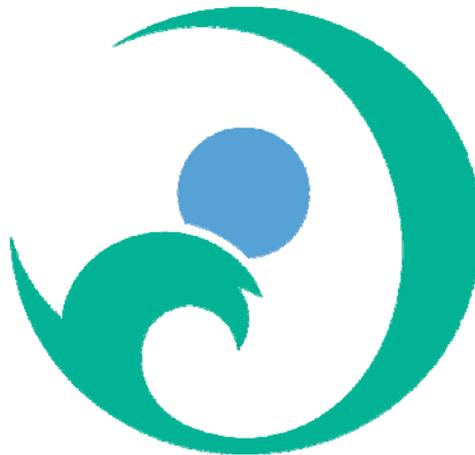


CITY OF PENSACOLA HUMAN RESOURCES POLICY MANUAL



These policies, procedures, and guidelines were developed to assist administrators, managers, supervisors, and employees understand and interpret the manner in which business will be conducted at the City of Pensacola. This is not an all-inclusive collection of policies, procedures, and guidelines.

CITY OF PENSACOLA HUMAN RESOURCES POLICY MANUAL

ADMINISTRATION

The City of Pensacola is responsible for extending services to its citizens and recognizes that the well-being of its employees is essential to maintaining a high standard of operation.

The City of Pensacola Charter charges the Mayor with the responsibility and authority to manage the City's workforce. Consequently, these policies and procedures are established to provide fairness and continuity for personnel administration and apply to all employees of the City; they provide general information and outline responsibilities of both supervisors and employees. These policies and procedures may be revised from time to time and are not intended to form or add to an express or implied contract or promise to any employee, or to create any property or procedural right for any employee.

As revisions are made, effort will be made to notify employees promptly of such changes through electronic or other means. Updates will be made to the electronic document located on the Human Resource Office's Internal and External websites. Department directors/administrators should ensure that all employees have access to this manual, either through paper copy or electronic version.

In the event of a conflict between any provision of these policies and any express provision of a collective bargaining agreement to which the City is signatory, the express provision of the collective bargaining agreement will supersede the conflicting provision of these policies to the extent of the conflict. In all other cases, these policies will control.

STANDARDS OF CONDUCT

Employees of the City of Pensacola are expected to comply with all policies described here, related procedures promulgated in accordance with these policies, with all City ordinances, State statutes, and federal laws and regulations in the performance of duties, as well as with safety rules and standards.

The City of Pensacola is a value-driven organization dedicated to responsive, courteous customer service, recognizing the needs of our diverse workforce and the community we serve.

Discrimination against any person in recruitment, examination, appointment, training, promotion, retention, discipline or any other aspect of personnel administration or non-merit factors because of political or religious opinions or affiliations, or because of race, age, sex, disability, national origin, marital status, or any other legally protected status is prohibited.

Conduct that violates laws prohibiting discrimination or harassment will not be tolerated. Neither will conduct that, while not unlawful, interferes with the reasonable expectations of City employees to a workplace that is free from offensive, intolerant, or otherwise inappropriate comments, actions or material. City employees are members of a team whose success depends on the ability of all members of that team to work in harmony with each other.

The City reserves the right to take disciplinary action, up to and including discharge, against any employee who has engaged in conduct which is contrary to the order, efficiency, or good name of the City, or conflicts with the best and valid interests of the City, its employees, and constituents.

An in-depth policy on Ethics and Standards of Conduct can be found in Chapter H of this manual.

12/30/2015

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CHAPTER A PERSONNEL ADMINISTRATION

The City of Pensacola recognizes the value of a merit-based personnel system for its employees. As the official responsible for the employment of all City employees per the City Charter, the Mayor retains the right to alter or amend the scope of coverage of this policy and may exclude individuals or categories of employees from coverage based upon the employee's employment status. Employees covered by collective bargaining units or individual employment contracts are covered by this policy only to the extent that the collective bargaining agreements or contracts are silent on an issue or do not conflict with this policy; in the event of conflicting provisions or language, the language of the collective bargaining agreement or contract will prevail.

Section A-1: DEFINITIONS

As used in this chapter, the following listed terms, words and phrases have the indicated meanings:

- A. Administrative service - All positions within the City, whether elected, appointed, salaried, hourly, honorary, gratuitous or any combination.
- B. Appointing authority - Mayor or his or her designee.
- C. Appointment – Initial employment of a person in a position within the service of the City of Pensacola.
- D. Certification - Referring a list of names of qualified applicants for appointment or promotion.
- E. Class – A group of positions similar as to duties performed, level of responsibility, qualifications, training, experience, or skill, and such other characteristics that the same title and the same rate of compensation may be applied to each position in the group.
- F. Demotion - A change of an employee from a position in one class to a position in another class having a lower minimum starting salary and with less discretion and/or responsibility.
- G. Department - A unit within the organizational structure of the City, with specific duties.
- H. Eligible - A person who has properly filed an application, met the requirements of a position, and successfully completed the examination/screening process and is qualified to be placed on a list of qualified applicants.
- I. Eligible list - A list of names taken from the eligible register, used for promotions and entrance appointments. A list established from an internal recruitment contains the names of the top five (5) applicants and ties; a list established from an external recruitment contains the names of the top twenty-five (25) applicants and ties. Names are

listed in rank order according to their final examination grade or score, either for initial employment or promotion.

- J. Eligible register - A register of names of all eligible applicants for a particular position, listed in rank order according to their final examination grade or score, either for initial employment or promotion.
- K. Employee - A person appointed to a position in the service of the City for which they are compensated on a full-time or part-time basis.
- L. Employment - The initial appointment to a position within the service of the City.
- M. Examinations - Methods used to determine eligibility of applicants for employment, including but not limited to a written test, an interview, a performance test, an evaluation of training and experience, supervisory rating, assessment centers, psychological tests, or any combination of these.
- N. External Recruitment: Position open to persons not employed by the City of Pensacola.
- O. Internal Recruitment: Position open to persons employed by the City of Pensacola.
- P. Lay-off – An authorized reduction in force after a determination by the Mayor of a lack of funds, lack of work, material changes in duties or organization for purposes of economy or efficiency, or abolishment of positions.
- Q. Mayor - The elected executive head of the City.
- R. Minimum Qualifications - Requirements such as education and experience that qualify an applicant to be considered for appointment. Additional requirements may also be indicated when necessary, such as licenses, certificates, etc. No person is employed or promoted who does not qualify for a position.
- S. Part-time position - A part-time position is one that requires less than 40 hours per week to perform.
- T. Pay Range - The minimum and maximum pay assigned to a class or position.
- U. Position - A group of duties and responsibilities assigned by the appointing authority, requiring the services of one (1) person. Refers to functions to be performed, and may be part-time, full-time, temporary or permanent, occupied or vacant.
- V. Probation – a twelve-month period of service by an employee in a position, applying to a position acquired by initial appointment or by promotion.
- W. Promotion - Change of an employee from a position in one class to a position in another class having a higher range of pay/minimum salary and carrying a greater scope of discretion and responsibility.

- X. Rank - Relative position within a chain of command, high to low, based on the range of pay. The number assigned to each pay range determines the order of rank.
- Y. Relatives – An employee’s father, mother, son, daughter, brother, sister, uncle, aunt, grandparent, grandchild, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.
- Z. Resignation - The termination of an employee at his or her request, considered to be effective upon acceptance by the appointing authority.
- AA. Score - The final numerical grade attained on any examination process, rounded to the nearest whole number.
- BB. Seniority - First determined by: 1) a period of service in a class or position within a chain of command (rank) in a department; 2) then by period of service within a department; 3) then by period of service as an employee of the City; 4) and then by random selection.
- CC. Seniority promotion - Promotion of a person by reason of seniority, who meets minimum qualifications and special requirements for a position, without competitive examination.
- DD. Title - A descriptive designation for a group of tasks to be performed.
- EE. Transfer - The lateral movement of an employee from one position to another, having the same salary range, the same level of responsibility, and the same basic minimum qualifications and requirements.
- FF. Vacancy - A position duly created and still existent, but not occupied by an employee.

Section A-2: EMPLOYMENT AT WILL

- A. All employees of the City are “at will” employees under Florida state law, and as such their terms and conditions of employment may be altered or amended at the will of the employer. Employment is subject to the provisions of applicable collective bargaining agreements, individual contracts, or the benefits and procedures provided by Florida state law and this policy.
- B. All persons who were classified service employees at the time of the adoption of this policy will continue their employment under this policy unless discharged for cause or by reasons of a lay off.
- C. Should the City acquire an operating system, the City may retain such employees of each system as the Mayor deems necessary, in order to incorporate the system into the organization. Upon their employment by the City, such employees, at the discretion of the Mayor are placed in a class commensurate with the positions held by employees within the system at the time of its acquisition by the City.

Section A-3: EMPLOYMENT, PROMOTION, DEMOTION, & TRANSFER

- A. Per the City Charter, the Mayor has the executive authority to, “appoint, discipline, and remove all officers and employees...” When a vacancy is to be filled, the Mayor or designee may choose to fill the vacancy from within the City’s workforce (internal), may request an external recruitment process be conducted, or in limited cases directly hire the person the Mayor determines best suited for a position. Those positions to be filled by recruitment may be advertised internally and externally concurrently. Job bulletins will provide information about the position being filled, such as salary, qualifications, selection process, etc.
- B. When an appointing authority chooses to fill a position by seniority promotion, he or she may do so as defined in this policy.
- C. When a position is announced internally, a job bulletin will be distributed and open for a minimum of ten (10) business days. The position may be open to one department or to all city departments. Applicants are required to submit the appropriate application by the announced application deadline. Positions announced internally are open only to employees of the City. Employee must maintain employment to continue eligibility.
- D. When a position is announced externally, a job bulletin will be distributed and open for a minimum of ten (10) days. External recruitments may require outside advertising (i.e., newspapers, trade journals, etc.). External recruitments are generally posted on Fridays.
- E. Applications are accepted only when positions are posted. Applications are required for all positions filled by a recruitment process and must be filed with Human Resources by the announced application deadline. Applications collect details regarding experience, training, education, and other pertinent information. Required documentation may be required with the application that provides proof of education, certification, veteran preference, etc. Applicants must attest to the truthfulness of all statements contained in the application; false statements or misrepresentation is cause for denying employment or for discharge from city employment at any time after being employed.
- F. Examinations for positions will be practical and objectively measure the relative capabilities of the applicant to perform the duties of the position. Persons eligible to make application—whether by internal or external recruitment—who meet the minimum qualifications, may apply and take an examination.
- G. Examinations may include a written test, an interview, a performance test, an evaluation of training and experience, supervisory rating, assessment centers, psychological tests, or other accepted assessment, or any combination thereof. Examination components will total 100%.
- H. Examinations administered for internal promotions may be reviewed in accordance with the review policy. Leased examinations require adhering to strict security policies of the leasing company. Human Resources staff maintains responsibility for exam review and security of examination materials.

- I. Eligible registers will be prepared based on internal and/or external recruitment status. Registers will contain the names of candidates who meet the minimum qualifications and who have obtained a passing score on the examination process. Passing examination scores may be augmented by additional points, such as veteran preference points (per Florida statutes), education points, etc. Applicants will be listed by total score/grade.
- J. Eligible registers are in effect for one year, unless extended by request of the appointing authority. Additional examinations may be conducted prior to expiration of a register. In such case, applicants' names are integrated with the existing register and listed according to total grade. If a substantial change is made to the qualifications of a position, an eligible register may be cancelled.
- K. The eligible list of applicants will be certified/referred to the appointing authority; any person on the list is eligible for employment or promotion. However, employees who separate employment are no longer eligible to remain on an internal eligible register/list.
- L. Prior to employment or appointment to a position, appropriate background and reference checks will be completed in accordance with city policy.
- M. Any applicant for employment who makes a false statement in connection with any application or examination forfeits his or her right to be eligible for selection under that job announcement. In case he or she has been appointed, he or she forfeits his or her employment.
- N. When a vacancy is to be filled by demotion, the employee must meet the qualifications for the target position. Demotions may be voluntary or involuntary.
- O. When a vacancy is to be filled by transfer, the employee must meet the qualifications for the target position and department directors/administrators must agree to accept the transferee. The request for transfer must be documented on an approved form and approved by both department directors/administrators.

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Section A-4: PROBATION

- A. While employees are considered at-will, employees hired and promoted after inception of this policy are required to serve in a probationary status for 12 months from the date of employment or promotion. This period is to ensure time for each employee to become familiar with the responsibilities and functions of the position and gives the City an opportunity to evaluate the employee's job performance.
- B. The probationary status is considered complete when a period of twelve (12) months has elapsed from the date of employment or promotion. An employee holding a probationary entrance position may be discharged by the appointing authority at any time during the period of probation, without the right of appeal. (Note: Unless otherwise covered by a collective bargaining agreement, a police officer's probation begins after the employee has completed the field training program and is performing the full duties of a Police Officer.) An employee serving a probationary period in a position to which he or she has been

promoted, may be removed from that promotional position at any time during the probationary period, but must be returned to his or her former position or a comparable position if such a position is vacant. If a position is not available, before dismissal, the City will make a reasonable effort to retain the employee in another vacant position. This does not apply to matters of discipline, nor does it create a right to displace an employee from an occupied position.

- C. An appointing authority can extend an employee's probation because of an extended absence, disciplinary action, or documented work deficiencies. An extension should not exceed 60 days past the initial probationary period, except in the case of an approved absence, which may be extended for the period of the absence.
- D. Persons appointed to apprenticeship or training programs remain on probation for the entire time they are in the position or program and may be terminated at any time without the right of appeal.

Section A-5: EMPLOYEE PERFORMANCE EVALUATION PROGRAM

- A. Under the direction of the Mayor or designee, the Human Resources Administrator administers a program for rating the work performance of City of Pensacola employees.
- B. The Performance Evaluation Program is designed to provide procedures and guidelines for supervisors to evaluate the performance of City employees in the accomplishment of their assigned duties and responsibilities.
- C. Through the uniform application of these procedures and guidelines, supervisors can use the Performance Evaluation Program as an effective management tool to recognize accomplishments, guide and reward performance, and improve productivity and morale.
- D. Approved forms must be used for all official employee performance evaluations. These forms are available electronically to facilitate electronic completion.
- E. Performance evaluations were developed in four categories: non-supervisory; first-line supervisor; manager-supervisor; and director-administrator. The examples for each category are not all-inclusive, but are meant to provide a guideline. The department director/administrator is responsible for ensuring the appropriateness of the evaluation compared to the level of responsibility.

Each evaluation contains a group of core competencies that every employee is expected to exhibit. As the level of job responsibility increases, so do the competencies.

Non-Supervisory – employees with no supervisory responsibilities. Example classifications include: Clerk I, II, III, Maintenance Worker I, II, III, Field Service Workers, etc. A First-line supervisor generally conducts the evaluation for these employees.

First-line Supervisor – employees who supervise a small group of employees and are not responsible for major department operations. Example classifications include: Operations Supervisor I, II, Lead Workers, Field Services Technician, Field Services

Leader, Administrative Officer I, II, Senior Administrative Officer I. A manager-supervisor generally conducts the evaluation for these employees.

Manager-Supervisor – employees responsible for supervising larger groups of employees and are responsible for major department operations. Example classifications include: Administrative Officers II, III, IV, Senior Administrative Officer II, III, Managers, etc. A Department-Administrator conducts the evaluation for these employees.

Director-Administrator – employees responsible for supervising departments and major functions of the City. The City Administrator or Mayor would conduct the evaluation for these employees.

- F. Performance evaluations should be conducted annually, on the anniversary of entry into the classification. However, new employees should be introduced to the rating criteria within the first two weeks of employment. Supervisors should use this time to explain specific responsibilities and expectations so there are no surprises when the first evaluation occurs.

If an employee is experiencing performance issues during the year, supervisors should meet to discuss performance issues and expectations in an effort to correct the problems and answer questions the employee may have. These sessions should be documented.

Supervisors are encouraged to document performance on a continual basis. Make daily or weekly notes about positive and negative performance, since the annual evaluation should represent performance for the entire year. Documentation should be behavior-based. For example, documenting what the employee said or what the employee did—these objective notes will be beneficial during the rating process.

- G. When the employee's anniversary date approaches and it's time to conduct the evaluation, the supervisor is responsible for reviewing and rating the employee on the approved form. The supervisor should meet privately with the employee to discuss both positive and negative behavior during the rating period.

The form contains a section for employees to submit a written response to any performance evaluation. Written responses must be free of profane, discriminatory, abusive, or inflammatory language.

After the supervisor meets with the employee and the employee has an opportunity to comment, the rating supervisor's supervisor is asked to review and sign the evaluation form.

The completed evaluation, including comments made by supervisors and employee, are placed in the official personnel file in Human Resources.

- H. A point system is included as part of the evaluation process. The assignment of a scoring system lends itself to a merit-based pay system should one be implemented.

Section A-6: **EMPLOYMENT OF RELATIVES**

Employment of relatives is prohibited when it creates or is perceived to create favoritism.

- A. No appointing authority can appoint, employ, promote, or transfer any relative to a position where the appointing authority exercises jurisdiction or control.
- B. The appointment, employment, promotion, advancement, or transfer of a relative into any division, activity, or section is prohibited if the action creates a prohibited relationship where a relative would supervise (directly or indirectly), make or influence personnel decisions concerning a relative, or creates a conflict of interest or the appearance of a conflict of interest.
- C. Prior to relatives being employed, promoted, or transferred into any division, activity, or section, a department director/administrator/manager must certify to the Mayor that no prohibited relationship would occur now or in the future.
- D. Employees can become relatives by marriage while working in the same activity, or department, so long as a prohibited relationship is not created. Such action must be specifically authorized by the Mayor.

Section A-7: **EQUAL EMPLOYMENT OPPORTUNITY**

The City of Pensacola strongly supports the principles of equal employment opportunity in all its employment policies and practices, including recruitment, examination, appointment, training, promotion, retention, compensation, benefits, transfers, or any other aspect of personnel administration. The City of Pensacola requires that all these practices be administered without regard to race, age, creed, religion, ancestry, national origin, disability, sex, marital status, or any other non-merit factor.

It has been and shall continue to be the City's policy to comply with the letter and spirit of applicable federal, state, and local statutes concerning equal employment opportunity. The City pledges that it will make a determined and sustained effort to prevent and eliminate all discrimination within the organization.

Section A-8: **LAY-OFF**

- A. A lay-off may become necessary due to shortage of funds, material changes in duties or organization for purposes of economy or efficiency, lack of work, or abolishment of positions. When it has been determined by the Mayor that an excess number of positions and employees exist, the Mayor will certify a lay-off.
- B. In the event of a lay-off, the City will adhere to the statutory requirements of Chapter 295.07, of the Florida Statutes, that provides preference in retention for eligible veterans.
- C. Employees discharged by reason of a lay-off will be given notice a minimum of thirty (30) calendar days prior to such reduction or discharge.

- D. Employees discharged via a lay-off will have their names entered on an eligible register for each title or class for which positions were eliminated, to remain effective for one year unless extended by request of the appointing authority. If positions become available while the register is effective, the appointing authority will consider these persons for reemployment.

CHAPTER B COMPENSATION

Section B-1: PAY PROCEDURES

Employees of the City are paid on alternate Fridays (except approved holidays) through mandatory electronic deposit. Check earnings statement (paper or electronic) reflects earnings, leave balances, and deductions, which are limited to those required by law: employee retirement contributions, Federal Income Tax, social security, insurance premiums, credit union and such special solicitations as the Council may authorize. All deductions must be authorized in writing on the appropriate forms.

Section B-2: PAY PROGRAM FOR CITY EMPLOYEES

- A. All compensation paid to employees of the city shall be in accordance with the pay plan, as approved by City Council. Such pay plan may be modified from time to time upon approval by the city council by motion, resolution, or ordinance.
- B. Properly classifying positions/classifications within particular pay ranges is the responsibility of Human Resources.
- C. The minimum compensation and maximum compensation of each pay range within the general employee pay plan shall be adjusted each biennial fiscal year. Each biennial adjustment shall have an effective date of October 1 and shall be applied to the full pay period that includes that effective date. All such adjustments shall be equal to the lesser of three (3) percent or the increase in the Consumer Price Index (U)(CPI) issued by the United States Department of Labor since the date of the last such increase. In the event the United States Department of Labor ceases to issue a CPI (U) the city council shall utilize a CPI index that is the functional equivalent. The period to be used for calculation of the CPI increase shall be April 1 of the last calendar year in which an increase was given to March 31 of the calendar year in which the increase is to be given. However, commencing October 1, 2009 and in each year thereafter, any increase in the minimum and maximum in each range accrued on or after that date shall be suspended unless approved by the city council as part of the budget process. This provision shall not apply to employees covered by the terms of a collective bargaining agreement unless authorized by the terms of such an agreement.

Starting salaries of new employees

New employees normally will be employed at the minimum pay of the range. However, where higher beginning pay is required in order to be competitive in the recruitment process, an employee may be employed at a higher pay within the range, not to exceed the maximum of the range. Payment of a higher rate of pay within the range must be recommended by the Department Director/Administrator and approved by the Human Resources Administrator and the Mayor or designee.

Reemployment

A former employee shall return to city employment in the same manner as a new employee for purposes of compensation.

Rules governing employee progression and status

1. Annual Incremental Adjustments. Except as provided herein, employee may receive an annual incremental adjustment in compensation. An employee's annual incremental adjustment within his or her pay range will be five (5) percent, not to exceed the maximum of the range. If the maximum of the range will not allow a five (5) percent increase then the incremental adjustment will be the percentage required to meet the maximum of the range. Effective October 1, 2008, the percentage of the annual incremental adjustment shall be recommended by the Mayor or designee as part of the budget process.
 - a. The annual incremental adjustment will occur on the employee's incremental anniversary date on which the employee has served one (1) year at the lower rate within that range.
 - b. The incremental anniversary date will be set by the date of entrance into that range.
 - c. When the maximum pay for a range is increased pursuant to sec. 9-3-21(4) of the City Code, the incremental adjustment date for an employee who reached the maximum pay for the range prior to the date of such increase shall be adjusted as follows:
 1. If the last promotion or incremental adjustment occurred in the fiscal year prior to the increase pursuant to sec. 9-3-21(4) of the City Code, then the employee's next incremental adjustment date will be one year following the date of the employee's last incremental adjustment.
 2. If the last promotion or incremental adjustment did not occur in the fiscal year prior to the increase pursuant to sec. 9-3-21(4) of the City Code, the employee's incremental adjustment date will be October 1 of the increase.
 - d. The Mayor or designee may, upon recommendation by the respective Department Director/Administrator, withhold an employee's automatic annual incremental adjustment, if there is documented evidence that the employee is performing consistently at a level below standard during the previous year.
 - e. Annual incremental adjustments shall not be made during any fiscal year for which the city council does not appropriate funds for such adjustments. Nor shall there be any accrual of service during such year for future annual incremental adjustments. Accruals of periods of service for the purpose of determining seniority, pension benefits or any other employment benefit determined by a period of service shall not be affected by the provisions of this subsection.

2. Promotions. A promotion in the occurs when there is a change in an employee's title and the employee is elevated to a pay range for which the minimum pay is higher than the minimum pay in the range currently held. A promoted employee will receive a ten (10) percent pay increase, not to exceed the maximum pay of the range. Provided that the maximum pay for the range is not exceeded, the Mayor or designee may grant a pay increase over ten (10) percent upon the recommendation of the department director/administrator and the Human Resources Administrator.
3. Demotions. An employee demoted or reduced to a lower class shall be placed in the hourly rate held prior to the promotion, or shall receive a ten (10) percent reduction in salary, whichever wage provides the higher salary. Any other reduction in pay will be upon the recommendation of the Human Resources Administrator and approved by the Mayor or designee. In any case the reduced salary is not to exceed the minimum or maximum of the class range.
4. Salary pay range adjustments.
 - a. Any employee in receiving an increase in salary due to an approved change in pay range and/or title for the employee's class, occurring as a result other than the promotional process, will not have a change of incremental anniversary date.
 - b. If the minimum and maximum salaries of employees pay range are increased by the city council following a benchmark salary survey, then each employee in the range will receive a five (5) percent pay increase, or such percentage that would bring the employee up to the minimum of the range, but not to exceed the maximum pay of the range. The employee's incremental anniversary date would stay the same and would not change due to this increase in salary.
 - c. The Mayor or designee is authorized to increase an employee's pay in a range by an amount exceeding the annual incremental adjustment on the employee's incremental anniversary date but not to exceed the maximum pay of the range. No bonus shall be paid to any employee unless specifically authorized by Council or authorized by the Mayor in accordance with Florida Statute 215.425. Bonuses shall not be regarded as compensation or salary for computation of pensions or deferred compensation (except for the plans created by Chapter 9-6, Article I of the City Code) or other benefits except as may be required by federal or state law.
 - d. This provision shall not apply to employees covered by the terms of a collective bargaining agreement unless authorized by the terms of such an agreement.

Employees working temporarily in higher class; differential pay

Employees working temporarily in a higher class for more than thirty-one (31) calendar days may be paid out-of-class differential pay. To qualify, an employee must be assuming the full and complete duties and responsibilities of the higher class. Said differential pay shall be applicable only when such vacancy has resulted from illness, an on-the-job injury or a job vacancy. A vacancy is defined as a position duly created and still existent, but not occupied by an employee.

Therefore, a vacancy must exist before out of classification pay is authorized. Such differential pay shall begin only after the employee has performed the complete duties for thirty- one (31) consecutive calendar days and shall be paid only for time actually worked. Out-of-class differential pay shall apply only to the days worked after the thirty-one (31) consecutive calendar day period has been completed. The thirty- one (31) consecutive calendar days must be worked within the span of fifty-two (52) weeks from the first day of duties performed in the higher classification in order for the employee to be eligible for the differential pay. Out-of-class differential pay shall be the difference between the employee's regular wage and the amount to which the employee would initially be entitled should they be promoted to said higher class. Out-of-class differential shall be paid with the employee's regular compensation and subject to the same benefits as the regular compensation. Complete records of such out-of-class differential work shall be submitted to Human Resources within two (2) weeks of having performed such work. The Human Resources Administrator shall be consulted prior to assigning out-of-classification pay. Department Directors/Administrators are encouraged to shift responsibilities and duties so as to avoid incurring the expense of paying out-of-classification pay. Department Directors/Administrators shall be responsible for judicious observance of this section. Collective bargaining employees shall be subject to the terms of their agreement.

Supplemental compensation: shift differential pay, field training pay, certification pay, and specialized duties pay

The Mayor or designee is hereby authorized to pay the supplemental compensation as outlined in this section. These payments shall be made semi-monthly and shall be considered a non-salaried supplement, and will not be utilized in the calculation of pensions, deferred compensation or other fringe benefits. Department Directors/Administrators shall be responsible for judicious observance of this section. No pay hereunder shall be granted unless approved by the Mayor or designee after recommendation by the Human Resources Administrator.

- A. To employees who are assigned to work as field training officers an amount of pay equal to a five (5) percent increase.
- B. To employees who have attained professionally recognized certification in their job-related field an amount equal to a five (5) percent increase. Certifications eligible for this pay will require continuing education credits on an ongoing basis.
- C. To employees who are assigned specialized duties amounts equal to a five (5) percent increase.
- D. To employees assigned to work shifts as designated by the Mayor or designee an amount equal to a five (5) percent increase.

Other payroll payments

- A. Unless otherwise provided for by city council or by law, the following pay shall be considered a non-salaried supplement, and shall not be utilized in the calculation of pensions, deferred compensation(s) and other benefits: educational incentive pay, pistol

qualifications pay, clothing allowance, education benefit, specialized duty pay, certification pay, field training pay, shift differential pay, non-substantiated business expenses, non-cash benefit such as employer-provided vehicles or any other city provided benefit. All other payments process through city payroll shall be utilized in the calculation of pensions, deferred compensation(s) and other benefits.

- B. Unless otherwise provided for by city council or by law, severance pay and/or any similar lump sum payment made upon separation of service from the city shall not be considered as base compensation and shall be subject to calculation of the deferred compensation benefits described in chapter 9-6, article I and in chapter 9-5, article IV, division 1 of the City Code. Other benefits calculated on base compensation shall not apply.
- C. Any employee whose compensation is or has been specifically approved by council by motion, resolution or ordinance may be paid such compensation.

Overtime pay; prerequisite; computation.

- A. Employees for which the Mayor or designee does not claim a statutory exemption under the Fair Labor Standards Act (FLSA) shall be compensated for overtime by payment of one and one-half (1½) times their regular compensation. No employee not so covered shall receive overtime pay unless specifically requested in writing and approved by the Mayor or designee. Overtime shall not commence until the number of hours in the employee's regular work period as authorized by the FLSA has been worked. Time worked shall mean the time actually spent on the job; provided, however, that it shall also include approved sick leave or personal time off (PTO) leave due to illness for all employees and holidays observed by the City of Pensacola for all employees except employees who otherwise receive additional personal time off (PTO) leave in lieu of holidays. Time worked shall not include personal time off (PTO) leave due to scheduled vacation, personal holiday, job injury, compensatory leave, other types of leave, or any other time not actually spent on the job. Leave without pay and time off because of inclement weather shall not be considered as time worked. Other compensatory plans may be allowed in departments where established by City Council or by statute, or where an incentive system has been approved by the Mayor or designee. The overtime hours and pay shall be computed as defined by the FLSA. Department Directors/Administrators shall be responsible for seeing the minimal and judicious determinations of necessity for using employees on an overtime basis. No employee shall be authorized to work more than 300 hours of overtime and/or additional regular hours in any one fiscal year unless approved by the Mayor or designee. To comply with Florida state law limiting pension calculations on a maximum of 300 overtime hours per year, the City of Pensacola will count overtime hours as overtime paid out on paydays from October 1 through September 30 of each fiscal year.
- B. While the standard work week is specified in the conditions of employment for each Department, there exists with every position an obligation to assist in times when emergency or unusual requirements may necessitate the appearance of persons with particular skills. Employees should be reminded of this obligation periodically. Failure to

appear for such unusual assignments when ordered should, in the absence of a reasonable excuse, be noted in the employee's record. Continuous refusal to participate may be cause for disciplinary action.

On-Call Time

Periodically, non-exempt employees may be requested after normal work hours to respond to emergency and non-emergency situations. Following are two categories where an employee may be asked to work beyond normal work hours:

- A. Mandatory "On Call". Mandatory on call duty is when a non-exempt employee is required to be ready to return to work promptly and is provided additional compensation for this duty. Mandatory on call duty is characterized by the following requirements for the employee: 1) the employee must be able to be contacted by the City by either telephone or pager; 2) the employee must be within the local Pensacola area for prompt return to work; 3) the employee must not be impaired (substance free - see Section G-12 Drug and Alcohol Policy); and 4) the employee may be disciplined by the City should he or she fail to respond to the request to return to work. Additional compensation for the "on call" status is authorized in accordance with City policy. Any department utilizing "on call" pay must submit a written request to the Mayor or designee for approval, prior to implementation.
- B. Voluntary "On Call". Voluntary on call duty is when a non-exempt employee agrees at his or her option to be available for contact through phone or pager for return to work. Voluntary "on call" duty is characterized by: 1) the employee is not required to stay in communication with the City while off duty; 2) the employee is not bound to be in the local area while off duty; 3) if contacted by the City, the employee may decline to return to work without reason with no discipline or punitive action taken against the employee. There is no additional compensation for this status other than traditional overtime for actual hours worked should an employee return to work upon request.

Extended leave without pay

Extended leave without pay is defined as more than thirty (30) consecutive calendar days. Employees granted extended leave without pay, such a temporary disabilities leave and higher education leave, shall upon their return be entitled to receive compensation at the range and placement within the range which they were receiving at the time of beginning the leave. While on extended leave without pay, time accrual for leave, pensions, and annual incremental adjustments purposes shall be suspended and shall resume as of the date of return from leave.

Temporary employees

Temporary employees shall be paid at a rate established by the Human Resources Administrator and approved by the Mayor or designee. They will be paid only for hours actually worked. They shall not be compensated for holidays.

Timing of pay periods

The Chief Financial Officer shall set timing of pay periods and check dates, except where otherwise established by ordinance.

Authority of Mayor or designee to transfer

The Mayor or designee shall have the authority to transfer personnel and the applicable personal service funds from one division or department to another department.

Authority of Mayor or designee to change class of vacant position

The Mayor or designee shall have the authority to reduce a vacant position to a lower class or change it to an equal class.

Administrative Employee Pay Plan

- A. An administrative employee pay plan is hereby established for all professional, contractual appointed employees of the city. The administrative employee pay plan shall be on file in the office of the city clerk.
- B. The Mayor or designee shall recommend and council approve, the assignment of specific range numbers to particular administrative employee positions, as well as any changes in spread of salary assigned to specific ranges.
- C. The Mayor or designee is hereby authorized and shall determine the amount to be paid to each employee filling an administrative employee position, making the determination, up or down, at such time as deemed advisable; this agreement is solely between the Mayor or designee and the employee so long as the rate of pay is within the administrative employee position pay range as approved by the city council.

Section B-3: CHANGE IN STATUS

Changes in status of all employees must be properly documented by the affected Department to assure protection of the employees and to be certain that changes are properly executed. Such status changes must be made using Recommendation for Personnel Action form (PF-501). This form, to be originated by the Department initiating the action, shall be prepared and signed by the Department Director/Administrator, and sent to Human Resources for the appropriate routing for affirmation.

Section B-4: EMERGENCY PAYROLL LOAN

In emergencies brought about by hardship--such as death or serious illness--an employee may apply for an emergency loan.

Procedure for Applying:

1. Complete the "Emergency Loan" form (PF-503)
2. Forms must be approved by Department Director/Administrator
3. EMERGENCY payroll loans must be approved by the Mayor or designee. The form must be given to the payroll activity in the Financial Services Department. The Financial Services Department will notify employee when the check is ready.

Section B-5: CLASSIFICATIONS AND PAY PLAN

The following documents are available on the City's intranet and Internet and should be made available for employee review.

A. Classification Manual

A description of each job within the City contains the nature of work, examples of work, requirements of work, and minimum preparation for work for each job. If severe discrepancies between the work and the description occur, it may mean that the description needs revision. Employees should notify their supervisors of each discrepancy. Department Directors/Administrators are responsible for informing Human Resources of any discrepancies. Otherwise, they are deemed accurate.

B. Position Pay Plan

This document indicates the types of positions for each department and the pay range of each position.

Section B-6: UNEMPLOYMENT COMPENSATION/REEMPLOYMENT ASSISTANCE

Reemployment Assistance provides temporary wage replacement benefits to qualified individuals who are out of work through no fault of their own.

To qualify for benefits, an individual must:

- Have lost your job through no fault of your own
- Be actively looking for a new job
- Be ready to take a new job when offered
- Meet wage requirements based on your previous jobs(s)
- Properly file a claim

Section B-7: WORKER'S COMPENSATION/JOB-INCURRED INJURY OR ILLNESS

A. General

The State of Florida has a Worker's Compensation statute to which the City of Pensacola adheres. The purpose of this coverage is to provide some degree of payment to those employees who become temporarily or permanently disabled due to illness or injury incurred on the job. The

following rules will serve to delegate responsibility for proper handling of all such cases, claims, and relevant forms.

In compliance with the federal Americans with Disabilities Act, the Family Medical Leave Act, and other applicable federal and state laws, each employee injured in a job-related accident will be assured of their job when released to return to duty. If the employee is unable to return to their normal job, every reasonable effort will be made to ensure that the employee will be placed in another position within the City structure commensurate with their physical limitations.

Upon injury or illness and filing of the First Notice of Injury or Illness report where continuing lost time from work or medical expenses are incurred, a letter may be sent to the injured employee notifying the employee that in the event they are unable to resume their usual duties due to physical limitations from the injury or illness, every reasonable effort will be made to ensure that they will be placed in another position within the City structure commensurate with their physical limitations.

B. Report of Injury and Examination

Each incident involving bodily injury sustained on the job by a City employee shall be reported to the employee's supervisor during the course of the shift in which the accident occurred. The employee shall be referred to the City Clinic where a preliminary examination will be made and the Injury or Illness Report (PF-351) is initiated. A copy of this report shall be returned as soon as possible to the employee's supervisor and the Risk Management Department. In cases of severe injury or extreme emergencies the injured employee should be taken to the nearest hospital emergency room and the supervisor should notify the City Clinic.

If in the opinion of the nurse or physician the injury requires more advanced or specialized treatment, the employee will be referred to the physician chosen by the City. Upon examination, the authorized treating physician shall then determine:

1. the need for further examination or treatment,
2. the extent to which the employee may work,
3. the need for loss of time from work for treatment, rest, hospital care, or a combination of these.

The City Clinic shall keep the employee's supervisor informed as to the condition of the employee and estimated length of time that the employee will be off duty. Where loss of time from work is indicated, the City Clinic, with assistance from Human Resources, shall arrange for continuation of proper medical care and supervision. The City Clinic and authorized treating physician must approve all job injury leave.

When transitional duties or accommodations are indicated or appropriate, these shall be arranged by the City Clinic, the supervisor, and/or Department Director/Administrator with approval of the Human Resources Administrator. If the employee is unable to return to their normal duty, due to physical limitations set forth by the physician, in accordance with the Americans with Disabilities Act, every reasonable effort will be made to ensure that the employee will be placed in another position within the City structure that accommodates their

physical restrictions.

In all cases, the City Clinic shall arrange for the initiation of proper State Compensation forms as required (these are mandatory in all cases regardless of loss time or incurrence of medical expense).

C. Temporary Total or Temporary Partial Disability

All time off work due to a job-related injury/illness must be approved by the authorized treating physician/City Nurse. If loss time is incurred, continuation of salary under Florida Statute requires that a compensable injury or illness be paid for at the rate of 66 2/3% of the employee's average earnings to a maximum as established by the State. However, the City will compensate in the following manner for each temporary total or temporary partial disability caused by an initial on the job injury. In determining the period of time listed below, all absences shall be cumulative calendar days.

1. The injured employee may be paid 100% of salary up to ninety (90) days, without using accumulated leave.
2. During the ninety (90) day period of 100% compensation, the employee will receive all workers' compensation monies; that amount will be deducted from the employee's normal salary.
3. The ninety (90) day period of leave under worker's compensation is counted as FMLA leave as a serious health condition.
4. After the initial 90 days, an employee may choose to use accumulated personal time off (PTO) leave. Donated leave is not available to an employee receiving worker's compensation benefits.
5. Beginning day 91, an employee who remains off work due to a job-related injury/illness and who elects to take accumulated PTO, may receive regular pay for the leave in addition to worker's compensation benefits.
6. At the end of 90 days of lost time for an on-the-job injury and when no other leave is available, the employee must return to full active duty or be placed in another available position within the City that is commensurate with his/her physical restrictions. This determination is made by the Medical Director of the Clinic, in conjunction with the Human Resources Administrator.
7. No employee shall remain off work and be on regular payroll for more than ninety (90) days plus accumulated personal leave, because of an on-the-job injury or illness.
8. After 90 days of job-injury leave, expiration of Family Medical Leave (which runs concurrent), and the expiration of accumulated personal time off, if the employee is unable to return to work performing the essential functions of the job or if no accommodation can be made for physical restrictions, his/her employment may be terminated.

D. Recurring Injuries

For recurring complications relevant to a particular previous lost-time injury following a return to active duty, the City of Pensacola will begin compensation as of the first day of the recurrence provided the employee has reported such on the first day of the recurrence to the City Clinic, and the Medical Director of the City Clinic or City Clinic has given authorization for leave. The total time lost for an initial injury, plus any additional time off work related to the initial injury, cannot exceed ninety (90) calendar days plus use of accumulated personal time off (PTO). As with the initial job injury, this is counted as FMLA leave as a serious health condition and runs concurrently with the ninety (90) calendar days.

CHAPTER C BENEFITS: LEAVE PROGRAMS

The City of Pensacola seeks to provide for its employees the protection and security of continuing salary or wage payments during periods when illness, vacation, emergency, or certain civic responsibilities may require time away from the job. Such periods, termed "leaves of absence", are to be considered a privilege--not a right. They are to be administered with the understanding that the City seeks to provide time off with pay in situations where such is reasonable, but with the proper operation of the City functions always cared for. Leave will be administered fairly with cost to taxpayers being a consideration.

Section C-1: PERSONAL TIME OFF (PTO) LEAVE

Personal time off (PTO) is established for the purpose of providing employees leave for a variety of reasons such as vacation, personal business, illness, medical or dental appointments, and family.

Employee Responsibility

Employees are required to obtain prior approval of personal time off leave. In the case of illness, supervisors can consider same day request.

In case of absence because of illness, an employee may be required to file a doctor's certificate with the city clinic, and all absences due to illness or injury of more than three (3) days' duration shall require the employee to provide a doctor's certificate to the city clinic stating:

- A. The nature of illness or injury;
- B. That the employee was incapacitated and unable to work for the duration of the absence;
- C. The employee is physically able to return to work and perform his duties. Note: a fit-for-duty evaluation may be required by the Medical Doctor;
- D. That the employee has no contagious disease that would jeopardize the health of other employees.

Habitually or chronically absent employees may be required to provide medical evidence to the city clinic concerning an illness or injury beginning with the first day of absence. If an employee is absent and an excuse is deemed necessary, a department director/administrator may request the city nurse to verify the reason for absence.

Record keeping

No employee will be granted personal time off unless the time requested has already accrued prior to the leave period. Personal time off leave must be in increments of at least one (1) hour, unless otherwise stated in a collective bargaining agreement.

Accrual of time

Generally each employee will be credited with sixteen (16) hours of personal time off (PTO) per month. PTO leave is available for use as soon as accrual has been posted.

Exceptions: Employees, whose positions regularly require them to work holidays, are compensated by overtime pay, compensatory time off, or are credited with an additional four (4) hours of personal time off (PTO) per month in lieu of holidays.

Fire suppression employees who are on duty in rotating shifts shall be credited with thirty-eight (38) hours of personal time off (PTO) per month.

Employees permanently assigned to public safety telecommunicator functions as designated by the Mayor or designee shall be credited with twenty-five and four tenths (25.4) hours of personal time off (PTO) per month.

Employees having a contractual agreement with the Mayor or designee shall be credited with the amount of personal time off (PTO) as specified in the contract.

Leave Usage

Employees covered by the provisions of a collective bargaining agreement shall have their leave accrual, usage, and payout determined by the provisions of the collective bargaining agreement and application of law, as approved and ratified by the parties to the agreement.

Employees who are not covered by the provisions of a collective bargaining agreement shall have their PTO usage and compensation determined as follows:

1. The maximum amount of PTO leave carried from one calendar year to the next shall be five hundred (500) hours.
2. When the initial implementation of the five hundred (500) hour maximum leave carryover was implemented, employees whose accumulated PTO exceeded the amount for which they would have been paid upon termination, resulted in excess hours being credited to an auxiliary PTO account. Auxiliary PTO may be used as regular PTO leave until such leave is exhausted; in no event shall the employee be paid for such leave balance.
3. Employees who complete the end of a calendar year with more than five hundred (500) hours of PTO leave accrued, shall have all hours in excess of five hundred (500) hours credited to a Family Medical Leave (SFMLA) account which shall be restricted for use as leave authorized and mandated by the FMLA.

Payout Upon Separation from Employment

Employees who separate from city employment in good standing by retirement, resignation, or layoff, shall be paid the balance of their accrued PTO, but such pay out shall not exceed the maximum of five hundred (500) hours. Employees separating from employment who are not in good standing receive no leave pay out.

Entry into Florida Retirement System (FRS) DROP

Employees eligible to enter the Deferred Retirement Option Plan (DROP) under the Florida State Retirement System may be eligible to receive a leave payout upon entry into DROP. Eligibility for this payout will be handled in accordance with FRS regulations and City policy as required at the time of eligibility.

Section C-2: LEAVE SHARING PROGRAM

A leave sharing program is available to full-time employees where employees may donate leave to employees who qualify to receive such leave. This leave-sharing program shall be administered by the Human Resources Administrator in accordance with established procedures and within the financial limits set forth. Unless otherwise provided for by law or rule, shared personal time off (PTO) leave of more than 30 days shall be considered a non-salaried supplement, and will not be utilized in the calculation of pensions, deferred compensation(s), or any other benefit.

A. Scope and Purpose

This program allows employees to donate unused Personal Time Off (PTO) leave to co-workers who are seriously ill or have family members who are ill, and have exhausted their own leave. This program, which operates on a case-by-case donation basis, encourages employees with unneeded leave to donate leave to employees coping with personal tragedy or hardship.

Employees should not solicit co-workers for the purpose of donating leave. Requests for donated leave will be disseminated by the Human Resources Department.

B. Eligibility

The employee requesting donations of leave must have:

- worked for a minimum of six (6) months,
- exhausted all earned leave; and
- have no documentation of leave abuse

C. Leave Usage

Request for leave can be made for:

- the employee's own serious health condition as defined by the federal Family and Medical Leave Act, or
- the serious health condition of a family member, defined, as spouse, children, stepchildren, parent, stepparent, brothers, sisters, stepbrothers, stepsisters, mother-in-law, father-in-law, grandparents, grandchildren, aunt or uncle, as defined by the federal Family and Medical Leave Act.

D. Donated Leave Guidelines

- To be eligible for donated leave, an employee must submit to the City Clinic, a completed medical certification form from a licensed physician. Forms are available from the Clinic and are required regardless of whether for the employee's own health condition or the serious health condition of a family member as defined above.
- Donated leave maximum is six (6) months.
- Donated leave cannot be used retroactively; it must be submitted and approved prior to use.
- Leave hours are awarded based on the "cash value" of the donated leave.
- Donated leave is not considered time worked; therefore, employees do not accrue leave in their PTO account while on donated leave.
- Leave of more than 30 days will not be used in the calculation of pensions, deferred compensation(s), or other benefits.
- Donated leave will run concurrently with FMLA leave.
- While on donated leave, an employee is not eligible to work another job.
- Donated leave cannot be used if an employee is receiving any other type of compensation, such as worker's compensation, disability payments, etc.
- Donated leave ends when an employee has been released to return to work by his/her physician and approved by the city clinic, unless the need to remain off work has been documented and approved through the city clinic.
- The city continues to pay its portion toward the group insurance plans and social security replacement.

E. Donating Leave

Employees can donate up to half the leave available in their PTO, Auxiliary PTO, and FMLA PTO accounts. To donate leave, an employee must complete and turn in a leave transfer form (PF-306) to Human Resources for verification of leave balance and processing by the Finance Department.

F. Tax Treatment

Employees who donate leave are not subject to any taxes because of their donation. However, employees who receive donated leave are subject to regular income tax and it will be reported as income.

Section C-3. FAMILY AND MEDICAL LEAVE

A. General

The Family and Medical Leave Act (FMLA) allow eligible employees to take up to 12 weeks of unpaid leave due to certain qualifying circumstances. Employees may request FMLA leave due to the birth, adoption or placement of a child for foster care; to care for a spouse, child or parent with a serious health condition; and for the employee's own serious health conditions.

The Act also allows an eligible employee to take up to 12 weeks of leave per year for family emergencies resulting from the call to active National Guard or Reserve duty of the employee's spouse, parent, or child. This eligibility is not an additional 12 weeks of leave, but another reason for which an employee may take up to 12 weeks of FMLA leave per year. This qualified exigency leave applies only to families of members of the National Guard, Reserves, and to certain retired members of the military, and not to families of active members of the regular armed services. Qualified exigency leave also applies only to a federal call to duty or a state call under order of the president.

Eligible employees may take up to 26 work weeks of leave in any single 12-month period to care for a covered service member with a serious illness or injury suffered in the line of duty during active duty. The employee may be a spouse, parent, child, or next of kin of the service member, who can be in the regular armed forces, Reserves, Guard, or in those categories and on a temporary disability retired list (TDRL). The service member must have a serious illness or injury, as determined by the Department of Defense, that may render him/her medically unfit to perform the duties of his/her office, grade, rank, or rating and for which s/he is undergoing medical treatment, recuperation, therapy of outpatient treatment or is on TDRL.

Requests for FMLA leave should be submitted to the City Clinic and/or Human Resources Department for approval. Requests for leave will be reviewed on a case-by-case basis.

It is the obligation of the City of Pensacola to designate leave as FMLA qualifying to anyone who either expressly gives notice or information has been obtained of a qualifying condition.

B. Eligibility

To be eligible for FMLA leave, an employee must have been employed by the City for at least twelve (12) months, and have provided at least 1,250 hours of service during the twelve (12) months before leave is requested.

An eligible employee is entitled to a total of twelve (12) work weeks of FMLA leave during any twelve (12) month period for one or more of the following reasons:

1. birth of a child of the employee, in order to care for the child;
2. placement of a child with the employee for adoption or foster care;
3. care of the employee's spouse, child or parent, if the spouse, child or parent has a serious health condition,
4. a serious health condition that makes the employee unable to perform the functions of their position;
5. for a qualifying exigency arising from the active military duty or call to active duty of the employee's spouse, parent, or child.

FMLA leave may be taken for birth or placement of a child only within twelve (12) months of that birth or placement. FMLA leave may begin before the actual date of birth of a child, if the expectant mother's condition makes her unable to work.

Definitions:

Child: a biological, adopted or foster child, a stepchild, a legal ward, or a child for whom the employee is "in loco parentis", who is under eighteen (18) years of age, or if eighteen (18) years of age or older is incapable of self-care because of mental or physical disability.

Parent: the biological parent of an employee, or an individual who stood "in loco parentis" to an employee when the employee was a son or daughter. This term does not include parents "in law".

Spouse: husband or wife.

Serious health condition: an illness, injury, impairment, or physical or mental condition that involves:

1. inpatient care in a hospital, hospice, or residential medical care facility, or
2. continuing treatment by a health care provider.

The employee must provide certification of a serious health condition for themselves or qualifying family member on PF-304 (Certification of Physician or Practitioner).

Certification must include:

1. the date on which the serious health condition began,
2. the probable duration of the condition,
3. appropriate medical facts regarding the condition,
4. a statement that the employee is needed to care for a spouse, parent or child, and an estimate of the time required, or that the employee is unable to perform their job functions, and in the case of intermittent leave, the dates and durations of treatments to be given.

An employee may be required to submit to a medical evaluation for a second opinion at the City's expense. In the event of conflicting opinions, the City may pay for a third and final provider to offer a binding decision.

The employee may be required to provide subsequent "recertification" on a reasonable basis.

C. Leave Usage

FMLA leave is leave without pay, for up to a maximum of twelve (12) work weeks. An employee must use personal time off leave (PTO) and personal holidays, concurrently with FMLA leave. Donated leave will also count towards FMLA leave.

1. Birth or placement of a child: FMLA leave must be taken within twelve (12) months of the birth or placement. FMLA leave may be taken on an intermittent or reduced basis, with approval by the department director/administrator.

An employee must provide thirty (30) days advance notice before the date on which the leave would begin.

2. Serious health conditions of a family member or the employee: FMLA leave may be taken intermittently or on a reduced schedule if medically necessary. If FMLA leave is taken intermittently, an employee may be required to transfer temporarily to an alternative position, with equivalent pay and benefits that better accommodates recurring periods of leave than the employee's regular position. If FMLA leave is foreseeable based on planned medical treatment, the employee should make a reasonable effort to schedule treatment so as not to disrupt the operations of the workplace. An employee who is on FMLA leave may not work a second job outside the city while on such leave.

An employee must provide thirty (30) days advance notice before the date on which the FMLA leave would begin, or if the treatment is in less than thirty (30) days, as much notice as possible.

3. Qualifying exigency arising from the active military duty or call to active duty of the employee's spouse, parent, or child. An employee must provide a copy of service member's active military orders and other certifications. An employee should contact Human Resources Department regarding certification requirements.

D. Record Keeping

1. Requests for FMLA leave must be submitted to the Human Resources Department/City Clinic, through the Department Director/Administrator, on an Application for Family or Medical Leave (PF-305), along with required certification on PF-304, if leave is for a serious health condition. Form PF-304 is available from the Clinic.
2. For record keeping purposes, FMLA leave must be requested and taken in one (1) hour increments.
3. For calculation purposes, FMLA leave begins on the first date FMLA leave is taken and expires 12 months from that date.

E. Benefits While On Family Medical Leave

1. An employee who completes a period of FMLA leave will be returned to the same or an equivalent position.
2. FMLA leave will not result in the loss of any previously acquired benefit (i.e. personal time off leave, anniversary time, etc.); however, FMLA leave time taken on a leave-without-pay basis will not be credited toward any future benefit (i.e. annual anniversary time, seniority, etc.). FMLA leave taken concurrently as PTO leave will be credited towards future benefits.
3. The employee may continue participation in the City's group health benefit program during the employee's FMLA leave status; however, the employee is responsible for paying the employee's portion of the premium.

If the employee is unable to make payment while on FMLA leave, coverage shall cease within 30 days of delinquent payment, unless the employee has made arrangements with Human Resources for an alternative payment schedule. Upon reinstatement from FMLA leave, the employee is eligible to reenroll in the City's group health benefit program as if newly employed.

If an employee does not return to work following the expiration of FMLA leave, the City will take action to recover from the employee any unpaid employee premiums, as well as the City's contributions to premiums.

F. Returning to Work

1. When leave was due to an employee's own serious health condition or for the birth of a child, a statement from the attending physician must be presented to and approved by the City Clinic prior to returning to duty. A fit-for-duty evaluation may be required by the City Medical Director.
2. Upon returning to work from FMLA leave, an employee is entitled to return to work in the same or an equivalent position held when leave commenced.

Section C-4: MATERNITY LEAVE

The intent of this section is to provide job protection and benefits as described under the City's policy and the Family Medical Leave Act Policy. The employee's leave commences and terminates as determined by the City Clinic and employee's physician for her health and safety.

Section C-5: EMERGENCY LEAVE

A. General

Emergency leave of absence without pay may be granted to employees in dire emergency circumstances when PTO leave is not requested or has been exhausted. Emergency leave may not be used for job injury.

B. Guidelines

The employee must request emergency leave through the Department Director/Administrator on Request for an Emergency Leave form (PF-302). The Department Director/Administrator shall recommend to the Mayor or designee whether the leave should be granted. The Mayor or designee shall be the final authority and will decide each case upon the effect to the City of the absence of the employee.

Employees granted emergency leave will be placed on leave without pay with all benefits suspended until they return to work.

The employee may not be on emergency leave more than six months cumulative, during their employment with the City of Pensacola.

Section C-6: **FUNERAL LEAVE**

In the event of a death in the employee's immediate family, which is defined as spouse, parents, step-parents, children, step-children, brothers, sisters, step- brothers, step-sisters, mother-in-law, father-in-law, grandparents, grandchildren, brother-in-law, sister-in-law, aunt or uncle of the employee and of their spouse, the City will permit three (3) days off with pay.

The City recognizes that this policy does not cover every situation and that the three days provided may not be sufficient. For this reason employees may, with the approval of their Department Director/Administrator, use PTO leave to supplement the funeral leave policy.

Section C-7: **MILITARY LEAVE**

Military leave is administered in accordance with State and federal law and is considered any leave necessary to fulfill military obligations with a branch of the Armed Forces of the United States. Only branches of the Armed Forces, which are, or usually serve as, combat units are to be considered.

A. **Extended Military Leave**

Persons granted extended military leave forfeit all employee benefits while on active duty, but will be afforded reinstatement or reemployment privileges, as required under and in accordance with Florida Statutes 295.095 and the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA)

Extended military leave will be granted under these conditions:

1. The employee has received notification from proper authority to report for active duty with the Armed Forces.
2. The official notice of induction, or recall, into active duty, or a verified copy of same, is presented to Human Resources within five (5) days of receipt by the employee. A record of this notice is to be recorded in the employee's file.
3. Upon honorable completion of military obligations, former employees must present their request in writing to the Human Resources Administrator within one (1) year of the date of separation from military service to be eligible for reemployment benefits.
4. Upon resumption of active employment with the City of Pensacola, the employee will be given credit for acceptable service performed prior to entering the military for seniority purposes, and for pension purposes when the pension law is complied with. Time spent on extended military duty shall count without loss of personal time off leave, pay, time, or efficiency rating, except in the case of pensions whereby authorized. Said employee shall be given benefit of any range increases granted for the position vacated during military absence.
5. Employees on extended military leave are entitled to two hundred forty (240) hours at full pay in any one annual calendar period. In addition, during each military activation, the City will:

- a. Supplement the employee's military salary to the extent that will equal the amount earned at the time they were called to active duty. The supplement would continue for a period up to six months.
- b. Continue all other employee benefits such as time accrual for purposes of PTO leave, annual increments, and pensions; insurance and deferred compensation provided the employee maintains his or her contributions as previously arranged. Benefits would continue for a period up to six months.

B. Military Leave for Training Purposes

1. Section (1) of Florida Statute 115.07 requires the City to grant leaves of absence to City employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard without loss of vacation leave, pay, time, or efficiency rating. This leave is required on all days during which the City employee is engaged in training ordered under the provisions of the United States military or naval training regulations regardless of whether they are assigned to active or inactive duty.
2. Florida Statute 115.07 gives a maximum period of two hundred forty (240) hours in any one annual calendar year period for this type of leave of absence. Administrative leaves of absence of periods in excess of two hundred forty (240) hours are to be without pay.
3. Employees requesting leave under these provisions must submit a verified copy of their notification for duty with completed Personnel Leave (PF 301) or (PF 300), to their Department Director/Administrator at least two (2) weeks in advance.

Section C-8: LEAVE OF ABSENCE FOR HIGHER EDUCATION

The City may grant to those employees seeking higher education, Leave of Absence without pay to attend college on a full-time uninterrupted basis. The employee must be working toward a degree before he or she is allowed "Higher Education" leave time. This degree may be an Associate's, Bachelor's, Master's, or Doctorate. This leave must be requested on Leave of Absence for Higher Education (PF 303), and will be granted on approval by the activity head, the Department Director/Administrator, the Human Resources Administrator and the Mayor or designee.

The employee shall be allowed leave time for college, plus no more than thirty (30) days after completion of the courses of study to request to return to the position vacated. The employee will be placed on an Educational Preference list for placement in the first available vacancy. No job can be guaranteed on return from this education leave, but the City will make an effort to secure such positions where it does not adversely affect operations. The employee shall return within the same pay, current range and status from which they left. No PTO leave, time toward salary increases, or time of service will accrue while the employee is on such leave.

All accumulated personal time off leave shall remain in effect as at the start of such leave. Such employee shall not be paid for accumulated leave once the employee has begun educational leave. All pension contributions shall remain in the fund.

Section C-9: **COURT DUTY**

The City encourages good citizenship and individual responsibility to government and justice. Employees who have been duly requested to serve on juries or who have been duly summoned for job-related issues will be granted such permission by their supervisors. Supplementary pay received by jurors or witnesses for such duties will become the property of the employee rendering such service, and they shall be granted court time leave with pay from their normal duties as an employee providing they

- A. Report their summons to duty to their supervisor upon receipt and makes proper advance arrangement for time off
- B. Report to their supervisor the number of days served and the number of hours per day during which their presence was required by the court
- C. Report back to their supervisor for active work on any such days when the employee shall has been excused by the court in time to work 50% of the work day.

Section C-10: **ADMINISTRATIVE LEAVE**

If a situation exists where an employee's presence on the job is judged to be detrimental to the work operation or where safety and security is of concern, the Department Director/Administrator may place the employee on administrative leave with pay. An employee may be placed on administrative leave with pay in conjunction with disciplinary procedures. Any other circumstance requiring the use of administrative leave must be authorized by the Mayor or designee. An employee may be placed on administrative leave with pay up to ten (10) calendar days. For pay documentation, a copy of a Personnel Action (PF-501) must be sent to Human Resources. Note: If separation from employment or some other form of resolution does not occur within the ten (10) calendar days, personal time off leave or leave without pay must be used in lieu of administrative leave.

Section C-11: **DOMESTIC VIOLENCE LEAVE**

Employees who have been employed by the City for more than three (3) months may be granted up to three (3) days of unpaid leave in any twelve (12) month period if the employee or a family or household member of an employee is the victim of domestic violence. This leave may be used to:

- A. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;
- B. Obtain medical care and/or mental health counseling, for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic violence;

- C. Obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic violence;
- D. Make your home secure from the perpetrator of the domestic violence or to seek new housing to escape the perpetrator; or
- E. Seek legal assistance in addressing issues arising from the act of domestic violence or to attend and prepare for court related proceedings arising from the act of domestic violence.

"Family or household member" means spouse, former spouse, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit. Except in cases of imminent danger to the health or safety of the employee or his/her family or household member, the employee must provide Human Resources with seven (7) days advance notice of the need for this leave along with sufficient documentation of the act of domestic violence. This documentation may include copies of restraining orders, police reports, orders to appear in court, etc. In cases of imminent danger, such documentation may be submitted after the leave is taken, but shall be submitted within three (3) working days from the employee's return to the workplace unless an extension is granted by the Human Resources Administrator. Failure to submit requested documentation will result in the denial of the leave and may result in discipline for unauthorized absence without leave.

Before receiving this leave, all PTO, personal holidays, or other paid leave for which the employee is entitled, must be exhausted. The City recognizes that confidentiality in matters relating to this type of leave is of utmost importance and every measure possible will be taken to ensure confidentiality.

Section C-12: ABSENCE DUE TO LEGAL CHARGES

When an employee has been charged with a crime, the Department Director may grant the employee personal time off leave.

When an employee has been convicted of a crime by a court of law, the Department Director may grant leave without pay for absences of thirty (30) days or less. Time off of more than thirty (30) days will prompt action for the employee's dismissal.

When an employee has been accused and charged of an illegal act concerning their City employment, the employee may be placed on leave without pay pending legal adjudication.

Leaves of absence due to employee involvement with legal proceedings will be determined depending upon the demands of the department, the anticipated duration of the employee's absence and the nature of the circumstances.

Section C-13: ACCURACY OF RECORDS

Each paycheck earnings statement reflects the balance of employee leave. Employees are responsible for ensuring the accuracy of the balances as shown on their paycheck statement. Any error in balances must be reported to Human Resources through the Department Director/Administrator within thirty (30) calendar days after receiving the report; otherwise, reported balances are assumed to be correct and shall stand.

CHAPTER D BENEFITS: OTHER

Section D-1: RETIREMENT PROGRAMS

To assist employees in planning for retirement and to recognize them for years of service, the City of Pensacola provides a program of retirement options. Participation in specific programs varies depending on date of hire and job duties. The retirement programs have been created by Florida Statute and/or local ordinance. Some programs listed are closed and are no longer open for new enrollments. For more information regarding these programs contact the Payroll and Retirement Manager in the Finance Department. You may also refer to the Code of the City of Pensacola.

- The Firefighter's Relief and Pension Fund
- The General Pension and Retirement Fund
- Police Officer's Retirement Fund
- New Deferred Compensation Program
- Social Security Replacement Benefit Program
- Deferred Compensation for Non-Social Security Participants Employed Since 1/1/1960
- Deferred Compensation Pension Plan for Professional, Appointed Employees Elected Officers and Part-Time, Seasonal and other Temporary Employees
- Deferred Retirement Option Plan (DROP)
- Florida Retirement System (FRS)
- Voluntary Deferred Compensation for participants in the FRS

Section D-2: HOLIDAYS

The City of Pensacola observes New Year's Day (January 1), Martin Luther King Jr.'s Birthday, National Memorial Day (the last Monday in May), the Fourth of July, Labor Day (the first Monday in September), Veteran's Day, Thanksgiving Day, Friday after Thanksgiving and Christmas Day.

When a holiday falls on a day within the normal work week, operations will be suspended and each qualified employee will have the day off with pay. To be eligible for holiday pay, the employee must work their last full scheduled day prior to the holiday and their first full scheduled day immediately following the holiday except when the employee is on approved paid leave (i.e. personal time off leave (PTO), compensatory leave, court leave).

When the holiday falls on a Saturday, the City's official observance will be on Friday, with the above provisions in effect. When the holiday falls on Sunday, Monday will be the day of observance.

Overtime During Holidays

Employees who are required to work during holiday observance will be compensated in accordance with the overtime pay policy. Excluded are employees who are on rotating or

permanent shifts, who may be scheduled for duty on an official holiday as designated and who accrue additional personal time off (PTO) leave as provided, shall not be granted any additional compensation in the form of overtime pay or compensatory time off, except for the holidays of Martin Luther King Jr.'s Birthday and Veteran's Day for which overtime shall be paid when applicable.

Holidays During Vacation Periods

Employees on approved leave during periods when recognized holidays occur will not have the day of the holiday charged against them.

Personal Holidays

In addition to the above named holidays, the City of Pensacola allows each employee to observe two working days per calendar year as personal holidays. However, for new employees, personal holidays are prorated as follows: employees who begin work during January, February, or March receive two personal holidays; those hired April through September receive one personal holiday; and those hired after October do not receive personal holidays for the calendar year. In January of the following year, they will receive two personal holidays. Personal holidays may be scheduled on days of the employee's choice, subject to the approval of the employee's respective supervisors and Department Director. The Department Director/Administrator retains the right to adjust the schedule based on work requirements.

In scheduling holidays, the employee must request and receive supervisory approval at least two weeks in advance on the Personnel Leave form (PF-300). The employee's department is responsible for reporting the time as holiday leave for purposes of time entry. The holiday must be taken as a whole day.

Personal holidays must be taken during the calendar year and cannot be carried over from one calendar year to the next nor be paid for if not taken.

Anniversary Day.

Employees receive one day of leave at the completion of each five (5) year-interval of service (i.e. 5, 10, 15, 20, etc.) The anniversary day must be taken within one year of reaching the milestone anniversary or the day will be forfeited.

Section D-3: GROUP INSURANCE

Adequate insurance protection is recognized as a vital present day need for everyone. To provide some measure of such protection the City of Pensacola makes available to all employees a group insurance plan.

A. Coverage

The plan provides employees with: 1) health insurance, 2) life insurance (which includes accidental death and dismemberment), and 3) dental insurance.

B. Eligibility

The following persons may be participants of the City's group insurance plans, unless their participation is otherwise limited by action of the City Council:

1. Active, full-time City employees who are regularly scheduled to work forty (40) hours or more per week on a full-time basis,
2. Active City employees whose written employment contract with the Mayor or designee provides for participation,
3. Former active, full-time City employees who, while an active employee, were members of the City's General Pension and Retirement Plan, Firefighter's Relief and Pension Plan, or Police Officer's Retirement Plan.
4. Former active, full-time employees who were members of the City's defined contribution pension or deferred compensation plans, and who were actively employed by the City for a continuous period of ten (10) years, or whose written employment contract provided for participation.
5. Former active, full-time employees whose employment was ended due to a total disability due to an accident, injury or occupational disease arising out of and in the course of City employment, which is condensable under the Worker's Compensation laws of Florida in effect at the time of the accident or injury, for as long as the employee remains totally disabled,
6. Eligible dependents of the aforementioned employees or former employees provided that the employee, while in active service of the City, enrolls such eligible dependents for coverage during an authorized enrollment period.
7. Surviving spouse and/or eligible dependents of any employee or former employee eligible to receive retirement benefits under one of the retirement plans described in subsection 3), provided that the surviving spouse and/or eligible dependent children were enrolled for coverage prior to the deceased employee's last day of active service with the City.

Employees may make application at time of appointment. Payroll deductions are made each payday of the month. The effective date of coverage will be based on the date payroll deductions are made. New employees are advised of the effective date of coverage. Mid-year changes in enrollment are subject to plan regulations.

C. Voluntary Cancellation

An employee who wishes to withdraw from the Group Insurance Plan may request cancellation by completing the necessary forms at Human Resources, provided they have worked for the city for less than a year. Employees who have worked for the city for more than a year may cancel their insurance only during open enrollment or if they have experienced a major life change as defined by the IRS.

D. Medical Examination

No medical examination or other evidence of insurability is required if the employee properly applies for insurance when they first become eligible to do so. However, the employee who makes application after becoming eligible must furnish evidence of insurability. Such evidence must be furnished at employee expense and must be satisfactory to the insurance company before the insurance will become effective.

E. Cost

The City currently pays a portion of active full-time employee and dependent coverage. Specific rate information may be obtained from Human Resources.

F. Benefit Administration and Information

Employees joining the insurance program or making policy changes shall do so in Human Resources. Policy coverage questions should be directed to that department as well.

G. Group Life Insurance for Employees

Coverage under the plan will entitle the employee's beneficiary to \$10,000 or the limit of additional coverage if elected, in the event of the employee's death from any cause at any time other than accidental. Accidental death coverage is double indemnity. This amount will be paid for in the event of death, regardless of the extent to which the death was or was not job related. The employee may name their own beneficiary or change their beneficiary at any time by written request to the Human Resources Department. The City of Pensacola also provides additional coverage for sworn police and uniformed fire personnel as required under state law.

H. Worker's Compensation

The Group Insurance Plan is not to be confused with Worker's Compensation. The two pertain to separate and distinct insurance programs. Being eligible for benefits under one program does not per se rule out eligibility for benefits under the other. In some instances the provisions of the two overlap and therefore provide the employee with double protection. For details of Worker's Compensation, see Chapter B.

I. Retirement

The Group Insurance Plan has special provisions pertaining to employees who retire. Concerned employees should contact Human Resources for information pertaining to such provisions.

J. Continuation of Benefits

The City of Pensacola offers employees the right to elect continuation coverage under the City's Group Medical and Dental plans if an employee or their dependent children would otherwise lose coverage because of certain "qualifying events." "Qualifying events" include the following:

1. A covered employee's termination of employment for any reason other than gross misconduct;
2. A covered employee's hours are reduced to fewer than the number of hours required for coverage under the plans;
3. A covered employee's death;
4. A covered employee's legal separation or divorce from their spouse
5. A covered employee becomes entitled to Medicare; or
6. A covered dependent child ceases to qualify as dependent under the terms of the plan.

If either the employee or their dependent children elect to continue coverage through the City's medical and/or dental plans, the continuation coverage will be identical to the coverage provided all other employees and dependents covered by the plans for whom a qualifying event has not occurred. No evidence of insurability will be required in order to continue coverage. In the event of termination of employment or reduction in hours, the maximum period of continuation of coverage is eighteen (18) months from the date either of these two qualifying events occur. In the case of any other qualifying event, the maximum period of continuation of coverage is thirty-six (36) months from the date the qualifying event occurs.

Continuation coverage will be terminated before the end of the maximum period of continuation coverage and cannot be reinstated for any covered person:

- A. If payment for the coverage is not received on a timely basis;
- B. If they become covered by another group plan through employment;
- C. If they become entitled to Medicare benefits; or
- D. If the City ceases to provide the coverage for any employee.

In addition, continuation coverage will be terminated for a former spouse of a covered employee who becomes covered by another group plan through remarriage. Any individual electing continuation coverage must pay the full cost of such coverage plus two percent (2%) for administrative expenses. Concerned employees and retirees should contact the Human Resources Department for additional detailed information concerning cost, election, conversion and notice provisions. Continuation of benefit provisions is subject to changes in federal law.

Section D-4: FLEXIBLE BENEFIT PLAN

General

The City of Pensacola offers an employee benefit program known as the "Flexible Benefit Plan." Under Section 125 of the Internal Revenue Code, employees may choose to pay the employee portion of premiums for group health, life, and dental insurance with pretax dollars.

In addition, employees are offered the opportunity to participate in medical reimbursement and dependent care reimbursement programs. Under each of these programs, an employee elects to establish an account with tax-free dollars which may be used to reimburse the employee and their family for medical, dental and vision expenses not paid by insurance, or work-related dependent care expenses, respectively.

Eligibility

Employees of the City of Pensacola are eligible to participate in the Plan if they:

1. work at least twenty-five hours per week, and
2. are eligible to receive medical benefits under the City's group medical plan.
3. collective bargaining employees are subject to terms of their bargaining agreement

Participation and Changes in Election

Employees become participants by signing an individual participant election form on which they elect one or more of the benefits available under the Plan, as well as agree to a salary conversion to pay for the benefits they elect. Contributions to the Plan are not subject to federal income or Medicare taxes.

Elections are made to be effective at the beginning of the Plan year, January 1, and are in effect through the Plan year, which ends December 31. Employees may not change the election they have made after the beginning of the Plan year, nor can they vary the amount of the contributions, unless one or more of the following significant changes in their family status:

1. marriage or divorce,
2. birth or adoption of a child,
3. death of spouse or child,
4. separation from employment, spouse's employment, or change of either the employee's or spouse's employment status from full-time to part-time or vice versa, or if the employee takes an unpaid leave of absence from work.

Plan Administration and Information

Employees electing to participate in the Flexible Benefits Plan or making changes shall do so at Human Resources. Questions concerning the Plan should be directed to that department.

Section D-5. EDUCATION, TRAINING, AND TRAVEL POLICY

A. Education Reimbursement Plan

The educational reimbursement program encourages personal development through formal education so that employees can maintain and improve job related skills or enhance their ability to compete for reasonably attainable jobs within the City of Pensacola. Individual courses that are part of a degree, licensing, or certification program must be related to the employees current job duties or a foreseeable future position. The City of Pensacola may reimburse employees for the costs of obtaining undergraduate or graduate degrees, when funds are available. Employees should contact Human Resources for more information about educational reimbursement.

Employees requesting educational reimbursement must prior to registration, submit an application for reimbursement on the Application for Education Benefits Form (PF-202), to the Department Director/Administrator for approval prior to class registration. The Department

Director/Administrator will determine if funds have been budgeted and are currently available in the department's budget. Each course must be part of a curriculum related to an employee's present position with the City or a reasonable promotional objective as determined by the Human Resources Administrator. Once this determination has been made, then the approved request form (PF 202) will be submitted by the Department Director/Administrator to the Human Resources Department, before course registration commences.

In order to receive reimbursement, an employee must submit a copy of his or her final grades within forty-five (45) days of completion of the course, to the Department Director/Administrator to be forwarded to the Human Resources Administrator for final review and payment.

When an employee has received advance approval for education reimbursement, following the receipt of grades at the end of a course, the employee must have achieved a grade of "C" or better; however, an employee will not receive reimbursement by the City for any course for which the employee has also received reimbursement or payment from any other source.

The City encourages all employees to utilize courses offered by the University of West Florida or Pensacola State College. Approved reimbursement will be made at the prevailing hourly course rate for "in state" students, utilized at the University of West Florida or at Pensacola State College, respectively.

Employees who otherwise meet the educational reimbursement criteria set forth above but who elect to attend a college or university other than the University of West Florida or Pensacola State College may receive reimbursement in an amount not to exceed the higher rate of the University of West Florida or Pensacola State College. If attending a college or university that allows a deferred payment plan, the employee is responsible for any payment to that institution exceeding the cost set forth in the above criteria. The City will not be responsible for payment to that institution, if the rate exceeds the prevailing "in state" rate of the University of West Florida or Pensacola State College.

Employees seeking to receive educational reimbursement from the City of Pensacola shall accept a contractual employment condition obligating the employee to remain in the employment of the City of Pensacola for a period of six months for each 15 hours of paid reimbursement. This obligation shall be cumulative in nature. Employees who voluntarily sever employment with the City of Pensacola prior to fulfilling the employment obligations set forth above shall reimburse the City of Pensacola for any remaining balance of educational reimbursement, and employees will be obligated to consent to pay such balance from any funds in the possession of or managed by the City of Pensacola before any remaining balances are paid to the terminating employee.

Employees receiving tuition payment for vocational credits such as enrollment in the fire or police academy are subject to a repayment agreement to be executed by the employee prior to entering into the vocational education program. In the event that such an employee should voluntarily terminate his or her employment with the City within two (2) years of receipt of the amount paid by the City to attend the fire or police academy, the employee shall be

contractually responsible for repayment to the City of the cost incurred to attend such school. Employees will be required to consent in advance to allow the City to recoup such funds from any funds in the possession of or managed by the City of Pensacola prior to the employee receiving the balance of such funds after reimbursement has been made.

Required Courses

The City will reimburse 100% of the tuition, books, and fees for any employee attaining a "C" grade or better in a course that is required by the City. Upon completion of the course, all books or course material will become property of the City.

Voluntary Job-Related Courses: The City will reimburse 100% of the tuition only for any employee who voluntarily takes a course which is directly related to their job, and who attains a "C" grade or better in the approved course. Department Directors/Administrators will be the signing authority on determining if a course is job related, along with review by the Human Resources Administrator for reimbursement purposes.

Non-Job Related Courses: The City will reimburse 50% of tuition only for any employee who voluntarily takes a course and who attains a "C" grade or better even though that course is not job related.

High School Diploma: Any employee wishing to obtain their high school diploma or G.E.D. will be reimbursed 100% for any tuition, book or fee expenses they may incur.

Tax Status: All educational reimbursements are subject to income tax laws and regulations as determined by the Internal Revenue Service. Employees may have to report any amounts received under the Educational Reimbursement Plan as taxable income.

B. Training and Travel Policy

All requests for training/travel should be submitted on the Request/Report of Training and Travel Funds Form (PF-210PC) ("Training and Travel Form").

Requests for training and travel must be **pre-approved** by the Department Director/Administrator or designee on the Training and Travel Form. Training and travel requests for Department Directors/Administrators must be **pre-approved** by the City Administrator or designee on the Training and Travel Form. In addition, employees, who are not regular, full-time employees of the City, must obtain Training and Travel pre-approval from the HR Administrator or designee. Reimbursement by the City may be denied absent advanced approval.

The Training and Travel Form must include all expenses and list all RPs billed or paid separately and have all required signatures. If funds are being requested in advance, the Training and Travel Form should be submitted to the Financial Services Department for check processing at least fifteen (15) days prior to travel.

Reconciliation of the Training and Travel Form is due within ten (10) working days after return. The reconciled Training and Travel Form must be signed by the employee and submitted to

the Department Director/Administrator for approval and signature. The reconciled Training and Travel form for Department Directors/Administrators must be approved and signed by the City Administrator or designee. The City's Chief Financial Officer (CFO) will review and determine if the reconciliation should be approved for reimbursement. The final determination of the amount paid for training and travel shall be made by the CFO or designee.

Expenses are calculated as follows:

Hotel/Motel: Single, at cost (double at single rate is acceptable). Receipt required.
City does not pay Florida State Sales Tax on lodging within the state.

M&IE: General Services Administration (GSA) per diem rates for the travel destination city shall be used. GSA per diem rates are for meals and incidental expenses (M&IE) when total travel and training time exceeds 12 hours. No M&IE per diem is allowable for total travel and training time that is 12 hours or less. M&IE per diem rates for travel destination cities are available on the GSA website at www.gsa.gov/perdiem. The Breakdown of M&IE per diem rates for the first and last day of travel shall be utilized. Incidental expenses incorporated in the M&IE per diem include but are not limited to all tips given to parking attendants, porters, baggage carriers and hotel staff.

Transportation: *Airfare:* reimbursed at cost for coach fare only; receipt required.
City vehicle: reimbursement for fuel at cost for travel within the State of Florida only; receipts required.
Private vehicle: reimbursement at mileage rate set by City, not to exceed cost of airfare and ground transportation. Form PF210PC reflects mileage rate.
Cabs, buses, taxis, parking; reimbursed at cost; receipt required.

Tuition/Registration: Reimbursed at cost; receipt required.

Baggage: When an airline charges a fee for baggage, reimbursement will be made at cost for one bag only; if the first bag is free, no reimbursement will be made. If your personal bag exceeds the restrictions and you are charged extra, the City will not reimburse.

Fly vs Drive: If flying is less expensive than driving and the employee chooses to drive, the mileage reimbursement may be limited to the airfare and ground transportation calculation. As a tip - when comparing flying to driving, the flight cost should be based on departure in and out of the Pensacola International Airport given your flight parameters with at least two weeks' advanced ticketing.

An accounting of monies is required within 10 working days after return. Itemized receipts must accompany report of funds spent. In the event that the 10 working day settlement cannot be met, the employee will be precluded from receiving advances and/or reimbursements for subsequent travel until settlement of the previous trip.

The final determination of the amount paid for training and travel shall be made by the CFO or designee.

12/7/2015

C. Commercial Driver License Reimbursement for Training

With approval of the Department Director/Administrator, employees may receive reimbursement for the cost of obtaining a Commercial Driver License (CDL), when it is a requirement of their job. This approval must be secured before the employee applies for the license. The employee must present a valid receipt showing they have completed the training and passed the test prior to being reimbursed.

Section D-6: EMPLOYEE RECOGNITION PROGRAMS

The City of Pensacola understands the importance of recognizing employees for meritorious and faithful service. Recognition is provided through the following programs:

A. Service Award

It is fitting that persons achieving significant anniversaries be duly recognized and honored before their fellows and the general public. For this purpose, the City will recognize those employees reaching milestone anniversaries for their dedicated service during a scheduled monthly City Council meeting. During this recognition, the employees will be formally recognized before those in attendance for their dedicated years of service and will be presented a years-of-service lapel pin for their personal use.

Recognition will begin with the completion of five (5) years of cumulative service, and will follow at five (5) year intervals thereafter. For the purpose of such recognition, total, cumulative service rather than current continuous service will be considered.

Human Resources is responsible for this program's coordination, implementation and record keeping.

B. Employee of the Month

It is important that the City of Pensacola recognizes and rewards excellent performance by employees. Therefore, one employee exhibiting exemplary performance will be selected as "Employee of the Month." It will be the responsibility of Department Directors/Administrators to submit a monthly nominee for consideration. All nominations submitted to Human Resources will be kept on file for one year and evaluated on a monthly basis. The Human Resources Administrator is responsible for reviewing all nominations submitted and selecting the person representing the qualities making that individual the outstanding City employee of the month. The employee is evaluated on attitude, job performance, and contributions to the City organization.

C. Merit Award

While the Employee of the Month program recognizes one exemplary employee on a monthly basis, there may be a time when two or more employees' job performance merits recognition. In these situations, the Merit Award Program is used. It is the Department Director/Administrator's responsibility to prepare a written recommendation. This recognition will be submitted to the Human Resources for review. If approved, the employees will be recognized for their efforts at a regularly scheduled meeting of the City Council. Factors involved in the evaluation are attitude, job performance and specific contributions to the City organization.

D. Employee Award of Excellence

The purpose of the Employee Award of Excellence is to encourage an employee or a group of employees to submit an original idea which clearly identifies a device or method that will improve

the productivity, safety, quality and cost-effectiveness of City services and operations. Cash awards (\$25 -\$2,500) are based on tangible net savings or net increase in revenue. Employees may receive 10% of the estimated first year's net savings or net increase in revenue with a cap of \$2,500. When the monetary value of a suggestion cannot be determined, the award will be assigned a value of \$25 -\$500. In the case of a group of employees, the cash award will be split evenly. Cash awards are taxable income under the IRS guidelines.

E. "On the Spot" Certificate

"On the Spot" certificates recognize achievements and exceptional behavior of individuals and teams. Recognizing an employee for a "job well done" is important. This program lets employees know their extra effort does not go unnoticed.

The following are "On the Spot" guidelines for giving a certificate:

- Going above and beyond to assist an external customer
- Going above and beyond to assist an internal customer
- Taking initiative to pitch in and provide assistance
- Solving a problem for a work group
- Working on a special project or event

F. "Write On" Recognition

Oftentimes, we are challenged to provide excellent service to our customers; therefore, employees who meet this challenge should be recognized. The City developed the "Write On" recognition program to reward these employees. When an acknowledgment in writing is received thanking or praising an employee for providing excellent customer service, the employee receives a writing pen, along with a note of appreciation from the Mayor or designee. If the employee receives a second "Write On", the employee receives a gold lapel pin.

Section D-7: CITY CLINIC

The City Medical Clinic provides limited medical care to all employees at no charge. Registered Nurses currently staff the Clinic during normal working hours of 7:30 a.m. until 4:00 p.m., Monday through Friday. A medical doctor also schedules periodic visits concerning job injuries, employment, and retirement physicals.

Services of the Clinic:

1. Employment entrance medical examinations and drug screens
2. Employee Assistance Program
3. Preventive medicine, such as: tetanus shots, flu shots, and various screenings
4. Coordinating safe return to work for employees that have been off work with job related and personal illness/injury.
5. Educational programs, including: supervisor drug training, bloodborne pathogens, and heat stress.

6. Employee health promotion and other education and screening programs.
7. Management of employee on-the-job injuries or exposures.
8. Distributing and refilling of safety first aid kits, both those maintained in city vehicles as well as critical work areas
9. Provide assistance to eligible employees needing Family and Medical Leave.

Section D-8: UNIFORM & SAFETY SHOE PROGRAM

A. Uniforms

Generally, uniforms are provided to all permanent full-time employees, who by virtue of their job, would benefit from the protection, identification or safety from the use of a uniform. Permanent, part-time employees may be provided uniforms at management's discretion. This provision shall not apply to employees covered by the terms of a collective bargaining agreement unless authorized by the terms of such an agreement.

1. Employees who are furnished uniforms by the City shall be required to wear such uniforms.
2. Employees are responsible for laundering and normal repair and are expected to report to work each day wearing a clean and neat uniform.
3. Uniforms are replaced annually. Employees requiring more frequent replacement must purchase the uniforms at their expense. However, uniforms may be replaced on an as-needed basis if approved departmental guidelines are established and approved by the Mayor or designee.
4. The uniform can be worn to and from work including incidental stops but shall not be worn under any circumstances for personal use. Incidental stops are briefs stops that conveniently cannot be made later such as picking up a child from daycare. At no time should any intoxicants be purchased or consumed while in uniform or any other actions performed which may discredit the City.
5. Uniforms issued by the City with logo patches, may not be worn at times other than during performance of City duties.
6. Uniforms are City property and shall be returned to the City in cases where an employee leaves the City or moves to a position that does not require such uniform.
7. City issued shoes, caps, or hats are part of the standard City uniform.
8. Uniform costs may be subject to taxes by the IRS.
9. Employees wearing City uniforms not in accordance with this policy will be subject to disciplinary action.

City Logo Displayed on Clothing

1. If an employee has not been assigned or is not required to wear a city uniform, but that employee wishes to wear clothing that displays the City or departmental logo, that employee may do so with prior approval of their Department Director/Administrator consistent with all policies regarding the wearing of uniforms. The IRS requires that the cost of the clothing be included in the employee's income and taxed.

2. Any employee wearing clothing that displays the City of Pensacola or departmental logo shall have the responsibility to uphold the City's image and not disgrace the City or bring the City into public disrepute.
3. Employees may not wear or attach any badges, patches, jewelry, pins or other adornment to their uniforms, belt buckles, and hats, unless approved as part of the standard uniform. Such non-issued items may be worn concealed underneath the uniform.

B. Safety Shoes

It is the policy of the City of Pensacola to provide safety-toed shoes to employees who, because of their work operations, are exposed to foot injuries.

1. All safety-toed footwear purchased for City employees must meet the specifications in the specifications in the American National Standard for Safety Toed Footwear Z41.1 -1991.
2. City approved safety-toed shoes will be black or brown in color. Cowboy style boots will not be approved as a work boot, nor shoes with a fabric cover, which will not repel water, grease or oil.
3. Safety-toed shoes are provided for employee safety and well-being. It is essential that employees understand that wearing them while on duty is mandatory. Any employee reporting for duty without them will not be allowed to work until they have them.
4. Employees are responsible for ensuring that shoes fit properly. Employees are expected to maintain their shoes at their own expense. This includes polish, shoestrings, and new soles and heels if economically feasible.
5. Employees having a medical problem, which would prohibit them from wearing their safety shoes, are required to provide a medical excuse from their private physician, written on the physician's letterhead, to the City Clinic. The affected operations will either assign the employee to other duties or modify the job operations to eliminate the exposure of a foot injury until the employee returns to full duty.
6. Replacement safety shoes will be authorized by Department Directors/Administrators or their designee as-needed, based on the condition of the shoe, and not length of time in use. Further, the City's contribution towards the purchase of safety shoes is \$150.00.
7. Conflicts involving the issue of new or safety toed shoes will be brought to the Mayor or designee for resolution.

C. Responsibility for Administration

The responsibility for the administration and enforcement of the uniform and safety shoe policy will be that of each Department Director/Administrator. Department Directors/Administrators will designate those positions for which uniforms will be furnished.

1/8/2016

Section D-9: OTHER

City of Pensacola Blood Donor Club

The City of Pensacola sponsors a voluntary blood donor club for City employees and their dependents. Information may be obtained at Human Resources.

Identification Cards

The Human Resources office issues photo identification cards to all City employees. These cards provide an excellent source of identification for employees and are to be kept in an employee's possession.

Credit Union

The Pensacola Government Federal Credit Union provides many services to City employees. Employees may contact the Credit Union directly for a complete description of services.

CHAPTER E HEALTH AND SAFETY ADMINISTRATION

Section E-1: SAFETY

Job injuries must be avoided if production is to be maintained at an efficient level. Management must assume full responsibility to see that job injuries and the resulting human suffering and loss of resources are kept to a minimum.

Each job injury is a symptom that something is wrong with the affected operation. It can indicate faulty or inadequate equipment, procedures, or employee training.

The cost of a job injury affects not only the injured employee, but the total operation. It can result in a loss of labor, lower work output and increased insurance cost.

The operation of a City-wide safety program helps to develop recognized concepts of safe operational procedures. An effective safety program requires the positive contribution of all those involved

Section E-2: MEDICAL EXAMINATION PROGRAM

A. General

It is the policy of the City to provide a medical examination program, which will:

1. Select candidates who are physically fit to perform the physical demands of the essential job functions of the positions to which appointment is made effectively and safely.
2. Provide up-to-date medical information on City employees necessary to effective personnel utilization when it relates to demands of the essential job functions and a "need to know" basis.
3. Adequately protect the health and safety of all City employees.

B. Requirements

Medical examination will be required and the medical standards, as adopted by the City of Pensacola, shall apply to the following groups:

1. Applicants

All new hires and former employees seeking employment will be treated as new applicants for medical purposes.

New employees for City employment or promotion, including full time, part-

time, grant and other employees for whom the City is liable, are required to undergo a medical examination to determine physical and mental fitness to perform the essential functions for the position to which appointment is made. The decision of the Medical Director of the City Clinic with respect to physical qualifications for a given position is the final administrative medical authority. Applicants and employees determined to be physically or mentally unfit for service shall be considered for their ability to perform the essential functions of the position with or without "reasonable accommodation".

2. Employees

All employees of the City during their period of employment may be required by their Department Director/Administrator or upon written request of two coworkers to undergo periodic medical examinations to determine their physical and/or mental fitness to perform the essential job functions of the position in which they are employed. Such medical examinations shall be at no expense to the employee. Determination of physical or mental abilities will be by the Medical Director of the City Clinic.

When an employee of the City is reported by the Medical Director of the City Clinic to be physically or mentally unable to perform work the essential functions in the position, which the employee is employed, an accommodation analysis may be conducted. If accommodation in the present position is not found to be "reasonable" or possible, other placement shall be considered.

The length or duration of these options shall be predetermined and in writing. They may be extended only under extenuating circumstances and with approval of the Mayor or designee. The employee may, within five days from the date of notification of such determination by the Medical Director of the City Clinic, indicate in writing to the Human Resources Administrator their intention to submit the question of their physical or mental abilities to a physician of their own choice. The opinion of the second physician or the employee's physician is the responsibility of the employee and must be paid for by the employee.

In the event there is a difference of opinion between the Medical Director of the City Clinic and the physician chosen by the employee, then the Medical Director of the City Clinic and the physician chosen by the employee shall mutually designate a physician. The decision of the mutually designated physician shall be final and binding as to the physical or mental abilities of the employee to perform the essential job functions of the position in which they are employed, with or without reasonable accommodation. The City shall pay for the fees of the physician mutually designated.

An employee finally determined to be physically or mentally unable to continue in the position in which they are employed, with or without accommodation, based on physical or mental disabilities according to the Medical Director of the City Clinic shall be considered for

transitional duty or placement elsewhere in the City, or placed on leave until a determination is reached.

Employees may not return to duty following a prolonged absence of more than three (3) days due to illness or injury, until they have been determined to be physically or mentally capable of performing the essential functions of their position with or without reasonable accommodation by the Medical Director of the City Clinic.

C. Other Provisions

1. A medical history evaluation and physical examination, to include such tests as are deemed appropriate by the Medical Director of the City Clinic, will be conducted to insure the employee's ability to perform the essential functions of the position. The medical standards are the guidelines, which will be used to determine the medical fitness of all applicants for employment, and promotion of City employees.
2. An individual found unable physically or mentally to perform the essential functions of the position shall be considered for reasonable accommodation if they are "otherwise qualified" for the position.
3. Those employees with disabilities, which are temporary or correctable, will be advised to return to the City Clinic for evaluation. When such temporary or correctable disabilities have been corrected, the employee will be rescheduled for a physical examination with the Medical Director of the City Clinic. Failure to conscientiously pursue a prescribed corrective program or acceptance of accommodations within the allocated time limits shall be cause for withdrawal of employee's certification to return to work.

D. Medical Groups/Medical Standards

All positions are assigned specific medical standards and requirements based upon the physical demands of the job. Positions having similar physical demands of the essential job functions have been placed in numbered Medical Groups, which are generally defined as follows:

1. Medical Group I - Positions which require a high degree of physical fitness. These positions may require extreme physical exertion under emergency conditions, including such activities as running, jumping, swimming, climbing, lifting, pulling and carrying heavy weights. Special uncorrected vision and hearing requirements may be required. Included are positions, for example, such as Firefighter, Police Officer, Aquatic/Athletic Specialist, etc.
2. Medical Group II - Positions which require considerable physical labor and exertion, including such activities as bending, stooping, twisting, lifting,

carrying, pulling, pushing, climbing, crawling, extensive and frequent walking. Most positions require good manual and/or finger dexterity, and good corrected vision. Included are positions, for example, such as maintenance workers, sanitation workers, equipment operators, mechanics, recreation supervisors, inspectors, etc.

3. Medical Group III – Positions which require little physical exertion. Includes administrative and clerical positions.

Medical Standards for each Medical Group have been adopted by the City of Pensacola for its Medical Examination Program. Detailed descriptions of these requirements are available in Human Resources. All applicants and employees who are "otherwise qualified" and can perform the essential functions of the job with or without "reasonable accommodation" shall be considered. If an accommodation is required, the employee/applicant will provide cooperation with the accommodation analysis process.

Section E-3. BLOODBORNE PATHOGENS EXPOSURE CONTROL PLAN

Purpose

The City of Pensacola ensures that all employees with occupational exposure to human bloodborne pathogens are protected from contracting bloodborne disease through implementation of a bloodborne pathogens exposure control plan. Certain types of positions are at risk for exposure to bloodborne pathogens or other potentially infectious materials. Types of positions include: all sworn police personnel; all certified fire personnel; all other personnel who have occupational exposure to blood or other potentially infectious materials (e.g., nursing staff, airport maintenance technicians, building maintenance workers, recreation staff).

The written Exposure Control Plan (ECP) has been established in an effort to minimize health risks to employees. The goal of the Exposure Control Plan is to prevent the spread of infection as a result of occupational exposure to AIDS, hepatitis, and other communicable diseases. The Exposure Control Plan is to be used as a tool for educating public safety personnel (fire and police), who have a higher potential for occupational exposure to blood or other infectious materials, and for other employees who are required to render first aid or might come in contact with contaminated/infectious materials in the normal course of their job duties.

The City Clinic will administer this program and coordinate with the City's Infectious Disease Specialist to investigate cases of exposure and to evaluate the overall Exposure Control Plan. The Exposure Control Plan will be reviewed annually {CFA 37.01M}, and updated as necessary, to reflect significant changes in tasks or procedures. The information contained

in this plan is thought to be accurate and up to date. The City of Pensacola assumes no responsibility for the accuracy of the information.

Each City of Pensacola employee is responsible for following the policies and procedures outlined in the Exposure Control Plan. Department directors/administrators for emergency response personnel are responsible for developing operating procedures pertinent to their area of work. Individualized procedures must be in accordance with the Exposure Control Plan as required by Florida standards.

Employees covered by this plan include the following types of positions: {CFA 37.01M A.}

- All sworn police personnel
- All certified fire personnel
- All other personnel who have occupational exposure to blood or other potentially infectious materials

DEFINITIONS: {CFA 37.02M B}

Blood: human blood, human blood components, and products made from human blood.

Bloodborne Pathogens: pathogenic (disease-causing) microorganisms that are present in human blood and other potentially infectious materials that can cause disease in humans. These pathogens include, but are not limited to: Hepatitis A, Hepatitis B, Hepatitis C, and Human Immunodeficiency Virus (HIV).

CFA: Commission for Florida Law Enforcement Accreditation. These references within this Plan apply only to the Pensacola Police Department and its requirements for accreditation.

Communicable Disease: an infectious disease transmissible (as from person to person) by direct contact with an affected individual or the individual's discharges or by indirect means.

Contaminated: the presence or reasonably anticipated presence of blood or other potentially infectious material on an item or surface.

Exposure: a percutaneous injury (needle stick, or cut with a sharp object) of the mucous membrane or non-intact skin (skin that is chapped, abraded, or afflicted with dermatitis) that is exposed to blood, tissue, or other potentially infectious materials.

Hepatitis: general term for several different types of viruses that affect the liver. The two most common types of hepatitis are Hepatitis A and Hepatitis B.

Hepatitis A: transmitted from person to person or through contaminated food or water. Hepatitis A is most commonly transmitted by poor personal hygiene such as not washing hands after using the bathroom.

Hepatitis B: transmitted through activities that cause contact with infectious blood or body fluids. These include unprotected sex with an infected person, sharing of needles for injections, working in the healthcare field, receiving a transfusion of unscreened, infected blood, and medical, dental, or cosmetic procedures with unsterilized contaminated equipment.

Hepatitis C: transmitted by direct contact with the blood of an infected person. The most common causes of new infection are high-risk drug use and high-risk sexual activity. The average incubation period is 45-75 days. Most people infected with Hepatitis C have no symptoms.

Human Immunodeficiency Virus (HIV): the virus that causes AIDs. HIV weakens the body's immune system, reducing its ability to fight disease. HIV does not mean AIDS.

Acquired Immune Deficiency Syndrome (AIDS): occurs once an HIV positive person contracts an opportunistic infection(s). There is currently no vaccine or cure for AIDS.

Other Potentially Infectious Materials (O.P.I.M.): is defined as the following: saliva (with visible blood) present; semen; vaginal secretions; cerebrospinal, synovial, pleural, pericardial, peritoneal, and amniotic fluids; any visible blood; situations where it is difficult or impossible to differentiate between body fluids, unfixed human tissues, or organs; HIV-containing cell or tissue cultures, organ cultures and HIV or HBV-containing culture or media or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

Infectious Disease: an illness or disease resulting from invasion of a host (human) by a disease producing organism such as bacteria, viruses, fungi, or parasites.

Modes of Transmission: communicable diseases can be spread through direct and indirect transmission. Bloodborne diseases spread through direct contact with infected blood or body fluids. Indirect transmission occurs by airborne diseases. Airborne disease spread via droplets that are expelled into the air by a productive cough or sneeze.

Occupational Risk: occupational exposure may occur in many ways, including needle sticks, open areas on the skin, and via aerosols of body fluids. Any exposure to a communicable disease carries a certain amount of risk. Emergency response personnel are in an occupation that often directly exposes them to blood and other potentially infectious material; therefore, they must be considered at a substantial risk of occupational exposure.

Universal Precautions: treating all blood and body fluids as if they are known to be infected with bloodborne pathogens {CFA 37.01M B}. Avoid any unnecessary contact or

inappropriate actions that could cause infection. Always protect yourself first, before providing help to the victim.

- Wash your hands and exposed skin with soap and water immediately after exposure to infectious materials and/or after removing gloves or other personal protective equipment.
- Minimize splashing, spraying or spattering of droplets of blood or other potentially infectious materials.
- Place contaminated sharps in assigned, labeled, puncture-resistant, leak proof containers {CFA 37.01M E}
- Do not shear or break contaminated needles or other sharps unless required to do so for evidence submission (Police only)
- Do not bend, recap, or remove unless specifically instructed
- Do not keep food or drink in work areas with exposure potential
- Do not eat, drink, smoke, apply cosmetics or lip balm, or handle contact lenses in work areas with exposure potential.
- Do not pipette or suction potentially infectious materials with your mouth.
- Wear personal protective equipment as provided. Personal Protective Equipment (PPE) will be provided to those employees who have been determined to be high risk exposure. Make sure PPE is in good condition prior to using. Damaged PPE should not be used {CFA 37.01M C, CFA 37.02M C}
- After exposure, remove protective clothing to avoid contaminating yourself.
- Place contaminated PPE in the assigned area or container for decontamination, washing, storage or disposal {CFA 37.01M C}
- Wear gloves to prevent hand contact with infectious materials
- Gloves shall be worn when it can be reasonably anticipated that the employee may have contact with blood or other potentially infectious materials, mucous membranes, and non-intact skin, and when touching contaminated items or surfaces
- Replace disposable gloves after each use; immediately, if they are torn or punctured or when their ability to function as a barrier is compromised
- Disposable gloves are not to be washed or decontaminated
- Utility gloves can be decontaminated and reused if they are not cracked, torn, or otherwise unable to provide protection
- Masks, face shields, goggles, or glasses with solid side shields shall be worn whenever splashes, sprays, spatters or droplets of blood or other potentially infectious materials may be generated and eye, nose, mouth or face contamination can be reasonably anticipated
- Gowns, aprons, or similar clothing and shoe covers or boots protect the body and should be worn if occupational exposure is anticipated

OTHER PRECAUTIONARY PROCEDURES {CFA 37.01M D}

- Clean and decontaminate all equipment and surfaces after contact with blood or potentially infectious materials
- Clean with soap and water, followed by application of a disinfecting solution. Spills of blood or other potentially infectious materials should be saturated with a disinfectant solution prior to the cleaning procedure above
- Solutions such as bleach and water at a 1:10 dilution ratio (1 part bleach to 10 parts water) are an acceptable disinfectant. A fresh disinfectant must be prepared each day.
- Clean and decontaminate bins, pails, and other reusable receptacles on a regular schedule and immediately after contact with potentially infectious materials. Clean as indicated above.
- Use a brush and dust pan, tongs or forceps-NOT YOUR HANDS-to pick up possibly contaminated broken glass or other sharp objects
- Remember disinfectants can be toxic or caustic if used improperly. Wear proper personal protective equipment or refer to appropriate Material Safety Data Sheets (MSDS) for each disinfectant solution to determine what personal protective equipment may be needed prior to use.

BIOHAZARD CONTAINERS AND WARNINGS {CFA 37.01M E, H; 37.02M G, H}

- Take special care when collecting, handling, storing, or transporting blood or other potentially infectious materials
- Use only leak-proof (and if necessary, puncture proof) containers. If the outside of the container is contaminated, place it in a second leak-proof container
- If a container becomes contaminated, decontaminate it – or least label it “Contaminated” so no one will use it accidentally. Notify your supervisor.
- Containers of potentially infectious materials should be red in color and/or labeled clearly in orange or orange red with the biohazard symbol



- Appropriately labeled containers of potentially infectious materials may be taken to the city clinic for disposal
- Contaminated clothing should be placed in leak-proof bags and transported for cleaning in labeled or color-coded bags {CFA 37.01M F}
- The supervisor will arrange for pick up of contaminated clothing by cleaning service.

IMMUNIZATIONS {CFA 37.02M D}

- Hepatitis vaccinations are available in the City Clinic, at no cost to the employee, for all employees who have a potential for occupational exposure within ten days of their hire date. Employees are responsible for completing the vaccination series.
- Individuals who decline the Hepatitis vaccination must complete a waiver. Individuals can decide at any time to receive the vaccination free of charge.
- If a routine booster dose(s) of Hepatitis is recommended by the U.S. Public Health Service at a future date, such booster dose(s) shall be made available to the affected employees at no cost.
- Employees are encouraged to maintain updated vaccinations for other communicable diseases such as: measles, mumps, influenza, etc. through their primary care physicians.

EXPOSURE DETERMINATION/FOLLOW-UP {CFA 37.01M G, 37.02M E, F}

- Employees who have been exposed to bloodborne and/or airborne pathogens or other potentially infectious material should report the suspected occupational exposure to their supervisor immediately. The employee should call the 24-hour hotline as soon as possible to notify the infectious disease specialist.
- The Communicable Disease Exposure Form and department injury report must be completed and forwarded to the clinic within 24 hours
- The infectious Disease Coordinator will initiate and coordinate any necessary follow up and correlate documentation of the incident with the Infectious Disease Specialist
- Once the Infectious Disease Specialist has verified and determined if a reported exposure poses a health risk to the employee, the specialist will advise and counsel the employee of any required follow up testing and treatment
- All post-exposure treatment will be obtained through the City Clinic except where the exposure is in conjunction with any injury that requires prompt emergency care. Employees are required to report to the City Clinic following all emergency care treatment.
- Employees are responsible for complying with all recommended follow-up care. Failure to do so may result in disciplinary action.
- Employee medical records, including communicable disease exposures, are kept confidential and are not disclosed or reported without the employee's express written consent to any person within or outside the workplace except as may be required by law.

REPORTING REQUIREMENTS

The City of Pensacola will comply with all federal and state laws and regulations in reporting occupational illnesses and injuries.

CONFIDENTIALITY OF PATIENT INFORMATION DISCLOSURES

All patient information must be considered confidential. Maintaining strict confidentiality about the health or medical condition of exposure suspects, victims, patients, etc. is mandatory. The same confidentiality standards apply to information regarding the communicable disease status of employees. Sharing of any confidential information by an employee is a violation of the confidentiality standards. Appropriate disciplinary action will be taken against employees who violate these standards.

TRAINING {CFA 37.02M A}

- The City of Pensacola will provide training to all emergency response personnel and other employees who render first aid as part of their job duties who are at risk for occupational exposure to blood and other potentially infectious materials. Training will include: recognition of task or other activities that may involve exposure to blood or other potentially infectious materials; epidemiology and symptoms of bloodborne diseases; modes of transmission of bloodborne pathogens and prevention of HIV/HBV.
- Employees will receive training regarding the location, proper use of, and basis for selection of personal protective equipment; work practices, and precautions to be used in handling and disposal of contaminated articles and infectious waste. Information on appropriate actions to take following an emergency involving blood or other potentially infectious materials, and an explanation of the procedures to follow if a suspected exposure incident occurs will be explained.
- Information on the vaccines available for Hepatitis, including information on efficacy, safety, methods of administration, and the benefits of being vaccinated will be included in training.
- Training records will show the dates of training sessions, the content of those training sessions, the names of all persons conducting the training and the names and job titles of all who attended the training. Training records will be maintained for three years.
- Training will be provided at the time of the initial assignment where occupational exposure may occur and annually thereafter {CFA 37.03M}
- Copies of the Standard, 29 CFR, Part 1910.1030 Occupational Exposure to Bloodborne Pathogens: Final Rule and the City of Pensacola Exposure Control Plan will be made and explained to covered employees.
- For employees not required to render emergency response care or first aid as part of their duties, a generalized overview of infectious diseases will be provided periodically {CFA 37.02M J}

Section E-4 EMPLOYEE ASSISTANCE PROGRAM

A. General

Employees needing assistance with personal issues (i.e. family/marital, financial, interpersonal relationships, anger, alcohol/drugs, stress etc.) may contact the City's third party administrator for counseling services. A supervisor, with the approval of the department director/administrator, may request a referral for counseling for a particular employee.

B. Referrals for Counseling and Programs

The City Clinic or Human Resources Department can provide the employee with phone numbers of approved providers. The City of Pensacola will pay for a maximum of three (3) visits per calendar year for the employee to see an authorized licensed mental health counselor or other appropriate professionals. If the employee enters into a substance/alcohol program, it must be a City-approved program. The cost of such program is the employee's responsibility.

C. Use of Leave

Employees may use their accumulated personal time off (PTO) leave for counseling sessions. Return-to-work status for employees participating in a substance/alcohol program must be determined by the clinic medical doctor or administrator. If not approved for work, the employee may use Family Medical Leave concurrently with accrued personal time off and then leave without pay.

D. Dependent Counseling

The Employee Assistance Program is available to the spouse and dependents of an employee. They may also receive a maximum of three (3) visits per calendar year to see an authorized mental health counselor or other appropriate professionals.

E. Duration

If counseling beyond the three (3) authorized visits is deemed necessary, arrangements for continued services should be made through the employee's group health insurance.

EMPLOYEE ASSISTANCE FOR CATASTROPHIC SITUATIONS

A. General

In the event a catastrophic situation occurs involving a City employee, and dependents are involved, the City will work to provide limited referrals to counseling services.

B. Employees and Dependents Covered By City Group Insurance

If the employee and dependents are covered under the City's group health insurance coverage, payment for any counseling services, which may be covered by the City's group health policy, will be governed by the terms of that policy. Counseling services may also be provided under the City's Employee Assistance Referral policy.

C. Employees with Single Coverage/Dependents Covered by Another Insurer

If the employee is covered by the City's group health insurance coverage, and another insurer covers their dependents, payment for any counseling services for the employee, which may be covered by the City's group health policy, will be governed by the terms of that policy. Payment for counseling services for dependents will be governed by the dependents' insurance carrier. If the dependent's insurance carrier does not provide counseling services, counseling services may be provided under the City's Employee Assistance Referral policy.

D. Employees And Dependents Covered By Health Insurance Carrier Other than City's Group Health Program

If a health insurance carrier other than the City's group health program covers the employee and dependents, payment for counseling services will be governed by their insurance carrier. If their insurance carrier does not provide counseling services, counseling services may be provided under the City's Employee Assistance Referral policy.

E. Employees Not Covered By City's or Any Other Health Insurance/Dependents Not Covered by Health Insurance

If the employee and their dependents are not covered by the City's group health insurance nor any other carrier, counseling services may be provided under the City's Employee Assistance Referral policy.

Section E-5: WORKPLACE VIOLENCE

A. General

Interactions among employees, managers, supervisors, and public are to be positive, respectful and appropriate to the work environment. It is the City of Pensacola's policy to protect its work sites from violence or the threat of violence. The City of Pensacola will not tolerate behavior that is perceived to be threatening or intimidating by or toward employees. Violence or the threat of violence by or against City employees is unacceptable and contrary to City values and policies.

Prevention or the defusing of actual or implied violence is the shared obligation of all employees, supervisors, managers, and law enforcement agencies. Examples of prohibited

behavior are not limited to but include: verbal or physical threats, intimidation or coercion; horseplay, fighting or acts of violence or assault.

B. Critical Incident Coordinator

The Human Resources Administrator is the workplace Critical Incident Coordinator. The Coordinator is to be contacted any time a manager, supervisor, or employee observes an act or threat of violence in the workplace.

C. Immediate Emergency Procedures

An immediate emergency is defined as a situation, in which intervention by an employee might, in his or her best judgment, is harmful to anyone attempting to intervene. In such situations, the employee should:

1. Call 9-1-1 and report as many details as possible.
2. Following the 9-1-1 call, immediately contact the following personnel: applicable security personnel; the work site supervisor, division head or department director/administrator; and the Human Resources Administrator

D. Non-Emergency Procedures

A non-emergency situation is defined as one in which an employee deems it safe to attempt to defuse a potentially violent situation without threat of harm to the intervener. Supervisors who observe such situations have a responsibility, consistent with personal safety, to make a good faith effort to stop actual or potentially violent situations as quickly as possible, and to prevent their escalation and creation of a threat to others. In such situation the employee or supervisor should:

1. Separate the persons involved in the situation. Do not allow a verbal altercation to escalate into something more serious. **If the persons cannot be separated, follow the steps outlined for Immediate Emergency Procedures.**
2. Contact the work site supervisor, and division head or department director/administrator.
3. Contact the Human Resources Administrator.

E. Incident Reporting

Any employee who has been threatened, is a victim of a violent act, witnesses any threats or violent acts, or learns of any threats or violent acts is to immediately report such activity to his/her supervisor, department director/administrator, and Human Resources

Administrator. All statements and information should be documented in written form using PF 811. Documentation should include specifics to describe a particular incident or an employee's inappropriate behavior.

Once a situation is controlled, the supervisor at the site should interview persons involved and provide a written report to the Department Director/Administrator and the Human Resources Administrator.

F. Confidentiality

Each report will be promptly evaluated and investigated to determine what follow up actions are appropriate, including a request for intervention by law enforcement agencies.

Information about an incident or threat will be disclosed on a need-to-know basis and in compliance with federal, state and local laws, so that a fair and thorough investigation can be conducted and/or appropriate corrective action can be taken.

G. Retaliation

Incidences of workplace violence can only be eliminated if employees are willing and able to report threats, violent acts, and other unsafe conditions. The City will investigate all complaints of retaliation.

H. Possession of Deadly Weapons

Possession of any deadly weapon, including firearms, is not permitted on City property, in a City vehicle, or at any City work site unless such possession is a necessary and approved job requirement (i.e. sworn law enforcement officer). Mentioning or exhibiting any weapon or object, including firearms, in any manner that is unsafe, or which suggests or manifests an actual or implied threat of violence shall be grounds for immediate discharge.

Section E-6: USE OF TOBACCO PRODUCTS

The City is committed to providing a safe and healthy workplace and to promoting the health and well-being of its employees. Consistent with this commitment, the City recognizes the adverse health effects and hazards of tobacco products and has elected to implement a policy to reduce the exposure to tobacco products, therefore contributing to a healthier work environment and healthier employees.

This policy follows the recommendations of the American Heart/Lung Association, The Clean Air Act, Federal and State legislation pertaining to "Indoor Air Quality in Public Buildings," as well as information from the Food and Drug Administration.

Tobacco Products, including the use of “e-cigarettes,” are prohibited in:

All City vehicles and in all City buildings, including lobbies, restrooms, hallways, stairwells, employee eating areas, conference rooms, all open-air balconies, and entrances and exits adjacent to building.

Tobacco Products are permitted in:

Designated smoking areas only, posted outside all city buildings

Employees having complaints concerning this policy should contact Human Resources.

Section E-7: DRUG-FREE WORKPLACE AND OTHER REQUIRED DRUG AND ALCOHOL TESTING

The City of Pensacola strives to provide a safe environment for both employees and the public. In this regard, the City considers the abuse of drugs on the job to be unsafe and counter-productive. Therefore, the City has established a policy with regard to the use, possession, and sale of illegal drugs and alcohol at work (Florida Statute 112.0455 Drug-Free Workplace Act).

The City has taken this position because drug use threatens safety and creates a variety of workplace problems, including increased on-the-job injuries, absenteeism, financial burden on health and benefit programs, increased workplace theft, decreased employee morale, decreased productivity, and a decline in the quality of products and services.

Drug addiction is complex, yet treatable. Employees with addictions are encouraged to seek help in overcoming the problem and participating in an alcohol and drug rehabilitation program.

Prior to testing, employees and job applicants are notified of the City’s policy, which balances individual respect with the need for a safe and drug-free environment. The City’s intent is to prevent and treat substance abuse.

As part of this program, the City will conduct: pre-employment drug testing, reasonable suspicion testing, post-accident testing, random testing, and return-to-duty/follow-up testing. Blood, breath, saliva, and/or urine samples will be given at the clinic or approved collection facility as designated by the City Clinic. Samples are handled in accordance with State and Federal rules and regulations. Results will be reviewed by a Medical Review Officer (MRO) to assure accuracy. The employee/applicant may consult with the MRO after testing. No physician-patient relationship is created by this program.

If a test is not collectable because of tampering or adulteration, a second test is requested, which may be observed. If a test is rejected because of purposeful adulteration, the employee will be terminated.

Documentation of a positive drug test result will be placed in an employee's confidential file, the employee will be notified, informed of the result, consequences, and options available. When tested for reasonable suspicion, documentation is placed in the employee's confidential file.

Discipline: If an employee is found with the presence of illegal drugs and/or alcohol in his/her system, in possession of, using, selling, trading, or offering for sale illegal drugs during working hours, at government functions, or on city property (including parking lots) the employee is subject to disciplinary action up to and including discharge. The use of any over-the-counter products that contain illegal drugs is expressly prohibited. Anyone observing a violation of this policy must report it to his or her immediate supervisor, and that violation is to be reported to the Department Administrator.

Employee Responsibilities: Physician-prescribed drugs may be taken during work hours; however the employee must notify the supervisor if the use of prescribed medication will affect the employee's work performance. Abuse of prescription drugs will not be tolerated. Violations may result in disciplinary action.

Responsibilities and Rights of Employee/Job Applicant: Within five working days from receipt of a positive drug test, an employee or job applicant must notify the laboratory of administrative or civil action planned as a result of a positive test. The employee or applicant may consult with the Medical Review Officer for technical information. An employee or applicant may request in writing, to have the original specimen retested at another certified laboratory at their expense. The employee can request, in writing, a written report regarding the circumstances for reasonable suspicion testing.

An employee or applicant has the right to contest or explain the result of a positive drug test result, in writing, within five working days of being notified of the positive result.

If an employee is convicted of a violation of a criminal drug statute occurring in the workplace, the employee must notify the City in writing no later than five calendar days after such conviction.

Employees must comply with all federal drug laws and the Federal Controlled Substance Act and the Florida Drug Free Workplace Act, Chapter 112. Any and all information gathered as a result of the drug testing program is confidential and may not be disclosed except in accordance with procedures allowed under the Federal/State Statute, County or City policy.

Refusal to take a drug or alcohol test may result in a refusal to hire; the employee forfeits his or her eligibility for medical and indemnity benefits under State Workers' Compensation; and is cause for automatic termination of the employee which may also cause denial of unemployment compensation.

All City policies related to drug and alcohol use, such as: Drug Free Workplace Policy, DOT Substance and Alcohol Misuse Policy - Federal Motor Carrier Safety Administration (FMCSA) and DOT Drug and Alcohol Testing Policy – Pipeline & Hazardous Safety Administration (PHMSA) are made available for review on the City's Intranet and Internet sites, City Clinic, and all City Departments. All employees, when hired are given a copy of the policy(s) and the employee is required to sign an acknowledgment form which is placed in the employee's personnel file. The City Clinic will conduct periodic training regarding the City's drug and alcohol related policies, as required by law.

The City's Drug Free Workplace Policy is not intended to be abusive or discriminatory, or to conflict with any public policy. The city considers drug testing to be only one of several steps to achieve a safe, healthy, and productive atmosphere for its employees. This policy is available for inspection by the job applicant or employee during regular business hours. This policy supersedes any information provided to applicants and/or employees either written or oral. The City reserves the right to change policy provisions and testing program at any time without prior notice and does not constitute a contract for employment.

Any employee found to be in violation of this policy is subject to disciplinary action up to and including termination, even for the first offense. As a Standard of Conduct, employees shall not use illegal drugs or abuse legal ones. In order to maintain this standard, the City establishes and maintains the programs and rules set forth above.

Complete policies are available and questions regarding Drug Free Workplace Policy, DOT Substance and Alcohol Misuse Policy and DOT Drug and Alcohol Testing Policy should be directed to the City Clinic.

CHAPTER F ADMINISTRATIVE APPEALS AND DISCIPLINE

Section F-1: ADMINISTRATIVE APPEAL PROCEDURES

Any city employee may file an administrative appeal for *non-disciplinary* matters such as disputes or discrepancies concerning personnel policies and rules regarding wages, hours, working conditions, performance evaluations, written reprimands, or warning letters, unless the employee is covered by a collective bargaining agreement requiring alternate appeal and grievance procedures or an employment contract that excludes coverage under this section.

Through the chain of command, the purpose of the administrative appeal process is to resolve non-disciplinary employee complaints and problems expeditiously at the earliest opportunity and at the lowest level possible. Supervisors should be helpful to employees by objectively reviewing employee problems, as well as helping employees prepare appeals, whether they agree or disagree. Supervisors should strive to understand the basis and nature of the problem.

Step 1. Immediate Supervisor

An employee completes, signs, and dates an Administrative Appeal Form and presents to his or her immediate supervisor within ten (10) working days after the date of the occurrence or date on which the employee knew or should have known of the action or issue that gave rise to the grievance. The supervisor signs and dates the form indicating receipt. The employee must openly and frankly discuss the matter with the supervisor, who will provide a decision immediately, unless additional information and facts must be gathered. If so, the supervisor has three (3) working days to investigate and render a decision. The employee is given a copy of the written response.

Step 2. Next Higher Supervisor¹

If the employee is not satisfied with the decision rendered by his or her immediate supervisor, he or she may appeal to the next higher supervisor within three (3) working days of the immediate supervisor's decision. A meeting must be held within three (3) working days and a written decision rendered within three (3) working days of the meeting. The employee is given a copy of the written response.

Step 3. Department Manager¹

If the issue remains unresolved, the employee may submit the written request to the department manager within three (3) working days. Within five (5) working days a meeting must be held. A written decision will be rendered within three (3) working days of the meeting. The employee is given a copy of the written response.

Step 4. Department Director/Administrator¹

If the issue remains unresolved, the employee may submit the written request within three (3) working days of the decision, to the Department Director/Administrator. This meeting will be held within five (5) working days of receiving the request. A written decision will be made within three (3) working days of the meeting. The employee is given a copy of the written response.

Step 5. Chief Human Resources Officer

If the issue remains unresolved, the employee may submit the written request within three (3) working days of the decision, to the Chief Human Resources Officer or designee. This meeting will be held within five (5) working days of receiving the request. A written decision will be made within five (5) working days of the meeting. The employee is given a copy of the written response.

Step 6. City Administrator

If the issue remains unresolved, the employee may appeal to the City Administrator or designee within three (3) working days of the decision. Within five (5) working days a meeting will be held with the parties involved. The City Administrator or designee will make every effort to present a final determination to be made available to all parties directly concerned within ten (10) working days of the meeting. The City Administrator's decision is final.

Employee Rights

- A. There shall be no coercion, discrimination, or reprisals against any employee for filing an administrative appeal. Any such action should be reported to the Chief Human Resources Officer.
- B. An employee may designate a person to act as a representative or appear with the employee in the presentation of an administrative appeal.

Time Limits:

- A. Time limits may be extended during the appeal procedure for five (5) working days upon the request of either party or for a longer period of time by mutual written consent for reasonable circumstances.
- B. An employee who fails to appeal to the next step in the process within the specified time limit forfeits the right to further consideration under these procedures and the matter is considered resolved at the conclusion of the step.
- C. Any level of management that fails to respond within the time limits forfeits the opportunity to comment and may be subject to disciplinary action. The employee

- may then appeal to the next management level.
- D. Working days are defined as days on which an individual (the grievant or respondent) is scheduled and appears for work. These days do not include normal days off, City-designated holidays, or paid leave.

Records:

- A. Upon completion of the administrative appeal procedure, the form will be placed in the employee's personnel file in Human Resources.
- B. The Chief Human Resources Officer is responsible for seeing that all involved persons are made aware of the final disposition. The Chief Human Resources Officer will report to the City Administrator or designee on all written cases, regardless of disposition.

¹If the problem is a policy matter that is more appropriately resolved bypassing one or more intermediate levels, such may be done with the joint approval of the Chief Human Resources Officer and the Department Director/Administrator.

Section F-2: DEFINITIONS

As used in the remainder of this chapter, the following listed terms, words, and phrases have the indicated meanings:

- A. Counseling – private discussion between supervisor and employee to discuss the violation of a rule, regulation, or policy.
- B. Disciplinary action - action taken against an employee because of employee misconduct as defined in this chapter. Discipline is a demotion, fine, suspension, dismissal, or any combination thereof. Disciplinary actions are appealable through the appeals process.
- C. Dismissal – involuntary termination of an employee for cause.
- D. Employee misconduct - Failure to obey any lawful and reasonable order or direction given by a superior (insubordination); violation of any lawful and reasonable City or departmental rule or regulation; incompetent, negligent, or inefficient performance of duty; carelessness or negligence in the care and operation of City property or knowingly permitting, condoning or participating in the unauthorized use of City property; scandalous or disgraceful conduct while on or off duty which conduct tends to embarrass the City or bring the City into public disrepute; offensive or abusive conduct or language towards the public, supervisor, or other employees; failing to report to work as scheduled; being absent without leave; failing to report after leave of absence has expired; failure to notify the appointing authority immediately after the suspension or revocation of a valid driver license if required by the employee in the

performance of duties; being under the influence of intoxicants while on duty or while wearing a City uniform; the use of illegal narcotics both on or off duty; conviction of any felony or a misdemeanor involving moral turpitude. **This is not an all-inclusive list.**

- E. Progressive Discipline - Process used to address inefficiencies in employee performance, typically beginning with counseling and moving to more severe actions up to and including termination. The beginning level of action taken is to be based on the severity of the negative actions taken by the employee as determined by the employer and would typically be derived through communication and approval through the Chief Human Resources Officer.
- F. Suspension - An enforced leave of absence (with or without pay) for either disciplinary purposes or pending investigation or charges against an employee.
- G. Written Reprimand – written documentation following a discussion between supervisor and employee, regarding the violation of a rule, regulation, or policy. Written reprimands are not eligible for appeal as they are not considered to be formal disciplinary action.

Section F-3: PROGRESSIVE STEPS

City Management is responsible for communicating, whenever practical, deficiencies in job performance and provide direction to employees for taking corrective measures. When correction is necessary, counseling and reprimands are constructive methods of communicating to the employee and conveys the importance of meeting established performance standards and expectations. Adhering to policies and procedures creates a work environment that is positive, satisfying, safe, and productive.

Because of numerous offenses, establishing uniform penalties is impossible. Supervisors are responsible for evaluating the seriousness of the offense and the appropriate consequences. Considerations are whether the offense or behavior is:

1. minor in nature,
2. of a significant nature requiring more than counseling or reprimand
3. so serious or egregious that serious action, even dismissal should be taken

Training

Supervisors are to explain expectations to both current and new employees. Open communication can prevent conduct problems and will help reduce miscommunication. Supervisors should be diligent in their investigations and take prompt and reasonable action when necessary. In many instances, employees may be guilty of minor rule infractions because they lack understanding or awareness of the rules. Therefore, periodic review of rules and expectations in employee meetings is important.

Progressive Procedures to Discipline

Unless the offense or behavior is one that warrants accelerated discipline, progressive or positive procedures should be taken in an effort to change the employee's behavior.

Step One – Counseling:

The supervisor meets privately with the employee to discuss the offense and explains the importance of the rule/policy the employee violated and expresses confidence that there will be no future occurrences. If an employee is uncomfortable meeting with the supervisor, he or she can be accompanied by one other employee of their choice. The supervisor should ensure the employee understands the expectation in regard to the rule/policy prior to ending the meeting. It is recommended that supervisors document the conversation in case it needs to be referenced in the future.

Step Two - Written Reprimand:

The supervisor meets with the employee to discuss the offense in a supportive, but serious manner. It is recommended that the supervisor ask a fellow member of the management team to sit in as witness to this meeting and that the meeting be held in a private location away from other staff. The supervisor should document the meeting summarizing the conversation and confirm the employee's agreement to improve/comply in the future. The supervisor should ensure the employee understands the expectation in regard to the rule/policy prior to ending the meeting.

Note: Neither counseling nor a written reprimand is formal discipline and therefore is not appealable. Documentation for either or both counseling and written reprimand can be made on an Employee Report of Counseling/Reprimand (PF 802). An employee may write a rebuttal to attach to and become part of this report within five (5) working days of being presented with the written reprimand.

Step Three - Disciplinary Action

When disciplinary action is required, the supervisor should prepare a Notice of Disciplinary Action (PF803). The supervisor and a fellow member of management should meet privately with the employee to discuss the offense, and to advise the employee of the action being taken (fine, suspension, demotion, dismissal). This form should be signed by the preparing supervisor, the fellow management witness, the Department Director or activity head. **The employee will be given an opportunity to sign the form as indication that he or she has seen and read it—not that he or she agrees or disagrees.**

In serious cases, where the Department Director is unavailable and where immediate action is deemed necessary, the first or second line supervisor is authorized to send the employee home for the balance of the workday pending action and a decision by the Department Director.

When loss of pay or time (fine, suspension) occurs due to disciplinary action, the first or second line supervisor should counsel with the Department Director/Administrator to determine the proper action. **Human Resources should be contacted to be certain that the action is in-line with citywide practice.**

When the desire is to dismiss an employee, Human Resources should be consulted by the Department to review documentation and ensure appropriate action is warranted and approved.

A [*Guide to Disciplinary Action*](#), located at the end of this chapter, provides helpful guidelines for particular offenses. This information is a guideline only and in no way is binding on the supervisor. Incidents must be considered individually, with regard to seriousness.

Section F-4: DISCIPLINARY APPEAL PROCEDURES

When employee performance and behavior issues rise to the level that requires disciplinary action, that action must be documented on a Notice of Disciplinary Action (PF803). When that occurs, an employee has the right of appeal.

The City of Pensacola has established disciplinary appeal procedures to assure equitable treatment of employees who have had disciplinary action taken against them.

- A. Unless being terminated or demoted during probationary status, any City of Pensacola employee may file a disciplinary appeal through these procedures, unless the employee is covered by a collective bargaining agreement requiring alternate appeal and grievance procedures or an employment contract that excludes coverage under this section.
- B. Employees may file an appeal for disciplinary actions as defined in this policy, such as demotion, fine, suspension, dismissal, or any combination.

Section F-5: DISCIPLINARY ACTION CHARGES APPEALS PROCESS

Any employee guilty of misconduct as defined by this policy is subject to disciplinary action by the appointing authority. The appointing authority will notify the employee of any disciplinary action as soon as practical, using an approved form, which should include a brief statement of the charges of misconduct, the disciplinary action to be taken, and notice of appeal rights. Disciplinary actions resulting in dismissal, suspension without pay, or demotion may be appealed by the affected employee pursuant to the process set out below. The time limits set forth in the appeal procedure must be adhered to by both the employee and the appropriate supervisory and administrative personnel unless extended for good cause by the Chief Human Resources Officer or his designee. The failure of the employee to

process the appeal in a timely manner to the next level shall constitute a withdrawal of the appeal. The failure of supervisory or administrative personnel to respond in a timely manner to an appeal shall constitute authorization for the employee to process the appeal to the next step.

A. Step One

The employee may present a written appeal to the Department Director or equivalent within five (5) working days from the date of the disciplinary action. The appeal shall contain a clear and concise statement of why the disciplinary action is inappropriate. Within ten (10) working days of the date of the appeal, a written decision shall be provided to the employee.

B. Step Two

If the employee is not satisfied with the step one decision, the employee may present a written request for review by the Chief Human Resources Officer. The request for a review must state with particularity why the disciplinary action was inappropriate and/or why the decision of the step one official should be changed. The request must be made within five (5) working days following the date of the appealed decision. The Chief Human Resources Officer shall, in his or her discretion, either review the appeal personally or appoint a delegate(s) to review the appeal. Within ten (10) working days of the date of the appeal, a written decision shall be provided to the employee.

C. Step Three

If the employee is not satisfied with step two decision, a written appeal may be made to the City Administrator within five (5) working days of the date of the step two decision and must state why such decision is incorrect. The review by the City Administrator shall be based solely upon the step two record and shall not include any new issue or evidence. Within a reasonable period of time, not to exceed thirty (30) days following the date of the appeal, a written decision shall be provided to the employee. The decision of the City Administrator officer is final.

D. Records of Disciplinary Actions

Copies of all documents pertaining to disciplinary actions shall be filed in the employee's personnel file.

1/8/2016

**GUIDE TO DISCIPLINARY ACTION
(PERFORMANCE-BEHAVIOR CORRECTION)**

Infraction/Offense	1st Offense	2nd Offense	3rd Offense	4th Offense
Absent without leave	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One Week Suspension	Dismissal	
Creating a hazard	Counseling to Dismissal	Written Reprimand to Dismissal	Dismissal	
Destruction of company property	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal
Failure to report any occupational accident, injury, or illness within 24 hours	Counseling to 3-day Suspension or Fine	3-day Suspension or fine to One Week Suspension	One-week Suspension to Dismissal	Dismissal
Failure to request supervisor's permission to leave work station	Counseling to 3-day Suspension or Fine	Written Reprimand to Dismissal	Dismissal	
Falsification of Records	One Week Suspension to Dismissal	Dismissal		
Fighting	Suspension to Dismissal	Written Reprimand to Dismissal	Dismissal	
Fraud – intentional waste or abuse of City funds, property, or time	Suspension to Dismissal	Dismissal		
Frequent loss of time	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	One-week Suspension	Dismissal
Gambling-city time/property	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	One-week Suspension	Dismissal
Horseplay	Counseling	Written Reprimand to 3-day Suspension or Fine	One-week suspension	Dismissal
Insubordination - Clinic/Doctor instruction	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to Dismissal	Dismissal
Insubordination – refusal to do work assigned or follow supervisor's direction	Counseling to Dismissal	Written Reprimand to Dismissal	Dismissal	
Loafing	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to Dismissal	Dismissal

Infraction/Offense	1st Offense	2nd Offense	3rd Offense	4th Offense
Loss of assigned City equipment	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to Dismissal	Dismissal
Misuse of City Property or Facilities	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal
Negligence or misuse of safety, fire, or other equipment	Counseling	Written Reprimand	3-day Suspension or Fine to One-week Suspension	Dismissal
Not wearing proper safety equipment	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal
Profane or abusive language	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to Dismissal	Dismissal
Reporting for work under the influence of alcohol or unauthorized drugs	See Drug-Free Workplace Policy			
Sleeping	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to Dismissal	Dismissal
Smoking-prohibited area	Counseling to Dismissal	3-day Suspension or Fine to Dismissal	Dismissal	
Stealing/theft	Suspension to Dismissal	Dismissal		
Substandard/Poor quality of work	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal
Taping of phone or verbal conversations without permission	Suspension to Dismissal	Dismissal		
Tardiness	Counseling	Written Reprimand	3-day Suspension or Fine to One-week Suspension	Dismissal
Unauthorized distribution of written or printed material of any description	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal
Unauthorized sales or solicitations on City premises/City Time	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One-week Suspension	Dismissal

Infraction/Offense	1st Offense	2nd Offense	3rd Offense	4th Offense
Use of alcohol or unauthorized drugs in the workplace	See Drug-Free Workplace Policy			
Violating conduct standards – decency and morality policy on company time and property	Counseling to Dismissal	Written Reprimand to Dismissal	Dismissal	
Work spoilage (causing deterioration of work that should be performed)	Counseling to Written Reprimand	Written Reprimand to 3-day Suspension or Fine	3-day Suspension or Fine to One Week Suspension	Dismissal

CHAPTER G GENERAL POLICIES AND RULES OF WORK

Section G-1: HOURS OF WORK

Employees of the City generally work a forty (40) hour work period, as outlined in the Fair Labor Standards Act (FLSA). Exceptions are identified in the FLSA, which include public safety positions (firefighters and law enforcement personnel), part-time, and seasonal.

Depending on the position you hold, some positions are considered “exempt” or not eligible for overtime pay under the FLSA, while other positions are “non-exempt” or eligible for overtime pay. Overtime is paid for hours worked over 40 in a workweek. (See Compensation and Benefits chapter for more information). For non-exempt employees, the workweek begins at midnight Sunday. To the extent possible, work should be scheduled during normal business hours of 8 a.m. to 5 p.m., Monday through Friday. When this is impractical, the Mayor or designee may set alternate schedules that provide working five (5) consecutive eight-hour days, followed by two (2) consecutive days off.

Public Safety Personnel

Duty schedules for Police and Fire will be established by the Police Chief and Fire Chief. They are responsible for meeting the requirements of the Fair Labor Standards Act, the terms of all collective bargaining agreements, and receiving the approval of the Mayor or designee.

Incentive Work Program

Incentive work programs may be established by Department Directors/Administrators, with the Mayor or designee's approval, whereby employees performing a specific function may complete a unit of work each shift rather than work a specific number of hours.

Flexible Work Schedules

A flexible work schedule is any schedule for a full-time employee that involves work hours that differ from a standard eight-hour workday. Flexible schedules for full-time employees may be approved on a discretionary basis by department directors/administrators, in conjunction with Human Resources Administrator, provided that:

- Work productivity and/or efficiency of the employee and the work unit are not adversely affected.
- Customer service to both internal and external customers is not compromised.
- The schedule adheres to the requirements of the Fair Labor Standards Act (FLSA).

Flexible schedules are not appropriate for all employees and all positions and employees should not consider themselves entitled to work such a schedule. Flexible schedules do not

alter the terms and conditions of employment; a copy of approved flexible schedules will be placed in the employee's personnel file.

Holidays on a Flexible Work Schedule

To ensure consistency and fairness, holiday workweeks will be handled in one of these ways:

- Employees can work 8-hour days for the week with a holiday.
- Employees' schedule can be changed so the holiday reflects an 8-hour day and the remaining hours (normally 32) are worked during the rest of the week.
- Employee may take two hours of PTO or leave without pay on the holiday

Exceptions to these options must be approved by the Human Resources Administrator.

Board/Committee Meetings and Non-Work Related Activities

Employees who wish to attend board/committee meetings or other community functions during their regular work hours must have prior approval from their Department Director/Administrator and must take leave for such hours of non-work activity, unless approval has been given by the Mayor or designee. Non-work activity is defined as attendance at meetings in which the employee is not an appointed member or representative of such board/committee. Contact the Human Resources Department for boards/committees and non-work related activities that are approved. Approval to attend such meetings and community activities shall be made at the discretion of the Department Director/Administrator. All non-work time will be reported as leave without pay if approval was not given.

Section G-2: TARDINESS

Because of the diversity of operations, different working schedules are required in order to provide efficient services to the city's customers. Depending on job responsibilities, some schedules are standard and routine, while others are non-standard and changing. This policy guides supervisors in fair and equitable treatment, ensuring all employees are given the opportunity to work the proper number of hours in the work day and that proper steps are taken to correct situations where employees fail to report for work as scheduled.

1. All employees are expected to work a prescribed work schedule. Each employee is expected to be at his or her assigned work area at the beginning of the work schedule.
2. Unforeseen emergencies may occur which prevent an employee from reporting to work on time. In such cases, the employee is responsible for notifying his or her supervisor as soon as possible. Failure to do so may result in disciplinary action.

3. Employees who are late without justifiable reasons, or who have a record of repeated tardiness, will be subject to disciplinary action.

Section G-3: LUNCH AND WORK BREAKS

Depending on the type of work performed, employees are allowed an unpaid lunch period ranging from thirty (30) minutes to one hour. City employees are allowed a fifteen (15) minute morning work break and a fifteen (15) minute afternoon work break. This time is not cumulative.

Section G-4: GIFTS

Policy governing acceptance of gifts by City employees merits particular attention.

1. City employees shall not accept gifts or favors from any source where a reciprocal favor or consideration of any kind is expressed or implied by the giver. Money shall not be accepted under any circumstances.
2. City employees may not accept any gift whose value exceeds \$100.00, per, Chapter 112 of the Florida Statutes. Any gift of value greater than \$100.00 must be returned unless the gift is one that can be shared and/or made available for all employees to enjoy, and is not kept for the personal and exclusive use of a single employee.
3. When applying these guidelines in specific situations, the employee must use sound judgment and consider the nature, value, and spirit of any gift offered. Employees are encouraged to seek the counsel of their supervisors when necessary.

If any doubt exists about whether a gift is acceptable per the policy, the gift should be refused or returned. A letter or similar communication to the giver should explain the City's policy and express gratitude for the thoughtfulness of the giver. Sound judgment and prudent, courteous action in these situations are essential.

A violation of this policy is considered in the same manner as violation of other policies and directives and may call for disciplinary action.

Section G-5: POLITICAL ACTIVITIES

- A. No person in the administrative service of the City will directly or indirectly solicit any contribution from any employee for any candidate for election in a City, county, state or federal office.

- B. No person in the service of the City will discharge, suspend, lay-off, demote, or in any manner change the official rank or compensation of any person for making or neglecting to make a monetary contribution or service or anything of value for any political purpose. No person in the administration of the City will use his or her official position or authority to coerce the political action of any person or body.
- C. An employee may not: take any part in a political campaign during normal working hours; use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office; or directly or indirectly coerce, attempt to coerce, command, or advise a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes. Florida statutes may restrict certain employees qualifying for public office; employees not excluded by statute may seek any municipal, county, state, or federal elected position without resigning or taking a leave of absence, providing campaigning does not interfere with their normal job performance.
- D. Anyone violating these provisions may be dismissed from City employment.

Section G-6: EMPLOYEE COMMUNICATION

Realizing that communication within the organization is essential to its effective operation, the City has established an internal web site which can be accessed at <http://web1/>. Also available is an employee online service which can be accessed via the internet.

A. **Bulletin Boards - Department**

The intent of this policy is to clarify the City's position concerning the posting of information at work sites, and returns the authority and responsibility for this function to management.

Department Directors will be responsible for designating an official department bulletin board for the posting of information. This bulletin board shall be encased, locked, and covered with glass. The Board will be labeled with the department's name and will carry a set of procedures for the posting of information. Directors must also provide the Human Resources Administrator with a list of bulletin boards, their location, and the name of the person responsible for posting approved items, removing outdated items, and periodically reviewing what is posted on the board to ensure compliance with the departmental posting policy.

The following items may be posted on the bulletin board, but only with approval of the Department Director or their designee:

1. Job bulletins posted for internal and external recruitments
2. Letters and memoranda from the Mayor or designee and other department directors
3. Official department memoranda

4. Items of information to employees
5. Documents required by law to be posted

Employees may have announcements posted on the official bulletin board with the approval of the Department Director or designee.

Bulletin Boards – Work Site

The Department Director may designate additional bulletin boards for the department as work site bulletin boards. These boards must also be encased, locked, and covered with glass. The board will carry a set of procedures for the posting of information.

The following items may be posted on the bulletin board, but only with approval of the Department Director or their designee:

1. Job bulletins posted for internal and external recruitments
2. Letters and memoranda from the Mayor or designee and other department directors
3. Official department memoranda
4. Items of information to employees

All items to be posted on the work site bulletin board must be submitted and have approval of the Department Director or their designee. The Department Director will designate a departmental administrative officer or supervisor who is responsible for proper posting and maintenance of items posted on the board. The administrative officer or supervisor will be responsible for posting approved items, removing outdated items, and periodically reviewing what is posted on the board to ensure compliance with the departmental posting policy.

Bulletin Boards - Program/Operational

The Department Director may also designate additional bulletin boards as program/operational bulletin boards. These boards will be restricted to information concerning programs or operations of the respective City department. The Department Director will be responsible for providing, in writing for approval by the Mayor or designee, a set of procedures for the posting of information. These procedures will include a statement of those items, which may be approved for posting.

As noted above, the Department Director will designate a supervisor to be responsible for proper posting and maintenance of items posted. All items to be posted on the program/operational bulletin board must be submitted and have written approval of the supervisor responsible for posting. Items posted must comply with the statement of items, which have been approved for posting. The supervisor, as designated, will be responsible for posting items, removing items, and periodically reviewing items to ensure compliance with policy.

Prohibition Against Removing Information From Approved Bulletin Boards

No employee, other than the Department Director or his or her designee may remove information from bulletin boards.

Employees violating this policy shall be subject to disciplinary action.

Prohibition Against Posting Information Other Than On Approved Bulletin Boards

Employees may not post signs, letters, posters, charts, or other announcements in any place other than the official departmental bulletin board.

Employees violating this policy shall be subject to disciplinary action as outlined in Chapter G, Section 1 of the City's Human Resources Manual.

Dissemination of Policy Information to Employees

Each Department Director is responsible for issuing a statement incorporating the above policy, and specific departmental procedures for the above. The statement will include the location of the official bulletin board, limitations on posting, procedures for requesting materials be posted, and a statement of action which will be taken if the policy is violated. Departmental procedures shall not be in conflict with policy stated in the sections above.

COMPUTER INTERNET, INTRANET, E-MAIL, CELLULAR TELEPHONES, BLACKBERRIES, AND SMART PHONES (MOBILE COMMUNICATION DEVICES)

For information and to obtain a copy of the policies regarding use of the Internet, Intranet, email, cell phones, etc., refer to [Technology Resources](#) Intranet page, since the "Policies" link will have the most up-to-date information.

Public Records: All City generated Internet/Intranet transactions (i.e. messages, web pages, files, documents, etc.) carried out while conducting City business using City-owned computer resources are considered official City records and may be public records under Chapter 119, Florida Statutes.

Section G-7: TAPING OF CONVERSATIONS IN THE WORKPLACE

The taping of telephone conversations or verbal conversations among employees, or between employees and supervisors, without permission, is prohibited and is considered to be a serious offense, subject to disciplinary action, including dismissal.

Statutory Provisions

All City employees will observe all provisions of the Florida Security of Communication Act, Chapter 934, of the Florida Statutes. Copies of that statute may be obtained from the Human Resources Department or the City Attorney's Office.

Section G-8: APPAREL AND GROOMING

A. General

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image the City presents to customers and visitors.

During business hours or when representing the City, employees are expected to appear clean and neat. An employee's dress and grooming habits should adhere to the requirements of the position and accepted social standards. This is particularly true when a position involves dealing with customers or visitors in person.

Department administrators are responsible for establishing a reasonable dress code appropriate to the job requirements. If an employee's personal appearance is deemed inappropriate, he or she may be asked to leave the workplace until he or she is properly dressed or groomed. Under such circumstance, no compensation is granted for the time away from work. If there is a question or concern about what constitutes appropriate appearance, consult the supervisor. If necessary, reasonable accommodations may be made if requested of the supervisor.

A department that has established a departmental dress uniform which displays the City's logo, is considered acceptable office attire.

B. Casual Day

The following information is intended to serve as a guide to help define appropriate casual business attire for employees during designated casual days at the City. Each Friday is designated as casual day. Other days, such as certain holidays or days preceding holidays, or in the field site visits, may be designated as casual days, with prior notification from the immediate supervisor.

Employees should project a professional image even with casual and relaxed fashions, since not all casual clothing is appropriate for the office. Casual business wear means clean, neat, professional clothing. It is never appropriate to wear stained, wrinkled, frayed, or revealing clothing in the workplace. If there is a question as to whether clothing is acceptable, choose something else or inquire first.

The following list provides a general overview of acceptable casual business apparel as well as

clothing that is not appropriate for the office. Of course, neither list is intended to be all-inclusive. Rather, these items should help set the general parameters for proper casual business wear and allow making judgments about items that are not specifically listed.

APPROPRIATE BUSINESS APPAREL		
Slacks	Skorts	Casual dresses and skirts
Jeans	Golf shirts	City/department logo clothing
Capris	Sweaters	Casual shirts and blouses

This clothing should not be worn:

INAPPROPRIATE BUSINESS APPAREL	
Jeans-excessive wear or fading	Sweat shirt or sweat pants
Warm-up or jogging suits	Non-city issued uniform shorts
Bib overalls	Spandex or other form-fitting pants
Miniskirts	Spaghetti-strap dresses or tops
Offensive messages or images	Tank tops
Halter tops	Bare shoulder tops unless under blouse or jacket
Slippers	Beach sandals

Section G-9: RELATIONSHIPS WITH SUBORDINATE EMPLOYEES AND APPLICANTS

City government should provide its customers and employees a professional, stable, and harmonious work environment. To assure that environment, employment-related decisions should be made based on valid, employment-related criteria.

Directors, administrators, managers, and supervisors are encouraged to develop and maintain professional working relationships with each other, and with other employees. Directors, administrators, managers, and supervisors have a responsibility to avoid relationships with subordinate employees that may result in actual or perceived favoritism, employee morale problems, or liability to the City.

The City’s [Employment of Relatives](#) policy imposes limits on close relatives supervising each other, with the intent to prohibit preferential treatment or favoritism toward family.

The City recognizes that other kinds of close personal relationships can also give rise to concerns about actual or perceived preferential treatment or favoritism. Specifically, if directors, managers, or supervisors are permitted to make employment-related decisions that affect persons who are intimate or romantically involved, such decisions can adversely affect the work environment. Such decisions can also be disruptive to the morale of other City employees. Examples of problems that may arise include the following:

1. Such relationships may result in preferential treatment or favoritism in decisions related to employee hiring, pay, promotions, advancement, training, assignments, or other terms and conditions of employment which are based upon the relationship, rather than on valid employment related criteria.
2. Even where there is no actual preferential treatment or favoritism, such relationships can create an appearance of preferential treatment or favoritism that adversely affects employee morale.
3. Such relationships can give rise to claims of quid pro quo sexual harassment when subordinate employees believe or later claim that it is necessary to submit to sexual advances in order to be given more favorable treatment by a supervisor. Such claims could be made even if a supervisor and subordinate employee are involved in a consensual relationship.
4. Such relationships can give rise to claims of a sexually hostile work environment.

To prevent these and other adverse consequences, it is the policy of the City of Pensacola to discourage directors, administrators, managers, and supervisors from having intimate or romantic relationships with subordinate employees or with applicants for City employment when a relationship could occur.

1. No director, administrator, manager, or supervisor working for the City of Pensacola is permitted to have an intimate or romantic relationship with an employee whom the director, administrator, manager or supervisor directly or indirectly supervises.
2. No director, administrator, manager, or supervisor working for the City of Pensacola may appoint, employ, promote or advance, or advocate for the appointment, employment, promotion, or advancement in or to a position in a department over which he/she exercises jurisdiction or control, any individual with whom the director, administrator, manager, or supervisor is intimate or romantically involved.
3. An individual intimately or romantically involved with a director, administrator, manager, or supervisor of the City of Pensacola may not be appointed, employed, promoted, or advanced in or to a position in the City if such appointment, employment, promotion, or advancement has been advocated by the director, administrator, manager, or supervisor with whom the employee/applicant is having an intimate or romantic relationship.

Disclosure of intimate or romantic relationship: To avoid a violation of this policy, employees who believe they are developing an intimate or romantic relationship are required to disclose the relationship to their department director, the Human Resources Administrator, or to another member of City Management for further guidance. The City of Pensacola does not tolerate sexual harassment in the workplace. In order to assure that no director,

administrator, manager, or supervisor sexually harasses a subordinate employee, and to protect the City and employees from liability for sexual harassment, any director, administrator, manager, or supervisor who has an intimate or romantic relationship with any employee under his/her direct or indirect supervision is required to disclose that relationship. (See Prohibited Employment Harassment in Chapter H).

b. Violations of Policy

Directors, administrators, managers, supervisors, and employees who violate this policy are subject to corrective or disciplinary action, which could include termination of employment.

Section G-10: CITY VEHICLES & EQUIPMENT

The Mayor or designee sets the vehicle and equipment use policy. The cost of operating and replacing vehicles and equipment is significant, given the size of the fleet. This policy is reviewed periodically; policy changes are issued in administrative memos.

Employee Responsibility

Vehicles and equipment are essential to accomplishing job duties and can be expensive and difficult to replace. Employees are responsible for notifying a supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, in need of repair, or lost. Prompt reporting of damages, defects, and need for repairs could prevent deterioration of the equipment and prevent possible injury to employees or others. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Supervisory Responsibility

Supervisors are responsible for answering any questions about an employee's responsibility for maintenance and care of vehicles and equipment used on the job.

Disciplinary Action for Violation of City Equipment Policy

The improper, careless, negligent, destructive, unsafe use or operation of equipment and vehicles is prohibited. Misuse of equipment and vehicles may result in counseling, written reprimand, or disciplinary action, including suspension or fine, up to and including termination of employment.

VEHICLE USE

The way City-owned vehicles are used and maintained directly influences the public's view of the City and its employees. This policy establishes guidelines and procedures for the use of City-owned or City-leased vehicles and privately-owned vehicles when used in the performance of City of Pensacola business.

Definitions

1. Departmental Vehicles: trucks, automobiles, and other equipment designated for general use by City employees. All City-owned vehicles not otherwise assigned under any other classification shall be designated departmental.
2. Drive-Home Vehicles: City-owned or leased vehicles assigned to employees to be driven to and from work. Department directors are responsible for making such assignments, based on need. There are four classifications of “drive home” vehicles: Emergency, Service, Support, and Administrative. The determination as to which classification a vehicle falls within and the value of the vehicle to the individual/operator as additional compensation is based upon the following:
 - a. Emergency vehicles are those assigned to sworn police officers and certified firefighters. Operators of vehicles in this classification are not subject to any personal income tax liability or fuel reimbursement charges for commuter use.
 - b. Service vehicles are those specially designed or equipped to perform construction or repair services and the operator is on 24-hour call-out. Operators of vehicles in this classification are not subject to any personal income tax liability or fuel reimbursement charges for commuter use.
 - c. Support vehicles are those assigned as drive home for operational efficiency where the operator has irregular work hours or is routinely required to perform duties before and after normal working hours. Operators of vehicles in this classification will be subject to a personal income tax liability equal to additional compensation of \$1.50 for each one way commute or \$3 per day for each day that the vehicle is utilized. Operators of vehicles in this classification will not be subject to the City fuel reimbursement charge for commuter miles driven.
 - d. Administrative vehicles are those assigned to individuals/operators that have managerial and operational responsibilities, whose duties require mobility and that are subject to response in critical and emergency situations. Operators of administrative vehicles that are driven home will be subject to a tax liability equal to a prorated lease value and reimbursement of fuel for commuter use based upon the following:
 1. Prorated Lease Value - for the City the prorated lease value will be determined by the IRS Annual Lease Value Table (based upon the fair market value of the vehicle) and the ratio of total annual/quarterly miles driven relative to the annual/quarterly miles driven commuting from the place of residence to the work place. The prorated lease value will be adjusted every forty eight (48) months or upon vehicle replacement.
 2. Fuel Reimbursement - individuals who commute in Administrative vehicles will be required to reimburse the City for fuel consumed when commuting based upon the vehicle manufacturers estimated city miles

per gallon at the average cost paid by the city for fuel during the billing quarter.

3. **On-Call Vehicles:** Departmental Vehicles that are temporarily assigned to an employee for use during an on-call period to ensure the response of an employee to an emergency or other after hours call for service and requires take home responsibility. The Department Director shall assign this classification and the assignment is subject to Mayor or designee review.
4. **Personal Vehicle Use for City Business:** If an employee uses their personal vehicle more than twice a month to conduct City business, a Vehicle Use Agreement must be signed and provide proof of insurance provided to Financial Services with minimum limits equal to those required by the State of Florida. Signing the Vehicle Use Agreement indicates the employee understands that the employee's insurance coverage is primary; the employee will pay any deductibles; and is responsible for insurance premiums. While the employee's insurance is primary, accidents must still be reported in accordance with the Accident Reporting procedures outlined in this policy.
City Policy shall govern mileage reimbursements.
5. **Rental Vehicles:** When traveling on City business outside the State of Florida, the employee will rent a vehicle and purchase insurance coverage from the rental agency, unless approved by the Department Director, City Administrator, Mayor or designee.

Vehicle Maintenance and Operation

Employees operating or assigned City-owned or leased vehicles are expected to care for and properly maintain those vehicles. All vehicles and equipment must receive regularly scheduled preventive maintenance in compliance with Fleet Management's Maintenance Program.

1. An employee shall inform his/her immediate supervisor of any vehicle condition that may present a safety hazard. The Fleet Manager has the responsibility and authority to remove any vehicle from service that he or she feels is unsafe, and/or shows evidence of inappropriate care by the operator(s).
2. Before operating a City-owned vehicle or a personal vehicle on City business, an employee must report to their supervisor or the City Clinic the use of medications (over the counter or prescribed) that may impair his/her ability to ensure the safe operation of an assigned vehicle.
3. An employee assigned or authorized to drive a City-owned vehicle shall take the safest route to and from all jobs; utilize the most practical size vehicle to accomplish

the job, and plan work in order to eliminate all unnecessary trips.

4. All City-owned vehicles and equipment with locking mechanisms will be locked when unattended.
5. City-owned vehicles will not be left running while unattended. Keys to the vehicle shall never be left in an unattended vehicle.
6. An employee assigned or authorized to drive a City-owned vehicle shall be responsible for the appearance of the vehicle by ensuring that its exterior is periodically washed and its interior is vacuumed or swept out regularly and is kept free of accumulated trash.

Use of City-Owned Vehicles

1. In addition to using an authorized vehicle for daily work activities, use of authorized vehicles under the following circumstances is also approved subject to the discretion of the Mayor or designee or Department Director. These circumstances are approved because the use provides accommodation for restricted, need based, personal use of City-owned vehicles: Commuting to and from the employee's residence
 - a. Minor stops while commuting, so long as such stops are on the usual and regular route of the employee.
 - b. To and from a meal or authorized break during the employee's working hours.
 - c. To and from a personal medical or dental appointment while commuting or during the employee's working hours.
2. Employees operating City-owned vehicles must maintain and carry at all times a valid driver's license for the class of vehicle being operated. Employees have the responsibility to report immediately to their supervisor any conviction for a violation resulting in points charged against their driver's license, any license restriction (to include denial, expiration, suspension, or revocation) or any motor vehicle-related accident. This reporting obligation applies whether the employee is operating a City Owned or their personal vehicle.
3. Drive-Home Vehicles and On-Call Vehicles shall be parked off-street, if possible, when parked at a place of residence.
4. If a City-owned vehicle is involved in an accident, the employee should follow the procedures set forth in the Accident Reporting policy.
5. At all times, an employee operating a City-owned vehicle shall drive safely and comply with all traffic laws.
6. Employees operating a City-owned vehicle and authorized passengers in the front seat must use seat belts in accordance with FS 316.614, "Mandatory Seat Belt Law."
7. City of Pensacola Cell Phone Policy governs the use of personal communication devices while operating a City-owned vehicle.

E. Prohibited Practices

The following practices or activities are specifically prohibited and any violation could result in applicable disciplinary or legal action:

1. The operation of a City-owned or Leased Vehicle while under the influence of alcohol or any other intoxicating or hallucinatory drugs or medication.
2. The transportation of alcohol or any other intoxicating or hallucinatory drugs in a City-owned or Leased Vehicle with the exception of Public Safety vehicles in the course of authorized City use.
3. Except as otherwise provided for in this Policy, the personal use of City-owned or leased vehicle.
4. The transportation of any non-city employee in a City-owned or Leased Vehicle, except when the transportation of a non-employee involves the official business of the City. For the purposes of this section, official business includes transporting spouses to local events where both the City employee and spouse have been invited to appear as representatives of the City.
5. Operating a City-owned vehicle in violation of any traffic regulations.
6. Operating a City-owned vehicle in a careless or negligent manner.
7. Affixing or permitting the placement of a bumper sticker or advertisement of any kind on a City-owned vehicle unless the placement is authorized by the Mayor or designee.
8. Operating a City-owned vehicle or a personal vehicle on City business when the employee's physical condition, with or without medication, is such that the employee is unable to ensure the safe operation of an assigned vehicle.

Training

1. Driving Safety Training Program
 - a. All current City of Pensacola employees whose job description requires that the employee possess a valid driver's license will participate in mandatory Driving Safety Training.
 - b. All new hires whose job description requires that the employee possess a valid driver's license will receive Driving Safety Training as part of New Employee Orientation.

2. Remedial

If an employee, while operating a City-owned vehicle, is cited for an accident or a moving violation, the employee may be required to complete a remedial driver's education course sponsored by the State of Florida or another program which is acceptable to the City. The course shall not be completed during the employee's normal working hours and costs incurred shall be the responsibility of the employee.

At the discretion of the Mayor or designee, Assistant Mayor or designee or Department Director, the employee may forfeit their City driving privileges until such time as the requirements of this section have been satisfied.

Failure to comply with the requirement of this section may result in disciplinary action.

Licensing Criteria for City of Pensacola Driving Privileges

1. Employees eligible for driving privileges must be 18 years or older, be a regular, full-time employee or extra personnel services employee (EPS) and must have a valid driver license.

Temporary Agency personnel working for the City are not authorized to operate City-owned vehicles or equipment without the approval of the Department Director.

2. Criteria that may indicate an unacceptable driving record includes, but is not limited to:

Driver license is revoked or suspended; or accumulated nine or more points within the last three calendar years; or conviction of DUI within the past 12 months (a no-contest plea is the same as a guilty plea); or listed on the National Driver Register; or habitual traffic violator as defined by Florida Statutes 322.264.

3. An employee's driving privileges may or will be suspended if:

Driver's license suspended or revoked; nine or more points is accumulated within three calendar years; convicted of DUI (a no-contest plea is the same as a guilty plea) or refusal to be tested in the course of a DUI investigation while operating a City-owned vehicle on or off the job; habitually violates traffic laws; determined to be at fault, by either a law enforcement agency or by the findings of the City accident investigation, subsequent to involvement in an accident while operating a City Owned or Leased vehicle.

Subject to City departmental discretion, if a license is revoked or suspended, the employee may be subject to disciplinary action, including termination if the job requires driving.

Accident Reporting

1. Monday – Friday 7:30 a.m. – 5:00 p.m.

If involved in an accident while on business for the City of Pensacola, the employee, or the department, should contact the appropriate law enforcement agency and Risk Management. Risk Management will call the City's on-call adjuster to respond to the scene.

2. All other hours, call Police Dispatch, 435-1845, who will contact the City's on-call adjuster to respond to the scene. If the accident occurs outside normal business hours, the employee's supervisor should be notified according to Departmental policy

or at the beginning of the next shift.

3. Complete the Employee/Supervisor Accident Investigative report, PF352, and forward a copy to Risk Management within two business days.
4. If insurance information is needed at the scene, the insurance information is on the vehicle key tag. The City of Pensacola is a self-insured municipal corporation for bodily injury and property damage. There are no "policy numbers" issued for self-insured municipalities.

Exceptions to Policy

Any exceptions or unusual circumstances not provided for in this policy must have the specific written approval of the Mayor or designee, and/or Department Director/Administrator.

Mutual Aid Agreements

In the event of a conflict between this policy and a City approved Mutual Aid Agreement, the Mutual Aid Agreement takes precedence.

Section G-11: PRESS POLICY

Effective communication is an essential part of public service. This policy was created to manage the flow of information to and from the City of Pensacola regarding all forms of communication with the press.

Procedures:

1. In order to ensure that all accurate, appropriate and authorized information is released to the media, all formal releases of information to the media on behalf of the City or its Departments should be forwarded to the Communications Administrator.
2. If an employee is contacted by a member of the press, please politely direct them to contact the Communications Administrator and notify the Communications Administrator about the contact immediately.
 - a. The City does not want to place the burden on employees of having to deal with the press and any possible adverse situations that could result from your communications. Instead, say "thank you for calling, I am going to direct you to the City of Pensacola's Communication's Administrator. He/she can provide you with the information you need." Offer to provide the phone number/email for the Communications Administrator or take their information and have someone from the Communications Office contact them.

3. Any news releases (aside from routine announcements, meeting notices, etc.) should be coordinated through the Communications Office.
 - a. Exempted from this are those departments which already have their own process for news releases in place, such as the Police Department.
4. Without prior approval, only the Mayor, City Administrator and Communications Administrator are authorized to speak to the press on behalf of the City.
 - a. There are times where it will be appropriate for an employee to speak to the press on an issue, due to their expertise. Please notify the Communications Administrator immediately about any requests for an interview or comment by any TV, radio, or print outlet.

This process will allow the City to minimize miscommunication and misinformation, while maximizing responsiveness and productivity.

2/2014

Section G-12. **SECONDARY EMPLOYMENT**

A. General

Because of special interests or talents, some employees may wish to pursue secondary part-time employment beyond their activity with the City. Such employment is permitted provided the following criteria are observed:

1. No such employment may be of a character inconsistent or incompatible with or in obvious conflict with the employee's duties with the City.
2. Such secondary occupations must be carried on fully outside of regular hours of City employment and must not interfere in the performance or efficiency of the employee's City position. Such work must not be of such a strenuous nature or of such a schedule as to influence the employee's conduct, efficiency, attendance or promptness.
3. The work must not place the employee in a position of compromise with regard to their regular responsibilities or be of such a character as to cast doubt upon the employee's fairness or impartiality in their duties as a City employee.
4. Under no conditions may the employee, in their alternate capacity, sell any service or merchandise to the City.

5. Any employee taking part in any secondary employment or occupation must fully and honestly complete a Secondary Employment Form (PF-405). The form must be submitted to the employee's Director/Administrator for review and approval.

A form must be completed for each such secondary employment; with a new one to be filled out any time there is a change in such employment. The employee must submit the completed form to his/her supervisor within one (1) week of the start of the secondary employment.

The supervisor must forward the completed form to the Director/Administrator immediately for approval. The Director/Administrator must forward the form to Human Resources within one (1) week.

It is the employee's responsibility to file the required form through the employee's chain of command and ensure it is forwarded to Human Resources within two (2) weeks from the time secondary employment begins. Failure to do so may subject an employee to disciplinary action to include discharge, suspension, or other appropriate disciplinary action.

The Director/Administrator or their designee is responsible for reporting an employee's failure to comply with this policy to the Human Resources Office and state the disciplinary action taken in each case.

Termination of secondary employment must be reported on the Termination of Secondary Employment form (PF-406).

B. Responsibility for Supervision

It is the responsibility of each Director/Administrator and supervisor to conduct annual counseling interviews with all employees and determine the existence of such secondary employment. This does not propose extraordinary supervision or enforcement of regulations upon employees, but it is important that a supervisor be aware of time-consuming activities in which the department's employees may be involved.

If an employee's performance becomes unsatisfactory as a result of any of the above factors then the supervisor and Director/Administrator will, in order, give counseling and warning, disciplinary suspensions and ultimately, recommend discharge of the offending employee.

5/2014

CHAPTER H EMPLOYMENT LAWS

Section H-1: VETERANS PREFERENCE

Chapter 295.07, Florida Statutes, provides preference in appointment and retention for: military veterans of any period of wartime service; for un-remarried widows or widowers of veterans who died of service-connected disability; for disabled veterans; and for spouses of totally and permanently disabled veterans who cannot qualify for employment due to their disability or who are missing in action.

The requirements for eligibility are set forth in the statute and apply to applicants for employment, as well as eligible employees for promotion, and retention preference in the event of a layoff. Points are added to passing examination scores pursuant to the statute.

Section H-2: AMERICANS WITH DISABILITIES ACT OF 1990

A. General

The City of Pensacola recognizes its responsibilities to the citizens of Pensacola as an employer and service provider to ensure equal access to all City programs, services, and employment. In accordance with the Americans with Disabilities Act of 1990 and the Rehabilitation Act of 1973, Section 504, no otherwise qualified disabled individual shall, solely by reason of the individual's disability, be excluded from participation in, denied the benefits of, or subjected to discrimination under any City program, service, or employment.

It is the policy of the City of Pensacola to afford equal access to all City programs, services, and employment for all qualified persons by prohibiting discrimination because of race, color, religion, sex, national origin, age, marital status, or disability. The City will work to ensure the elimination of barriers to City programs, services, and employment and make reasonable accommodation for an employee's, an applicant's, or a citizen's disability, unless such accommodation would impose an undue financial and administrative burden on the conduct of the City's business.

B. Scope

Any qualified employee or applicant for employment with a disability is an individual who, with or without reasonable accommodation, can perform the essential functions of a job in question. An individual with a disability is a person who:

1. Has a temporary or permanent physical or mental impairment that substantially limits one or more major life activities, e.g., seeing, hearing, speaking, walking, breathing, performing manual tasks, learning, caring for oneself, and working;

2. Has a record of such an impairment; or
3. Is regarded as having such impairment.

The Act does not prohibit discrimination against an individual (including an individual with a disability) based on that individual's current unlawful use of drugs. However, a local government may not discriminate on the basis of unlawful drug use against an individual who is not currently engaging in the unlawful use of drugs and who has successfully completed a supervised drug rehabilitation program or has otherwise been rehabilitated successfully; is participating in a supervised rehabilitation program; or is erroneously regarded as engaging in such use.

C. General Provisions

Reasonable accommodation is any change or adjustment to a job or work environment that permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. Reasonable accommodation also must be made to enable an individual with a disability to participate in the application process and to enjoy benefits and privileges of employment equal to those available to other employees.

D. Grievance Procedure

The ADA requires public entities with fifty or more employees to establish grievance for resolving complaints of discrimination on the basis of disability in the City's services, procedures programs, activities, or in employment.

Anyone wishing to file a complaint based on employment under the ADA of 1990 and/or the Rehabilitation Act of 1973, Section 504, shall use the complaint procedures as set forth in the Employment Complaint Register Form (PF1003) or through the Administrative Appeals Process.

The ADA Coordinator will conduct a formal investigation of the allegations and will submit to the Mayor or designee, a written investigative report of findings, along with the supporting documentation compiled during the course of the investigation.

E. Administration and Coordination

The Mayor or designee has designated the Human Resources Administrator, as the ADA Coordinator. This individual shall be responsible for record keeping, information dissemination, referring, processing, and resolving complaints and other actions as necessary to carry out the provision of the ADA.

Section H-3: PROHIBITED EMPLOYMENT HARASSMENT AND/OR DISCRIMINATION

A. Purpose

The purpose of this policy is to create a quality work environment for all employees of the City of Pensacola. A quality work environment is one in which employees can perform their duty, free from intimidation, humiliation, insult, and without being subjected to offensive physical or verbal abuse or actions of a sexual, ethnic, racial, color, age, marital status, pregnancy, disability or religious nature. This policy is adopted as a foundation document for the purpose of eliminating all forms of illegal harassment or any harassment that affects an employee's ability to perform the requirements of their position to the best of their ability.

B. Scope

Sexual, ethnic, racial, color, age, marital status, pregnancy, disability or religious harassment is always an offense against the City of Pensacola and any specific employee or group of employees. Offenses refer to physical, verbal, or non-verbal acts that have the purpose or effect of creating a hostile, offensive, or an intimidating working environment or have an ethnic, racial, religious or sexual nature. They may be characterized by sexual, racial, ethnic, or religious jokes, comments, insults, cartoons, innuendoes, or personal conduct or mannerisms that are generally regarded as offensive or can be construed as offensive or intimidating by a reasonable person.

C. General

1. It is the goal of the City of Pensacola to prevent such unwanted conduct and behavior from occurring. Should such behavior occur, the City will respond in a fair, impartial, and expeditious manner. All complaints, regardless of their nature or origin, will be investigated. Every investigation will be treated with the highest degree of confidentiality possible under the circumstances; and every employee who has knowledge or is suspected to have knowledge will be expected to give testimony. Should an employee fail or refuse to fully cooperate in such an investigation, he/she may be subject to disciplinary action up to and including termination for insubordination.
2. All complaints or incidents of alleged harassment and/or discrimination will be investigated on a case-by-case basis. In those instances where a violation of City policy or law has been shown to occur, immediate action will be taken to remedy the situation and to prevent reoccurrences. All persons who violate this policy will receive appropriate disciplinary action. If criminal charges of assault and/or battery or constructive or coercive sexual battery are involved, the offender(s) will be subject to criminal prosecution and termination from employment.

3. Supervisors are charged with the responsibility of providing a quality work environment. In conjunction with the Human Resources Administrator, they are to take appropriate remedial action if inappropriate conduct is observed or has been reported to them. Should any investigation reveal that a supervisor knew, or should have known, harassment was occurring, or a liability for harassment was being created and he/she failed to recognize it or failed to initiate proper procedures, that supervisor is subject to disciplinary action up to and including termination.
4. Where a conflict of interest exists, or may appear to exist, in the context of a consensual romantic and/or sexual relationship between a superior and a subordinate employee, the employee with the power or status advantage is required to notify his/her Department Director/Administrator. The Director/Administrator shall make arrangements to eliminate any conflict that might prove detrimental to the City or to either party involved in the relationship.
5. It shall be each employee's responsibility to help eliminate all forms of harassment and unwarranted conduct by controlling their own conduct and behavior and also reporting occurrences or actions that may lead to a charge of harassment.
 - a. To report an incident, an employee may go directly to his or her supervisor, the Department Director/Administrator, or the Human Resources Administrator. If the employee chooses to report the incident to a supervisor or Department Director/Administrator, that individual, upon being notified, will report the incident to the Human Resources Administrator or to the Mayor or designee in order to initiate an investigation.
 - b. Retaliation against any employee for filing a complaint or witnessing in an investigation is prohibited.
 - c. State and Federal law establishes time limits, but generally, a complaint must be filed within 180 days of the most recent act of alleged harassment, discrimination or retaliation. However, employees are encouraged to report incidents immediately.
 - d. Discrimination/harassment allegations cannot always be substantiated by direct evidence. That shouldn't discourage employees from filing proper complaints. No employment or disciplinary action will be taken against an employee who makes a good faith complaint, even if the investigation fails to substantiate any or all allegations of the complaint. However, when a person is found to have made a complaint based on allegations he or she knew to be false, such employee(s) may be subject to remedial action, including discipline, up

to and including discharge. Discipline imposed for the filing of false allegations is not a form of prohibited retaliation. An employee found to have knowingly filed a false harassment complaint will be subject to discipline by the City and may also be subject to civil or criminal liability.

D. Committing or Condoning Employment Harassment and/or Discrimination

1. Sex, race, religion, color, age, marital status, pregnancy, disability, national origin and ethnic background are prohibited as a basis for conduct, behavior or decisions affecting an employee's terms or conditions of employment. Employees shall not use sex, race, religion, color, age, marital status, pregnancy, disability, national origin or ethnic background in their words, actions, gestures, conduct, or behavior that could reasonably be construed or perceived by another employee as being hostile, offensive, or intimidating.
2. Employees are encouraged to make their objections to said conduct, behavior, or decisions known to a supervisor, Department Director/Administrator or the Human Resources Administrator.
3. Examples of Violations:
 - a. Telling sexual, racial, ethnic, national origin, disability or religious jokes in the workplace either verbally or with City-provided communication devices.
 - b. The use of epithets, slurs, or lewd comments based on sex, race, religion, national origin, disability, or ethnic background to or about others.
 - c. Posting derogatory graffiti, cartoons, script, or email on bulletin boards, chalkboards, walls, locker rooms, or vehicles, or failing to remove such items.
 - d. An employee observing or condoning, through actions or inactions, prohibited harassment and/or discrimination by failing to report it to designated management authorities. This is particularly serious if a supervisor is found in violation.
 - e. Making unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal, or physical conduct of a sexual nature.
 - f. Making submission to or rejection of such conduct the basis for employment decisions affecting the employee.
 - g. Creating an intimidating, hostile, or offensive working environment by such conduct.

E. Procedure for filing complaints

1. An employee is encouraged to make a complaint if he/she feels a victim of harassment by another employee, or an outside vendor. These issues are often sensitive in nature and may cause reluctance on the part of the complainant to come forward. Therefore, any employee who believes that he/she is a victim of harassment, as defined above, may file a complaint directly with his/her immediate supervisor, Department Director or Administrator or the Human Resources Administrator.
2. Complaints may be made orally or in writing. The recipient of an oral complaint must document the allegations in writing. Departments shall make complaint forms available to all employees. In addition, forms will be available on the Employee Intranet and through the Human Resources Department. Reporting a harassment/discrimination/retaliation complaint to or discussing such a complaint, with a managerial employee will result in an investigation, subject to a determination that an adequate basis for an investigation exists.

F. Informal Review and Resolution Procedure

If the complainant elects to have the complaint and its disposition handled informally, the following procedures apply:

1. The Human Resources Administrator shall assist departments in conducting investigations and resolving issues associated with complaints. The investigating supervisor shall make the accused aware of the specific nature of the complaint, interview the accused, and interview any other persons the accused may suggest to obtain a fuller exposition of the facts surrounding the complaint.
2. The investigating supervisor may also inquire of the complainant and the accused as to any mutual resolution of the problem which may be acceptable between the parties at that point. If the parties agree on an acceptable resolution of the complaint, the matter shall be closed.
3. The supervisor shall document all aspects of the informal review, to include all interviews, a synopsis of the original complaint, and/or any other documentation or evidence which may come to light during the course of the informal review. At the conclusion of the informal review, a memorandum shall be generated by the supervisor, outlining the disposition of the complaint, with all documentation attached and forwarded to the Mayor or designee and Human Resources Administrator for review and filing.

4. The Human Resources Administrator or designee will follow-up with the complainant at three and six-month intervals to make certain no new behavior has occurred.

G. Complainant's Right to Seek Remedy Outside the City of Pensacola

If the complaint is dismissed or if the City takes corrective action, but the complainant still wishes to file a grievance for the alleged violation, or if the complainant does not wish to file a complaint and pursue remedies within the City, he/she may file a written complaint with the United States Equal Employment Opportunity Commission or the Florida Human Relations Commission, Department of Administration, alleging a violation of Title VII of the 1964 Civil Rights Act. Employees are encouraged to first use internal processes before filing a complaint outside the agency. The fact that an employee has filed a complaint with an outside agency, such as the Equal Employment Opportunities Commission (EEOC) or the Florida Human Relations Commission, shall not impede the filing of a complaint, the investigation of such a complaint, nor the resolution of a complaint under this policy.

H. Employee Liability under Federal and Florida Law

An employee found to have unlawfully harassed another employee will be subject not only to discipline by the City, but may also be subject to penalties under federal and state law. The offending employee may be held personally liable for his or her misconduct through civil suit by the injured employee and may also be criminally prosecuted for his or her misconduct.

Section H-4: ETHICS AND STANDARDS OF CONDUCT

A. Overview

The successful operation and reputation of the City of Pensacola is built in large part on the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity, professionalism, and excellence requires careful observance of the spirit and letter of all applicable laws, regulations, and policies, as well as a scrupulous regard for the highest standard of conduct and personal integrity.

By accepting employment with the City of Pensacola, employees have agreed to use the highest ethical standards in performing work and in representing the City to the public. In keeping with this commitment, all employees are expected to adhere to the following Code of Ethical Conduct.

To work together efficiently and safely, it is necessary to have a reasonable code of personal conduct based on honesty and fairness. If an employee is not considerate of others and does not observe reasonable rules of conduct, disciplinary action will be warranted. Since all persons do not have the same ideas about what constitutes good conduct, it is necessary to adopt and enforce rules and policies in order to provide more specific guidance.

The continued success of City government is dependent upon the trust of residents, businesses, and others we serve. We are committed to preserving that trust. Each employee must recognize that the actions of any one employee can enhance or damage the reputation of all City employees. Each employee owes a duty to the City of Pensacola to act in a way that will merit the continued trust and confidence of the public.

In general, the use of good judgment based on high ethical principles will guide each of us with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed with the immediate supervisor, or with a City official specifically charged with the responsibility of providing guidance such as the Human Resources Administrator or the City Attorney's Office.

Compliance with this policy of ethics and standard of conduct is the responsibility of every employee. Disregarding or failing to comply with this standard of business ethics and conduct can lead to disciplinary action, up to and including termination of employment.

B. Compliance with Existing Statutes and Regulations

Chapter 112, Florida Statutes, provides a legislative scheme for regulating the conduct of public officers and employees of all government agencies in the State of Florida. These statutes cover the solicitation or acceptance of gifts, doing business with one's own agency, the receipt of unauthorized compensation, salary, or expenses, the misuse of a public position, engaging in conflicting employment or contractual relationships, the disclosure or use of certain information not generally available to the public, and restrictions on the employment of relatives. These statutes provide for civil penalties including fines, dismissal from employment and other disciplinary action, paying restitution to the employing agency, and criminal penalties for specified offenses involving a serious breach of the public trust.

The City of Pensacola expects all employees to scrupulously conform their conduct to these statutes, and any violation of these statutes will be considered as disciplinary offenses by the City. The City of Pensacola will provide orientation and ongoing training regarding these important statutes.

C. Ethical Standards and Code of Conduct

In addition to the requirements and penalties contained in the applicable Florida Statutes, the City of Pensacola has adopted the following standards of conduct and ethics, which are applicable to all employees of the City. The general standard of conduct is that each employee should avoid any action which might result in or create the appearance of:

1. Using his or her public office for private gain;
2. Offering preferential treatment to any person;
3. Impeding the efficiency or economy of the City of Pensacola government;

4. Compromising the independence or impartiality of his or her office;
5. Adversely affecting the confidence of the public in the integrity of the City of Pensacola; or
6. Receiving compensation from any source other than the City of Pensacola for performing official duties for any work performed on behalf of or in connection with official City business.

These standards of conduct, while stated in general, are intended to guide the behavior of all City employees at all times. In order to provide more specific guidance in particular circumstances, the following specifications of conduct are provided as well:

1. Employees are prohibited from directly or indirectly soliciting or accepting gifts, loans, rewards, promises of future employment, or personal services that would or could create the appearance of a conflict of interest in the performance of official duties. Under this regulation, requesting or soliciting gifts or loans from subordinate employees is prohibited. However, this prohibition is not intended to affect the following:
 - a. Long-established practices and acts of charity such as donating leave to a leave pool benefiting co-workers, or the solicitation of charitable contributions for co-workers or others in need.
 - b. Employee recognition practices of the City of Pensacola and of the business community toward City employees.
 - c. Invitations to public events extended to City employees.
 - d. Awards, plaques, certificates, mementos, or similar items given in recognition of an employee's civic, charitable, political, professional, or public services.
 - e. The offer of food and beverages involving a value of less than one hundred dollars (\$100), as authorized in Chapter 112, Florida Statutes.
 - f. The established practices of City employees engaged in fundraising or the solicitation of goods and services in support of such organized City-sponsored activities as Landlord Appreciation Day and the Employee Appreciation Luncheon.
2. City employees are prohibited from using or allowing a family member to use the employee's City employment to coerce or give the appearance of coercing any person to provide a benefit to himself or herself, or another person, particularly one with whom the employee has family, business, or financial ties.
3. No City employee may accept an honorarium from anyone seeking to influence the governmental decision-making of the employee or of the City, or who seeks to encourage the passage, defeat, or modification of any proposal

or recommendation of the employee or the City either at the present time or who has done so in the preceding twelve (12) months.

4. No City employee shall make disclosure or use of information not available to the public for any employee's personal gain or benefit or for a private purpose or for the gain or benefit of any other person or business entity, nor shall any employee disclose any confidential information gained by reason of his or her official position with the City.
5. No City employee shall commit the falsification of written records or reports, including, but not limited to, false statements on application for employment, expense records, travel account forms, or other public records.
6. No City employee shall engage in the misappropriation, damage, or destruction of City property, property of other employees, or property of the public.
7. Department directors/administrator will report to the Mayor or designee, annually or at such time as the Mayor or designee may specifically designate, and provide the Mayor or designee with an identification of the goods or services which employees of the department have been offered or have received during the period of recording, which goods or services may be authorized under this policy on ethics and standards of conduct.

D. Obligation to Report Violations of Ethics and Standards of Conduct

Any well-intentioned standard of conduct or aspirational goal is worthless if not enforced or if violations of those standards are known and tolerated in the workforce. Accordingly, in order that all employees may be confident that all employees are following the same rules and no employee is exempt from them, the City expects any employee who is or may be aware of any violation of these rules of ethics and standards of conduct to report it to the appropriate City official. The appropriate City official will most often be identified as the employee's supervisor or department director, or to the Human Resources Administrator, the Mayor or designee's Office, or the City Attorney's Office.

Section H-5: FRAUD PREVENTION AND DETECTION POLICY

The City of Pensacola is committed to establishing standards and requirements for employees with respect to fraud prevention and detection and to respond to allegations of fraud in connection with City programs, functions, or activities. City management and all City employees share responsibilities to maintain a fair, honest, and ethical business environment for employees, suppliers, citizens, and persons that have a business relationship with the City. This cooperative effort is intended to eliminate fraud from the City's business operations.

City employees must, at all times, comply with all applicable laws and regulations. The City will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. The City does not permit any activity that fails to stand the closest possible public scrutiny.

Definition

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

- 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 activities.
- Disclosing confidential and/or proprietary information to outside parties.
- Accepting or seeking anything of material value from consultants, contractors, vendors, or persons providing services or material to the City as defined in the "Gifts" policy.
- 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.
- Any similar or related irregularity.

Applicability

All employees are required to comply with this policy. The City has a "zero tolerance" policy regarding fraud. This includes the individual committing fraud or those with knowledge of a fraudulent act that do not act in accordance with this policy. **Failure to comply will result in disciplinary action up to and including termination as determined necessary by City management.**

Responsibility

Management is responsible for establishing a system of internal controls to provide reasonable assurance of the detection and prevention of fraud. Management 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 would like assistance in establishing, reviewing, or testing internal controls they can contact the Business Process Review Manager in the Financial Services Department.

Opportunities for Fraud

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

Indicators of Fraud (Red Flags)

The following are common indicators of fraud: 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/citizens; missing files and supporting documentation; and ignored employee comments concerning possible fraud.

Fraud Prevention

The following internal controls 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 certain areas
- Proper training of employees
- Independent review and monitoring of tasks
- Segregation of duties so that no one employee is responsible for a transaction from start to finish
- Clear lines of authority
- Adhering to the City's *Policy on Ethics and Standards of Conduct*
- Rotation of duties in positions more susceptible to fraud
- Ensuring that employees take regular vacations
- Regular process reviews of areas susceptible to fraud

Fraud Reporting Procedures

City management encourages all employees 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 of Pensacola Fraud, Waste and Abuse Hotline** (phone number and web link available on the City's intranet). If an employee

contacts his or her supervisor directly regarding suspected fraud, the supervisor must encourage the employee to contact the Fraud, Waste, and Abuse Hotline or report the allegation on their behalf. The City will keep the name of the person reporting a fraud confidential if desired in accordance with Florida Statutes Section 112.3188.

Although employees are encouraged to identify themselves when reporting suspected fraud, employees may remain anonymous when reporting to the Fraud, Waste and Abuse Hotline or website. The employee, though anonymous, is expected to share specific information regarding the suspected fraudulent conduct in order to allow for a full investigation.

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

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 in an effort to determine facts or demand restitution.

Investigation Responsibilities

Once a suspected fraud is reported, the fraud investigation team as determined by the Mayor or designee and/or Chief Financial Officer will conduct the investigation in an objective and impartial manner. The fraud investigation team shall take immediate action to prevent the theft, alteration, or destruction of relevant records. Such actions include, but are not necessarily limited to, removing the records and placing them in a secure location, limiting access to the location where the records currently exist or preventing the individual suspected of committing the fraud from having access to the records.

The fraud investigation team will work with law enforcement as deemed necessary during the course of the investigation. Decisions to prosecute or forward matters to appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the Mayor or designee, City Attorney, and/or the Chief Financial Officer.

Training

All current and new employees will be trained on this policy and asked to sign a statement acknowledging the policy and agreeing to abide by it. The training will cover the employees' responsibility under this policy, how to recognize suspected fraud and their duty to communicate the suspected fraud.

Section H-6: DISCLOSURE OF SOCIAL SECURITY NUMBERS

Social Security numbers are used by the City of Pensacola as an employee identification verification tool, it is required by a variety of federal statutes pertaining to tax reporting, as well as Florida Statute § 409.2576, requiring all state employers to obtain and furnish the name and social security number of each new employee or rehire. Social Security Numbers of employees are not disclosed under the public records request pursuant to Florida Statute § 119.07 and are only used internally by the City of Pensacola for identification and reporting purposes.

Human Resources also maintains current emergency information on each employee. This information should be updated each time the employee moves, or whenever other changes are desired. The department should also maintain a current copy of this information in the department files. The employee is responsible for keeping this information current.

Section H-7: OTHER EMPLOYMENT LAW

Other employment laws such as Family Medical Leave Act, Fair Labor Standards Act, Drug-Free Workplace, Worker's Compensation legislation, etc., have been covered in detail in other sections of this manual.

The City of Pensacola, based on economic and budgetary conditions, may add to, delete, or amend, in whole or in part, the terms and conditions of employment, which include compensation (i.e. anniversary incremental increases and other types of pay), benefits (i.e. insurance, leave, and other benefits), policies and any other working conditions, at any time, at the sole discretion by action of the City Council or, as delegated, by the Mayor or designee, except where provided otherwise by contract or law. These terms and conditions are subject to change at any time during an employee's period of employment. The City will comply with State and Federal laws, which are promulgated and applicable.