance combined do not exceed benefits for the active employee. Upon the death of the retiree, the existing covered dependents may elect continue the City's health insurance coverage at their expense under the provisions of existing COBRA Law.
4. The retiree pays the entire premium for dependent group insurance. Premium payments for insurance coverage will be deducted directly from the retiree's monthly pension check. If the insurance premium exceeds the amount of the pension check, a bill will be sent for the difference in the premium. If the retiree or his/her dependents fail to pay for their insurance premium for two (2) months in succession, the insurance coverage will be discontinued with no provision for reinstatement.
5. For retired employees, except those who retire when totally and permanently disabled, the group life insurance may be continued in increments of \$1,000 up to \$10,000, as specified by the current insurance policy.
6. Life insurance for permanently, totally disabled employees is outlined in a previous section.
7. The Human Resources Director shall have the responsibility for coordinating and processing the necessary paperwork when an employee retires from the City of Titusville and becomes eligible for this provision.

S. Group Health/Dental Coverage and Right to Continuation.

1. Employees and their covered dependents are eligible to continue their group health insurance coverage under certain circumstances (COBRA, PL99-272). If an employee or his/her dependents would lose health insurance due to one of these specific events, coverage can be continued for eighteen (18) or thirty-six (36) months if the employee and/or dependent elects continuation at his/her own expense plus a two percent (2%) administrative surcharge.
 - a. Termination of employment for reasons other than gross misconduct (eighteen (18) months).

- b. Loss of eligibility because hours worked are reduced to less than forty (40) hours per week (eighteen (18) months).
 - c. Death of the "covered employee" (thirty-six (36) months).
 - d. Divorce or legal separation when the latter results in termination of coverage (thirty-six (36) months).
 - e. Loss of status as a dependent child (up to age 23) for any reason (36 months).
- 2. In each of these cases, the group medical, health, and dental insurance ceases on the last day of the month in which beneficiary is covered unless the continuation option is elected.
- 3. Insurance coverage will cease when the earlier of one of following occurs:
 - a. The non-payment of the premium by the employee or dependents.
 - b. The date the continued individual becomes eligible for coverage under another group health plan or is entitled to Medicare.
 - c. Expiration of the 18/36-month continuation period.
 - d. The date the City of Titusville ceases to provide any health coverage to employees.
- 4. The monthly premium will be 102% of the "cost to the plan similarly situated employees/beneficiaries.
- 5. In the event of an employee's death; termination except for gross misconduct; or loss of eligibility due to reduced work hour's employee/dependents will be notified of the right to continue group insurance coverage. The premium and time limits to accept or reject the coverage will also be explained.
- 6. In the event of any loss of eligibility for a former dependent due to divorce, legal separation, or loss of dependent child status, the employee or qualified beneficiary must notify the Human Resources Department as soon as possible after the event. To ensure that there is no break in coverage, this notification should be given before the end of the pay period in which the event occurs. Supporting documents may be requested (divorce decree, legal separation, or birth certificate). The dependent will be notified of premium and time limits to accept or reject the coverage.
- 7. The City of Titusville will process a termination of benefit coverage for employees or dependents who are qualified beneficiaries subject to later reinstatement in the event that continuation is elected and the necessary premium paid. Prompt notification is necessary on the

part of the employee/ beneficiary to ensure timely election of coverage so it may not be necessary to process a termination of insurance.

8. Only those individuals who are covered by the City of Titusville Group Medical Plan at the time of the qualifying event are eligible for this continuation of health care (COBRA). No new dependents can be added during the continuation period.

T. Employee Recognition and Award Programs

1. An employee with five or more years of continuous service with the City will receive a service plaque/certificate at designated intervals (5, 10, 15, 20, 25, 30 years).
2. Employees who obtain a college degree/high school diploma or special professional certification are recognized for their academic achievement.
3. Service, academic, professional and other achievement/recognition awards are presented annually.

U. Employee Assistance Program (EAP)

1. The City of Titusville provides an Employee Assistance Program to help employees and members of their household return to and/or maintain healthy lives. The Employee Assistance Program provides outside counseling by certified professional counselors.
2. The EAP provides counseling in areas including, but not limited to, marital, financial, legal or occupational problems; chemical (alcohol or drug) abuse; and emotional disorders.
3. All employees of the City of Titusville and their immediate families are eligible to use the EAP counseling services.
4. If it is necessary for the employee or a member of his/her family to be referred for more specialized treatment, the individual involved will be responsible for the additional expenses incurred. A portion of these expenses may be reimbursed by the City of Titusville insurance plan for the employee and/or covered dependents.
5. The consultation and follow-up services are provided to employees and family members on a confidential basis. No reference to EAP involvement will be made in personnel files. No information submitted by the employee or dependent will be released without written consent.
6. Employees are encouraged to utilize the services of the EAP.
7. Employees may schedule visits to the EAP during work hours and

charge the time to sick leave or personal leave. Arrangements should be made in advance with supervision.

8. If an employee, who is participating in the program, wishes his/her supervisor to be aware of participation, the employee must sign written authorization, which is provided by the EAP counselor, for information to be released.
9. In evaluating unsatisfactory employee job performance or behavior, supervisors should take into account a personal problem may exist. When such a problem is known or suspected, supervisors are encouraged to inform the employee of the availability of the EAP.
10. Employees participating in the EAP are expected to meet City of Titusville performance standards. The intent of the program is to provide the employee with the means to resolve a personal problem.
11. Nothing in the operation of the EAP should be construed as a waiver of the right of the City of Titusville to take disciplinary action in the case of any unsatisfactory performance or behavior or misconduct that may result from a personal problem.

V. Wellness

1. A Wellness Program is offered to City employees and opportunities are provided to enhance their overall health and wellness. Employees are provided with information and resources to assist them in making healthy lifestyle choices. Worksite wellness programs not only benefit the employees through improved quality of life, but also the organization through increased productivity, reduced employee absenteeism, decreased potential for workplace accidents, and improved organizational image.
2. Implementation of a successful wellness program requires that employees be provided access to tools and information necessary to lead a healthy lifestyle.
3. City of Titusville's Wellness Program consists of several key elements. These elements are based on assessment of employees' needs and interests, health trends, and resources available.
 - a. Awareness Programs - Health information shall be distributed to City employees to increase their knowledge of the benefits of a healthy lifestyle and assists in facilitating positive behavior change. Information shall be available through a mixture of media, such as intranet, websites, newsletters, brochures, mailings, health fairs, and screenings.
 - b. Workshops & Seminars - Educational workshops and seminars on current wellness issues/topics shall be offered to increase knowledge and change attitudes regarding health.

- c. Behavioral Change Programs - Ongoing programs shall be provided to actively involve employees in long-term behavior modification with measurable results. Behavior change programs may include classes (e.g. smoking cessation, weight reduction), training programs, support groups, and/or departmental challenges.

W. Severance

All appointed/At Will employees may be granted up to 4 weeks of paid severance at the discretion of the City Manager. Eligible employees include: all Department Heads. The eligible employee must be deemed in good standing with the City at the time of termination.

6.5 PROMOTIONS

- A. It is the policy of the City to provide employees the opportunity for advancement by promotion from within whenever possible. Promotional candidates must meet the minimum qualifications or requirements of the position in order to be considered for the open position. Promotions to more responsible positions shall be based on demonstrated/documentated performance, ability, attendance, a cooperative attitude, education, experience, and special qualifications. The final decision to promote from within or hire from the outside is management's prerogative.
- B. A promotion is defined as movement from one budgeted position to another position in a higher pay grade where the level of difficulty/responsibility of the work performed, or the experience/education required to perform the essential functions of the position, is greater.
- C. Pay increases shall be approved in accordance with Section IV, "Compensation Plan."
- D. Announcements of position vacancies (Job Opportunities list) are posted on a weekly basis. Employees, including probationary employees, desiring advancement to higher level positions are encouraged to apply using the City job posting software program. All such requests shall be reviewed by the Human Resources Department. Following interview of the qualified candidates, the Department Head or Division Superintendent will be responsible for notifying the selected candidates of their promotion. Promotional notification by Department Heads or Division Heads are made only after review and concurrence of compensation changes by the Human Resources Director. The Human Resources department will be responsible for notification of non-selected candidates.
- E. Upon promotion, a regular status (non-probationary) employee may be required to serve a ninety (90) day probationary period in the new position. If a probationary period is required, this requirement will be documented and communicated to the employee as a special condition of the promotion on the

form issued by Human Resources certifying the promotion. If the employee is not successful in the promotional probationary period, or a voluntary demotion is elected by the employee requesting a reassignment to his/her former position if available or to a comparable or lower level position if available or maintained in an "overfill" status until a position is available at the sole discretion of the Department Head , Human Resources Director, and City Manager, the employee's salary will be decreased to the employee's former pay or if the position is in a lower classification than held previously then the employee's pay will be adjusted to the employee's former pay plus any decrease which is consistent with the City's Compensation Plan , outlined in Section IV and any general wage adjustment which has occurred affecting the employee's former position. There is no guarantee of continued employment. If the employee is assigned an "overfill" status; depending on circumstances, including, but not limited to, duration of "overfill" assignment, operational and/or budget impact, service needs, interest of the City, etc., the City may terminate the employee at any time during the "overfill" assignment.

- F. A probationary employee who is promoted will be required, at a minimum, to complete the original new hire (six [6] month) probationary period in the new position. Additionally, the original probationary period may be extended to provide a six (6) month probationary period in the position to which the employee is promoted. The length of the probationary period in the position to which the employee is promoted will be documented and communicated to the employee as a special condition of the promotion on the form issued by Human Resources certifying the promotion. If the promoted probationary employee is not successful in the probationary period in the new position, the employee may be terminated; if the City terminates the employee, the termination will be a probationary termination and there is no right to appeal or grieve the termination.

6.6 DEMOTIONS

- A. Employees may be demoted to positions in lower classifications or have their current positions reclassified to a lower pay grade with the concurrence of the Human Resources Director and the approval of the Department Head on the following grounds:
 - 1. Inability to perform duties of position to which assigned.
 - 2. Due to lack of work, or abolishment of a position. Such action is to be without prejudice and the employee involved is eligible to receive preferential consideration relative to reinstatement in his/her former position to the extent available or another for which he is qualified.
 - 3. Change in current duties which is compatible with a lower pay grade and pay range.
 - 4. An employee may be demoted as a result of disciplinary action in

accordance with 6.13 Disciplinary Action. Pay rate may be adjusted, depending on the circumstances of the demotion or reclassification, in accordance with Section IV, Compensation Plan.

5. The final decision to approve a demotion is a management right and is not subject to the grievance or appeal process referred to in the above instances except for demotion as a result of disciplinary action in accordance with Section 6.13 Disciplinary Action.

6.7 TRANSFERS

- A. A regular status employee may request, with the approval of the Department Head concerned and the Human Resources Director, to be transferred. The City may also transfer an employee, when it is deemed to be in the best interest of the City, as outlined below.
 1. To another department/division in the same position classification.
 2. Lateral Transfer. Employees transferred to another position in the same job classification with the same pay grade shall NOT be eligible for a pay increase. Lateral transfers shall not affect the employee's performance review date or regular status. Probationary employees may be required to serve a three (3) month extension of their probationary period in the new position prior to being granted regular status.
 3. Notices of position vacancies are posted on the City Website to afford employees the opportunity to request transfers to another department or division. The City reserves the right to consider only those transfers which are of mutual benefit. In such cases, the written requests (Request for Transfer/Promotion Form, including reasons for the transfer, will be reviewed by the Department Head and the Human Resources Director.
- B. The final decision to approve a transfer is management's prerogative and not subject to the grievance process.

6.8 UPGRADES, DOWNGRADES, OR RECLASSIFICATIONS

- A. All positions are subject to consideration for upgrade, downgrade, or reclassification during the annual budget process when a Department Head has facts which indicate that the position is improperly graded or classified. Such requests shall be submitted during the time frame indicated in the Annual Budget Calendar, to the Human Resources Director. These requests shall be submitted in accordance with Section V, "Request for New Positions."
- B. Positions may be reclassified with or without a change in pay grade and/or pay rate. When a position is reclassified to a job classification with a higher pay grade (significant increase in job requirements or job difficulty), the

change may be processed in accordance with Section IV, "Compensation Plan."

- C. When a position is downgraded, it will result from a determination that the position has been improperly graded (degree of job difficulty determined to be of a lower level than the present level). The accompanying pay rate may be adjusted.
- D. The final decision to approve an upgrade, downgrade, or reclassification is management prerogative and not subject to the grievance or appeal process.

6.9 IMPARTIAL ACTION BY RECOMMENDING OFFICIALS

No Department Head or other official or employee whose duties involve the approval of or making a recommendation relative to the qualifications of candidates for employment or promotion or in connection with disciplinary action against employees, shall permit their recommendations to be influenced by the personal prejudice of either himself or other persons.

6.10 UNAUTHORIZED OR IMPROPER USE OF OFFICIAL BADGE OF AUTHORITY

No official or employee whose duties involve the use of a City of Titusville card, badge, or clothing insignia as evidence of authority, or for identification purposes shall permit such card, badge, or insignia to be used or worn by anyone who is not authorized to use or wear same, nor to permit same to be out of his/her possession without good cause or approval of his/her Department Head or other authorized superior. Such badge, card, or insignia shall be used only in the performance of official duties of the positions to which they relate.

6.11 TERMINATION RULES AND REQUIREMENTS

A. Voluntary Resignation

- 1. In order to resign in good standing, an employee shall give a minimum of two (2) weeks' notice. It is the responsibility of supervision to obtain a written resignation from the employee; annotate "accepted" on resignation letter; date, and sign same; and forward to the Human Resources Department. This two (2) week notice may be waived if sufficient cause for revision is established at the direction of the Department Head and with concurrence of the Human Resources Director.
- 2. Department Head with the concurrence of the Human Resources Director shall have the authority to determine that an employee's resignation is in "good standing" if less than two (2) weeks' notice is given, depending upon the circumstances.
- 3. Approval of a request to rescind resignation will be at the discretion of the Department Head and Human Resources Director based on

overall performance, work record, and benefit to the City.

4. Employees cannot use vacation, sick/personal leave, or compensatory time in conjunction with termination (i. e., to extend the termination date). After notice of resignation is submitted, floating holidays may be authorized by supervision provided adequate resignation notice is given and operational needs permit. In no case can floating holidays be used to extend the resignation date.
5. An employee must resign in good standing, as defined herein, in order to be eligible for payment of leave benefits, in accordance with the provisions outlined elsewhere in this policy manual.

B. Discharge Procedure for a Regular (Non-Probationary) Employee

1. A regular employee may be discharged for cause after he/she has been given the opportunity for a pre-determination hearing. Approval of the Department Head and concurrence of the Human Resources Director must be obtained prior to taking such action. Records of counseling sessions, documentation, and correspondence shall be provided to the Human Resources Director for inclusion in the employee's personnel file.
2. The City may discharge any employee for the good of the City. The supervisor will normally notify the employee in writing of the charges brought against him/her and that he/she is on a no-pay suspension pending possible discharge (Reference Section 6.13H, Pre-determination Notice and Hearing). The final decision regarding the violation shall be furnished to the employee in writing, including his/her right of appeal.
3. Upon receiving written notice of discharge, the employee may file a grievance within five (5) working days (Reference Section VII).
4. Employees who are discharged shall not receive payment for any accrued leave benefits.
5. Note: These requirements do not apply to discharge of a probationary employee.

C. Discharge of an Appointed Employee

1. A Department Head is an appointed employee who serves at the pleasure of the City Manager. As such, the City Manager has the authority to appoint and to dismiss accordingly. An appointed employee does not have access to the provisions of the Grievance Procedure, Section VII, or to pre-determination notice and hearing.
2. Payment for accrued leave benefits is at the City Manager's discretion.

D. Discharge of a Probationary Employee

1. A probationary employee may be terminated at any time during the probationary period without the right to a pre-determination hearing or to post- termination appeal.
2. The supervisor, with prior approval/concurrence of the Department Head and Human Resources Director, shall notify the employee that he is being discharged. Written notice, signed by the Department Head, shall be given to the employee.
3. Employees who are discharged shall not receive payment for any accrued leave benefits.

E. Termination for Medical/Health/Disability Conditions

1. The City may determine that it is necessary to terminate an employee due to the employee's inability to perform the essential functions of his/her position as a result of health or disability reasons.

The employee will be notified in writing of the proposed termination and given the opportunity to request a Pre-determination Hearing to present information regarding his/her condition and ability to perform his/her job. The final decision regarding the employee's status shall be furnished to the employee in writing, including his/her right of appeal.

2. Employees who are terminated for health or disability reasons are eligible to receive payment for accrued leave benefits, in accordance with the provisions outlined elsewhere in this policy manual.

F. Layoff

1. Layoff is defined as separation of an employee from a City position because of a reduction in work load, abolishment of a position after study, internal reorganization, or for other related causes (i. e., a regular employee who was unsuccessful in completing a probationary period required upon promotion).
2. Generally, all employees shall be paid two (2) weeks' salary in lieu of two (2) weeks' notice. However, when funds are lacking or other circumstances warrant, a notice of less than two (2) weeks may be given. Prior approval of the Department Head and the Human Resources Director is needed before an employee is given a layoff notice.
3. Reasonable time off with pay may be granted the employee to assist in securing employment elsewhere. Arrangements may be made for clerical assistance, photocopying, and use of local telephones.

4. Every attempt will be made to place the employee in a comparable position for which he qualifies, if such a position becomes available.
5. The layoff decision is a management right and is not subject to the grievance or appeal process.

G. Fiscal Budget Reduction

1. This is defined as separation of an employee from a City position because of action in conjunction with the budget process. All employees shall be provided with a four (4) week notice or four (4) weeks of termination pay. Reasonable time off with pay may be granted the employee to assist him in securing employment elsewhere. Arrangements may be made for clerical assistance, photocopying, and use of local telephones. Every attempt will be made to place the employee in a comparable position for which he qualifies, if such position becomes available.
2. Separation from employment as a result of a fiscal budget reduction is a management right and not subject to the grievance process.

H. Return of City Property at Termination

1. At the time of termination and prior to receiving final monies due, all records, books, assets, uniforms, keys, insurance, prescription cards, tools, and other items of City property in the employee's custody shall be returned to his/her department or other designated source. Accomplishment of the preceding shall be certified on the Employee Checkout Sheet by the employee and the appropriate authority.
2. Any monies due the City including but not limited to lost, damaged, or destroyed City property shall be deducted from the final pay.

I. Final Clearance

1. When an employee terminates:
 - a. He shall be responsible for clearing all appropriate items on the Employee Checkout Sheet.
 - b. His/her final pay will be processed during the following bi-weekly payroll and will be available for pick-up on the regularly scheduled payday, or it will be mailed.
 - c. He may be requested to complete the "Confidential Personnel Questionnaire" form.
 - d. Final pay may include monies for time worked, accumulated

sick/personal leave referred to in Section 6.03 Employee Benefits and vacation, less normal deductions and monies owed to the City and/or the Credit Union.

- e. He shall be advised of eligibility for benefits.
- f. Supervisor will prepare a Personnel Requisition form and shall note eligibility for rehire for the permanent record.

6.12 RE-EMPLOYMENT

A. Reinstatement (within six (6) months of termination)

- 1. An employee who terminates in good standing after one (1) year of service and is re-employed in the same or comparable position within six (6) months from date of termination shall receive credit for prior service, will be considered a reinstatement and will not normally serve a probationary period, unless specified at the time of hire. His/her date of hire will be bridged to reflect the period of time not employed.

B. Rehire

- 1. An employee who terminates in good standing after one (1) year of service and is re-employed AFTER six (6) months from date of termination shall NOT receive credit for prior service.
- 2. An employee who terminates in good standing prior to completing one (1) year of service and is employed at a later date shall NOT receive credit for prior service.
- 3. These employees shall be considered as new hires and, as such, shall serve a probationary period.

C. Recall

- 1. An employee who is laid off, or separated from employment as a result of fiscal budget reduction, shall be eligible for recall for a period not exceeding thirteen (13) consecutive months. Continuous service credit will include prior service and the period of time off while on recall, except as limited by Ordinance for pension purposes for sworn police and certified fire personnel. A probationary period will not be required.

D. Employees Not Recommended for Re-employment

- 1. Persons who have been discharged from the City will NOT be recommended for re-employment except under extenuating circumstances which must be documented on the Personnel Requisition at the time employee is discharged. These are

permanent records and are not changed under any circumstances.

2. Other personnel may also be designated not recommended for rehire as determined by supervision based on their overall employment record, including but not limited to, attendance, job performance, adherence to safety rules and regulations, etc. This determination is also part of the permanent public record and is not subject to change. There is no statutory or constitutional right to public employment or re-employment.

6.13 DISCIPLINARY ACTION

A. General

1. It is the intent of the City to avoid most matters which necessitate disciplinary action by effective supervision and employee relations. To accomplish this objective, the City encourages employee behavior which is positive and supportive of the goals of the City. The purpose of the rules outlined in this section and the disciplinary actions for violation of the rules is to ensure the rights of all employees and to secure cooperation and order in the workplace.
2. It is management's responsibility from the Department Head to the first line supervisor to ensure that all employees are informed of, and comply with, the personnel rules and regulations. When an employee is unable or unwilling to comply with them, it is incumbent upon management to take prompt disciplinary action. Discipline must be administered in a consistent, impartial manner. The Human Resources Department will monitor disciplinary actions to ensure consistency.
3. All disciplinary actions should be discussed in private with the employee involved. It is the responsibility of management to counsel the employee and outline steps to correct the performance and/or behavior. The employee must be made aware of the seriousness of violating the rules and regulations and the need to conduct himself/herself in a manner which does not discredit the City.
4. In accordance with Fair Labor Standards Act, any suspension resulting in loss of pay for exempt employees due to infractions of workplace conduct, as defined by this personnel policy, must be made in full working days. Such suspensions must be imposed pursuant to the City's written policy.
5. Levels of corrective action include:
 - a. Counseling
 - b. Verbal Reprimands
 - c. Written Reprimands
 - d. Suspensions
 - e. Demotion as a result of disciplinary action

f. Termination

B. Counseling

1. Counseling is considered informal corrective action and is therefore not subject to the grievance procedure.
2. A Counseling Form outlining the counseling session shall be prepared and signed by the employee and his/her supervisor or Department Head. The record of the counseling will be maintained by the department unless additional problems occur, in which case the counseling form, along with the disciplinary action taken, will be forwarded to the Human Resources Director for inclusion in the employee's personnel file.

C. Causes for Disciplinary Action

Causes for disciplinary action are divided into (3) three categories:

Minor violations, major violations, and capital violations. The disciplinary actions which follow are guidelines. It is understood that they are not all inclusive because circumstances may vary in individual cases. Management must give serious consideration to prior discipline of a same or similar nature and follow the principles of progressive discipline when taking appropriate disciplinary action.

D. Minor Violations and Suggested Discipline

1. Occasional unexcused tardiness or absence.
2. Leaving the work area at any time without permission from supervision.
3. A single instance of failure to "call in" when sick or within required time limit as specified by department or applicable bargaining agreement. Lack of a telephone in employee's home does not relieve employee of responsibility of notification.
4. Difficulty understanding and performing assigned duties.
5. Single instances of malicious mischief or horseplay disruptive to the workplace.
6. Occasional disregard of common/accepted safety practices.
7. Occasional careless work habits resulting in damage to equipment and tools or in waste of materials/supplies in an amount less than \$500.00.
8. Poor housekeeping in work area.

9. Frequent and/or excessive use of telephone for personal business.
10. Selling, soliciting, or distributing literature during work hours without prior authorization.
11. Unauthorized posting or removal of notices/signs on City bulletin boards.
12. Single instances of violation of departmental policies and operating procedures, including violation of confidentiality and other conduct detrimental to departmental operations and/or the image of the municipal organization.
13. Failure to wear seat belt while occupant is in City vehicle.
14. Violation of smoke free policy.

Suggested Discipline:

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| First violation | Verbal reprimand; copy to employee and copy to employee's personnel file. |
| Second violation | Written reprimand; copy to employee and copy to employee's personnel file. |
| Third violation | Suspension without pay for up to three (3) work days; copy to employee and copy to employee's personnel file. |
| Fourth violation | Discharge; prior approval of Department Head and Human Resources Director required; copy, signed by Department Head to employee and to employee's personnel file |

E. Major Violations and Suggested Discipline

1. Chronic tardiness.
2. Frequent and/or excessive absenteeism; abuse of sick leave as it accumulates; pattern of sick leave abuse; inability to provide requested medical verification; repeated failure to provide proper notification of absence.
3. Frequent and/or excessive absence from work, with or without medical verification, which impedes work flow, inhibits operation, and/or creates other operational impact.
4. Sleeping on duty.
5. Neglect in performing job duties.

6. Harassment of co-workers.
7. Gambling, fighting, threatening, or other conduct detrimental to morale and discipline.
8. Insubordination; failure to obey a reasonable request/order; use of obscene or abusive language; or belligerent attitude toward supervision, co-workers, or the public.
9. Loss of driving privileges, professional certification or other license required to perform job duties.
10. Failure to report personal injury or vehicle accident to supervision and/or City Safety Officer.
11. Continued and/or deliberate violation of safety rules or refusal to use required safety equipment resulting in personal injury/lost time.
12. Acceptance of fee, gift, or other items in return for a favor.
13. Theft of property from fellow employee or City
14. Careless use of City property or vehicle resulting in personal injury to a co- worker or citizen or damage, in excess of \$500.00 to property owned by City, another employee, or a citizen.
15. Participating in union organizing or political activity, including circulation or posting of petitions/literature, while on City property.
16. Failure to report to work.
17. Giving false information or refusing to answer questions in an Administrative Hearing.
18. Major violations of department policy or procedures.
19. Violations noted in other sections of Personnel Policy where no suggested disciplinary action is enumerated.
20. Abusive language (including profanity; racial, religious, or ethnic comments, etc.) directed toward another employee or any member of the public.
21. Willfully entering a bathroom designated for the purpose of the opposite sex and refusing to depart when asked to do so as specifically provided in F.S. 553.865.

Suggested Discipline (Depending on circumstances and/or progressive

disciplinary actions)

- First violation: Up to two (2) week suspension without pay; prior approval of Head and Human Resources Director required; copy to employee and copy to employee's personnel file.
- Second violation. Discharge; prior approval of Department Head and Human Resources Director required; copy signed by Department Head to employee and to employee's personnel file.

F. Capital Violations and Suggested Discipline – (Depending on circumstances and/or progressive disciplinary actions)

1. Absence from work for three (3) consecutive work days without notification.
2. Failure to return to work at conclusion of leave of absence.
3. Inability to perform assigned duties due to total incompetence, gross neglect or other reason (s).
4. Reporting to work under the influence of alcohol. Possession, use, or Sale of alcohol on duty or on City property.
5. Reporting to work under the influence of narcotics or illegal drugs. Possession, use, or sale of narcotics or illegal drugs while on duty/City property or off duty.
6. Refusal to undergo a drug/alcohol screen.
7. Willful damage or vandalism to City property.
8. Falsification of claims to obtain workers' compensation or related accident benefits or any other benefit programs.
9. Submittal of false information or falsification of official document pertaining to the City including, but not limited to, time sheet, travel expenses, accident report or other document prepared while an employee in order to receive benefits
10. Falsification of Employment Application, resume, personal records, Request for Promotion Form, or any other documents in order to qualify for employment or promotion.
11. Refusal to sign the Loyalty Oath required by Florida Statute 876.05(1).
12. Engaging in a strike/work slowdown, inciting a riot, or committing an act of sabotage.
13. Repeated incidents of theft of property from fellow employee or the City.

14. Misappropriation of City funds or unauthorized/improper use or sale of City property, vehicles, and/or equipment for personal use or personal gain or for any other reason.
15. Unlawful or improper conduct, either on or off the job, which tends to affect the employee's relationship to his/her job, fellow workers, his/her reputation or goodwill in the community.
16. Repeated commission of misdemeanors; i.e., speeding, reckless driving or accidents resulting in injury to people or property.
17. Possession of a deadly weapon, while on City owned or leased property, or in a personal vehicle while being used for City business except as specifically provided in Florida Statute 790.251. Prohibited possession under this policy shall also apply to a deadly weapon located in an employee's privately-owned vehicle if such vehicle is parked on City owned or leased property. For the purposes of this Policy, a "deadly weapon" shall be defined as any instrument which will cause death or great bodily injury when used in the ordinary and usual manner contemplated by its design and construction and includes, but is not limited to, the following: Firearms, clubs, knives, other than a common pocket knife with a folding blade or an eating utensil, stun guns, brass knuckles, and num chucks, throwing stars, and other martial arts weapons. Exceptions to the above prohibitions may be granted by Appointing Authorities to employees whose duties require them to carry a firearm or deadly weapon for their own personal protection.
18. Sexual harassment of a fellow employee or citizen.
19. Use of obscene or sexually explicit language or gestures directed at another employee or any customer/citizen of the City.
20. Actions when considered on their own merit are equal in seriousness to established capital violations.
21. Conduct unbecoming an employee which may not be specifically set forth in these regulations.
22. Capital violation of a department policy or procedure.
23. Violations noted in other sections of Personnel Policy where no suggested disciplinary action is enumerated.
24. Making a false representation in order to obtain a social security number.
25. An intentional Act to Defeat or Breach a City Security System

Suggested Discipline:

An employee guilty of capital violations may be subject to immediate

discharge by the Department Head with concurrence of the Human Resources Director. A copy signed by the Department Head shall be given to the employee and placed in the employee's personnel file.

G. Pre-Determination Notice and Hearing and Suspension Procedure for a Regular (Non-Probationary) Employee

1. When the suggested discipline for a regular employee is suspension, the supervisor shall notify the employee of the allegations/charge(s) against him and his/her right to a pre-Determination Hearing which the employee has an opportunity to relate his/her position in the matter. Following this meeting, a final decision will be made regarding whether or not a suspension without pay is warranted. If suspension is recommended, prior approval/concurrence of the action shall be obtained from the Department Head and Human Resources Director. A written notice will be given to the employee explaining the reasons for the suspension. It shall also advise the employee of appeal rights, as outlined in the Grievance Procedure, Section VII, or in an applicable labor agreement.

In cases requiring additional investigation to determine whether discharge or suspension is the appropriate action, the supervisor may place the employee on suspension without pay. An investigation will be conducted within a specified time period. During this time, the employee can present additional information. When the investigation is complete, the employee shall be notified of the decision in accordance with the procedure outlines.

H. Pre-Determination Notice and Hearing Prior to Discharge for Cause

1. Prior to discharge for cause of a regular employee, the supervisor shall notify the employee of the allegations/charges against him and that he is being placed on no-pay suspension while the department evaluates its course of action. Prior approval of the Department Head and the concurrence of the Human Resources Director must be obtained. The employee shall be notified of his/her right to request a pre-determination hearing. This right may be waived by the employee.
2. Department Heads are appointed employees and do not have access to a pre- determination hearing.
3. If an employee waives his/her right to a pre-determination hearing, the supervisor will notify the employee in writing of the disciplinary action to be taken in accordance with discharge procedures.
4. If an employee requests a pre-determination hearing, the

Supervisor/Department Head, or his/her designee, will conduct the hearing as soon as possible, but will allow the employee adequate time for preparation.

The hearing must be scheduled within five (5) working days unless a time extension is agreed to by both parties and approved by the Department Head and the Human Resources Director. A representative from the Human Resources Department will attend when requested by either party. The purpose of the meeting is to provide the employee with the opportunity to respond to the charges and circumstances requiring disciplinary action. At the end of the meeting, the Supervisor/Department Head shall establish a date for the employee to receive written notice regarding the disciplinary action to be taken in accordance with suspension and/or discharge procedures.

5. The employee's decision to request or to waive a pre-determination hearing shall have no effect on his/her right to appeal utilizing either the Grievance Procedures outlined in Section VII, or in an applicable labor agreement.
6. If an employee has failed to report to work for three (3) consecutive work days without notification, a certified letter will be sent to his/her address of record, explaining the no-pay suspension and right to a pre-determination hearing. If no response has been received within the specified period of time, a discharge letter will be sent by certified mail.
7. Supervision may discharge an employee after:
 - a. Providing written notice of right to a pre-determination hearing to the employee.
 - b. Concluding that discharge is warranted.
 - c. Obtaining prior approval/concurrence of the Department Head and Human Resources Director.
8. The supervisor and/or Department Head will establish the date he will render his/her decision. A discharge letter, signed by the Department Head, shall be given to the employee outlining the reasons for the discharge. The letter shall also advise that the employee has five (5) working days to appeal the action to the City Manager under the City Grievance Procedure. Section VII, or as outlined in applicable labor agreements.
9. The Human Resources Department will process the employee's final pay and benefit status.

If discharge is the result of the employee's failure to report to work without notifying supervision, a discharge letter will be sent by certified mail to the employee's address of record.

I. Name-Clearing Hearing

1. An employee, including appointed and probationary employees, may request a "name-clearing" hearing to present information in or subsequent to disciplinary proceedings/discharge for the purpose of "clearing his/her name." Information submitted by the employee will be included in the employee's personnel file.
2. Any employee requesting a "name-clearing" hearing may request such hearing before the Department Head, the supervisor taking disciplinary action and/or the Human Resources Director.

J. Law Violation Suspensions

1. At the discretion of the City and based on the circumstances, an employee who is charged with a criminal law violation, may be terminated or the employee may be suspended without pay until a decision is rendered by the courts except as provided in J.5. In reaching the decision regarding no-pay suspension or termination, factors including, but not limited to, the following, will be considered:
 - a. Whether or not the charge may interfere with the person's duties as an employee.
 - b. Whether or not the employee is released on bond pending the trial date (continued incarceration may result in discharge, based on unavailability for work).
 - c. Whether or not it is in the best interest of the City.
2. Prior to termination or suspension being authorized, the employee, if available, shall be given an opportunity to explain his/her position to his/her Department Head.
3. Following an evaluation of the factors outlined above, if immediate termination of the employee is decided against, the employee may be placed on a no-pay suspension for a limited time, as determined by the Department Head and Human Resources Director. However, there is no guarantee that the City will continue a no-pay suspension for an extended period of time until the case is decided by the courts. Court/trial dates, postponements, and other considerations may adversely impact the City; accordingly, the City may, at its discretion, issue a notice of intention to terminate the employee during the no-

pay suspension.

4. Alternatively, a decision may be made to allow the employee, who is released on bond, to return to work, pending the outcome of the case. This decision will be based on a number of factors, including, but not limited to, the following:
 - a. The nature of the charge.
 - b. The employee's position as it relates to the charge.
 - c. Employee's willingness to undergo voluntary drug testing at employee's expense at a lab of the City's choice and at intervals specified by the City, in the case of arrests related to the possession, use or sale of illegal drugs.
 - d. Willingness to enroll in Employee Assistance Program (EAP) if deemed necessary by the City.
 - e. Employee's previous record with the City.
 - f. Other operational considerations determined by the City.
5. The City reserves the right to re-consider termination of an employee charged with a law violation during the term of his/her no-pay suspension. The City will consider the change in the status of the employee's case (such as trial dates, additional charges filed, etc.) and/or changes in the operational requirements of the City (i.e., adverse impact to work operations by the employee's continued absence due to the no-pay suspension, etc.) In such cases, the City will issue a notice of intent to terminate and right to a pre-determination hearing.
6. Once resolution of the charges on an employee who has been given a no-pay suspension pending the outcome of his case has occurred, the following shall apply:
 - a. A verdict of guilty; a plea of guilty; a plea of nolo contendere (no contest); or an adjudication of guilt after trial; or any other plea or adjudication based upon any admission of guilt to any charges shall be "prima facie" evidence of grounds for discharge. It shall be the sole discretion of the City to consider continued employment based on the overall employment record.
 - b. A verdict of "not guilty" or "charges dropped/dismissed" shall not mean that an employee will not be disciplined or discharged. The Department Head with prior concurrence from the Human Resources Director may proceed with disciplinary action per City policy irrespective of the court's disposition. Determination shall be made regarding eligibility for back pay, based on the disposition of the disciplinary proceeding.

K. Complaints against Employees--Suspension

1. In the case of a complaint against a City employee, as an alternative to suspension without pay, suspension with pay, administrative duty, or other assignment, may be considered depending on nature of the charge/allegation and the interest of the City. In such cases, no substantive action (i.e., suspension without pay) will be considered until the conclusion of the investigation when the circumstances and validity of the complaint is fully ascertained.
2. Since the employee under investigation is in a full-pay status, the investigation must be conducted in a reasonable period of time and as soon as practical.

SECTION VII

GRIEVANCE PROCEDURE

7.1 POLICY STATEMENT

- A. It shall be the policy of the City of Titusville to provide a procedure for the presentation and adjustment of disputes which arise when the application or interpretation of a rule or disciplinary action is perceived to have been applied unjustly or when some condition of employment is perceived as unjust.
- B. The grievance procedure is also available for the public to address grievances/complaints arising out of provision of government services. Citizen complaints to be considered under this section are to be submitted in writing, to any City official. Such written complaint will be resolved by the City Manager, or his/her designee, with a hearing conducted, if deemed necessary or appropriate.
- C. Good employee relations and the City's best interest demand that supervision/management follow the grievance procedure properly and promptly. This is especially significant at the initial stages of the grievance, when the aggrieved employee is most easily inflamed. Improper grievance administration at this critical early stage can erode supervision's/management's efforts to accomplish the department's and City's mission to improve employee relations.
- D. Listed below are fundamental principles for effective complaint/grievance administration:
 - 1. Create an environment so that the employee can have a full and unhurried opportunity to speak, in a private setting without interruption, and with the undivided attention of the supervisor/manager. Allowing the employee to speak in this manner may have a calming or defusing effect.
 - 2. Avoid arguing with the employee. Instead, focus on the factual issues of the case and elicit from the employee specific information in support of his/her position in the grievance. It is important to refrain from embarrassing or demeaning the employee regardless of the merits of the grievance. Similarly, if it is determined that management is in error, an admission of error makes it easier for the employee to accept any part of his/her responsibility in the matter.

3. In dealing with issues which are not clear-cut, involve disciplinary action, or which concern matters of broad policy application or interpretation, supervision/management should fully investigate, corroborate information, consult with higher levels of management, if necessary, review relevant records (attendance, leave usage, overtime, tenure, etc.), interview other employees if they are involved or have pertinent information, confer with other departments/divisions, if appropriate, and review policies and procedures, Personnel Policies, and past practice, prior to reaching a decision. If it is determined that additional time will be required to effectively respond to the grievance, supervision/management shall advise the employee of the need for additional time as outlined in the Grievance Procedure. In doing so, it is important to convey the need for adequate time to ascertain and evaluate all the facts in order to make a fair and objective decision which is in the employee's best interest.
4. Once a decision has been reached, supervision/management should again meet with the employee. The written grievance response should include the pertinent information that supports the decision reached (including consistency with application of policies and past practice, if relevant to the issue); the reasons for the final decision; and other information related to the case. In the meeting, allow the employee to raise his/her objections, and if the employee disagrees with the grievance response and desires to appeal the grievance to the next step of the procedure, supervision/management should not consider this a personal failure nor should there be any pressure on the employee. Rather, it is supervision's/management's responsibility to advise the employee of the next step in the grievance procedure and provide any information related to the grievance to the next level of management so that the grievance can be comprehensively evaluated at that level.

E. The goal of the City is to minimize the number of grievances by effective supervisory/management practices with regard to both consistent and fair application of City policies and procedures and to employees' sensibilities. To accomplish this goal, supervisors/managers should remember that our employees are our most valuable asset; accordingly, positive development of employees is a primary responsibility for which every member of supervision and management is accountable. In furtherance of this goal, supervision/management should follow these guidelines:

1. Respond promptly to minor problems with prompt corrective actions.
2. Give clear and adequate directions, instructions, and orders, including any reasons for deviations from routines.
3. Treat employees with consideration, respect, and impartiality when issuing disciplinary action, and assure that matters related to disciplinary actions/investigation are conducted privately.

7.2 GENERAL

- A. For purposes of the grievance procedure, the following definitions and rules apply.
- B. A grievance shall be a complaint, submitted in writing, arising out of an interpretation or application of a rule/disciplinary action or some condition of employment or a complaint by the public regarding the provision of government services which is deemed unfair/unjust.
- C. Regular employees have access to the grievance procedure. Probationary employees shall not have access to the grievance procedure. Department Heads shall not have access to the grievance procedure. (See 3, 6.12).
- D. Disciplinary action is defined as verbal or written reprimands, no-pay suspensions and/or discharges. Employee counseling is not subject to appeal.
- E. Only no-pay suspensions and discharges can be appealed to the City Manager level, Step 3. The decision by the Department Head on verbal and written reprimands is final and binding.
- F. A grievance filed by an employee must be submitted on the Employee Grievance form, filled out completely, signed, and dated.
- G. The aggrieved is a regular employee or a citizen having a complaint.
- H. A discharged employee must submit a written notice outlining his/her grievance and the desired resolution directly to the City Manager within five (5) working days after his/her discharge for a review/hearing.
- I. A grievance/complaint that is not appealed within the specific time limits shall be deemed permanently withdrawn and settled on the basis of the decision most recently given.
- J. The grievance procedure steps and time limits will be strictly enforced. Exception to the order and time limits may be made only with the mutual consent of the City Manager, Department Head, Supervisor, or Human Resources Director and the aggrieved.
- K. The City shall not be obligated for retroactive pay covering more than five (5) working days immediately preceding the date of the incident that prompted the grievance/complaint.
- L. Day shall mean Monday through Friday (working day). Saturday, Sunday, and holidays are excluded unless otherwise noted.

- M. The City Manager may designate the Human Resources Director or another member of his/her staff to hear grievances.
- N. The Grievance Procedure for employees represented by a labor agreement is outlined in the respective agreements.

7.3 MANAGEMENT PREROGATIVES

- A. The following areas of Administration are considered prerogatives of management, and as such, shall not be subject to the grievance procedure:
 - 1. Scheduling and assignment of work and work stations.
 - 2. Establishing work standards and quality.
 - 3. Size of work force including reductions, layoffs and reorganizations.
 - 4. Appropriations and budgets.
 - 5. Scope of work within job classifications.
 - 6. Evaluations of employee performance.
 - 7. Salary scale, rates of pay, or salary increases.
 - 8. Promotions.
 - 9. Management's right to discipline.
 - 10. The goals/objectives of the City.

7.4 GRIEVANCE PROCEDURE STEPS

- A. STEP ONE
 - 1. The employee shall submit his/her written complaint on the appropriate form to the immediate supervisor within five (5) working days of receipt of the disciplinary action or issue which is the subject of the grievance. The written grievance shall contain information relevant to the issues and shall identify the resolution/action requested by the employee.

2. Upon receipt of the written grievance, the supervisor will note the date and time of the supervisor's receipt of the grievance. The supervisor will review the written grievance; meet with the employee, if deemed necessary; and prepare a written response to the grievance within 7 working days of receipt of the grievance. If the supervisor determines, upon his/her initial review of the grievance, that the nature of the grievance is such that it cannot be addressed within 7 working days (i. e., it is necessary to hold a hearing or to obtain information/statements from other employees/citizens not immediately available, etc.), the supervisor will notify the employee in writing of the need for additional time needed to properly evaluate and respond to the grievance. The supervisor's written notice regarding the need for additional time shall include a specific date by which the complete response will be provided. No response shall take more than 10 working days from the date the grievance was received by the supervisor. It is the supervisor's responsibility to conduct any research/meetings, or confer with higher levels of management in cases involving City policies, rules and regulations or employees in other departments/divisions, etc., required in order to respond to the grievance and to issue his/her written response within the 7 working days or extended time frame outlined in this section.

B. STEP TWO

1. If the grievance response issued by the immediate supervisor (in Step 1) does not resolve the matter to the employee's satisfaction or if no response is given to the employee within the 7 working day time frame or the agreed upon extended time frame (up to 10 working days), the employee shall have the right to advance his/her grievance to his/her Department Head. The employee shall document the reason for advancing the appeal to the Department Head:
i. e., he shall state his/her disagreement with the proposed resolution or state that no reply was received within the proper time frame.
2. Upon receipt of the grievance from the employee, the Department Head shall meet the same standards and time frames for response as outlined in Step One.

C. STEP THREE

1. If the grievance response issued by the Department Head (in Step (2) does not resolve the matter to the employee's satisfaction or if no response is given to the employee within the seven working day time frame or the agreed upon extended time frame (up to 10 working days), the employee shall have the right to advance his/her grievance to the City Manager' office. The employee shall document the reason for advancing the appeal to the City Manager.

2. Upon receipt of the written grievance from the employee, the City Manager will review the proposed resolution(s) from the preceding responses; conduct meetings/hearings as the City Manager deems appropriate; and issue a final and binding written response to the employee within an agreed upon time frame.
3. If the grievance was appealed to the City Manager due to lack of action/response within prescribed time frames by the supervisor and/or Department Head, the City Manager will process the grievance and will administratively deal with the supervisor's and/or Department Head's failure to respond in accordance with the time frame requirements outlined herein.

D. THE ROLE OF HUMAN RESOURCES

1. The Human Resources Director shall serve as procedural advisor at the request of either the grievant or the hearing officer during each step of the grievance process. The Human Resources Director shall attend the grievance hearings at the participant's request.
2. The Human Resources Department will maintain a file for each grievance brought by an employee. The Department Head or designee is responsible for keeping the Human Resources department copied on all related documents during the grievance process.

SECTION VIII - MISCELLANEOUS PERSONNEL POLICIES

8.1 COMPENSATION FOR EMPLOYEES TO ATTEND CONFERENCES AND MEETINGS

The City of Titusville supports participation in professional associations and other activities related to their job descriptions. This policy outlines the compensation of the City of Titusville when employees attend lectures, meetings, conferences, and training seminars.

A. Mandatory Attendance

1. When supervision requires mandatory attendance at a function by an Employee, the function should be directly related to the employee's job and must be designed to help him/her perform more effectively and is for the benefit of the City.
2. When supervision requires an employee to attend a lecture, meeting, conference, and /or training seminar, the hours spent, including those which fall outside the employee's regular work hours, shall be counted as hours worked for the purposes of compensation for non-exempt employees and compensatory time for eligible exempt employees.
3. An employee (exempt, non-exempt) who is required by supervision to attend a lecture, meeting, conference, and /or training seminar is entitled to the following where applicable: transportation expenses, or City vehicle usage, meal expenses and/or lodging expenses. These shall be administered in accordance with City travel reimbursement policies/or ordinances.
4. Non-exempt employees who are required to attend a function shall have the hours spent attending and/or transit included in the calculations to determine if they are entitled to overtime compensation for the work week involved and shall be paid at the rate of time and one-half for hours beyond 40 (53-hour week for Firefighters).

B. Requirements to attend a one-day function outside the employee's normal commuting area (more than 35 miles one way).

Exempt/non-exempt required by supervision to attend a one-day function outside normal commuting area shall have travel hours treated as work hours when they go beyond regular hours of work. If regular hours are 8:00 a.m. to 5:00 p.m. but time in transit extends the day from 7:00a.m. to 6:00 p.m.; the employee has worked 10 hours for the purposes of overtime compensation.

C. Employee Initiated Attendance

Employees electing to attend activities such as civic functions, professional association meetings, courses at area schools/colleges, and classes related to obtaining/renewing professional certification/licenses do not count as hours worked and use of City vehicle is not authorized unless approved in advance in writing by the Department Head or his/her designee.

- D. Exceptions to this policy require written approval of the employee's department head and the Human Resources Director prior to the employees' attendance.

8.2 EMPLOYEE OWNED APPLIANCE

The objective of this administrative policy is to ensure the safe condition of any employee- owned appliance prior to that appliance being connected and operated on any City electrical circuit. A second objective is to limit the number of such appliances which may not be used in City facilities.

It is the policy of the City of Titusville to ensure the safety of its employees, its buildings, and the contents of those buildings. It is, therefore, critical that each electrical appliance used has been certified as safe and appropriate for its environment. Employees who bring their own, personal items for use at work which are electrically powered and/or otherwise energized must have that item checked and certified as safe by Facilities Maintenance.

- A. It is each employee's responsibility to make sure that all powered equipment, appliances, and accessories have been certified as safe by Facilities Maintenance prior to use. It is each Department Head's responsibility to ensure such items are tagged and/or labeled to indicate such certification.
- B. It is each Department Head's responsibility to insure regular inspection of his/her department for compliance with the requirements set forth herein.
- C. All personally owned powered equipment, appliance, or accessory must be inspected by Facilities Maintenance and have a sticker showing date and initials of the inspector. It is the department's responsibility to ensure that equipment is inspected and labeled as being approved for use.
- D. It is the responsibility of the Public Works Director or designee to provide a Technician capable of determining whether a specific piece of apparatus is safe and appropriate for its intended operation and operating environment.
- E. It is the responsibility of the Public Works Director or designee to determine whether a specific piece of apparatus or group of apparatuses will overload any electrical circuit and/or cause undue power consumption.
- F. It is the responsibility of the Public Works or designee to determine whether certain appliances (e.g., heaters, fans, air conditioners), when used, will alter room temperature sufficiently to improperly trigger thermostat control devices.

- G. Alteration of any listed/labeled appliance will render the product unapproved. Unapproved products are prohibited.

It is the responsibility of the City Fire Marshal to determine whether a specific piece of apparatus poses a fire risk when used in its intended manner and location.

8.3 PROTECTIVE CLOTHING/EQUIPMENT REQUIRED BY LAW, OSHA OR DIRECTED BY SUPERVISION

The City appropriates funds to purchase safety equipment, protective clothing/footwear for the safety and welfare of our employees. It is the employee's responsibility to use the provided clothing/equipment. Failure to do so may result in injury or illness, disciplinary action and/or reduction in worker's compensation benefits.

A. Protective Clothing and/or Equipment

1. Protective clothing and/or equipment shall be required in accordance with normal safety practices and procedures established by each department in conjunction with its specific job requirements/duties, and/or as required by law, OSHA standards, or supervision.
2. The Police and Fire Departments shall comply with their respective National and State Standards Councils and related safety regulations, and no reference to these departments shall be made throughout this policy.
3. It is the responsibility of each department or division to:
 - Identify workplace hazards and Personal Protective Equipment (PPE) needed to protect against those hazards.
 - Instruct employees in the required safety practices and use of required safety clothing/equipment and document such training.
 - Verify usage as required.
 - Assure respective employees are familiar with the use and care of safety items and where they are stored.
4. It is the responsibility of each work-site team leader to assure that safety clothing/equipment is at the work-site and available to each employee.

B. Protective Footwear (Safety Shoes) Note: Safety Shoes is defined as steel-toed safety shoes that conform to ANSI Z41 standards, or other safety footwear as required by department supervision (i.e., non-skid).

1. The City requires the use of safety shoes where there is an

exposure to foot/ankle injuries by employees. Special, additional requirements may be made as needed for puncture-resistant soles, water-resistance, anti-shock, and shin protection.

2. The City provides for the purchase of one pair of safety shoes per fiscal year
*(see definition). The safety shoe purchase program is monitored by the Finance Department.
3. The City of Titusville will provide a shoe allowance as determined by the Operating Department toward the purchase of protective footwear for non-union employees contingent upon department head approval. Based upon employee hazard exposure and working conditions, approval may be granted for purchase of additional safety shoes.

- Note: Safety shoes are NOT required for lab personnel but may be authorized at the discretion of the Supervisor.

4. Employees covered by a collective bargaining agreement should refer to the appropriate bargaining agreement for provisions regarding what the City will provide toward the purchase of protective footwear.
5. Employees who have purchased safety shoes according to the policy and are found not wearing them, or who sustain a foot injury while not wearing safety shoes, shall be considered negligent and may receive disciplinary action unless they have prior written approval to wear other shoes; additionally, on-the-job foot injuries in these cases are subject to Worker's Compensation benefit denial based on failure to use provided safety equipment.
6. Guidelines to qualify for City rebate on Safety Shoe purchase:

If an employee ruins/wears out his/her safety shoes due to conditions encountered in his/her work (chemicals, lime, other exposures unique to the job), his/her supervisor can authorize the purchase of a replacement pair of safety shoes during the same fiscal year. The supervisor must prepare a memorandum authorizing the purchase and obtain Department Head concurrence. The employee will be reimbursed the amount of the second pair of shoes.

If an employee wants to purchase an additional pair of safety shoes they may, and the cost of the second pair will come out of the annual allotment given to the employee. If the second pair cost exceeds the annual allotment, the supervisor can authorize payment (see above).

C. Procedure to obtain City funding on safety shoes purchase:

1. Department

- a. Complete, sign, and date department head portion of Safety Shoe Agreement for each person eligible for safety shoe program.
- b. Inspect shoe purchases to confirm an ANSI Z41 rating.
- c. Inspect worn shoes to determine need for replacement.
- d. Determine the shoe allowance amount before authorizing purchase of additional footwear.
- f. Review shoe report from Finance Department for accuracy.
- g. Report any instance of abuse of the safety shoe program to the Human Resources Department.

2. Finance Department

- a. Issue shoe allowance reimbursement amount to each person on the safety shoe program once annually.
- b. Honor only written requests from department head of department asking for more than one-pair of shoes for any one employee within the same year.

3. Employee

- a. Purchase only approved footwear.
- b. Complete, sign, and date Safety Shoe Agreement.
- c. Upon each shoe purchase, keep receipt to show Department Head.

D. Back Support Equipment

- 1. It is required to wear back support equipment during the assigned work shift as directed by department head or supervisor.
- 2. Assure that the belt is tight and secure while performing heavy manual labor and loosened while not performing heavy manual labor.
- 3. Department shall be responsible for immediately replacing a belt that is lost, misused, or negligently used. The City will replace due to normal wear, as needed.
 - Department shall order and supply back support belts from approved suppliers as needed.

4. Supervisors

- a. Determine needs and requirements of their division personnel to assure compliance with this procedure.
- b. Train and inspect to assure proper use of belts.

Each department head will be responsible for the implementation of this policy within his/her respective department. The Risk Manager will be responsible for the administration of this policy. Violations will be considered grounds for disciplinary action.

8.4 SAFETY PROGRAM

The City of Titusville will have a safety program designed to create and maintain safety conscious employee attitudes and hazard-free work areas in order to minimize losses both to the individual and the administration because of accidents/injuries. The City has elected to adhere to OSHA Standards and regulations and to adopt OSHA as the preferred City's Safety and Health Standard for the workplace.

A. Responsibility and Action

The Human Resources Director is responsible to the City Manager in developing, implementing, administering, and directing a safety program for the benefit of the City and its employees.

Department Heads shall be responsible for safety in their department and for working with the Risk Manager in implementing and administering the safety program within respective departments. Each department head shall require department personnel to conduct daily duties by using established safe practices and procedures, as well as those defined in this policy.

Safety/Special Projects Coordinator is responsible to the Water Resources Director in developing, implementing, administering, and directing a safety program for the benefit of the Water Resources Department and its employees.

1. Supervisors

Each supervisor shall take an active leadership role in the safety program as defined by this policy, to include any/all department directives. Supervisors shall consider prevention of accidents/injuries to be their most important job responsibility.

2. Employees

Each employee shall be required to comply with all safety rules and regulations, manuals, policy letters, or other policies and procedures

established for his/her respective department. Employees shall use proper, safe, and effective personal protective equipment and/or protective devices as provided for personnel, machine, or material. Each employee will, at all times, do their utmost to protect themselves and fellow employees from harm by following safe working practices.

B. RESPONSIBILITY FOR ENFORCEMENT

1. Risk Manager

- a. The Risk Manager is required to develop, coordinate, administer, implement, and provide the staff direction for the safety program and shall prepare documentation on all facets of the safety program, including policy statements, responsibilities, procedures, and injury trends. The Risk Manager shall periodically submit to the City written reports of the activities and progress of the safety program and shall also advise the City by special reports on the status/trends of employee accidents/injuries and suggested recommendations, when circumstances warrant.
- b. The Risk Manager and each department head or designated supervisor will work with the particular department's policies and procedures already established within the department, and they shall modify or amend these where they conflict with the safety program's goals or objectives.
- c. The Risk Manager shall assist departments in the administration of job- safety training. The Risk Manager shall personally inspect work areas or facilities periodically, either alone or jointly with Safety Team members and department heads/supervisors and shall cooperate with the various departments in making recommendations regarding the safety of new equipment, emergency response, plans of new construction, repair, or renovation of City facilities only in areas relating to employees' or the public's safety.
- d. The Risk Manager is authorized to immediately stop the operation of equipment or work of employees whenever any unsafe acts or practices pose imminent danger to life or health of City employees or the public. Failure on the part of City employees engaged in these unsafe acts to stop their work shall be cause for disciplinary action against them.

2. Department Heads & Supervisors

- a. It shall be the responsibility of all Department Heads and Supervisors to provide leadership and direction for their employees, and to ensure that they have a safe working

environment within their respective departments. It is also the department heads and supervisor's responsibility to:

- Insure each employee receives safety training in a timely manner and review each employee to assess the effectiveness of the safety training.
 - Review quarterly accident and injury statistics provided by the Risk Manager.
 - Make a commitment to the establishment of a healthy and safe workplace and to the integration of health and safety into all workplace activities.
 - Treat basic safety and health legislation as a minimum standard rather than a maximum.
 - Review Safety Team meeting minutes and implement suggestions.
 - Maintain a safe workplace.
 - Acknowledge the importance of consultation and co-operation management and employees for effective implementation of this policy.
-
- Make a commitment to regularly review this policy and monitor its effectiveness.
 - Provide adequate funds for safety.
- b. Department Heads and Supervisors are each authorized to immediately stop the operation of equipment or work of employees whenever any unsafe acts or practices pose imminent danger to life or health of City employees or the public. Failure on the part of City employees engaged in these unsafe acts to stop their work shall be cause for disciplinary action against them.

Compliance with established safety policies and procedures is mandatory for all employees.

3. Department Heads

- a. Department Heads shall take prompt, appropriate action against any employee violating established procedures.
- b. Each Department Head shall appoint a safety team within his/her department, which shall actively participate in the City's safety program. Department Heads shall advise in writing the names of personnel assigned to the safety team. It shall be the Department Head's responsibility to encourage active participation of the safety team representative and incorporate information provided by Safety Team representative in monthly staff meetings.

- c. It is the Department Head's responsibility to emphasize to all supervisors the responsibility each has in providing direct leadership in implementing the particular department's safety program.
- d. Department Heads shall motivate their employees to support the City's safety effort through their own personal example. They shall forward to the Risk Manager all reports of personnel accident, injury, or property damage. Copies of such reports (Supervisor's Investigation Report) shall be forwarded to the Risk Manager for investigation and insurance purposes. This must be done as soon as possible, but within 24 hours, to comply with State laws. If any review board takes disciplinary action against a City employee, copies of these written reports shall be forwarded to the Risk Manager for information purposes and historical records. NOTE: the Supervisor's Investigation Report is a 6-page form designed for on-line preparation; all previous report forms should be discarded.

4. Supervisor

- a. The Supervisor has direct authority and responsibility for both the safe actions of the employees under his/her direction and the safe performance of the machines, equipment, and operations within his/her jurisdiction. Supervisors shall consider the prevention of accidents/injuries to be as important as other normally assigned duties.
- b. Supervisors shall promote safety awareness and encourage a proper safety attitude by his/her employees through his/her own personal example. It is the Supervisor's responsibility to provide the proper on- the-job training for his/her employees so that they may perform their work safely. Close supervision of employees is necessary to correct any unsafe act, whether mechanical or physical. When inclement weather or other unfavorable working conditions arise to interrupt normal job assignments, supervisors should take advantage of this time to hold off the job site "tool-box/tail-gate" meetings or other types of safety classes.
- c. Supervisors shall take appropriate steps to ensure that all new or newly transferred employees are given a complete safety orientation and made familiar with the operation of any equipment/machines to which they are assigned within the first two weeks of the assignment. Safety training of all new or transferred employees will be the direct responsibility of the Supervisor to whom they are assigned. New or transferred

employees shall not perform work on any equipment or machinery until their supervisor has qualified them on the equipment/machinery. Supervisors shall ensure that necessary equipment and protective devices for each job are provided and properly used. They shall take prompt corrective action whenever unsafe conditions or actions are observed. Supervisors shall make sure that training on any new piece of equipment or new chemical introduced to the work area is conducted promptly with all employees in that work area.

- d. Supervisors shall investigate thoroughly the causes of all accidents/injuries, and take corrective action to prevent their recurrence. (Utilize Supervisor's Investigation Report form). Supervisors, through their department heads, will initiate disciplinary action against repeated offenders. Accidents/injuries shall be promptly reported to department heads/supervisors/Human Resources Office regardless of the extent of injury to employee or damage to property so that investigations can begin immediately. Call or radio the Department Head/Supervisor and the Risk Manager and advise location and status report of incident.
- e. "Supervisor's Report of Accident/Injury Investigation Report" - Shall be completed in detail by the supervisor as soon as possible, and the report forwarded to the Risk Manager to comply with State law.
- f. Supervisors shall schedule informal safety inspections of all work sites, shops, and facilities at least once a week in order to improve housekeeping, eliminate unsafe conditions, and encourage safe work practices. (This is not to be confused with the normal facility inspection conducted by the department's safety team on a monthly basis.)

C. Employees' Responsibilities

Each City employee has been provided a Benefits Notebook with a section titled "Safety Handbook" and he/she is responsible for familiarizing himself/herself with its contents and for following the rules and regulations contained therein.

Each employee is responsible:

- To assist a safety inspector.
- To discuss unsafe working conditions or practices and determine their remedies.

- To motivate other employees to keep Safety a priority and convince them that their cooperation is needed to prevent accidents and injuries.
- To reduce accidents in the work place
- To notify supervision immediately of any unguarded hazard or unsafe practices.
- To report accidents and/or injuries immediately to supervision.
- To assist management in evaluating safety suggestions, discuss safety practices and recommend changes to management.

D. Incident Review Board

Purpose

To review incidents involving damage to city property or injury to city employees so that action may be taken to reduce the likelihood of repeat occurrences.

Incident Review Board (IRB)

The IRB will consist of seven members including the Risk Manager. Members will be appointed as needed by Department Directors. The Board membership will include one member from each of the following Departments: Community Development, Fire Department, Police Department, Public Works, Support Services and Water Resources. Department Directors will assign a backup team member in the event that the appointed member cannot attend IRB meetings.

Incident Investigations

General- The Risk Manager always receives a Supervisor's Investigation Report on every City related incident and will determine whether the Incident Review Board should be convened. In the event of a significant incident, the Risk Manager will notify the Incident Review Board within a week following the incident. The Risk Manager shall convene the Incident Review Board at least quarterly to review all incidents in the preceding quarter to identify those needing action. It is the intent that this Board not to review incidents that are the subject of an ongoing personnel investigation, criminal investigation, or litigation until those proceedings are concluded.

The IRB may request employees or supervisors to provide testimony and documentation at meeting as needed. The Risk Manager will make such requests through the Department Director.

1. Class 1- incidents involving \$100,000 or more, or in the event of a fatality, significant injury or illness, the City Manager shall be notified immediately. (Note 1-below defines "significant injury or illness.)
2. Class 2-incidents involving \$5000 to \$99,999, or an injury with lost time, the Department Head shall be notified as soon as possible.
3. Class 3- incidents involving up to \$4,999, the supervisor shall be notified immediately, and the supervisor shall notify the Department Head.

Note 1 – Significant injury or illness– An event requiring medical treatment beyond first aid, a loss of consciousness, or no work status. Medical treatment beyond first aid may include the management and care of a patient to combat disease or disorder, including using prescription medications, wound closing devices such as surgical glue, sutures, and staples, or any device with rigid stays or other systems designed to immobilize parts of the body and/or the administration of oxygen.

Incident Review Board Responsibilities

- a. Review all available data pertaining to the incident as established by the department.
- b. Confirm all established, probable and/or suspected factors that caused or contributed to the accident or injury.
- c. Evaluate and analyze the acquired information and develop recommendations that will prevent recurrence of similar incidents.
- d. Recommend opportunities for training, changes in procedures, enhancements in equipment, etc.
- e. Report findings to the Department Director and City Manager's office.

8.5 HEAD PROTECTION STANDARDS

To set minimal standards and to encourage the use of head protection by City employees and visitors to the City's worksites while observing or performing work assignments in areas where it is necessary, by reasons of hazards/exposure or environment, to guard against head injury from impact, flying or falling objects.

- A. References: OSHA 1915, Subpart 1, app.; OSHA 1926.100; OSHA 1910.135

1. ANSI/OSHA-approved head protection shall be required in accordance with good safety practices and procedures as established by each department in conjunction with specific job requirements/duties assigned to that department.
2. The Police and Fire Departments shall comply with their respective National & State Standards Councils and related safety regulations, and no reference to these departments shall be made throughout this policy.

B. Department Head/Supervisor

1. Shall furnish ANSI/OSHA-approved head protection, and shall monitor mandatory use in hazardous areas or under hazardous conditions.
2. Shall assure that approved head protection is available for use by employees and the City's authorized guests before entering designated "hard-hat areas".
3. Shall fully train employees with the use and care of their head protection and document that training.
4. Shall post signs to designate any area in which head protection is required.

C. Employee(s) & Visitor(s)

1. Shall wear approved head protection to assure personal safety when there is a possibility of head injury caused by impact from flying or falling objects and/or as requested by the Supervisor on site.

D. General Requirements

General safety practices and procedures require the use of head protection when working in or observing operations as follows:

1. When working in manholes, lift station wet well sewers, scum chambers, open tanks, pits, and settling tanks.
2. When digging, covering, filling, or performing trench operations.
3. When located under overhead construction work or in fenced or designated "hard-hat" areas.
4. When working under a crane, in aerial baskets, ladder trucks, or tower trucks; or while tree trimming and/or maintaining street and highway lighting.

5. When operating heavy equipment such as graders, forklifts, backhoes, tractor mowers; and when performing mowing operations along streets or highways.
6. When operating or riding motorcycles, mopeds, or similar type motor vehicles during course of job.
7. When engaged in investigating damage operations at fire scenes.

Good judgment and concern for personal safety of all should be observed under any unusual or questionable safety conditions. Employees are urged to use head protection when "in doubt" as to minimal safety requirements in any area. All employees are individually responsible for complying with all safety rules. Enforcement of this policy shall be the responsibility of the respective Department Head/Supervisor.

8.6 MAINTENANCE OF TRAFFIC STANDARDS

It is the policy of the City of Titusville to provide for uniform standards for work on roadways within the City.

As its policy, the City of Titusville incorporates by reference, the Manual on Uniform Traffic Control Devices and Index No. 600 of the current Florida Department of Transportation Design Standards as its minimum standards for Maintenance of Traffic (MOT.)

Heads of departments involved in MOT activities are responsible for seeing that City employees and contractors to the City conform to these standards.

8.7 HANDLING CLAIMS FOR ROAD HAZARD DAMAGE

A. The City of Titusville reserves the right in its sole discretion to determine if a claim will be paid. The City will consider claims for property damage due to street hazards if:

1. At least 72 hours has elapsed from the time of notification to the City's Public Works Department of the hazard and the City has taken no steps to repair or barricade the hazard; and
2. The claim of damage is submitted to the City in writing pursuant to FS 768.28; and
3. The City or its agent has the opportunity to inspect and evaluate the claimed damage within 72 hours of occurrence or discovery; and
4. The Claimant submits evidence of the City's negligence as part of their claim for damages.

B. Definition

“Street Hazard” means a structural disturbance of the travel way of a City street that is beyond normal conditions (“pothole”). According to the Federal Department of Transportation, a “high severity” (hazardous) condition in a paved street is one in which the depression is 1” to 2” in depth and larger than 3 sq. ft. in area or larger than 1 sq. ft. in area if more than 2” in depth. Such abnormalities are viewed in conjunction with prevailing conditions (i.e., standing water, illumination, bends in the street, etc.) and the motorist’s ability to avoid hazards.

C. Procedure

Claims made against the City for property damage as a result of street hazards will be coordinated through the Risk Manager’s office for handling. The Risk Manager will ensure that:

- a. The claim is made in writing and is signed and dated by the claimant.
- b. The incident took place on City-owned and maintained property.
- c. The claimed damage is confirmed through physical inspection or receipt of an official report.
- d. Three damage repair estimates from competing sources are submitted in a timely manner from the claimant.
- e. The City may require the claimant to obtain a damage repair estimate from a repair facility designated by the City.
- f. Documentation, including photographs where possible, will be kept on file with the claim and all related papers.
- g. The Risk Manager makes consideration of the age and wear upon the damaged item and such depreciation is factored into any settlement offer.
- h. A general waiver (release) is demanded of the claimant in exchange for any settlement payment to that claimant.

8.8 SELF-INSURANCE LOSS FUND

The City has elected to establish a Loss Fund in lieu of purchasing traditional insurance coverage, it is City policy that liability loss payments will be drawn on that Loss Fund.

Recoveries from other insured parties and other proceeds such as salvage proceeds and interest income will be returned to the Fund as appropriate.

A. DEFINITIONS

1. Loss Fund: a fund set aside by the City to provide monetary coverage for losses in lieu of covering losses with traditional insurance policies.
2. Recovery: money that has been recovered from an insurance company, an individual, or a business, which is owed to the City.
3. Third Party Administrator (TPA): a company hired by the City to perform the administrative tasks inherent to claims management such as claims settlement, adjusting, maintenance of checking accounts, government compliance issues, loss runs, etc.
4. All Lines Aggregate: an approach to providing insurance for all of the City's needs whereby all of the different lines of insurance are combined into an aggregate and insured as a "package" versus the purchase of individual insurance policies.
5. Self-Insurance: a system whereby an organization sets aside an amount of its monies to provide for any losses that would ordinarily be covered under an insurance program. The monies that would normally be used for premium payments are added to this special fund for payment of incurred losses.
6. Self-Insured Retention: (SIR) is the amount of money retained by the City on a given claim. This is similar in effect to a deductible applied to a private insurance policy.
7. Excess Carrier: an insurance company that is secured by the City to provide coverage once a claim exceeds a certain dollar amount. As an example, the City of Titusville pays for all liability claims directly from its Loss Fund up to \$50,000.00; an Excess Carrier covers any of the City's individual claims that exceed \$50,000.00.

B. PROCEDURE

1. All insurance claims against the City will be routed through the Risk Manager for processing.
2. The Risk Manager will coordinate each insurance claim between the City and outside entities to include the City's Insurance Agent, Third Party Administrator, Claimants, and Claimants' representatives.
3. The Risk Manager will determine validity and amount of claims settlements and will process, by written memoranda, all claims for payment and maintain a file of paid claims except as noted in the following paragraph.

4. The Risk Manager will coordinate with the Third-Party Administrator (TPA) on all claims. This coordination will include approving settlements and amounts of settlements, providing documentation and/or evidence regarding claims investigation, insuring bank account reconciliation, and insuring wire transfer to replenish Loss Fund checking balances.
5. The Risk Manager will maintain an accounting of all claim payments separated by City department.
6. The Risk Manager will insure that all proceeds of claims management (e.g., subrogation, salvage, recovery, etc.) is applied to the appropriate Fund.
7. The Finance Department will reconcile bank statements for the Checking Account maintained by the TPA for the Liability Loss Fund as well as the Workers' Compensation Loss Fund. The Finance Department will provide Human Resources with a monthly Statement of Account of each Fiscal Year's loss account.
8. The Finance Department will process wire transfers as requested in writing by the Risk Manager to maintain the agreed-upon Loss Fund Checking account balances.
9. The Finance Department will assign account numbers to be used by the Risk Manager to apply debits and credits to the appropriate fund.

The Risk Manager is responsible for this policy. The Finance Director is responsible for advising the Risk Manager on the status of the Loss Fund.

8.9 RISK MANAGEMENT

The objective of this administrative policy is to specify the requirements and benefits associated with Workers' Compensation insurance and establish a standard operating procedure for rapid and efficient handling of job-related illness or injury claims among City of Titusville employees.

A. FORMS

The following forms are used in this procedure and may be obtained from Human Resources:

- Notice of Injury (Form DFS-F2-DWC-1, 08/2004), also known as "NOI" or "First Report of Injury.") Please see instructions for completing this form.
- Fraud Statement.

- Supervisor's Investigation Report. Please see instructions for completing this form

B. DEFINITIONS

For purposes of this procedure, all of the following definitions are in the context of handling job related illness or job-related injury.

1. Accident - an unexpected or unusual event or result, happening suddenly. A mental or nervous injury due to fright or excitement only, shall be deemed not to be an injury by accident arising out of employment.
2. Authorized treatment - medical services received by the injured employee, which were preapproved by the Managed Care Provider.
3. Claims experience - the number of claims reported by a department in a fiscal year, or other designated period of time.
4. Compensation - the money allowance payable to an employee or to hi(s) her dependents as provided in Florida Statutes, Chapter 440.
5. Disability - as defined by FS 440, disability must be determined by a physician. Workers' Compensation. Disability can be defined as incapacity to earn in the same or any other employment, the wages, which the employee was receiving at the time of the injury.
6. Employee - every person engaged in any employment under any appointment or contract with the City. "Employee" includes any person who performs services for the City and who receives remuneration for those services, as well as certain unpaid volunteers to the City.
7. Employer for the purposes of this procedure - The City of Titusville.
8. Exposure (Insurance) - the number of employees reported to the State of Florida Self-Insurance Trust Fund by the City's TPA, PGCS each year for coverage purposes.
9. Exposure (Medical) - a person who has come into contact or who may have come into contact with a communicable disease and who will undergo treatment per the City's exposure protocol.
10. Family Medical Leave - may be used by an employee during recovery from serious health conditions such as a job-related injury or illness and certain parental responsibilities. All leave, paid or unpaid, may be designated as Family and Medical Leave as designated by the Family and Medical Leave Act (FMLA). The FMLA

provides employees with certain benefits/protections that are described in Personnel Procedures. FMLA questions and disputes should be directed to Human Resources at 321-567-3725.

11. Illness for the purposes of this procedure - an abnormal condition or disorder caused by exposure to environmental factors associated with employment as defined by *FS 440*.
12. Injury - personal injury or death by accident arising out of and in the course of employment, and such diseases or infections as naturally or unavoidably result from such injury. Damage to dentures, eyeglasses, prosthetic devices, and artificial limbs may be included in this definition only when the damage is shown to be part of, or in conjunction with, an accident. This damage must specifically occur as the result of an accident in the normal course of employment.
13. Leave - for the purposes of this procedure, consists of five kinds of leave, which may be utilized following a work-related accident. You should contact the City's Risk Manager at 567-3730 whenever a question arises regarding employees on disability leave and proper timesheet entry.
 - Workers' Compensation Leave begins after 7 days of disability (as defined above.)
 - Temporary Total Disability (TTD) An injured employee is eligible for this benefit if the doctor says that (s) he cannot work at all. During this period of disability, the injured employee, will be paid by Workers' Compensation for 66 2/3 percent of what (s)he would have made if (s)he had remained on the job, so long as this payment does not exceed a maximum set each January based on the average Florida salary for the preceding calendar year. Employees with earned leave on record may use this earned leave to augment the Workers' Compensation payment in an amount to equal hi(s) her gross wages. "Leave Without Pay" may be used if the injured employee does not wish to use earned leave to augment Workers' Compensation, or if the injured employee has exhausted all accrued leave.
 - Earned Leave must be used when the employee must go for visits to physicians or other workers compensation medical providers, even when the visit is necessitated by a work injury.
 - Leave Without Pay may be used if the injured employee does not wish to use earned leave to augment Workers' Compensation or if the injured employee has exhausted all accrued leave.

14. Managed Care Arrangement (MCA) - the plan/program to provide

appropriate medical care to employees who are injured at work. This is accomplished with a pre-approved network of medical providers and a medical case manager to coordinate the care. All non-emergency medical treatment must be pre- approved by the Managed Care Plan before obtaining treatment.

15. Managed Care Provider - physicians, hospitals, pharmacies, and other health care professionals or facilities which have contractually agreed to provide covered services to employees in accordance with the managed care plan.
16. Maximum Medical Improvement (MMI) - in the treating physician's opinion, the date after which further recovery from, or lasting improvement to, an injury or disease can no longer reasonably be anticipated, based upon reasonable medical probability.
17. Modified Duty - a work assignment that conforms or complies with the injured employee's physical restrictions or capabilities as determined by a managed care provider. Modified duty may be assigned until the injured employee has recovered and can perform his/her normal duties or until the employee has reached maximum medical improvement. The City of Titusville is not required by law to provide modified duty to its injured or ill workers. If a doctor verifies that an employee can perform light duty, the City also reserves the right to review the operational impact of maintaining the employee on light duty. If operational considerations require an employee fully capable to discharge his/her job duties, the employee may be terminated. Probationary, part-time, or temporary employees shall be eligible only for Workers' Compensation payments. Rules governing Workers' Compensation leave benefits and compensation for bargaining unit employees are outlined in the respective labor agreements. If, at any time, in the opinion of the Department Head, as supported by medical evidence, the employee is capable of performing light duty, he may be assigned to different work within his/her department, or any department of the City, until capable of returning to full-time duty.
18. Permanent Impairment - any anatomic or functional abnormality or loss, resulting from the injury, and existing after the date of maximum medical improvement.
19. Temporary Disability - the employee is temporarily unable to perform hi(s) her normal work routine.
20. Workers' Compensation - the insurance which the City carries, through the State of Florida self-Insurance Trust Fund, to pay all medical expenses and a percentage of lost wages and to provide certain benefits to dependents in the event of death resulting from injury or certain diseases arising out of the course of employment

C. PAYMENT OF PREMIUMS

The Workers' Compensation premium is part of the City's insurance program; all lines of insurance for the protection of the City are combined into one program. City of Titusville Funds are billed for this insurance once each year charged at a rate based on factors such as exposure and claims experience.

D. INDIVIDUALS COVERED

All employees of the City are covered by Workers' Compensation insurance while they are in the work place or otherwise engaged in the performance of their duties.

- Volunteers who are occupied in work for the City, for which the City would otherwise have to pay wages to have performed, are also covered while engaged in the performance of their work assignment.
- City Law Enforcement Officers are covered while in the course of the performance of their duties during their usual work shift, and at other times when they may be called on to perform such duties that are the primary responsibility of law enforcement officers, even though they may not be in a pay status or in an employee-employer relationship with the City at the time of the incident.

E. WORKERS' COMPENSATION BENEFITS

1. The Florida Workers' Compensation Act, Chapter 440, Florida Statutes, requires employers to compensate their employees for medical expenses and 66 2/3 percent of lost wages, not to exceed an amount equal to the average salary for the State of Florida for the preceding year, and to provide certain benefits to dependents in the event of death resulting from work injuries or diseases arising out of and in the course of employment. Workers' Compensation will also pay for rehabilitation of employees whose work injury will preclude the employee from earning wages equal to wages earned prior to the injury. Workers' Compensation payments for lost wages begin on the eighth calendar day following the date of the work injury.

2. THIRD PARTY ADMINISTRATOR, Johns Eastern

The City of Titusville is self-insured for Workers' Compensation and is subject to all laws of the State of Florida, which regulate Workers' Compensation. In accordance with Florida Statute 440.01, the City of Titusville must have a Third-Party Administrator (TPA) contracted to handle all paperwork, filings, medical and indemnity payments, and other compliance matters. Currently, our TPA is the Johns Eastern Co., Inc. Johns Eastern can be reached for all matters relating to Workers' Compensation at P.O. Box 110279, Lakewood Ranch, FL 34211, or by dialing 1-800-749-3044.

3. MEDICAL CARE

Medical care is provided through a managed care program. Non-emergency medical care must be authorized by the Managed Care Plan prior to obtaining treatment.

4. COMPLETING THE CITY'S TIMESHEET

Disability leave is shown on a City time sheet in accordance with guidelines and instructions found in Section 6.E. of the Personnel and Administrative Policies.

- a. The injured employee may augment Worker's Compensation benefits paid with earned leave shown on payroll records as Sick or Annual Leave. In this way, the employee can continue to receive full salary. If the employee chooses not to use earned leave for this purpose, or if (s) he has no earned leave, the employee will be placed on leave without pay until (s) he is physically able to return to work. In no case may an employee use earned leave in an amount that would result in the payment of more salary than that which have been received had the employee remained on the job.
- b. During a period of time that a full or part-time employee misses work due to a work accident, (s) he continues to earn sick leave and annual credits at the normal rate pursuant to City leave rules.

5. REPORTING INJURIES AND RECEIVING MEDICAL CARE WHILE IN VICINITY OF THE CITY OF TITUSVILLE

- a. In an effort to control rising workers' compensation costs, the Florida Legislature directed State agencies to establish a program to manage the medical care of employees who are injured at work. This is prescribed in *Florida Statutes 440.01*.
- b. Should an employee suffer an injury while working on City premises, or while the employee is engaged in City business in the same locality, (s) he must notify the supervisor immediately following the incident and before seeking medical treatment. The Supervisor should consult with the employee and determine what actions are deemed appropriate to treat the injury. This may range from simple first aid rendered in the workplace to treatment by a medical professional. Once the supervisor is aware of the injury, (s) he must complete a First Report of Injury or Illness, Form DFS-F2-DWC-1 (08/2004) and forward to the Risk Manager within 24 hours of being notified by the injured employee.

- c. If medical treatment is required, it will be necessary to obtain medical authorization prior to treatment, except in the event of a life-threatening emergency. To obtain this authorization, the supervisor, prepared to give information from the "First Report of Injury or Illness", should call the Risk Manager, in the Human Resources Department at (321) 567- 3730. The Risk Manager (or designee) will then authorize the medical provider to be used, typically Parrish Occupational Medicine Clinic at 494 N. Washington Avenue.
- d. If emergency medical treatment is required or if the injury is life threatening, treatment may be immediately obtained at Parrish Medical Center's emergency room without prior authorization from Johns Eastern. The supervisor or the employee must report accident information to the Risk Manager within 24-hours of the time of the accident. Employees being treated at an Emergency Room for job-related illness or injury must follow up with Parrish Occupational Medicine Clinic – not the doctor prescribed by the Emergency Room.
- e. In no case should a supervisor permit an employee to use the employee's personal physician for treatment of an injury covered by Workers' Compensation. The injured employee is not entitled to recover any amount personally spent for medical treatment unless (s) he requested the employer to furnish that treatment and the employer failed or refused to do so and neglected to provide alternative health care.

Questions regarding such medical care should be directed to the Risk Manager or the Director of Human Resources.

6. REPORTING INJURIES AND RECEIVING MEDICAL CARE WHILE TRAVELING

- a. Employees who are injured while traveling (performing their job duties at an out of town location) when medical treatment is immediately required should seek medical treatment from a local hospital or emergency treatment facility; otherwise, treatment may be provided by the managed care network (Johns Eastern) upon the employee's return to the workplace. Employees who receive medical treatment for a work-related injury while traveling must immediately report the incident to their supervisor so that it can be reported to Johns Eastern, the managed care provider. Employees having been treated at an Emergency Room for job-related illness or injury while traveling must follow up with Parrish Occupational Medicine Clinic upon their return to Titusville – not the doctor

prescribed by the Emergency Room. Once the supervisor is aware of the injury, (s) he must complete a First Report of Injury or Illness, Form DFS-F2-DWC-1 (08/2004,) and forward to the Risk Manager within 24 hours of being notified by the injured employee.

- c. In order for an injury to be classified as "work-related," and thus compensable under the City's Workers' Compensation coverage, the injury must be directly related to the performance of the employee's work assignment. Workers' Compensation coverage may be in force 24 hours a day during a business trip. Although most employee activities are covered while traveling on City business, certain purely personal activities, such as consuming alcohol, may lead to injuries not considered compensable under Workers' Compensation coverage.
- d. Each reported injury will be thoroughly investigated by the Risk Manager and the Division of Workers' Compensation to determine whether the employer is eligible for compensation.
- e. If the employee believes the injury was the result of work-related activities, the medical treatment center should be informed that the injury was suffered while on City business and that all bills for treatment should be forwarded to the City's Risk Manager for payment processing.
- f. If the treatment center requires verification of the employee's work status, the employee may present his/her City Identification card. This will allow for prompt verification by the treatment center. If such is not sufficient, the treatment center should call the employee's supervisor for confirmation. Employees should understand that such confirmation may only be forth-coming during the City's normal operating hours.
- g. Certain medical treatment centers in the United States and most all such facilities in foreign countries require payment at the time services are rendered. In such cases, the employee may elect to pay for treatment rendered with personal funds or present the treatment center with appropriate personal medical insurance authorization. Once it is determined that the injury is work-related, the employee and/or the applicable health insurance organization will be reimbursed by the City's Workers' Compensation program.

7. FRAUD

The Department of Insurance has established a Workers' Compensation Fraud Hotline, (850) 922-3116. Anyone reporting

fraud is immune from civil liability unless the person making the report knows it to be false.

8. REQUIRED INJURY/ILLNESS REPORT FORMS

Florida Statutes Chapter 440, The Florida Workers' Compensation Law, requires the reporting of all injuries/illnesses to employers arising from or in the course of employment. An employee who sustains a job related injury/illness must report it to his/her supervisor immediately. The supervisor must submit three (3) forms for each and every job-related injury or job-related illness whether or not medical treatment beyond "first aid" was obtained.

a. The three required forms are:

- First Report of Injury or Illness (Form DFS-F2-DWC-1 (08/2004))
- Fraud Statement - Section 440.37(2) (a) F.S.
- Supervisor's Investigation Report (Use for either Vehicle Damage or Worker Injury/Illness)

b. First Report of Injury or Illness (Form DFS-F2-DWC-1 (08/2004))

- 1) The supervisor will complete and sign this form on-line and email the form to the Risk Manager. The First Report of Injury or Illness must be prepared on a computer and emailed. Due to the potential legal implications of this document, it is mandatory that the original of the First Report of Injury be signed and the copy bearing the original signature(s) be sent my interoffice mail to Risk Management.
- 2) The First Report of Injury or Illness must be fully completed and submitted to the Risk Manager for processing within 24 hours following the department's first knowledge of an employee's injury.
- 3) If our carrier does not receive this report within seven calendar days from the department's first knowledge of an employee's injury, a civil fine of up to \$500 may be imposed on the City by the State Division of Workers' Compensation.
- 4) To avoid delays, it is recommended that departmental messenger deliver the First Report of Injury to the Risk Manager in the Human Resources Department.

9. Fraud Statement - *Section 440.37(2) (a) F.S.*

This signed statement must be completed and the original copy mailed along with the First Report of Injury.

10. Supervisor's Investigation Report (Use for either Vehicle Damage

or Worker Injury/Illness)

This form must be completed and submitted along with the First Report of Injury. The information provided on this form will assist the Risk Manager in determining corrective action to prevent recurrence of an accident. The form should be completed in conference with the employee who sustained the injury; and the supervisor should counsel the employee in the safest procedure for performing the task in which the employee was injured.

11. Wage Statement (DWC-1a, Rev. 1/91)

- a. A Wage Statement form must be fully completed and submitted to our TPA, PGCS, for processing within seven workdays following the City's first knowledge of an employee's injury, if the employee is disabled and unable to work for more than seven consecutive days or five intermittent workdays. If this report is not received by the City's TPA within fourteen calendar days from the department's first knowledge of an employee's injury, a civil fine of up to \$100 may be imposed by the Department of Labor and Employment Security against the City.
- b. The Wage Statement requests information regarding the injured employee's earnings from the City during the 13-week period prior to the date of the accident. The injured worker's department must provide this information. The required information may be obtained from departmental payroll records. The Human Resources Department prepares the form; assistance with this information may be required of the department of the affected employee.
- c. In addition, the City may be fined a percentage of any benefits, which are delayed in reaching the injured employee, when such delay can be shown to have resulted from a late submission of the First Report of Injury. The City has no budget with which to pay such fines; consequently, the department responsible for the delay will be held responsible for payment of any fines levied.

It is the responsibility of all City of Titusville employees, volunteers, and contracted personnel to adhere to the requirements of this policy. It is the responsibility of the Human Resources Director to enforce this policy through the efforts of the Risk Manager.

8.10 TAXABILITY OF FRINGE BENEFITS PROVIDED TO EMPLOYEES

OVERVIEW

This Fringe Benefits Policy is adopted by the City of Titusville, Florida (the "City") to (i) provide guidance to the City's various departments and its employees on the tax treatment of certain awards, prizes or gifts the City, or a third party pursuant to an arrangement with the City, gives to City employees, and (ii) lay out the procedures the City will follow to report and/or withhold the taxes due, if any, on such awards, prizes, or gifts.

The City's Human Resources Office cannot give personal tax advice. For specific concerns or questions relative to your individual tax situation, employees should consult their personal tax accountant or advisor.

DEFINITIONS

"Cash Equivalent" means gift certificates, gift cards, charge cards or credit cards, and other comparable items.

"De Minimis Fringe" mean an occasional or infrequent property or service provided to an employee the value of which is so small in relation to the frequency with which it is provided that accounting for it would be unreasonable or administratively impracticable. Cash or cash equivalent, regardless of value, do not qualify as a De Minimis Fringe. Under the Internal Revenue Code, the value of a property or service that qualifies as a De Minimis Fringe does not need to be reported as taxable wages to the recipient and is not subject to tax withholding.

"Fringe Benefits" is a form of pay and includes any property or service that an employee receives in lieu of, or in addition to, regular compensation. Fringe Benefits can take many forms. Examples include (but are not limited to) gift certificates, awards, prizes, gifts, etc.

CITY'S FRINGE BENEFITS PROGRAMS

The City currently provides Fringe Benefits to its employees through the Employee Recognition Picnic and the Wellness Program.

1. Employee Recognition Picnic. The Employee Recognition Picnic is an annual City event where City employees are invited out for an outdoor picnic event. The employees who attend the Employee Recognition Picnic have a chance to receive prizes.
2. Wellness Program. The Wellness Program includes annual participation in exercise and nutritional challenge, attendance at the Health Fair hosted by the City, and accumulating points through participation in various wellness activities. The City receives an allowance from the Healthcare Administrator to incentivize employees to participate in the Wellness Program.

All Fringe Benefits provided by the City, or third party pursuant to an arrangement with the City (i.e., the Healthcare Administrator), through its Annual Employee Recognition Picnic and its Wellness Program are taxable and will be included in the receiving employee's pay unless such Fringe Benefits qualify as a De Minimis Fringe.

POLICY

Pursuant to current fringe benefit guidance by the Internal Revenue Service, the City will not report occasional or infrequent prizes, awards or gifts with a value of less than \$100 (excluding cash or cash equivalents) as taxable wages to the receiving employee. However, awards, prizes or gifts in the form of cash or cash equivalents will always be reported as taxable wages to the receiving employee regardless of value or frequency. Fringe Benefits given by third parties to City employees pursuant to an arrangement with the City will be treated in the same manner.

OTHER FRINGE BENEFITS

Length of Service Achievement Awards. The value of a Length of Service Achievement Award will be reported as taxable wages to the receiving employee if granted in the form of cash or cash equivalent.

Third Party Fringe Benefits. If a third party provides property or service to City employees pursuant to an arrangement with the City, the value of such property or service will be reported as taxable wages to the receiving employee unless property or service qualifies as a De Minimis Fringe.

Educational Assistance Program. The term "educational assistance" means the payment on behalf of an employee for education of the employee (including, but not limited to tuition, fees, and similar payments, book supplies, and equipment). The maximum amount of educational assistance that an employee can receive tax free during any calendar year is \$5,250. The excess over this amount is includable in compensation and subject to tax withholding.

TAX WITHOLDING AND REPORTING

Because there are various types and methods of providing Fringe Benefits, each City department should keep track of all Fringe Benefits given to employees and promptly notify the City's Human Resources Office. The value of Fringe Benefits that are subject to taxation will be reported on the receiving employee's W-2.

PROCESSING

Cash/Cash Equivalent Fringe Benefits. Award, prizes, or gifts to employees in the form of cash or cash equivalent will be processed through payroll for tax withholding.

Other Fringe Benefits. For any other taxable awards, prizes, or gifts to employees, the value of the awards, prizes, or gifts will be submitted to the City's Human Resources Office and processed through payroll for tax withholding.

SECTION IX - DEPARTMENTAL POLICIES AND PROCEDURES

These policies shall supersede all departmental policies now in effect governing Personnel policies set out above. Supplemental departmental policies and procedures which conflict with these policies shall be submitted to the City Manager through the Human Resources Director. No department policy or procedure, written or revised, shall take precedence over a City Personnel Policy written in compliance with a Federal, State, or City law.

SECTION X - EFFECTIVE DATE

These policies shall be in full force and effect from the date of approval by the City Manager.

APPROVED:


William Scott Larese
City Manager

DATE:

7 Mar 25