CITY OF SATELLITE BEACH

PERSONNEL POLICY

ADOPTED BY ORDINANCE NO. 435
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TABLE OF CONTENTS

SECTION PAGE

GENERAL PROVISIONS 1
- 1.01 Purpose 1
- 1.02 Positions Covered 1
- 1.03 Administration 1
- 1.04 Amendments 1
- 1.05 Department Policies 2

2 DEFINITION OF TERMS 3

3 STANDARDS OF CONDUCT 7
- 3.01 Policy of the City 7
- 3.02 Equal Opportunity & Non-Discrimination 8
- 3.03 Conflict of Interest 9
- 3.04 Political Activity 10
- 3.05 Employment of Relatives 10
- 3.06 Outside Employment 12
- 3.07 Release of Information 13
- 3.08 Solicitation and Distribution 14
- 3.09 Employee Debts 14
- 3.10 Use of City Property 14
- 3.11 Dress and Appearance 14
- 3.12 Harassment Policy 15

4 RECRUITMENT AND APPLICATIONS 19
- 4.01 Recruitment 19
- 4.02 Request for Personnel 19
- 4.03 Notice of Vacancies 19
- 4.04 Applications 19
- 4.05 Basis for Employment 20
- 4.06 References 20
- 4.07 Rejection of Applications 20
- 4.08 Processing Applicants 20
- 4.09 Pre-Employment Physical Examinations 21
- 4.10 Employment of Physically Handicapped 21
- 4.11 Veterans Preference 22

5 FILLING VACANCIES 23
- 5.01 Types of Appointments 23
- 5.02 Transfers 23
- 5.03 Promotions 24
- 5.04 Reinstatements 24

SECTION PAGE

6 PROBATIONARY PERIOD....25
6.01 Purpose....25
6.02 Duration....25
6.03 Evaluation of Performance....25
6.04 Dismissal or Demotion During Probation....25

7 ATTENDANCE....26
7.01 Basic Work Week....26
7.02 Attendance....26
7.03 Overtime....26

8 HOLIDAYS....28
8.01 Days Observed....28
8.02 Eligibility for Holiday Pay....29
8.03 Holiday Pay - Rotating Shifts....29

9 ANNUAL LEAVE (VACATION)....31
9.01 Eligibility....31
9.02 Use....31
9.03 Amount of Annual Leave - General Employees....31
9.04 Accrual....33
9.05 Request for Leave....33
9.06 Payment - Unused Leave....34
9.07 Charging Annual Leave....35

10 SICK LEAVE....36
10.01 Eligibility....36
10.02 Use....36
10.03 Amount of Sick Leave....37
10.04 Accrual of Sick Leave....37
10.05 Reporting Sick Leave....37
10.06 Charging Sick Leave....38
10.07 Sell Back....38
10.08 Donate Sick Leave....38

11 LEAVES OF ABSENCE....39
11.01 Funeral Leave....39
11.02 Court Leave....39
11.03 Conference Leave....39
11.04 Maternity Leave....40
11.05 Military Leave....40
11.06 Leave Without Pay....41

SECTION ..... PAGE

12 POSITION CLASSIFICATION PLAN 46
12.01 Job Classification Levels 46
12.02 Job Classification Descriptions 47

13 PAY PLAN 48
13.01 Administration of the Plan 48
13.02 Minimum Rate 48
13.03 Advancement Within Pay Grade 48
13.04 Promotion 49
13.05 Voluntary Transfer 49
13.06 Involuntary Transfer 49
13.07 Allocation of Employees Within the Ranges 50
13.08 Reclassification 50
13.09 Demotion 51
13.10 Trainee 51
13.11 Vocational Incentives 52
13.12 Repealed 52

14 MISCELLANEOUS RULES AND BENEFITS 53
14.01 Employee Training & Development 53
14.02 Employee Performance Evaluation 53
14.03 Group Insurance 54
14.04 Deductions 54
14.05 Pension Plan 54
14.06 Workers' Compensation 55

15 SEPARATIONS 56
15.01 Types of Separations 56
15.02 Resignation 56
15.03 Retirement 56
15.04 Disability 57
15.05 Death 57
15.06 Reduction in Force (Layoff) 57
15.07 Dismissal or Discharge 58
15.08 Exit Interviews 59
15.09 Return of City Property 60

16 SAFETY 61
16.01 Accident Prevention 61
16.02 Accident Reporting 61
16.03 Safety Equipment 62

SECTION PAGE

17 DISCIPLINARY ACTION 63
17.01 Intent 63
17.02 Notice of Disciplinary Action 63
17.03 Types of Offenses 64
17.04 Written Reprimand 68
17.05 Suspension 69
17.06 Grievance Procedure Use 69
17.07 Right to Appeal 69

18 GRIEVANCES 70
18.01 Purpose 70
18.02 Type of Grievances 70
18.03 Grievance Procedure 70
18.04 General Provisions 71

19 RECORDS AND REPORTS 73
19.01 Responsibility 73
19.02 Records 73
19.03 Records Retention and Disposition 73

AMENDMENTS

ORDINANCE NO.	AMENDED ADOPTION DATE	DOCUMENT SECTION
435	04-15-87	Adoption
464	01-06-88	12.01
477	10-19-88	12.01
479	01-04-89	14.03(B)
488	03-01-89	2 13.12
495	05-03-89	14.06
505	11-01-89	9.03 10.06 12.01
526	01-02-91	8.02(A) 8.02(E) 8.03(C) 9.01(B) 9.03 9.07 10.03 10.04 10.06 12.01
546	11-13-91	10.04 12.01
562	05-06-92	3.12 17.03(15)
575	10-21-92	12.01
612	11-09-94	12.01
633	09-06-96	7.03

Amendments (cont)

ORDINANCE NO.	AMENDED ADOPTION DATE	DOCUMENT SECTION
640	11-01-95	12.01
644	12-06-95	11.06(B)
653	04-03-96	12.01
665	10-16-96	12.01
697	10-15-97	12.01
710	02-04-98	3.05(D)
711	02-28-98	3.05 3.05(B) 12.01
737	11-04-98	12.01
770	11-03-99	10.07 10.08 12.01 14.01 14.03(B)(2)
798	10-18-00	12.01
802	01-03-01	10.07
810	06-20-01	12.01
821	11-21-01	12.01
846	11-20-02	08.01(C) 09.06(A)(3) 10.07 12.01 14.01(B)
862	10-01-03	12.01
893	10-20-04	12.01
895	12-01-04	09.06(A) 10.04

Amendments (cont)

ORDINANCE NO.	AMENDED ADOPTION DATE	DOCUMENT SECTION
902	04-06-05	12.01
914	09-21-05	08.01(C) 09.06(A)(3)(a) 09/.06(A)(3)(b) 12.01
931	02-15-06	12.01
940	05-03-06	12.01
952	11-01-06	12.01
978	10-03-07	12.01
999	09-17-08	11.06
1010	04-01-09	12.01
1025	01-06-10	14.03(B)(2)
1047	11-30-11	12.01

Rev. 12/06/11

SECTION 1

GENERAL PROVISIONS

1.01 Purpose

The purpose of these Rules and Regulations is to establish procedures, which will serve as a guideline to administrative actions concerning personnel activities. They are intended to indicate the customary and the most reasonable methods whereby the aims of the Personnel Management System can be carried out.

1.02 Positions Covered

These Rules and Regulations cover all employees in the municipal government except those that are exempt. Exempt positions are:

City Manager,
City Attorney,
Members of Boards and Commissions.

1.03 Administration

The City Manager is responsible for the administration and technical direction of the City Personnel Management System.

Department Heads are responsible for the proper and effective administration of these Rules and Regulations within their respective departments. Routine matters pertaining to enforcement may be delegated.

1.04 Amendments

The City Manager will recommend amendments of such rules, regulations and changes thereto, as they are necessary for the effective administration of the personnel system.

Amendments, changes or revisions of the Administrative Personnel Rules and Regulations shall be promulgated by the City Manager, with copies distributed to all City departments and posted on City bulletin boards.

1.05 Department Policies

Department policies and procedures will serve as supplements to these Rules and Regulations. In the event of conflict in any section, the Personnel Rules and Regulations shall prevail. Department policies and procedures will be reduced to writing and reviewed by the City Manager for conformance to the Personnel Rules and Regulations.

SECTION 2

DEFINITION OF TERMS

ALLOCATION: The assignment of a position to its appropriate class in relation to duties performed.

ANNIVERSARY DATE: The date an employee begins employment and the same date in following years which also is the date from which vacations and sick leave are computed. (This date changes only if an employee is in a non-pay status for a period of thirty (30) days or more, and then the anniversary date is deferred by an equivalent amount.)

APPEAL: An application for review of an alleged grievance submitted or instituted by an employee to higher authority.

CLASS: A group of positions, which are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class specifications and pay range.

CLASSIFICATION: The act of grouping positions in classes with regard to: duties and responsibilities; requirements as to education, knowledge, experience and ability; tests of fitness; and ranges of pay.

CLASS DESCRIPTION (JOB DESCRIPTION): A written description of a class consisting of a class title, a general statement of the level of work and distinguishing features of work, examples of duties, and the qualifications for the class.

CLASSIFICATION PLAN: The official or approved system of grouping positions into appropriate classes.

CLASS TITLE: The title in the classification plan, which describes the nature of work, performed by the employee.

COMPENSATION: The standard rates of pay, which have been established for the respective classes of work as set forth in the compensation plan.

COMPENSATION PLAN: The official schedule of pay assigning rates of pay to each class title.

DEMOTION: Assignment of an employee from one class to another, which has a lower maximum rate of pay.

DISMISSAL: Separation from City employment for cause.

EMPLOYEE: An individual who is legally employed by the City and is compensated through the City payroll for services. Individuals or groups compensated on a fee basis are not included.

FULL-TIME: Appointment to a position that requires an employee to work forty (40) hours or more per week.

IMMEDIATE FAMILY: Includes Father, Mother, Brother, Stepbrother, Sister, Stepsister, Husband, Wife, Child, Stepchild, Grandparent, Mother-in-law, Father-in-law, Brother-in-Law, Sister-in-law, Son-in-Law, Daughter-in-Law, Legal guardian, any other relative living in the same household as employee. (Ord. No. 488, Sec. 1, 03-15-89)

INSUBORDINATION: The unwillingness on the part of an employee to submit to the authority vested in the Department Head and City Manager as outlined in the Personnel Rules and Regulations.

JOB DESCRIPTION: A written description of a job or position and its characteristics (Class Description).

LAYOFF: A reduction of the number of employees due to lack of work, funds, or other similar causes.

LEAVE: An approved type of absence from work as provided by these rules.

MAY: The word "may" shall be interpreted as permissive.

MERIT PAY INCREASE: An increase in compensation established in the compensation plan, which may be granted to an employee, based on job performance.

OVERTIME: Time worked in excess of scheduled work periods for those persons not working on an unlimited basis.

PART TIME - PERMANENT: A position in which an employee works at least twenty hours per week on a regular basis.

PART TIME - TEMPORARY: A position in which an employee works on an as-needed basis and less than full time.

PAY RANGE: The salary range, which is assigned to a particular classification title, expressed as a pay range number.

PERFORMANCE EVALUATION: A report relative to the job performance and capacity of employees made by immediate supervisors.

POSITION: A group of duties and responsibilities requiring the full-time or part-time employment of one (1) person. This relates to the duties performed and not to the employee performing those duties.

PROBATIONARY EMPLOYEE: A full-time employee serving a probationary period prior to final appointment in that position. An employee serving an initial probationary period is subject to and receives all the benefits and rights as provided by the Rules and Regulations, except for the right to file grievances and to appeal demotion, suspension or dismissal.

PROBATIONARY PERIOD: A period of time provided to allow the City an opportunity to evaluate an employee's performance and ability, and to decide whether or not the employee is to be retained.

PROMOTION: Assignment of an employee from one class to another, which has a higher maximum rate of pay.

RECLASSIFICATION: An action, which results from a noticeable change in the work assignments of any employee's position. In this type of action, the classification title of the position is changed and the pay range of such new title is then used.

REINSTATEMENT: Rehiring of a former employee who resigned in good standing.

RELATIVE: Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister (as defined in Florida Statutes).

RESIGNATION: Act of voluntarily withdrawing from City employment.

RETIREMENT: Whenever an employee meets the conditions set forth in the Retirement Plan regulations, the employee may elect to retire and receive all benefits earned under the Retirement Plan.

SHALL: The word "shall" will be interpreted as mandatory.

STANDBY ASSIGNMENT: An assignment made by a supervisor which requires an employee to be available for emergency work on off-duty time which may include nights, weekends or holidays.

SUSPENSION: Employees may be suspended from work without pay under the Standards of Conduct rules by their Department Head with the approval of the City Manager or designee.

TRAINEE: Employee undergoing a training period to learn the job duties or to attain education or certification level.

TRANSFER: That action in which the employee moves from one position to another with no resulting title change, or if a title change does take place, there is no change in the pay range.

UNLIMITED TIME STATUS: Employees who are on an unlimited schedule and time status and are not eligible for overtime pay.

VOCATIONAL INCENTIVE: An allowance for satisfactory completion from an accredited college or school of continuing education of a course in specified fields.

WORK WEEK: Number of hours regularly scheduled to be worked during any seven (7) consecutive days.

SECTION 3

STANDARDS OF CONDUCT

3.01 Policy of the City

A. One (1) objective of the City is to establish and administer a system of personnel management consistent with the goal of providing superior service to the community by employing and retaining individuals of the highest caliber who display pride and dignity in the performance of their duties.

B. The City advocates the concept that the quality of public service can attain maximum efficiency and effectiveness through a personnel management system based on merit principles.

C. Employees are encouraged to develop skills and seek formal training that will enhance their personal development and add to the overall expertise of the organization.

D. It is the policy of the City to expect from its employees, compliance with all Personnel Rules and Regulations, Florida Statutes and Federal Regulations in the performance of duties as well as compliance with all safety rules and standards. An employee who violates any of the Standards of Conduct or Rules and Regulations may be subject to disciplinary action.

E. The City retains the rights, in accordance with applicable laws, regulations and provisions of the personnel management system, but is not limited to the following:

1. To determine the organization of City government.

2. To determine the purpose of each of its constituent agencies.

3. To exercise control and discretion over the organization and efficiency of operations of the City.

4. To set standards for services to be offered to the public.

5. To manage and direct the employees of the City.

6. To hire, examine, classify, promote, train, transfer, assign, schedule and retain employees in positions with the City.

7. To suspend, demote, discharge, or take other disciplinary action against employees.

8. To increase, reduce, change, modify, or alter the composition and size of the work force, including the right to relieve employees from duties because of lack of work, funds, or other legitimate reasons.

9. To determine the location, methods, means and personnel by which operations are to be conducted, including the right to contract and subcontract existing and future work.

10. To determine the number of employees to be employed by the City.

11. To establish, change, or modify the number, types, and grades of positions or employees assigned to an organization, unit, department or project.

12. To establish, change, or modify duties, tasks, responsibilities, or requirements within job descriptions in the interest of efficiency, economy, technological change or operating requirements.

F. City employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in any employee organization of their own choosing.

G. City employees shall have the right to be represented by an employee organization of their own choosing, to negotiate collectively through a certified bargaining agent with their public employer in the determination of the terms and conditions of their employment, and to be represented in the determination of grievances arising thereunder. Public employees shall have the right to refrain from exercising the right to be represented.

H. It is the intent of the City that nothing in this section shall be construed to either encourage or discourage organization of City employees.

3.02 Equal Opportunity & Non-Discrimination

A. There shall be no discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel action because of political or religious opinions or affiliations, or because of race, color, creed, sex, age, national origin, or any non-merit factors.

B. Handicapped citizens will be given full consideration for employment in all departments and agencies. Every effort shall be made to employ and retain handicapped persons where a handicap will not impair performance. Physical standards will be fair, reasonable and adapted to the realistic requirements of jobs. Such standards will be based on complete, factual information regarding working conditions, hazards, and essential physical requirements of each job. Physical standards will not be used to arbitrarily eliminate handicapped persons from consideration.

3.03 Conflict of Interest

To avoid misunderstandings and conflicts of interest, which could arise, the following policy will be adhered to by employees of the City. This policy is in accordance with Chapter 112, Part III, Florida Statutes, and entitled "Public Employees - Code of Ethics."

A. Employees shall not accept any gifts, including Christmas gifts, favors or service that might reasonably tend to improperly influence them in the discharge of their official duties.

B. Employees shall not use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.

C. Employees shall not accept employment or engage in any business or professional activity, which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.

D. Employees shall not disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.

E. If an employee of the City is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City, he/she shall file a sworn statement to this effect with the Circuit Court.

F. Employees shall not transact any business in their official capacity with any business entity, of which they own a controlling interest, excluding civic, charitable or religious organizations.

G. Employees shall not have personal investments in any enterprise, which will create a substantial conflict between their private interests and the public interest.

3.04 Political Activity

A. City employees shall not take any active part in political management or in political campaigns in an election for Mayor or Council Member for the City. Among other things, a financial contribution to, or a public endorsement of, any candidate in such an election shall be construed as taking an active part.

B. No employee, official, or other person shall solicit orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions or services for any political party from any employee during his or her hours of duty, service or work with the City.

C. Nothing herein contained shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on all political subjects and candidates, to maintain political neutrality, to attend political meetings after working hours, or to campaign actively during off-duty hours in all areas of political activity except elections for Mayor or Council Members for the City of Satellite Beach.

D. Any employee who wishes to accept or seek election or appointment to political office shall request a leave of absence without pay upon indicating such intention by formal declaration or other evidence of candidacy.

E. This section shall not apply to members of the City Council or any other elected City Official or to members of any City boards or commissions.

3.05 Employment of Relatives

In accordance with 112.3535, Florida Statutes, a public official may not appoint, employ, promote or advance, or advocate for appointment, employment, promotion or advancement in or to a position in the City or agency in which he/she is serving or over which he/she exercises jurisdiction or control, any individual who is a relative of the public official. An individual 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 a public official serving in or exercising jurisdiction or control over the agency, who is a relative of the individual. (Ord. 711 2/18/98)

A. "Public Official" means an officer or employee of the City in whom is vested the authority by law, rule or regulation, or to whom the authority has been delegated to appoint employ, promote or advance individuals for appointment, employment, promotion, or advancement in connection with the employment in the City.

B. Relative with respect to a public official means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-low, son-in-law, daughter-in-law stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister. (Ord. 711 2/18/98)

C. The appointment to City employment of any relative of a current employee of any department shall be prohibited if said relative is to work within the same department.

D. Employees who become related through a marriage or other civil act shall not be permitted to work within the same department where there is a business necessity for prohibiting such a relationship. Each case will be considered based on the circumstances involved and the needs of the City.

Relatives may not be retained under the following circumstances:

1. If an individual is employed in any department where either he or she would have direct line authority over a relative, or where a relative would have any direct line authority over the individual; or
2. If the City determines that business necessity requires it to prohibit relatives from being employed in any capacity. In the latter category, a business necessity may include, but not necessarily be limited to, evidence of one or more of the following:

a. Offering or encouraging preferential treatment of the employee or relative;

b. impeding City's efficiency or economy;

c. losing complete independence or impartiality;

d. making decisions outside of official channels;

e. affecting adversely the confidence of the public in the integrity of the City; and

f. creating any other conflict of interest, which substantially will affect the performance or non-performance of the employee's or relative's official duty.

Should two employees marry or become related after being employed within the same department, both must complete a Statement of Relationship for evaluation by the department head and city manager. Individuals will be permitted to remain employed in the same department only under the conditions stated above.

No special consideration will be given to transfers. The normal job posting and selection procedure will be followed.

Employees who become related in violation of this policy and cannot effect a transfer according to the established procedure within ninety (90) days, will be required to follow the existing policy of one or the other terminating. Where a voluntary resignation is not obtained, the employee with the least seniority will be selected.

Employees are responsible for keeping the Statement of Relationship up-to-date changes in relationship require a new statement to be submitted. (Ord 710 2/4/98)

All employees working under the past policies will be grandfathered into this system. However, under no circumstances will a member of a family be transferred or promoted to a position where that person has the responsibility for recommending another relative for promotion or advancement.

3.06 Outside Employment

A. Employees are discourage but <u>not</u> restricted from engaging in other employment during their off-duty hours. However, City employment shall be considered the primary employment and no employee may engage in outside employment, which would interfere with the interest of the city service.

B. Any employee desiring to pursue outside employment shall notify the Department Head for approval to engage in outside employment. The request shall state the type of employment and the hours of work, the name of the prospective employer and the place of employment. The request will then be forwarded to the City Manager.

C. The City Manager may reject the request if is deemed to affect City employment. Outside employment previously approved may be cancelled or terminated by the City Manager with cause, upon giving sufficient written notice to the employee to whom the permission was granted.

D. Employees granted permission to engage in outside employment shall not work at the outside employment for a longer period of time than stated in the request, nor at a different place of employment than that set forth in the request.

E. Any employee accepting outside employment under the terms of this rule shall make arrangements with the outside employer to be relieved from his/her outside duties if and when called for emergency service by the City. Every employee granted permission to engage in outside employment under this rule shall agree to and shall respond immediately to any emergency call to duty by the City whenever the Department Head or the City Manager shall determine his/her services to be necessary.

F. Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under City Workers' Compensation on account of disability resulting from the outside employment.

G. Equipment, facilities, vehicles or property of the City shall not be used by employees for outside employment.

3.07 Release of Information

A. Employees are cautioned that information concerning subjects under discussion or consideration often change in content and meaning before becoming an accomplished fact. Any release of such information before final decisions or disposition of the matter often causes misunderstanding and confusion resulting in waste of time and money.

B. Unless release of information is a normal part of their duties, an employee shall decline courteously to reveal information and shall direct such inquiry to the Department Head or City Manager. It is not the intent of the City to be secretive, or to withhold valid information, but to assure that all information released is true and accurate.

C. From time to time any City employee, especially those in supervisory and managerial positions, may be requested or subpoenaed to make a statement to an attorney or law firm regarding City business. These statements are generally concerned with an employee who may have suffered an accident and generally has contemplated action against the City.

D. Should an employee receive either a request or subpoena the matter will be discussed first with the Department Head who in turn will notify the City Manager.

3.08 Solicitation and Distribution

A. Employee contributions to recognized charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.

B. City employees are prohibited from soliciting any other employee of the City on behalf of any organization, including any labor union, labor organization, or employee organization, during their working hours or the working hours of the employee sought to be solicited.

C. City employees are prohibited from distributing literature, which tends to promote any organization, including any labor union, labor organization or employee organization, during working hours in any area where City work is performed.

D. Distribution of literature for City sanctioned programs such as recreational activities is not restricted by this rule.

3.09 Employee Debts

An employee's financial transactions are the employee's personal affair. The City will not act as a collection agent for an employee nor for collection agencies. However, should complaints concerning an employee's failure to meet financial obligations result in interference with an employee's job performance or occasional loss of time and effort on the part of the personnel department or other City employees, the employee concerned shall be so informed. Should the condition continue, the employee may be subject to disciplinary action.

3.10 Use of City Property

Employees shall not use City property, equipment or vehicles except in the performance of official duty, nor permit their use by unauthorized persons, either on or off duty.

3.11 Dress and Appearance

A. City employees are expected to maintain high personal, moral and ethical standards. One of the most noticeable expressions of these personal standards is dress and appearance. No attempt is made to set specific standards. The important factor is the overall impression created.

B. What is appropriate for employees in one department may not be appropriate for another. Work clothes and uniforms provided for many departments generally set the standard for their functions. Determination of an employee's specific dress and appearance is a supervisory responsibility and will be treated as such. Personal appearance standards may be established in departmental rules.

3.12 Harassment Policy

A. Purpose

The purpose of this policy is to maintain a healthy work environment and to provide procedures for reporting, investigation and resolution of complaints of harassment, sexual or otherwise.

B. Policy

It is the policy of the City of Satellite Beach that all employees have the right to work in an environment free of all forms of harassment. The City does not condone, and will not tolerate, any harassment. Therefore, direct and immediate action shall be taken to prevent such behavior and to remedy all reported instances of harassment, sexual or otherwise.

C. Procedure

1. Prohibited Activity

a. No employee shall either explicitly or implicitly ridicule, mock, deride or belittle any person.

b. Employees shall not make offensive or derogatory comments based on race, color, sex, religion, national origin, or handicap either directly or indirectly to another person. Such harassment is a prohibited form of discrimination under state and federal employment law and is also considered misconduct subject to disciplinary action by the City.

c. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature by any City employee when:

i. submission to such conduct is made either explicitly or implicitly a term or condition of employment; or

ii. submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or

iii. such conduct has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.

2. Employee's Responsibilities

a. Supervisors are responsible for assisting in the prevention of harassment. This responsibility includes:

i. monitoring the unit work environment on a daily basis for signs that harassment may be occurring;

ii. counseling all employees on the types of behavior prohibited, and the department procedures for reporting and resolving complaints of harassment;

iii. stopping any observed acts that may be considered harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and

iv. taking immediate action to limit the work contact between two employees where there has been a complaint of harassment pending investigation.

b. Each supervisor has the responsibility to assist any employee of his/her department who comes to that supervisor with a complaint of harassment in documenting and initiating a complaint. The City Manager will assist any employee who has a complaint against a department head.

c. Each employee of the City is responsible for assisting in the prevention of harassment through the following acts:

i. refraining from participation in, or encouragement of, actions that could be perceived as harassment;

ii. reporting acts of harassment to a supervisor; and

iii. encouraging any employee who confides that he/she is being harassed to report these acts to a supervisor.

d. Failure to take action to stop known harassment may be grounds for disciplinary action.

3. Complaint Procedures

a. Employees encountering harassment shall tell the person that their actions are unwelcome and offensive. The employee shall document all incidents of harassment in order to provide the fullest basis for investigation.

b. Any employee who believes that he/she is being harassed shall report in writing on the approved complaint form the incident(s) to his/her supervisor as soon as possible so that steps may be taken to protect the employee from further harassment, and appropriate investigative measures may be initiated. When this is not practical, the employee may instead file a complaint with another supervisor or their department head. Complaints against a department head shall be submitted to the City Manager. All complaints received by supervisors shall be immediately forwarded to the Department Head.

i. Upon receipt of a complaint, the department shall fully investigate the complaint to determine if a violation of this policy exists. The department head shall ensure that the legal rights of the complainant and alleged violator are protected in accordance with law. The City Manager will fully investigate a complaint against a Department Head. Following the investigation, the Department Head shall file a report with the City Manager detailing his/her findings, determination of whether a violation of this policy occurred and recommended disciplinary action if any.

ii. There shall be no retaliation against any employee for filing a harassment complaint or assisting, testifying or participating in the investigation of such a complaint.

c. Complainants or employees accused of harassment may file a grievance/appeal in accordance with City procedures when they disagree with the investigation or disposition of a harassment claim.

d. This policy does not preclude any employee from filing a complaint or grievance through an outside agency.

D. Discipline

Disciplinary actions for violations of this policy shall be in accordance with the provisions of Section 17, Disciplinary Action.

SECTION 4

RECRUITMENT AND APPLICATIONS

4.01 Recruitment

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

4.02 Request for Personnel

Departments will submit requests to the City Manager for persons to fill vacancies and shall include the title of the position to be filled and other information as may be needed. Requests for personnel should be made reasonably far in advance of actual need when circumstances permit.

4.03 Notice of Vacancies

The Department Heads shall prepare and post in the different City departments recruiting notices to publicize vacancies. Various media of publicity shall be used as might be expected to bring notice of vacancies to as many qualified persons as possible.

4.04 Applications

A. Applications must be made on a standard form designed and prepared by the City Manager. This form must be completed personally by the applicant.

C. Applications for City service positions shall be active and considered by the City for a term of six (6) months from date the application is file unless the application becomes void by virtue of some other rule.

C. After the expiration of a six (6)-month period, the application, if not renewed, shall be void. If the applicant is at the time a City employee or eligible for appointment or reinstatement in the City service, the application shall be retained.

4.05 Basis for Employment

Employment with the City shall be based on merit, ability, and physical and moral fitness as evidenced by:

A. Training and experience as reflected by the application form and other documentation of certification, registration, etc., as requested.

B. Written examination or performance tests when in the best interests of the City.

C. A pre-employment physical examination, which is required for all positions.

4.06 References

As part of the pre-employment procedure, former supervisors, employers and references shall be checked as a precaution against obtaining undesirable employees. Reference checks made by personal or telephone contact will be documented and made part of the applicant's file.

4.07 Rejection of Applications

A. The Department Head may reject any application, which indicated that the applicant does not possess one or more of the requirements as specified in the job announcement.

B. Applicants may also be rejected if the applicant is physically unfit for the performance of duties of the position to which they seek appointment; judged by a doctor to be addicted to the habitual excessive use of drugs or intoxicating liquor; has prior conviction for a crime, if the crime was a felony or first degree misdemeanor and directly relates to the position of employment sought; has submitted an incomplete application; has made false statements of any material fact in the application; has ever been a member of any organization which advocates the overthrow of the government of the United States of America by force or violence; or whose past employment record is "unsatisfactory" as determined by the Department Head.

4.08 Processing Applicants

A. When it has been determined that an applicant has the necessary qualifications, an interview will be scheduled with the appropriate Department Head or designee. If the Department Head wishes to employ the applicant, he/she will notify the City Manager's office.

B. Before final processing, the applicant must:

1. Pass a physical examination.

2. Present a Social Security Card.

3. Present proof of education.

4. When appropriate, present certificate of separation from the Armed Forces.

5. Present verification of date of birth.

6. Be subject to a background investigation.

C. Applicants for position of Police Officer must complete an agility examination and background investigation. Employees in these public safety positions may be required to take a polygraph interview.

D. Any exception to this procedure must be approved by the Department Head and City Manager.

4.09 Pre-Employment Physical Examinations

A. All City employees, including those being re-employed, will receive a physical examination and drug-screening test prior to their employment. The physical examination and drug screening test shall be performed and evaluated by the City's designated physician and/or representatives under standards established by the City Manager from time to time.

B. Medical examinations performed within the past six (6) months for other positions such as Teacher, Armed Services, U.S. Government, etc., may be accepted in lieu of a new examination.

4.10 Employment of Physical handicapped

Physically handicapped persons will be considered for employment in certain positions, provided they execute a prescribed form acknowledging the pre-existence of their condition and certifying that they have been fully informed regarding the duties and working conditions of the position in which they are to be employed. Persons in this category will be required to have the physical examination without exception and no waiving of this requirement will be allowed.

4.11 Veterans Preference

If and when the City establishes an examination procedure, preference on entrance examinations, but not on promotional examinations, shall be granted to qualified persons who have been members of the Armed Forces of the United States in time of war. Such preference shall be in the form of points added to the final grades of such persons, provided that they first achieve a passing grade. The preference will be five (5) points added to the passing earned rating for non-disabled veterans, and ten (10) points for persons currently earning compensation from the U.S. Veterans Administration for war-service incurred disabilities. The rank order of such persons among other eligibles shall be determined on the basis of their augmented rating.

SECTION 5

FILLING VACANCIES

5.01 Types of Appointments

A. Full time.

B. Part time - permanent.

C. Part time - temporary.

5.02 Transfers

With the approval of the Department Heads concerned and the City Manager, an employee may be transferred. Prior to accepting the transfer, employees should carefully consider the rules by which a transfer is accomplished.

A. Department Transfer - Same Classification: If an employee is transferred to another department with the same job classification the transfer will not change the employee's pay grade, pay rate or anniversary date.

1. If the employee has been employed less than six (6) months, he/she must serve a six (6)-month trial period in the new department.

2. If the employee has been employed for one (1) year or more, he/she must serve a one (1)-month trial period in the new department.

3. If during the trial period the employee is found to be unqualified for the position or incompetent in performing the duties of the new position, he/she may be returned to the position from which he/she was transferred with the approval of the City Manager, only if a vacancy exists. If the former position is filled, every effort will be made to place the employee in a comparable position. However, if a vacancy does not exist and if it is impossible to create a new position, the employee will be released.

B. Transfer of Physically Incapacitated: If an employee becomes physically incapacitated for the performance of duties, the City Manager may transfer the employee to a position in the same or a lower class, which he/she has the ability to fill.

5.03 Promotions

A. Vacancies in positions above the lowest range in any category will be filled as far as practical by the promotion of employees in the City Service.

B. No employee shall be eligible for a promotion examination whose last performance rating was less than "Satisfactory."

5.04 Reinstatements

A. An employee who has resigned with a good record may be rehired, if a vacancy exists, to the same or similar position by the same department from which the employee resigned within one (1) year of the date of resignation.

B. An employee may be reinstated at the same pay rate previously received, or may revert to a lower rate within the range at the discretion of the Department Head with the approval of the City Manager.

C. Reinstated employees are considered new employees for purposes of vacation, leave, pension and salary increases.

SECTION 6

PROBATIONARY PERIOD

6.01 Purpose

The probationary or "working test" period is used to observe the new employee's work, to secure the most effective adjustment of a new employee to the position, and to reject any employees whose performance does not meet the required work standards.

6.02 Duration

A. The probationary period shall be for a period of six (6) months from the first day of work for the employee. A Department Head may request an extension of the probationary period of an employee to a total of three (3) months beyond the end of the normal probationary period.

B. Length of the probationary period will vary in departments or occupations where permanent status is dependent upon completion of a training period, certification or other requirements.

C. When the employee successfully completes the probationary period he/she will be placed on regular status.

6.03 Evaluation of Performance

During the probationary period the Department Head will request a report of the supervisor's observation of the probationary employee's work and a judgment as to the employee's willingness and ability to perform the job duties satisfactorily. During the probationary period the employee's supervisor will notify the employee when performance is not satisfactory and probationary test period requirements are not being met.

6.04 Dismissal or Demotion During Probation

A. If a probationary employee has been found to be unqualified to perform, or will not properly perform the duties of the position, the employee may be dismissed by the Department Head.

B. The Department Head must coordinate this action with the City Manager and furnish written notice that the employee is unsatisfactory and specify the reasons. The employee does not have the right of administrative appeal.

SECTION 7

ATTENDANCE

7.01 Basic Work Week

A. The basic workweek for all employees shall consist of forty (40) hours unless otherwise specified or scheduled by the City Manager to meet particular requirements of individual departments. Individual Department Heads shall establish the basic workweek and hours of work best suited to meet the needs of the department and provide superior service to the community. Nothing in these rules shall be construed as a guarantee or limitation of the number of hours to be worked per week.

B. The basic workweek of forty (40) hours shall be from Monday through Friday of each week unless specified or scheduled by the City Manager to meet the particular requirements of individual departments. When the City Manager deems it necessary, work schedules may be established other than the basic Monday through Friday schedule.

C. Lunch hours are scheduled at the discretion of the Department Head, not to exceed one (1) hour.

7.02 Attendance

A. Each Department Head is responsible for the punctual attendance of all persons in the department.

B. All employees are expected to report for duty at the scheduled time.

C. If an employee is unable to work for any reason, he/she must notify his department as soon as possible prior to the scheduled reporting time.

D. Habitual or unjustified absenteeism or lateness is sufficient cause for disciplinary action.

7.03 Overtime

A. Overtime will be authorized or directed by the City Manager only when it is in the interest of the City and is the most practicable and economical way of meeting workloads or deadlines. In emergencies, Department Heads may authorize overtime, but will report the circumstances to the City Manager the following workday.

B. All authorized and approved work performed in excess of forty (40) hours in any one (1) work week shall be considered as overtime and shall be paid at the overtime rate of one and one-half (1/2) times the employee's straight time rate of pay. No employee shall suffer any reduction in his normal, scheduled hours of work to preclude the payment of overtime.

C. Employees shall be required to work overtime when assigned unless excused by supervision. In the event any employee is assigned to work approved overtime, he/she will not be required to use annual leave nor be placed in a "leave without pay" status during the basic workweek in order to compensate or offset the overtime hours worked or to be worked.

D. An employee desiring to be excused from overtime work assignments for good and sufficient reasons shall submit, in writing, a request to the immediate supervisor. The written request, if approved, shall remain in force until rescinded in writing by the employee to his/her immediate supervisor or until it becomes required and necessary to assign and schedule this employee to overtime work.

E. At the time overtime work is required and necessary, the work shall be performed by employees who have not requested, in writing, to be excused from such assignment. In the event overtime work is required and the department cannot schedule the required numbers of employees, then those employees who have approved requests on file excusing them from overtime work shall be assigned and required to work such overtime.

SECTION 8

HOLIDAYS

8.01 Days Observed

A. The following is a list of approved holidays:

New Year's Day	-	1
Memorial	-	1
Independence	-	1
Labor	-	1
Thanksgiving	-	2
Christmas	-	2

The actual dates shall be published at the beginning of each calendar year by the City Manager in accordance with the following formula:

When a holiday falls on a Saturday, the preceding Friday shall be designated a substitute holiday and observed as the official holiday for that year. When a holiday falls on a Sunday, the following Monday shall be designated a substitute holiday and observed as the official holiday.

B. The City Manager will determine when any departments or operations will be closed in observance of the holiday.

C. Full-time employees will be permitted three (3) floating holidays each fiscal year. Full-time employees hired after October 1 of each year will receive the appropriate pro rata share of the floating holidays for each year. Permanent part-time employees will receive the appropriate pro rata share of floating holidays each fiscal year.

Floating holidays are subject to the following:

1. It is the intent of these Rules to have the employees take their floating holidays during the fiscal year in which they were earned, otherwise all hours remaining at the end of the fiscal year will revert to zero. (Ord. No. 914, Sec. 3, 09-21-05).

2. The holidays are approved by employee's Department Head.

3. If it is not possible for an employee to take his/her floating holidays as requested, they will be rescheduled for other days. Under no circumstance will any eligible employee be paid for floating holidays in lieu of time off.

8.02 Eligibility for Holiday Pay

A. All regular employees who are scheduled for forty (40) hours a week will receive eight (8) hours off with pay for each of the approved holidays. All regular employees who are scheduled for fifty-six (56) hours a week will receive twelve (12) hours off with pay for each of the approved holidays. (Ord. No. 526, Sec. 1, 01-02-91)

Part-time - permanent employees will receive the appropriate pro rata share of hours off with pay for each of the approved holidays.

B. Employees on vacation, annual military leave, jury duty, sick leave, funeral leave or other absences from duty but on active pay status on the day the holiday is observed must use the holiday on the same day that it is observed.

C. An employee must be on active pay status or work his/her normal schedule of hours, either on the regularly scheduled working day immediately prior to a holiday or the regularly scheduled working day immediately following a holiday, in order to qualify for the holiday time.

D. Employees who are scheduled and required by their supervisor to work on the day observed as a holiday must work that day to be eligible to receive holiday pay. An employee who is scheduled to work on the day observed as a holiday and reports sick will be charged with the holiday for that day.

E. Employees who are scheduled for forty (40) hours a week and who are assigned and scheduled to work on a holiday, and who in fact do work, shall receive their usual day's pay plus eight (8) hours pay for the holiday. Employees who are scheduled fifty-six (56) hours a week and who are assigned and scheduled to work on a holiday, and who in fact do work, shall receive their usual day's pay plus twelve (12) hours pay for the holiday. (Ord. No. 526, Sec. 2, 01-02-91)

8.03 Holiday Pay - Rotating Shifts

A. Employees working on a rotating shift basis receive shift comp time or compensation for all holidays authorized for City employees.

B. Holiday compensation is computed on a straight time rate.

C. Employees will receive the Holiday Compensation whether they worked the holiday or the holiday fell on their day off in the pay period in which the holiday occurs. (Ord. No. 526, Sec. 3, 01-02-91)

D. Employees will be compensated only for the holidays earned while employed by the City.

SECTION 9

ANNUAL LEAVE (VACATION)

9.01 Eligibility

A. Full-time employees will be granted annual leave with pay.

B. Part-time - permanent employees will earn annual leave at a rate proportionate to their scheduled hours. (Ord. No. 526, Sec. 4, 01-02-91)

C. Part-time - temporary employees will not be eligible for annual leave.

D. Paid annual leave will accrue but may not be taken during the initial six (6) months of employment, or re-employment, except with specific approval of the City Manager in unusual situations.

9.02 Use

A. Vacation leave.

B. Absences for transaction of personal business, which cannot be conducted during off-duty hours.

C. Holidays. Religious holidays other than those designated by the City Council as official

D. For uncovered portion of Sick Leave, once such leave has become exhausted and through illness. Employees who become sick while on vacation may use sick time for such period of illness and may be required to present a doctor's certificate, if requested by the employee's Department Head.

E. Any scheduled absences from work not covered by other types of leave provisions established by these rules.

9.03 Amount of Annual Leave - General Employees

A. Full-time employees' annual leave shall be in accordance with the following schedule:

Months of Service	40-Hour Schedule Annual Leave	56-Hour Schedule Annual Leave
0 to 36 months	96 hours	144 hours
37 to 72 months	104 hours	156 hours
73 to 108 months	112 hours	168 hours
109 to 120 months	120 hours	180 hours
121 to 132 months	128 hours	192 hours
133 to 144 months	136 hours	204 hours
145 to 156 months	144 hours	216 hours
157 to 168 months	152 hours	228 hours
169 to 180 months	160 hours	240 hours
181 months or more	168 hours	252 hours

Vacation time shall accrue on a pro-rata monthly basis.

B. Incentive

Employees who are scheduled for forty (40) hours per week who use no sick leave during a calendar year shall be credited with sixteen (16) hours of annual leave.

Employees who are scheduled for fifty-six (56) hours per week who use no sick leave during a calendar year shall be credited with twenty-four (24) hours of annual leave.

Employees who are scheduled for forty (40) hours per week who use sixteen (16) hours of sick leave or less during a calendar year and/or employees who are scheduled for fifty-six (56) hours per week who use twenty-four (24) hours of sick leave or less during a calendar year will be credited with annual leave as follows:

Sick Leave Used (hrs.)	40-Hour Schedule Additional Annual Leave	56-Hour Schedule Additional Annual Leave
0.25 - 1.0 hour	15 hours	22.5 hours
1.25 - 2.0 hours	14 hours	21.0 hours
2.25 - 3.0 hours	13 hours	19.5 hours
3.25 - 4.0 hours	12 hours	18.0 hours
4.25 - 5.0 hours	11 hours	16.5 hours
5.25 - 6.0 hours	10 hours	15.0 hours
6.25 - 7.0 hours	9 hours	13.5 hours
7.25 - 16.0 hours	8 hours	12.0 hours

This provision shall only apply to those employees who were employed for a full calendar year. (Ord. No. 505, Sec. 2, 11-01-89; Ord. No. 526, Sec. 5, 01-02-91)

9.04 Accrual

A. It is the intent of these Rules to have employees take their vacation during the year following the period in which it was earned. Employees carrying excess annual leave at the time policy is adopted will be afforded the opportunity to use the excess leave.

B. The maximum number of annual leave days to accrue shall be one and one-half (1 1/2) times the annual rate of accrual. Employees will not be entitled to accrue additional annual leave time once they have reached the maximum allowed. Basis for allowing employees to accrue the maximum number of vacation hours shall be for the convenience of the City, or special cases. The City Manager shall be the approving authority.

9.05 Request for Leave

A. Request for annual leave shall be made in advance of use. A minimum of two- (2) weeks advance notice is required. In emergency cases, Department Heads may waive this requirement. Maintenance of superior service and adherence to schedules are commitments, which may compel the Department Head to restrict the scheduling of

vacations during certain periods of the year.

B. When practicable and in the best interest of the City, the Department Head may require the use of vacation in times of forty (40) hours or more.

C. When a written request for vacation is denied, the employee will be notified in writing by his supervisor stating his/her reason.

9.06 Payment - Unused Leave

A. Payment of annual leave time in lieu of actually taking vacation shall not be permitted except in three (3) special cases:

1. Employees entering military service.

2. Separation from City employment, regardless of reason.

3. Starting October 1, 2003, an employee who has completed ten (10) years of service may sell back vacation leave as follows:

a. Employees scheduled to work forty (40) hours per week who have used at least eighty (80) hours of vacation time in a calendar year and have reached maximum vacation accrual may sell back to the City up to eighty (80) hours of vacation leave. (Ord. No. 914, Sec. 4, 09-21-05).

b. Employees scheduled to work fifty-six (56) hours per week who have used at least one hundred twelve (112) hours of vacation time in a calendar year and have reached maximum vacation accrual may sell back to the City up to one hundred twelve (112) hours of vacation leave.

Payment will be made in December. (Ord. No. 914, Sec. 5, 09-21-05).

4. An employee entering the DROP program of the Pension Plan for Police Officers and Firefighters may request payment for accrued leave up to the maximum allowed by this Section, provided the employee who works forty (40) hours per week has used at least eighty (80) hours of annual leave in the twelve (12) months prior to entering the DROP and the employee who works fifty-six (56) hours per week has used at least one hundred twelve (112) hours of annual leave in the

twelve (12) months prior to entering the DROP. (Ord. No. 895, Sec 1, 12-01-04)

B. Upon separation from City employment, employees shall be entitled to compensation for any earned but unused vacation to their credit on the effective date of termination. This does not apply to employees having less than six- (6) months full time service.

C. All earned pay and annual leave of employees who die while in the service of the City shall be paid in cash to the spouse or estate of the employee.

9.07 Charging Annual Leave

A. Annual leave shall be scheduled and charged to the employee for the actual time the employee is away from work. This provision shall apply to employees on both a forty (40) hour-a-week schedule and a fifty-six (56)-hour-a-week-schedule.

B. Annual leave will be charged in no less than one-hour increments. (Ord. No. 526, Sec. 6, 01-02-91)

SECTION 10

SICK LEAVE

10.01 Eligibility

A. Full-time employees will be allowed sick leave with pay.

B. Part-time - permanent employees will earn sick leave at a rate proportionate to their scheduled hours.

C. Part-time - temporary employees will not earn sick leave.

D. If, and whenever, sick leave may appear to be abused, or where an employee consistently uses sick leave as it is earned, the employee claiming/requesting such sick leave may be required to furnish competent proof of the necessity for such absence. The City reserves the right in all cases of illness, or reported illness, to require the employee to furnish a doctor's certificate. Department Heads will use discretion and will counsel the employee prior to applying this procedure unless there is substantial evidence of abuse of sick leave. Abuse of sick leave privileges shall constitute grounds for disciplinary action.

E. Employees may not use any accumulated sick leave for sickness or injury sustained while engaged in outside employment.

10.02 Use

Sick leave will be granted upon approval of the Department Head for the following reasons:

A. Employee's health.

B. Medical, dental or optical treatment which is necessary during working hours.

C. Quarantine due to exposure to contagious disease.

D. Employee's health while on vacation.

E. In connection with Workers' Compensation.

F. A maximum of five (5) days per calendar year will be permitted for the purpose of caring for members of employee's immediate family living in employee's household whose illness or injury requires employee's attendance and no other member of the immediate family is available to provide such care.

10.03 Amount of Sick Leave

Full-time employees who are scheduled for forty (40) hours per week shall earn ninety-six (96) hours of sick leave a year, computed on the basis of eight (8) hours per month. Full-time employees who are scheduled for fifty-six (56) hours a week shall earn one hundred forty-four (144) hours of sick leave a year computed on the basis of twelve (12) hours per month. (Ord. 526, Sec 7, 01/02/91)

10.04 Accrual of Sick Leave

A. Sick leave may be accrued for a total of no more than one thousand eighty (1,080) hours for employees who are scheduled for forty (40) hours a week, and one thousand six hundred twenty (1,620) hours for employees who are scheduled for fifty-six (56) hours a week.

B. Employees shall be paid fifty percent (50%) of up to seven hundred twenty (720) hours or a maximum of three hundred sixty (360) hours accumulated sick leave time, upon termination, provided they have completed one year of continuous employment and further provided that termination is due to layoff, retirement, death or when an employee leaves in good standing and gives a minimum of two weeks' notice. (Ord. No. 526, Sec. 8, 01-02-91; Ord. No. 546, Sec. 1, 11-13-91)

C. An employee entering the DROP program of the Pension Plan for Police Officers and Firefighters may request payment for accrued sick leave as outlined in this Section. An employee who chooses this option will not be eligible to again request payment for accrued sick leave when that employee leaves City service at the conclusion of the DROP. (Ord. No. 895, Sec. 2, 12-01-04)

10.05 Reporting Sick Leave

A. An employee incapacitated and unable to work shall notify his/her immediate supervisor before the scheduled reporting time as designated by the department, stating the nature of the illness and expected period of absence. Reporting procedures for employees unable to work and for the usage of sick leave time shall be determined by the operational procedures and directives of the department concerned. This procedure shall be followed for each day the employee is unable to work, unless prior approval is given by the department.

B. Many slight injuries and sicknesses may prohibit the performance of regularly assigned duties; however, there may be other duties that such employees may be able to perform without aggravating such injuries or sicknesses. Providing the physician states that "light duty"

work is acceptable, the employee may, at the Department Head's option, report to his /her supervisor for assignment within the department. The department may assign such duties as the health and condition of the involved employee permits, but only in cases where bona fide jobs or duties are available. In addition, such assignments will be allowed only when the supervisor determines that the employee can, in fact, be productively employed at "light duty."

10.06 Charging Sick Leave

Sick leave time shall be charged to the employee for the actual time the employee is away from work in no less than quarter-hour increments, with the minimum being one-quarter hour (15 minutes). This provision shall apply to employees on both a forty (40) hour-a-week-schedule and a fifty-six (56) hour-a-week schedule.
(Ord. No. 505, Sec. 3, 11-01-89; Ord. No. 526, Sec. 9, 01-02-91)

10.07 Any employee who works a forty (40) hour schedule and has 1,080 hours of sick leave may request to "sell back" to the City eighty (80) hours of sick leave. Employees who are scheduled for fifty-six (56) hours per week may request to "sell back" to the City one hundred twelve (112) hours of sick leave upon accruing 1,620 hours of sick leave. Payment will be made in December. Only one request and one payment shall be made per calendar year. The deduction of hours of sick leave from the employee's total will be made at the time of the request.
(Ord. No. 770, Sec. 2, 11/3/99) (Ord. No. 802, Sec 1,1/3/01) (Ord. No. 846, Sec. 5, 11-20-02).

10.08 Employees may donate a maximum of fifteen (15) hours per calendar year of their sick leave to another employee or employees that have no sick leave accumulation. Each donation shall be subject to the approval of the receiving employee's department head.
(Ord. No. 770, Sec. 2, 11/3/99)

SECTION 11

LEAVES OF ABSENCE

11.01 Funeral Leave

A. All regular employees may be granted, upon approval of the Department Head, time off with pay not to exceed three (3) consecutive working days in the event of a death in their immediate family. (See definition of "immediate family", Section 2.)

B. Funeral leave shall not be charged to vacation or sick leave.

11.02 Court Leave

A. Employees attending court as a witness on behalf of a public jurisdiction or for jury duty during their normal working hours shall receive full pay equal to their normal work schedule for the hours they attend court. This time shall be charged as leave with pay.

B. All full-time employees subpoenaed to attend court are eligible for leave with pay. Those employees who become plaintiffs or defendants are not eligible for leave with pay.

C. Employees who attend court for only a portion of a regularly scheduled workday are expected to report to their supervisor when excused or released by the court.

D. Employees required to attend court as stated above, while on scheduled vacation, may be allowed to take additional leave with pay for that court time.

E. All fees, subpoena allowance or other pay received by the employee shall be turned into the Finance Office.

11.03 Conference Leave

The City Manager may grant conference leave with pay, together with the necessary travel expenses in accordance with travel policy, in order that employees may attend conferences, schools and similar events designed to improve their efficiency, if considered to be in the best interest of the City. All leave and expenses will be recommended by the Department Head subject to approval of the City Manager.

11.04 Maternity Leave

A. An employee who is required to be absent from work for maternity reasons will be considered to be on leave status and, upon request, will be granted a leave of absence without pay and will be considered for reemployment if a vacancy in the employee's class exists.

1. In order to provide for uninterrupted coverage of the position, the employee will notify her supervisor in writing at least four (4) weeks prior to her anticipated date of departure, stating the probable duration of the leave.

2. The maternity leave will be for up to six (6) months from the date of commencement. Further extensions may be granted by the City Manager due to individual circumstances.

B. An employee may be permitted to continue work whenever her pregnancy does not adversely impair her work performance or health.

C. Prior to requesting a leave of absence, the employee may elect to utilize any accumulated sick leave and vacation time during this period.

11.05 Military Leave

A. Regular employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the Florida State National Guard, shall be entitled to leave of absence from their respective duties without loss of pay for such time as they shall be ordered to military service or field training in an active duty or active duty for training status, for a period not to exceed seventeen (17) consecutive calendar days in any calendar year.

B. The employee shall be required to submit an order or statement from the appropriate military commander as evidence of any such duty. Such order or statement shall accompany the formal request for military leave at least two (2) weeks in advance.

C. Regular employees who are members of the Armed Forces Reserve or Florida National Guard shall be excused from work without pay to attend inactive duty training drills as required. Evidence of membership in the applicable organization shall be provided to the department by the employee. Requests for such absences from work can be made by the employee either orally or in writing. The submission of the applicable Reserve or National Guard training

schedule will satisfy this requirement. Except upon declaration of civil emergency conditions, if there is a conflict between departmental scheduling and required military training, the department will make every effort to excuse the employee from work.

11.06 Leave Without Pay

A. The decision to grant a leave without pay (leave of absence) is a matter of management discretion. It shall be incumbent upon each Department Head to weigh and determine each case on its own merits. In each case the City shall make a reasonable effort to return the employee to his or her former position or a similar position of the same classification in another department. If no opening exists, the employee shall be placed on lay-off status.

1. Department Heads must submit the necessary forms placing employees on a leave of absence for any period of leave without pay, which extends thirty (30) consecutive days or longer. The leave of absence will be effective beginning with the first day of absence. Leave without pay includes excused absences for sickness or injury without accumulated sick leave time and other excused absences without pay.

2. Leave without pay for thirty (30) days or longer will result in a corresponding adjustment of anniversary and classification dates.

3. An employee granted a leave of absence must keep the department informed every three (3) months of his/her current activity (school, medical, military, etc.). In addition, the employee must keep the department advised of his/her current address at all times.

4. An employee who attains either part-time or full-time employment elsewhere while on an authorized leave of absence is required to notify his/her department in writing within three (3) days of accepting such employment.

5. Failure to comply with all of the above items will result in the employee being dropped from leave of absence status, in which case he/she must return to duty or be dismissed.

6. Any employee granted a leave of absence shall contact his/her Department Head at least two (2) weeks prior to the expiration of the approved leave in order to facilitate the reinstatement process.

7. Failure to return to work at the expiration of the approved leave shall be considered as absent without permission and grounds for dismissal.

8. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay.

B. Family and Medical Leave - All eligible employees are entitled to a total of twelve weeks of unpaid leave during any twelve-month period for one or more of the following reasons: (1) the birth of a child; (2) the placement of a child for adoption or foster care; (3) the caring of a spouse, child or parent with a serious health condition; or (4) a serious health condition that renders the employee unable to perform the functions of his or her position. The term "serious health condition" shall include only those illnesses, injuries, impairments or conditions that involve inpatient care in a hospital, hospice or residential medical care facility, or continuing treatment by a health care provider.

The following conditions shall apply to any leave of absence requested under this section:

1. Leave will only be granted to individuals who have been employed by the City for at least twelve months and who have worked a minimum of 1250 hours in the year preceding the leave request.

2. The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve-month period beginning on the date of such birth or placement. Leave for the birth or placement of a child shall not be taken intermittently or on a reduced leave schedule without the express permission by the City. Leave requested due to the serious health condition of an employee, or in order to care for the spouse, child or parent with a serious health condition, may be taken intermittently or on a reduced leave schedule, only when medically necessary. If the employee requests intermittent leave or leave on a reduced leave schedule, the City may require the employee to transfer temporarily to an available alternative position for which the employee is qualified. The alternative position will be offered at equivalent pay and benefits.

3. Any employee requesting leave for the birth or placement of a child must first use any accrued vacation or sick leave before taking the unpaid leave of absence. The vacation and/or sick leave taken will be counted toward the twelve-week leave period.

4. Any employee requesting leave for a serious medical condition, or the serious medical condition of a spouse, child or parent of the employee, must first use any accrued vacation and sick leave before taking the unpaid leave of absence. The vacation and/or sick leave taken will be counted toward the twelve-week leave period.

5. Any employee requesting leave under this policy shall provide to the City, wherever possible, a minimum thirty-day notice of his or her intent to take the leave. In addition, any employee taking leave for a serious medical condition, or the serious medical condition of a spouse, child or parent, shall make a reasonable effort to schedule treatments so as not to disrupt the operations of the City.

6. A husband and wife employed by the City may be limited to an aggregate total of twelve weeks leave in a twelve-month period for birth or placement of a child, or for care of a seriously ill parent.

7. The City reserves the right to require a doctor's certificate supporting a request for a leave due to a serious illness of the employee, or the serious illness of a child, spouse or parent of the employee. The City also reserves the right to require the employee, at the City's expense, to obtain the opinion of a second doctor as to his or her condition, or the condition of a seriously ill parent, spouse or child.

8. At the conclusion of any leave taken under this section, the employee shall be restored to his or her previous position, or an equivalent position with equivalent employment benefits, pay and other terms and conditions of employment. The employee shall be entitled to the accrual of seniority or other benefits during the term of the portion of the Family and Medical Leave covered by paid accrued vacation and/or sick leave. No sick leave or annual leave will be earned by an employee for the time that the employee is on leave without pay. The City reserves the right to deny restoration of employment of key employees as that term is defined in the Family and Medical Leave Act.

9. The employee's health insurance benefits will be continued during the leave of absence at the same level and conditions as if the employee had continued to work. If, however, the employee fails to return to work at the completion of the leave, the City reserves the right to recover from the employee the premiums paid for maintaining medical insurance coverage as permitted by federal law.

10. Any employee taking leave under this section shall be required to periodically report to the City on the status and intention of the employee to return to work. Prior to returning to work, in cases of serious illness of the employee, the City may require of the employee a doctor's certificate stating that the employee is able to resume work.

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SECTION 12

POSITION CLASSIFICATION PLAN

12.01 Job Classification

Pay Grade	Job Class	Salary Range
9	Mechanic Helper	19,614 - 30,824
10	Vacant	
11	Vacant	
12	Vacant	
13	Staff Assistant	23,840 - 37,247
14	Vacant	
15	Janitorial Specialist	26,283 - 40,960
15	Recreation Maintenance Specialist	26,283 - 40,960
15	Grounds Maintenance/Irrigation Specialist	26,283 - 40,960
15	Facilities Maintenance Specialist	26,283 - 40,960
15	Grounds Maintenance Specialist	26,283 - 40,960
15	Street Maintenance Specialist	26,283 - 40,960
16	Senior Staff Assistant	27,598 - 42,958
17	Crew Leader – Facilities	28,978 - 45,067
17	Crew Leader – Grounds	28,978 - 45,067
17	Crew Leader – Road/Drainage	28,978 - 45,067
17	Deputy City Clerk	28,978 - 45,067
17	Admin Assistant/Envir Program Coordinator	28,978 - 45,067
17	Admin Assistant/Rec Program Spec	28,978 - 45,067
17	Administrative Assistant	28,978 - 45,067
17	Permit Tech (Admin Assistant)	28,978 - 45,067
17	Zoning Tech (Admin Assistant)	28,978 - 45,067
18	Grounds Supervisor/Planner	30,428 - 47,256
18	Code Enforcement Officer	30,428 - 47,256
19	Firefighter/EMT	31,948 - 49,568
19	Building & Zoning Admin Coordinator	31,948 - 49,568
20	Vacant	
21	Accountant	35,223 - 54,596
21	Chief Mechanic	35,223 - 54,596
22	Fire Captain/EMT	36,985 - 57,325
22	Building Inspector	36,985 - 57,325
23	Assistant Public Works Director	38,835 - 60,190
23	Firefighter/Paramedic	38,835 - 60,190
24	Deputy Building Official	40,775 - 63,201
24	Comm Redev Agency Coordinator	40,775 - 63,201
25	Assistant Finance Director	42,813 - 66,360
26	Information Systems Specialist	44,954 - 69,677
26	Fire Captain/Paramedic	44,954 - 69,677

Pay Grade	Job Class	Salary Range
26	Fire Marshall	44,954 - 69,677
28	Police Commander	49,562 - 76,820
28	Emergency Services Coordinator	49,562 - 76,820
30	City Clerk	54,641 - 84,695
30	Building Official	54,641 - 84,695
30	Public Works Director	54,641 - 84,695
30	Recreation Director	54,641 - 84,695
31	Comm. Development Director	57,374 - 88,930
31	Finance Director	57,374 - 88,930
31	Fire Chief	57,374 - 88,930
32	Police Chief	60,242 - 93,377

Rev. ORD. Nos. 464 01/06/88, 477 10/19/88, 505 11/01/89, 526 01/02/91, 546 11/13/91, 575 10/21/92, 612 11/09/94, 640 11/01/95, 653 04/03/96, 665 10/16/96, 697 10/15/97, 711 02/28/98, 737 11/04/98, 770 11/03/99, 798 10/18/00, 810 6/20/01, 821 11/21/01, 846 11/20/02, 862 10/01/03, 893 10/20/04, 902 04/06/05, 914 09-21-05, 931 02-15-06, 940 05-03-06, 952 11-01-06, 978 10-03-07, 1010 04/01/09, and 1047 11/30/11.

12.02 Job Classification Descriptions

The City Manager is authorized to develop Job Classification Descriptions for each of the positions listed under "Job Class" in Section 12.01, Job Classification Levels, and an organizational chart for the City. The City Manager shall revise the job classification descriptions and organizational charts from time to time to meet the needs of the City service.

SECTION 13

PAY PLAN

13.01 Administration of the Plan.

The pay plan shall be administered by the City Manager or his designated representative. The annual fiscal year budget shall contain the official manning document of the ensuing year and any pay increases approved by the City Council shall be included in the budget. Percentage cost-of-living increases, where authorized, shall cause the minimum and maximum pay ranges to be increased across the board accordingly. When merit increase funds are authorized by the City Council, a percentage of total salaries shall be established as a merit increase pool to be allocated by the City Manager to employees of merit. He shall consider the recommendations of the appropriate department head. Merit increases shall be considered annually and where approved become effective on the employee's anniversary of hire date. Employees who have reached the maximum pay for a position shall be eligible for a merit increase; however, said merit increase will not be added to their base pay and will not be utilized for cost-of-living adjustments.

The pay grade assigned to a position class in the Position Classification Plan is the worth of the position class and not the worth of an individual employee's services. The relative worth of an individual employee's services is accommodated through movement up in a pay grade allocated to a position class.

13.02 Minimum Rate

The pay grade and minimum step allocated to a classification take into account the necessary previous experience and qualifications. On occasion, for highly skilled, technical or managerial positions it will be necessary to hire above the minimum rate in the range. A recommendation to hire above the minimum rate in the range should be documented by the Department Head and approved by the City Manager.

13.03 Advancement Within Pay Grade

Increases should be provided within each pay grade to provide a means of rewarding continued meritorious service. Increases in pay within a pay grade should be based on merit, and the successful completion of the prerequisite education and/or training specified, in addition to an annual performance review and evaluation. A "satisfactory" or better

rating should be considered mandatory for consideration for an increase.

Advancements within a grade should be considered on an annual basis, following regular established personnel policies and procedures.

13.04 Promotion

An employee promoted to a position classification with a pay grade having a higher maximum rate of pay should be given an increase in pay of no less than five percent (5%), or the minimum entry level of the new pay grade, whichever is greater.

13.05 Voluntary Transfer

Employees who request a voluntary transfer to another position, which involves a change in classification levels should be placed in the new range at the same dollar level as his or her present salary. If the employee's present salary is above the maximum salary level for the new range, the salary of the employee should be capped or reduced to the maximum level indicated by the new range.

13.06 Involuntary Transfer

There are two types of involuntary transfer; one is for the good of the employee, and the other serves the best interests of the department. An example of a transfer for the good of the employee would be an individual who is no longer physically capable of performing their duties. Rather than terminating the individual, the department may determine that an involuntary transfer to a less strenuous position would be acceptable. In this instance, should the transfer be to a position classified at a lower level, the employee's salary would be at the same dollar level in the new range. If the employee's current salary is above the maximum level in the new range, the salary would be capped or frozen at the maximum level.

Involuntary transfers for the best interest of a department would be initiated by the department rather than the individual. Transfers could be of a temporary nature to address a particular problem or personnel shortage. Assignments usually exceed thirty (30) days in length and should not be confused with the routine assumption of higher-level duties, which occur in the absence of a supervisory for vacation or short-term illness. Employees assigned through this type of involuntary transfer to a lower classification level should not be penalized in salary or longevity by

placement in a lower classification level. He or she should continue in the previous classification level, enjoying all the benefits and increases, as though no reassignment had taken place.

Employees temporarily reassigned to a higher classification level for the benefit of the City should be granted a five percent (5%) increase or the minimum level in the new grade whichever is greater. Regular increases should be granted during the period of reassignment. Should this employee be reassigned back to the original classification or another assignment, which carries a lower classification level, the pay would be returned to the original level, but to include any merit or cost-of-living adjustments.

13.07 Allocation of Employees Within the Ranges

Allocation of employees within the ranges should be to the present dollar level within the assigned range and class level. For employees whose current salary level is below the minimum level in the assigned range, the salary level would be the minimum in the range.

13.08 Reclassification

Reclassification can occur in several ways. Reclassification can take place when the work performed changes substantially over a period of time. Often these changes take place when new technology is introduced, or the mission of a section is changed in response to changing legislation or changing service demands. A third type of reclassification is done for individuals whose jobs change through design or evolution.

Reclassification is generally initiated through an outside review, but can be initiated at the request of the individual or the supervisor.

If an individual or a supervisor initiates a request for a reclassification, it is usually accompanied by written supporting documentation. This documentation is rarely sufficient to support a reclassification as it generally does not document actual job duties and tasks, nor does it provide sufficient information to allow the various factors in the job to be weighed and considered relative to the importance of the duties and responsibilities of other positions. Reclassification does not take place independent of consideration of other positions within the overall classification system.

When a request for a reclassification is received, a questionnaire (See Pamphlet "Guideline for Preparation of Position Descriptions") should be

completed by all incumbents holding the same job title. A desk audit, usually at the job site would then be conducted with the individual being considered for reclassification. Key questions concerning the nine critical job factors should be answered to assist in determining the proper level within the overall pay and classification system. The analysis of all the information is then compared to the current position descriptions for the various classification levels and weighed to determine the correct classification assignment.

If it is determined that a reclassification is justified, approval would be recommended to the City Manager, who would approve or disapprove all such requests.

13.09 Demotion

An employee may be demoted to a classification of lower grade for which he/she is qualified for any of the following reasons:

A. For disciplinary reasons.

B. When an employee would otherwise be laid off because the position is being abolished.

C. When an employee does not possess the necessary qualifications to render satisfactory service in the position he or she holds.

Pay will not exceed the maximum rate of the pay grade designated for the lower classification, except that such decrease would not be effective for sixty (60) days.

13.10 Trainee

In the event an applicant for any position does not meet the minimum qualifications but is otherwise qualified for the position, the department head may request the appointment as a "Trainee." In such cases, the employee will be hired at a rate up to ten percent (10%) below the minimum salary until the minimum qualifications have been satisfied.

This category is used to train people on the job who have the potential to do the work, but lack some of the skills or experience needed.

The normal time a person remains in a "Trainee" category would be a minimum of six (6) months and a maximum of eighteen (18) months, depending upon the skills or experience needed. Length of the training

period will be at the discretion of the Department Head. The City Manager will be notified as to the length of the training period.

13.11 Vocational Incentives

The City Manager may make a $250.00 per annum vocational incentive award to any employee who presents a certificate of satisfactory completion from an accredited college or school of continuing education for each of the following vocational fields and the particular skill acquired is needed, as determined by the Department Head, and, in fact, to be utilized in the employee's work:

A. Construction/Masonry

B. Plumbing

C. Air Conditioning/Refrigeration

D. Electricity

E. Welding

F. Word processing or computer skills

An employee may be awarded the incentive, in lieu of certificate of satisfactory completion, by the City Manager, if the employee can provide verifiable proof of a minimum of one year of job experience in any of the above-mentioned vocational fields.

In any event, the incentives shall be kept separate from the employee's base salary and shall not be used to compute any pay increases.

13.12 Repealed. (Ord. No. 488, Sec. 2, 03-15-89)

SECTION 14

MISCELLANEOUS RULES AND BENEFITS

14.01 Employee Training & Development

A. In-Service Training

It is the responsibility of the City Manager in conjunction with the Department Heads to foster and promote service training of employees. The purpose of this is to improve the level of service rendered to the public, the quality of personnel and to assist employees in preparing themselves for advancement in the City service. Department Heads in cooperation with the Personnel Manager will establish standards for training programs, assure that training is carried out as approved and prepare certificates or other forms of recognition to persons who satisfactorily complete approved courses and programs.

B. Off-Duty Schooling

Eligibility. Full-time employees are eligible to apply for a refund for tuition and books required for courses in any accredited educational institution that, in the judgment of the City Manager, are directly related to employee's current or related higher positions, and which meet the City's program objectives.

Conditions. Maximum reimbursement will be $1,500.00 per employee per year with a pool of $1,000.00 for year 2002-2003 and the limit will be $2,500.00 per employee per year with a pool of $1,500.00 for year 2003-2004. The City shall pay 100% for the grade of "A" and 75% for the grade of "B" and 50% for the grade of "C". Employees must agree to remain in the City's employment for two (2) years from the date of course completion. If the employee voluntarily resigns within two (2) years of the date of course completion, the employee must reimburse the City. (Ord. No. 846, Sec. 6, 11-20-02).

14.02 Employee Performance Evaluation

The City Manager will establish and administer a program for rating the work performance of employees. The Performance Evaluation system is designed to permit the evaluation of the employee's performance and attitude as accurately and as fairly as is reasonably possible. The ratings shall be set forth on the authorized Performance Evaluation forms.

Employees shall be given a copy of their report and shall be entitled to discuss it with the supervisor. The overall performance rating shall be used as a guide for determining the need for training, the desirability of merit increase, and as a factor in arriving at promotions.

14.03 Group Insurance

A. The City provides Group Health Insurance and Dental Health Insurance for its employees. General benefits of the health insurance plan will be found in the insurance booklet, which may be obtained from the City Clerk. Details of the Dental Health Insurance Plan may be obtained from the Finance Director.

B. Vision Care Services

1. Full-time employees are eligible for an eye examination once every two (2) years by a certified ophthalmologist or eye care specialist within Brevard County. The City shall reimburse the employee upon presentation of a receipt for such examination.

2. The City will reimburse each full-time employee for the purchase, repair, or replacement of vision correcting appliances and their fitting up to, but not exceeding Two Hundred Twenty-Five Dollars ($225.00) every two (2) years. (Ord. No. 479, Sec. 1, 01-04-89, Ord. No. 770, Sec. 4, 11/3/99, Ord. No. 1025, Sec. 2, 1/6/10)

C. Employees must notify the Finance Director if they change their marital status so that the steps necessary to change insurance coverage may be completed. Notification of any change of status is the employee's responsibility.

14.04 Deductions

Federal Withholding, Social Security and Pensions are deducted from paychecks in accordance with law. Any other deductions, including Group Insurance, U.S. Savings bonds, etc., are made only by written request of the employee and as approved by the City Manager.

14.05 Pension Plan

The City provides a Pension Plan for all qualifying employees to guarantee a monthly life income after their retirement. Details of the plan are maintained in the Finance Director's Office.

14.06 Workers' Compensation

Any employee who sustains a work-related sickness or injury shall process his/her claim in accordance with the Florida State Workers' Compensation Law. If it is determined the injury or sickness falls under the coverage, and, if such sickness or injury is not caused by the negligence of employee, and, if there is lost time involved, any non-probationary employee may be granted a leave of absence at base salary, less payment from Workers' Compensation, up to a maximum of four (4) weeks in a calendar year. At the expiration of the four (4)-week period, if the employee is still disabled, continued absence may be charged to earned sick leave or vacation less payment from Workers' Compensation. Any payments received from Workers' Compensation by the employee shall offset any salary received so that in no case will the amount of total compensation be more than base salary. (Ord. No. 495, Sec. 1, 05-03-89)

SECTION 15

SEPARATIONS

15.01 Types of Separations

Separations and/or terminations from positions in City service are designated as one of the following types:

A. Resignation

B. Retirement

C. Disability

D. Death

E. Reduction in Force (layoff)

F. Dismissal or Discharge

15.02 Resignation

A. Resignation is the separation of an employee from the City service through the submittal of a notice that he/she wishes to resign.

B. Employees wishing to leave the City service in good standing shall notify their immediate supervisor at least ten (10) working days before leaving. Failure to do so may be cause for denying such employee reemployment by the City.

C. Unauthorized absences from work for a period of three (3) days may be considered as the employee's voluntary resignation by the Department Head.

15.03 Retirement

The mandatory retirement age for sworn law enforcement personnel and any other groups for which there may be special retirement plans shall be in accordance with the terms of such plans. Employee benefits upon retirement shall be based upon the regulations of the retirement system, which may be in effect at the time. All employees

shall be governed by retirement age regulations unless an extension is approved by the City.

15.04 Disability

For any good reasons, a Department Head may request an employee under their jurisdiction be examined by a physician designated by the City. If a disability of any kind is discovered which impairs the effectiveness of the employee or makes continuance on the job a danger to themselves or others, the following action shall be taken:

A. If the disability is correctable, the employee will be allowed a specified time to have it corrected. If the employee fails to take steps to have the disability corrected within the specified time allowed by the physician, the employee shall be subject to retirement or dismissal.

B. If, in the opinion of the examining physician, the disability cannot be corrected, the City will attempt to place the employee in another position, which he or she can perform satisfactorily. If that step cannot be accomplished successfully, the City shall take steps to separate the employee from the City service either through retirement or dismissal.

15.05 Death

Separation shall be effective as of the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid to the beneficiary, surviving spouse, or to the estate of the employee, as determined by law, or by executed forms in the employee's personnel folder.

15.06 Reduction in Force (Layoff)

A. The City Manager may lay off an employee or employees when it is deemed necessary by reason of shortage of funds or work, the abolition of the position, material changes in the duties or organization, or for related reasons which are outside the employee's control and which do not reflect discredit upon the service of employees.

B. The duties performed by any employee laid off may be reassigned to other employees already working who hold positions in appropriate classes.

C. No regular employee shall be laid off while another person in a position is employed on a probationary, part-time or temporary basis in the same classification.

D. When it becomes necessary to reduce the number of employees within a given class through lack of funds, work, or other causes, employees shall be laid off as follows:

1. Temporary and part-time

2. Probationary employees

3. Regular employees

E. Employees shall be laid off on the basis of the following factors, each weighed equally: length of service in the class; length of service with the City and performance evaluations for the past three years; or for the entire period where the length of service with the City is less than three years.

F. In the event that two (2) or more employees affected have the exact same amount of service in the class, the employee with the lowest performance evaluation record will be laid off first.

G. Regular employees laid off shall have precedence for recall in their classification.

H. The City will offer recall to laid off employees by certified mail to the last known address. If the laid off employee fails to report to the Personnel Office his/her intentions of returning to work within five (5) days after receipt of the certified notice, his/her tenure of service shall be broken.

I. Recall will be offered to laid off employees provided they are physically and otherwise qualified to perform the duties of the job.

15.07 Dismissal or Discharge

Reasons for dismissal or discharge include but shall not be limited to:

A. Failure to meet prescribed standards of work or unacceptable morality and ethics to an extent that makes an employee unsuitable for the kind of employment in City service in which he/she was serving at the time of the offense.

B. Violation of Section 447.018, Florida Statutes, prohibiting public employees or employee organizations from participating in a strike against a public employer.

C. Theft or destruction of City property.

D. Incompetence, inefficiency, or negligence in the performance of duty.

E. Insubordination.

F. Conviction of a criminal offense.

G. Being under the influence of intoxicating liquor, drugs, or barbiturates (not prescribed by a doctor) while on duty.

H. Notoriously disgraceful personal conduct.

I. Unauthorized absences or abuse of leave privileges.

J. Acceptance of any valuable consideration, which was given, with the expectation of influencing the employee in the performance of his/her duties.

K. Falsification of records or use of official position for personal advantage, including application, time sheets, purchase orders, etc.

L. Commission of any offense described in these rules and regulations relating to disciplinary measures for which discharge is the penalty.

15.08 Exit Interviews

A. The purpose and intent of the Exit Interview is to provide management with information as to why and in what areas employees may be dissatisfied with their jobs. This information may, in turn, improve our system and reduce our turnover rate.

B. Prior to the issuance of the final pay to a department employee, a two-part exit interview will be conducted. The first part of the interview will be conducted by the Department Head. The City Manager will conduct the second part of the interview. The Exit Interviews will be conducted by the Department Head and City Manager utilizing standard forms developed specifically for each department. Interview forms are to be approved by the City Manager.

15.09 Return of City Property

At the time of separation and prior to receiving final monies due, all records, books, assets, uniforms, keys, tools, and other items of City property in the employee's custody shall be transferred to the Department and certification to this effect shall be by the Department Head. Any monies due the City because of any shortages shall be collected through appropriate action.

SECTION 16

SAFETY

16.01 Accident Prevention

A. The development of safe working conditions, practices, habits and thinking are the objectives of the "Safety Policies & Procedures Manual." Reaching those objectives will result in benefits to all employees and to the City. Accidents, injuries, disabilities, damage, lost time and pay, claims and medical expense, and improper and dangerous use of equipment, are all operational problems which will be improved by efforts of all employees.

B. All Department Heads, supervisors and employees must recognize their responsibility for a successful safety program and will participate in the development, implementation and improvement of this program. Supervisors must have a continuing concern with all possible operational economies.

16.02 Accident Reporting

A. All employees shall be advised of their responsibility to immediately report to their supervisor all injuries that occur on the job. Delay in reporting injury can cause complication of the injury and delay recovery.

B. Accident must be reported within twenty-four (24) hours after the date of the accident or the report of the injury. If the accident occurs over a holiday or weekend, the accident report should then be submitted within twenty-four (24) hours from the time the work period starts after the weekend or holiday. This also applies to industrial accidents and first aid injuries, as well as to anyone injured in a vehicular accident involving City vehicles. In the latter case, a vehicular accident report will be submitted and, if an employee is injured, a report of injury to employee will also be required.

C. In the case of all vehicular accidents, the appropriate law enforcement agency and the employee's supervisor should be notified immediately.

16.03 Safety Equipment

The City will provide proper and necessary safety equipment and devices for employees engaged in work where such special equipment and devices are necessary. Such equipment and devices, where provided, must be used. Failure by concerned employees to utilize provided equipment or devices will be subject to disciplinary measures.

SECTION 17

DISCIPLINARY ACTION

17.01 Intent

A. It is the intent of the City that effective supervision and employee relations will avoid most matters which necessitate disciplinary action for violation of the rules and disciplinary action for violation of the rules is not intended to restrict the rights of anyone but to insure the rights of all and secure cooperation and orderliness throughout the personnel system.

B. The City recognizes the fact that each instance differs in many respects from somewhat similar situations. The City retains the right to treat such occurrence on an individual basis and without creating a precedent for other cases, which may arise in the future. The City retains the right to suspend any disciplinary action, which it may take, during good behavior for a specified term at its discretion.

C. The following rules and regulations are not to be construed as a limitation upon the retained rights of the City, but merely a guide. The rules and regulations provide recommended standard penalties to apply for specific offenses. This means that a more severe penalty may be issued than that which appears in the standard procedure if it is felt necessary.

D. Offenses requiring disciplinary action are divided into three (3) types to reflect degrees of severity of offenses. In each group and for each rule, consideration will be given to the severity of the offense, the cost involved, the time interval between violations, the length and quality of service records and the ability of the employee concerned. In each case where the penalty is modified from the recommended standard penalties, the reason for such modifications will be noted in writing.

E. In addition to the general types of offenses listed below, infractions of departmental rules and regulations will subject the employee to disciplinary action.

17.02 Notice of Disciplinary Action

In all cases the Department shall notify the employee of the action taken and a copy of such notice will be sent to the City Manager for placement in the employee's personnel folder.

17.03 Types of Offenses

The three (3) groups of offenses and a guide for standard penalties recommended are as follows:

A. GROUP I OFFENSES

FIRST OFFENSE - INSTRUCTION AND CAUTIONING

SECOND OFFENSE - ONE (1) DAY SUSPENSION

THIRD OFFENSE - UP TO FIVE (5) DAYS SUSPENSION

FOURTH OFFENSE - UP TO DISCHARGE

1. Operating, using, or possessing tools, equipment or machines to which the employee has not been assigned or performing other than assigned work.

2. Quitting work, wasting time, loitering, or leaving assigned work area during working hours without permission.

3. Washing up or changing clothes during working hours without the specific permission of supervisor.

4. Taking more than specified time for meals or rest periods.

5. Productivity or workmanship not up to required standards of performance.

6. Disregarding job duties by loafing or neglect of work during working hours.

7. Provoking or instigating a fight or fighting on City property.

8. Reporting to work or working while unfit for duty, medically, mentally or physically.

9. Posting or removal of any material on bulletin boards or City property unless authorized.

10. Distributing written or printed material of any description on City premises unless authorized.

11. Discourtesy to persons with whom the employee comes in contact while in the performance of duties.

12. Habitual failure to punch/complete own time card, where applicable. (Guide: Three (3) times in any thirty (30)-day period.)

13. Tardiness. (Guide: Three (3) times in a thirty (30)-day period.)

14. Chronic absenteeism. (Guide: Three (3) times in a thirty (30)-day period.)

15. Violating a safety rule or safety practice.

16. Failure to report an accident or personal injury in which the employee was involved while on the job.

17. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job, or similar types of disorderly conduct.

18. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.

19. Failure to pay just debts due, or failure to make reasonable provision for the future payment of such debts, thereby causing annoyance or embarrassment to the City or superiors.

20. Failure to report the loss of a City identification card to the Department Head.

21. Failure to keep the department and/or the Personnel Office notified of proper address or telephone number (if any).

B. GROUP II OFFENSES

FIRST OFFENSE - INSTRUCTION OR UP TO TWO (2) DAYS OF SUSPENSE

SECOND OFFENSE - UP TO FIVE (5) DAYS SUSPENSION

THIRD OFFENSE - UP TO DISCHARGE

1. Threatening, intimidating, coercing or interfering with fellow employees or supervision at any time, including abusive language.

2. Sleeping during duty hours, unless otherwise authorized.

3. Failure to work overtime, special hours or special shifts after being scheduled according to overtime and standby duty policies.

4. Leaving his/her post at the end of the scheduled shift without being relieved by the supervisor or the relieving employee on the incoming shift, for those units operating on a twenty-four (24)-hour basis.

5. Negligence or omission in complying with the requirements as set forth in department rules and Standards of Conduct.

6. Gambling, lottery, or engaging in any other game of chance at City workstations at any time.

7. Making or publishing false, vicious or malicious statement concerning any employee, supervisor, the City, or its operation.

8. Absent without permission or leave (AWOL).

9. Reporting for work while obviously under the influence of alcohol or drugs.

10. Mistakes due to carelessness, which affect the safety of City personnel, equipment, tools or property.

11. Failure to report a request for information or receipt of a subpoena from a law firm or an attorney for a matter relating to City business.

12. Vending, soliciting, or collecting contributions for any purpose whatsoever at any time on City premises unless authorized.

13. Violation of any or all of the steps outlined in the grievance procedure.

14. Knowingly harboring a serious communicable disease, which may endanger other employees.

15. Violation of City's Harassment Policy, Section 3.12 of the Satellite Beach Personnel Policy; however, discharge shall be permitted for first offense, if the offense is of a severe or egregious nature. (Ord. No. 562, Sec. 4, 05-06-92)

C. GROUP III OFFENSES

FIRST OFFENSE - DISCHARGE

1. Wanton or willful neglect in the performance of assigned duties.

2. Deliberately misusing, destroying or damaging any City property or property of an employee.

3. Receipt from any person, or participation in, any fee, gift, or other valuable thing in the course of work, when such fee, gift, or other valuable thing is given in the hope or expectation of receiving a favor of better treatment than that accorded other persons.

4. Knowingly punching/completing the time card of another employee; having one's time card punched/completed by another employee; or unauthorized altering of a time card.

5. Falsification of personal or City records, including employment applications, accident records, work records, purchase orders, time sheets, or any other report, record or application.

6. Making false claims or misrepresentation in an attempt to obtain sickness or accident benefits, or Workers' Compensation.

7. Insubordination by the refusal to perform work assigned or to comply with written or verbal instructions of a supervisor.

8. Unauthorized use or display of firearms, explosives or weapons on City property.

9. Theft or removal from City locations without proper authorization any City property or property of any employee.

10. Immoral, unlawful or improper conduct or indecency, either on or off the job, which would tend to affect the employee's relationship to his/her job, fellow workers, reputation or goodwill of the community.

11. Being absent from duty for a period of three (3) consecutive working days without proper authorization.

12. Failure to return from an authorized leave of absence.

13. Permitting another person to use an employee's City Identification Card.

14. Incompetence or inefficiency in the performance of assigned duties in an employee's position.

15. Drinking intoxicating liquor while on duty or habitual use or abuse of controlled dangerous substances.

16. Use or attempted use of political influence or bribery to secure an advantage of any manner.

17. Conviction or admission of guilt of a felony, of a misdemeanor of the first degree as defined by Florida Statutes, or any violation involving moral turpitude, while either on or off the job.

18. Concerted curtailment, restriction of production or interference with work in or about the City's work stations including, but not limited to, instigating, leading or participating in any walkout, strike, sitdown, stand-in, slowdown or refusal to return to work at the scheduled time for the scheduled shift.

19. Participation in a strike against the City as established in Section 447.018, Florida Statutes.

17.04 Written Reprimand

A. Whenever employee performance, attitude, work habits, or personal conduct at any time falls below a desirable level, supervisors shall inform employees promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary measures.

B. In situations where an oral warning has not resulted in the expected improvement, a written reprimand may be issued defining the nature of the infraction under the Rules. The written reprimand will be sent to the employee, and a copy shall be placed in the employee's personnel folder. The employee's immediate supervisor usually initiates a written reprimand.

17.05 Suspension

A. An employee may be suspended without pay by the Department Head for reasons as provided in these rules and/or departmental rules.

B. Personnel Forms involving suspensions must be received by the City Manager within twenty-four (24) hours following the action to meet the schedule imposed by the grievance procedure. If circumstances preclude meeting this time limit, any delay must be coordinated with the City Manager prior to the twenty-four (24) -hour deadlines.

17.06 Grievance Procedure Use

A City service employee may use the grievance procedure if he/she feels the action was improper upon receiving any disciplinary measures.

17.07 Right to Appeal

City service employees who have received any disciplinary action shall have the right to appeal the action.

SECTION 18

GRIEVANCES

18.01 Purpose

This grievance procedure is established to provide full opportunity to employees to bring to the attention of management complaints, grievances, or situations that the employee feels need either adjustment or information. It is the intent and desire of the City to adjust complaints or grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, it is recognized that there will be grievances, which will be resolved only after an appeal and review. The submission of a grievance by an employee shall in no way adversely affect the employee or his/her employment with the City.

18.02 Type of Grievances

A. An employee may file a grievance to register a complaint to resolve a problem, to redress an alleged wrong, to modify or erase any disciplinary measures taken against them, such as a written reprimand, suspension or discharge from work. Grievances may also be filed to restore alleged loss of rights due to rules and regulations.

B. Only full-time regular employees are eligible to file appeals or grievances under this procedure.

18.03 Grievance Procedure

In order to assure every employee of a method in which they can get their particular grievance considered rapidly, fairly and without reprisal, the following steps are provided:

Step 1 The aggrieved employee shall, within five (5) working days of the incident, explain and discuss the complaint or grievance orally with his/her immediate supervisor who may call higher-level supervision into the discussion in an effort to achieve a prompt satisfactory adjustment.

The immediate supervisor will make a decision and notify the employee within three (3) working days after the discussion with the employee.

Step 2 If the aggrieved employee feels that the matter has not been settled or adjusted to his/her satisfaction by the immediate supervisor, he/she may submit the matter in writing to the Department Head within five (5) working days from receipt of the answer in Step 1.

The Department Head will schedule a meeting with the employee within five (5) working days after receipt of the grievance. The Department Head shall give a written answer within five (5) working days after the scheduled meeting.

Step 3 If the grievance is not resolved by the decision of the Department Head, the employee may file a written appeal to the City Manager within three (3) working days.

Step 4 The City Manager shall reply within a reasonable period of time indicating the course of action he intends to follow and shall send one (1) copy of the reply to the Department Head, one (1) copy to the employee, one (1) copy to the employee's personnel file, and one copy to a permanent grievance file.

The decision of the City Manager shall be final, and the employee shall have no further right of administrative appeal.

18.04 General Provisions

A. The time limits of this grievance procedure may be extended by management due to illness, vacations, business trips, or some emergency. If an extension is required, the employee will be notified.

B. Under this grievance procedure the employee and management have the opportunity to call witnesses at the Step 2 level and thereafter for each step in the grievance procedure.

C. If the response time limit falls on an employee's day off, the reply by management shall be given to the employee on the scheduled workday immediately following.

D. Any grievance shall be considered settled at the completion of any step, unless it is appealed within the time limits set forth.

E. All grievances filed shall be information copied to the City Manager on the day of receipt in all steps.

F. All grievances at their conclusion shall be forwarded to the City Manager for coordination, analysis and filing.

G. In some cases, steps in the grievance procedure may be waived at the discretion of the Department Head or City Manager to allow more severe matters to progress more rapidly.

SECTION 19

RECORDS AND REPORTS

19.01 Responsibility

The City Manager is responsible for establishing and maintaining comprehensive central personnel records of all City employees.

19.02 Records

A. All personnel records of employees of the City government covered under the Personnel Management System and all other records and materials relating to the administration of the City Personnel Management System shall be considered confidential and the property of the City.

B. The decision of the City Manager relating to the use, maintenance and disposition of such records and material, and as to whether or not any information contained therein may be disclosed in accordance with court rulings, shall be final.

C. Employees should be aware of the importance of keeping their personnel records current. This means immediately notifying the City Manager's Office and Finance Director's Office of any changes, such as change of beneficiary, number of dependents, divorce, marriage or any change not previously reported, of status that was originally given at time of employment. This is the responsibility of the employee, and failure to comply may result in loss of employee benefits.

D. The City Manager's Office should be informed of any special training courses completed by an employee. Copies of diplomas or certificates will be forwarded to become a permanent addition to the employee's personnel file.

19.03 Records Retention and Disposition

The City Clerk shall determine the time limit that any personnel records shall be kept on file and the final disposition of such records in accordance with applicable laws.