

City of DeBary

Personnel Policies & Procedures



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Disclaimer

All employees serve at the pleasure of the City of DeBary and no employee will have any vested rights in his or her employment. It is the intent of the City to have a mutually beneficial relationship with each employee. Each employee should endeavor to improve his/her performance and skills to enable the City to offer quality service to the public. The City of DeBary is an “at will” employer and follows the current State codes and statutes for at will status.

These Policies and Procedures, as well as the City of DeBary Pay Plan, is subject to City Council approval. Any material changes shall be brought before the Council in accordance with the City Charter. The City Manager may make administrative changes as required by business needs, changes in the law or budgetary constraints.

FORWARD

The City of DeBary is committed to ensuring that all employees are treated with respect and in a fair manner based on personnel policies that are interpreted in the same way by all employees, non-supervisor and manager alike.

During the course of employment, there are other standards and practices to which employees must adhere. Violation of those standards and processes may be subject to these Personnel Policies & Procedures. (i.e., social media policy, internet usage, Finance procedures, etc.)

It is understood that changes in laws governing employment administration may require appropriate amendments to these Policies and Procedures. The changes shall be adopted by City Council prior to implementation. If at any time these Policies and Procedures are in conflict with any Federal, State or Local law or ordinance, the law will prevail.

Finally, all positions and programs detailed in the Personnel Policies & Procedures are subject to the availability of funds and as determined annually during the budget process.

We are glad that you are here and remember, as employees of the City of DeBary, it is our privilege to serve our community, the citizens and each other.

DEFINITION OF TERMS

Abuse – refers to violations and evasion of departmental regulations which weakens the effectiveness and efficiency of operations.

Active Pay Status – Authorized paid leaves, holiday or time worked.

Administrative Leave – Relief from work with pay, under the Personnel Policies & Procedures, by the department head (in conjunction with the Human Resource Director) or other supervisor authorized to enforce disciplinary action.

Anniversary Date – The date upon which an employee begins employment and the same date in following years.

Applicant – Individual who has completed and submitted an application for employment..

Appointment – Offer and acceptance by a person of a position either on a regular or temporary basis.

Class – Group of positions that are sufficiently alike in general duties and responsibilities to warrant the use of the same title, class descriptions and pay range.

Class Description – Written description of a class consisting of a class title, a general statement of the major function of work, essential duties, minimum qualifications for the class and physical and environmental functions.

Class Title – Title in the classification plan that describes the general nature of the work of the position.

Classification – Grouping positions in classes.

Compensation – The standard rates of pay that 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 that has a lower classification.

Dismissal – Involuntary separation from the City's employment.

City Manager – Individual hired by the City Council to direct the City's administration operations, programs, and personnel.

Exempt Status – Employees who are in an exempt status category under the Fair Labor Standards Act and not eligible for overtime pay.

Fraud – refers to deliberate deception to secure unfair or unlawful gain.

Full-Time – Budgeted position, working at least 30-hours per week.

Harassment – Unwelcome or unwanted advances whatever nature; other verbal abuse or harassment; creating a work environment that is intimidating, hostile, abusive or offensive.

Insubordination – The refusal or demonstrated unwillingness, either by action or omission, on the part of an employee to submit to the authority vested in supervisors, department heads, or the City Manager as outlined in the Personnel Policies & Procedures.

Layoff – Reduction of the number of employees due to the lack of work, funds or other causes.

Leave – Approved types of absence from work as provided by these policies.

May – the word “may” shall be interpreted as permissive.

Overtime – Time worked in excess of forty (40) hours per week for those classified as non-exempt.

Performance Evaluation – A report relative to the job performance of employees made by a supervisor.

Promotion – Assignment of an employee from one classification to another that has a higher classification.

Relative – Father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister.

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 benefits earned under the plan.

Separation – The involuntary or voluntary termination of City employment.

Serious Medical Condition (Family Leave) – An illness, injury or impairment, either physical or mental, that involves inpatient care in a hospital, hospice or residential care facility or requires continuing medical treatment.

Sexual Harassment – Unwelcome or unwanted advances including sexual advances of whatever nature; requests for sexual favors; other verbal abuse or harassment; physical conduct of a sexual nature; creating a work environment that is intimidating, hostile, abusive or offensive.

Shall/Will – The words shall and will are to be interpreted as mandatory.

Suspension – Relief from work without pay, under the Personnel Policies & Procedures, by the department head (in conjunction with the Human Resource Director) or other supervisor authorized to enforce disciplinary action.

Temporary Employee – Employee appointed for a special project or other work of a temporary or transitory nature. Temporary employees will serve in non-covered status and meet requirements set by the City.

Trainee – Employee undergoing a training period to learn the job duties or to attain education or certification.

Transfer – Action in which the employee moves from one budgeted position to another with no resulting title change, or if a title change does take place, there is no change in pay range.

Waste – refers to the unnecessary incurring of costs as a result of inefficient practices, systems or controls.

Whistleblower – is an individual who, in good faith, reports an activity that he/she considers to be in violation of a City of DeBary policy or is unethical, illegal or a violation of the *Code of Ethics for Public Officers and Employees*.

Work Day – Scheduled number of hours an employee is required to work per day. For the purposes of leave time, a work day shall be defined as eight (8) hours for regular, full-time employees.

ARTICLE I - GENERAL CONDITIONS OF EMPLOYMENT

Section 1. Purpose and Administration

The purpose of these policies is to establish a system of personnel administration that will effectively recruit, select, develop, and maintain a competent and productive work force for the City.

- A. These Personnel Policies & Procedures for the City of DeBary are designed to serve as a guide for all employees in the day-to-day operations of the City. It may not, however, cover each and every situation. The City Manager has final say regarding the interpretation of these policies and procedures.
- B. The City of DeBary will carry out these policies without regard to an employee's political affiliation, race, color, national origin, religion, marital status, disability, sexual orientation, age gender, or any other characteristic or status protected by Federal, State or Local law and with proper regard for an employee's privacy and rights as a citizen.
- C. City Council: The City Council approves and adopts the Personnel Policies & Procedures, and the pay and position plan.
- D. City Manager: The City Manager administers the personnel policies and procedures, the pay and position classification plan, and any other matters pertaining to administrative policies. The City Manager may delegate day-to-day administration to the Human Resource Director and other City Department Heads. The City Manager is responsible for bringing substantive amendments and changes to the City Council for approval.
- E. Human Resource Director: The Human Resource Director is responsible for the interpretation and consistent application of personnel policies and procedures, recommending and drafting revisions or amendments of policy as needed, and the development and administration of the compensation program.
- F. Department Heads: Department Heads are responsible for the effective administration and general procedures of the City's Personnel Policies & Procedures within their respective departments.

Section 2. General Policies

It is the policy of the City of DeBary to:

- A. Recruit, select and advance employees on the basis of their performance, knowledge, skills and abilities.
- B. Establish pay rates consistent with the principles of equal pay for equal work.

- C. Train employees to assure high quality performance.
- D. Retain employees on the basis of performance, correct inadequate performance when possible, and separate employees when performance inadequacies persist.
- E. Assure fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, religion, marital status, disability, sexual orientation, age, . gender, , or any other characteristic or status protected by Federal, State or Local law.

Section 3. Management Rights

The City retains the sole right to exercise all managerial functions including, but not limited to, the right:

- A. To determine and change work hours (starting times, quitting times) with adequate notice or as necessary in response to emergencies;
- B. To transfer employees within departments or into other departments and other classifications;
- C. To determine and change methods by which operations are carried out;
- D. To determine and change the qualifications of the workforce;
- E. To determine and change the nature, locations, services rendered and continued operation of the City;
- F. To assign duties to employees in accordance with the City's needs and requirements and to carry out all ordinary administrative and management functions; and,
- G. To assign, supervise, discipline and dismiss employees.

Section 4. Employee Responsibilities

Each employee of the City has certain basic responsibilities to the City and to the taxpayers of the City of DeBary. These include:

- A. Reporting to work regularly (as required/assigned) and on time;
- B. Performing work as proficiently, accurately, timely and competently as possible;
- C. Taking good care of City property;

- D. Finding ways to perform more efficiently;
- E. Working with others as a team;
- F. Promoting a positive work environment;
- G. Proving outstanding customer service; and,
- H. Protecting the City's image.

Section 5. Applicability

The City's personnel rules and regulations, in general, apply to all employees and individuals contracted by the City to provide City services (i.e., building department, animal control, etc.). Portions of these Policies & Procedures apply to City Council, other contractors, and volunteers. Different or additional rules apply to personnel appointed by the City Council (City Manager and City Attorney). The City Charter or an employment agreement supersedes the Personnel Policies & Procedures when there is a conflict.

Section 6. Amendment of Rules

The City reserves the right to amend its personnel policies, procedures, rules and regulations from time to time. The City Manager may recommend to the City Council any revisions or amendments to the Personnel Policies & Procedures.

Revisions and amendments are approved by the City Council and implemented by the City Manager. Copies of proposed revisions and amendments are posted on all City bulletin boards and distributed to all departments for information and compliance. Employees' continued employment constitutes acceptance of all approved revisions or amendments.

The City Council has delegated authority, without further approval, to the City Manager to make minor adjustments to policies and procedures based upon the changing business needs of the organization.

Section 7. Departmental Policies

Each Department may have a set of administrative processes to which employees must adhere. Departmental policies and procedures are considered supplemental to the City's Personnel Policies & Procedures and failure to adhere to those processes may be addressed through these Policies and Procedures. In the event of a conflict, the City's Personnel Policies & Procedures shall prevail.

Section 8. Disclosure

Personnel rules and regulations described in the Policies and Procedures are policies by which employment shall be governed. The articles of the handbook shall not be construed as a contract between the City and any employee.

ARTICLE II - POSITION CLASSIFICATION PLAN

Section 1. Purpose

The position classification plan is a systematic arrangement and inventory of City positions. The plan groups the various positions into classes indicative of the range of duties, responsibilities and level of work performed. The class titles standardize the meaning, based upon the similarity of work and duties performed.

Section 2. Uses

The classification plan is used to:

- A. Determine qualifications and prepare job announcements;
- B. Establish lines of promotion and career ladders;
- C. Assist in developing employee training programs; and,
- D. Provide uniform job terminology on records and documents.

Section 3. Contents of the Plan

The Classification Plan shall consist of:

- A. A grouping of positions into classes that are basically similar in duties, degree of difficulty and level of responsibility such that each position in the group:
 - 1. May have similar position titles;
 - 2. Require basically the same level of education, training and experience;
 - 3. Can be filled by substantially the same methods of selection; and,
 - 4. Is of relative value and therefore deserves the same salary range.
 - 5. Designation of each position as:
 - a. Full-time;
 - b. Part-time Permanent; or,
 - c. Temporary
- B. A position title that is descriptive of and is the official title of each position in a class.

Section 4. Class Titles

- A. The title of each class shall be the official title of every position allocated to the class and shall be used for administrative purposes such as payroll, budget, finance, and personnel forms and records.

- B. No person shall be appointed or promoted to any full-time position in the City under a title not included in the Classification Plan.

Section 5. Class Descriptions

- A. Each class shall have a written description consisting of a statement describing the nature of the work, examples of typical duties, the required minimum knowledge, skills, training, abilities, experience and any special qualifications necessary for entrance into the class.
- B. Class descriptions are intended to be representative of the positions in the class and provide illustrations of the type of work performed and do not necessarily include all of the duties performed. Particular phrases or examples of typical duties are not to be singled out and used for class identification.
- C. Class descriptions are not intended to be restrictive. The use of (or absence of) a particular illustration of duties shall not be held to exclude or limit the authority of a Department Head to assign other duties that are similar and related to the work.

Section 6. Administration of the Plan

The Human Resource Director shall have the primary responsibility, with approval of the City Manager, for the administration and day to day maintenance of the classification plan and is authorized to:

- A. Complete classification studies of proposed new positions to ensure equity in pay and consistency, stay competitive in the job market, and make allocations to costing classes, reestablish a former class, or establish a new class;
- B. Provide studies of existing positions when there has been a substantial change in the duties and responsibilities that justify consideration of possible reclassification;
- C. Conduct periodic studies and request such assistance as may be needed to assure the classification plan remains uniform and current;
- D. Require the submission of position questionnaires or any other related information when considered necessary for the proper maintenance of the plan;
- E. Develop forms and procedures to be used, as necessary, to determine the proper classification of each position; and,
- F. Make routine revisions to class description contents, such as additions and deletions of illustrative tasks, qualification requirements, title and other such changes provided, however, changes in salary ranges shall not be accomplished under this section.

Section 7. Classification of New Positions

- A. Department Heads proposing to establish new positions shall first provide the Human Resource Director a description of the duties, skills, knowledge, abilities and other work performance requirements in sufficient detail (a draft description), as may be necessary to properly classify the position.
- B. Department Heads shall promptly notify the Human Resource Director of the need for new classifications and allow sufficient time for the required classification study.
- C. Upon completion of the classification study, and with the approval of the City Manager, the Human Resource Director shall allocate the new position to an existing class.
- D. There shall be no action taken to fill any new position in the City until the City Manager has approved it.

Section 8. Request for Reclassification

Requests for reclassification of a position should, whenever possible, be made to become effective at the beginning of a fiscal year to allow for proper position budgeting. Positions approved for reclassification during a fiscal year will become effective only if the Department Head and Finance Director determine funds are available. A Department Head who desires to have a classification reviewed shall request in writing such review to the Human Resource Director. Requests for reclassification may be made as a result of added responsibilities, reorganization, technical changes, etc.

Section 9. Reclassification of Positions

- A. Established positions may be reclassified from one class to a different class under the following conditions:
 - 1. There have been significant changes in the actual duties and responsibilities through a natural redistribution of workload;
 - 2. The changes in duties and responsibilities are permanent in nature; and,
 - 3. The reclassification is based upon new or added elements in the job and not on the performance of the individual.
- B. Reclassification shall not be effected when:
 - 1. The added duties and responsibilities do not represent a substantial increase in the skills and abilities required for the position and would be a logical function of the class;

ARTICLE III - PAY PLAN

Section 1. Purpose

- A. The City of DeBary shall establish a Pay Plan. The Pay Plan shall contain all City positions as approved by Council. Each position shall be allocated a place in the Pay Plan.
- B. The following criteria are considered in developing the Pay Plan:
 - 1. Relative difficulty and responsibility existing between the various classes of work.;
 - 2. Prevailing rates of pay for similar types of work in the City's geographic area, or relative market area, whichever is most appropriate;
 - 3. Economic conditions of the area; and,
 - 4. Financial condition of the City.
- C. It shall be the duty of the City Manager, or designee, to administer the Pay Plan.
- D. The Pay Plan is directly related to the Position Classification Plan and provides the basis for compensating employees in the City's service.

Section 2. Adoption and Adjustments to the Pay Plan

- A. The City Manager and Human Resource Director shall evaluate the Pay Plan annually.
- B. The City Council, as part of the annual budget process approves the City's staffing plan and funding allocations for each position.
- C. New positions shall be evaluated for inclusion in the pay plan. Existing positions may be evaluated to ensure proper placement and adjustments made as necessary.
- D. Actual salary ranges and locations of positions in the pay plan, relative to other positions, shall be determined by the City Manager and/or his/her designee. Final approval of pay ranges and position placement are subject to City Manager approval.
- E. Adjustments may be made to the pay plan based upon changes in the responsibilities of work or classes, availability of labor, prevailing rates of pay, the City's financial condition or policies, or other pertinent economic considerations.

Section 3. Classification of Positions

All positions shall be classified as either Non-Exempt or Exempt.

Non-Exempt: The Fair Labor Standards Act (FLSA) requires that employers pay overtime to employees for any hours worked over 40 (forty) in a week. Positions that are subject to the payment of overtime are considered Non-Exempt.

Exempt: Some positions, based upon established criteria such as the type of work to be performed, as well as the knowledge, skills and abilities necessary to perform the work, may meet one of the established tests to be classified as Exempt from the payment of overtime.

The Human Resource Department is responsible for the classification of all positions as either Non-Exempt or Exempt.

ARTICLE IV – EMPLOYMENT PROCESS

Section 1. Personnel Requisitions

Departments may request positions be filled in the event of vacancy or approval of new positions within the adopted budget. Any position being filled must be budgeted and identified as vacant through the system maintained by the Human Resources Department. The City reserves the right to not fill vacant, budgeted positions.

Section 2. Recruitment

- A. Individuals will be recruited from a geographic area as wide as is necessary to assure obtaining well-qualified candidates for the various types of positions. City Manager and City Attorney position recruitment and selection is at the direction of the City Council.
- B. The Human Resources Department shall prepare recruiting notices to publicize vacancies.
 - 1. Unless otherwise stated, all full-time authorized positions will be posted internally for a period of five to ten work days. The Human Resource Director may authorize posting externally concurrent with the internal posting. The City Manager may elect to advertise a position externally only. An external only posting does not preclude current employees from applying.
 - 2. All internal applicants will be considered. Human Resources, in conjunction with the Director whose department has a vacancy, is responsible for reviewing applications and selecting for interview those applicants whose experience best match the stated qualifications.
- C. The City reserves the right to not advertise a vacancy if a similar search has been conducted within the previous six months. The City may pull interviewed, non-selected applications for consideration. Pulled applicants may be re-interviewed and will follow the same hiring process as stated in this manual.

Section 3. Application Process

- A. Applications for Employment:
 - 1. Internal applicants shall apply for vacant positions by completing the appropriate application/transfer request form or by the process as established by Human Resources.
 - 2. Applications are accepted from candidates who are not currently City employees only after a position vacancy is opened for external recruitment. Such applications must be for a specific position, and will be retained as active for six months after the posting deadline.

All applications shall be signed by the applicant attesting to the truth of all statements contained in the application form.

3. The City of DeBary will provide equal opportunity in employment, transfer, and promotion to all employees and applicants for employment. No person is to be discriminated against in employment because of political affiliation, race, color, national origin, religion, marital status, disability, sexual orientation, age, gender or any other characteristic or status protected by Federal, State or Local law.
4. The City of DeBary will adhere to all requirements of the Americans with Disabilities Act and any other Federal, State and Local Laws regarding employment. Applicants requiring accommodation shall contact the Human Resource Department.
5. Applicants who have previously worked for the City of DeBary and resigned in good standing may apply to return. However, their candidacy should be discussed with both the Human Resource Manager and the City Manager prior to participation in the recruitment process. Former employees that were involuntarily terminated need the written approval of the City Manager prior to reconsideration.

B. Rejection of Applications:

The Human Resource Director may reject any application or applicant when it has been determined:

1. The application was not received on or before the closing date established for receiving applications;
2. The applicant does not have all of the requirements set forth in the minimum qualifications section of the job description;
3. The applicant falsified, did not properly complete or failed to complete the application form;
4. The applicant has been convicted of a felony or first-degree misdemeanor directly related to the position of employment sought; or,
5. The applicant was previously employed by the City and was involuntarily terminated or did not resign in good standing.

C. Application by elected City Officials:

Per the City Charter, former elected City Officials may not hold compensated City employment until at least one year after the expiration of the term for which they were

elected. Current elected City Officials while serving in office may not otherwise work as an employee of the City.

Section 4. Veteran's Preference

It is the policy of the City of DeBary, in accordance with Federal, State and Local law, to give preference in appointment and retention in positions of employment to veterans. When exercised, employment preference expires when the veteran has been employed. Applicants desirous of applying for veteran's preference must submit a DD-214 form with their application.

Section 5. Selection Process

The Human Resource Director and the Department Head shall determine the qualified applicants to be interviewed for all vacant positions by carefully reviewing the job knowledge, skills and abilities reflected on the application for employment. Applicants for Director level positions will be determined by the City Manager.

- A. For internal candidates, a minimum of the top three qualified applicants will be interviewed, as determined by Human Resources and the Department Head.
- B. For external candidates, qualified candidates are sent to the Department Head who will select the top candidates for interviewing purposes.
- C. Employment with the City shall be based on merit that includes consideration of qualifications such as performance, ability, education, skill, experience, training and other merit factors. Examinations may be administered, when appropriate, in order to fairly measure the merit, fitness, aptitude, experience and other relative characteristics of the applicant.
- D. The selection process may consist of a number of components including, but not limited to:
 - 1. Computer Skills Testing;
 - 2. Written Sample;
 - 3. Interview/Oral Review;
 - 4. Skills Test; and,
 - 5. Prior Training and Experience
- E. Interviews and any applicable testing will be conducted by the same hiring panel. The hiring panel shall recommend the most suitable candidate.
- F. The Human Resources Department will then conduct all necessary background and reference checks and make the final, provisional, offer of employment, which is approved by the City Manager.

- G. The City of DeBary is a Drug Free Workplace. All candidates selected for employment in a special risk class will submit to a drug screening in accordance with the City's Drug Free Workplace Policy.
- H. Drug screens should be completed within a timely manner after the prospective employee has been advised of selection. A person who does not satisfactorily complete the drug screen is ineligible for any position consideration for a period of twelve months. Once twelve months has passed he/she may apply and be considered for positions within the City.

Section 6. Candidate Notice

Each candidate who is interviewed will be provided with an appropriate notice at the conclusion of the process.

Section 7. On-Boarding Process

Upon completion of the full background process, Human Resources will coordinate the new employee On-Boarding Process. This may include:

1. Coordinating the employee starting date;
2. Establishing the time for which processing and orientation will take place; and,
3. Scheduling the new employee for an initial employment session to include completion of necessary benefits forms, employment eligibility form (I-9 Form), W-4 Form, fingerprinting (when applicable), oath of office, establish probationary period dates, new employee orientation, etc.

Section 8. Relocation Expenses

Reimbursement for relocation expenses are not normally provided. The City Manager may approve reasonable expenses for key professional and managerial personnel. Specific guidelines can be found in the related Finance Policies and shall be charged to the hiring department's budget.

Section 9. Limitation of Employment of Relatives

- A. A City official, Department Head or other supervisory staff may not appoint, employ, or promote to any City position such action for any individual who is a relative of such official, Department Head or supervisory personnel in accordance with F.S. 112.3135.
- B. A "relative" is defined as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, and half-sister.

ARTICLE V - PROBATIONARY PERIOD/EVALUATION

Section 1. Intent

The probationary period shall be considered an integral part of the evaluation process for regular full-time and part-time employees. The probationary period shall be utilized for evaluation of an employee's performance and adaptability to the position, to secure the most efficient adjustment of a new or promoted employee to the position, and for separating from service any employee who does not meet the desired standards of performance.

Section 2. Duration

Generally speaking, the probationary period shall be for a minimum of six months of continuous, uninterrupted service from the original date of appointment to their position. The City Manager, upon recommendation of the Department Director and in consultation with the Human Resource Director, may waive extensions of the probationary period for employees who were on approved leaves of absence.

Unless otherwise provided in these rules and procedures, a person who is changing from one classification to another shall serve a probationary period as if it was an original appointment.

Section 3. Reinstatements/Rehires

- A. An employee who has been reinstated following a leave of absence (i.e., to the same position or an equivalent position; returning military, etc.) will not be required to serve a probationary period but may be required to re-certify, if certification is required, within an established time period.
- B. An employee who had resigned in good standing and has been rehired shall serve a new probationary period.
- C. Rehired employees are considered new employees for the purposes of benefit eligibility, leave entitlements and the accrual of paid time off except as may be specifically provided for in the governing plan documents or elsewhere in this Personnel Policies & Procedures Manual.
- D. A former employee who has involuntarily terminated must have the approval, in writing, of the City Manager prior to being considered for other employment opportunities.

Section 4. Promotional Appointments

Unless otherwise provided, an employee who is promoted shall serve a probationary period of six months in the higher class. Promotional probationary periods may be extended by the

Department Head by request to the Human Resource Director and approved by the City Manager.

Section 5. Lateral Transfers

Current employees interested in a vacancy that would represent a lateral transfer will be reviewed on a case-by-case basis. If the current employee expresses interest in a vacancy that has not yet been advertised, their skills and qualifications will be evaluated in consideration of the current opportunity and they may be transferred without a search being conducted.

If the position has been advertised, the employee desiring the transfer must participate in the hiring process with all other qualified applicants. An employee who transfers to another position within the same pay grade will serve a six (6) month probationary period from the effective date of the transfer.

Section 6. Demotions

Upon a non-disciplinary demotion a probationary employee shall serve the balance of the unserved original probationary period but an employee who has completed his/her original probationary period will not be required to serve another probationary period.

An employee demoted for disciplinary reasons may be required, upon consultation with the Human Resource Director, to serve a new probationary period of up to six months, beginning with the effective date of the demotion. The Department Head shall advise the employee at the time of the demotion if a new probationary period is to be served.

Employees required to serve either the balance of a probationary period, or a new probationary period shall be informed, in writing, of the requirement.

Section 7. Extension of Probationary Period

If a Department Head requests an extension of the established probationary period before expiration, the City Manager may extend the probationary period. An extension of the initial probationary period shall be no greater than an additional six (6) months for all classifications and the employee shall be appraised of the reason for the extension and the corrective behaviors needed to successfully complete the probationary period.

Section 8. Dismissal During Probationary Period

- A. At any time during the original probationary period the Department Head, in consultation and coordination with the Human Resource Director and upon approval of the City Manager, may remove an employee with or without cause.
- B. An employee who has completed his/her original probationary period and is serving a new probationary period as a result of a position change or promotion, may not be returned to

the position and status held immediately prior to the change if the position is filled or no longer vacant.

Section 9. Completion of Probation

Employees hired into regular full-time and part-time positions shall remain an “At-Will” employee for the duration of their employment with the City.

Section 10. Evaluation of Performance

Employees who are in their initial probationary period shall have their performance reviewed in writing by the employee’s supervisor prior to the completion of six (6) months of service. Reviews that are more frequent may be conducted as requested by the Department Head.

ARTICLE VI- PERSONNEL RECORDS

Section 1. Procedure

The City will maintain records on applicants, employees, and former employees in compliance with appropriate government record keeping and reporting requirements and to document employment-related decisions. All managers and employees shall comply with and assist in carrying out the intent of the personnel rules, including the furnishing of records, reports, and information as may be requested by the Human Resource Director.

Section 2. Confidentiality of Personnel Records

The records of the Human Resources Department are open to public inspection, with exceptions as may be considered confidential, by and in accordance with Chapter 119, Florida Statutes.

Section 3. Employee Records

The Human Resource Director is designated as the official custodian of all records pertaining to an employee's appointment, advancement, tenure, and separation from the City and shall be responsible for establishing and maintaining such personnel records and reports as may be required by law.

Section 4. Requests for Personnel/Employee Records Information

- A. It is the position of the City that all requests for information concerning current and former employees should be handled in a consistent and appropriate manner. Such requests usually involve personal and professional references as well as descriptions of job duties and responsibilities.
- B. All verification of employment requests for employees or former employees should be referred to the Human Resource Director.
- C. A copy of any information provided in writing will be placed in the personnel file of the individual.

Section 5. Changes in Personnel Information

Supervisory personnel should notify employees of the importance of keeping their personnel records current. Final responsibility for providing correct information and timely changes rests with the employee. The Human Resources Department should be notified immediately of any changes in:

- A. Employee Name;
- B. Address or Telephone Number;

- C. Name(s) of Beneficiary for Life insurances and Retirement Plans;
- D. Number of Dependents;
- E. Marital Status;
- F. Name of Individual to be Notified in Case of Emergency; and,
- G. Changes to F.S. 119 Exempt Status

Section 6. Department Records

Departments may keep records on employees in order to verify attendance, complete timecards and track employee performance. It should be noted that these records are not part of the official personnel record. Any documents that are not supplemental to an employee's official record should be forwarded to the Human Resource Department.

Section 7. Inspection of Personnel Records

Requests to inspect personnel records of City employees will be handled in accordance with the provisions of Chapter 119, Florida Statutes. The Records Manager will coordinate the request and payment, if applicable. Inspection of personnel records shall be subject to the following procedure:

- A. Requests for personal inspection of a personnel file must be directed to the Human Resource Director and/or his/her designee. When the request is being made by an employee during his/her working hours, they may be scheduled to return to review such files when they are not on duty;
- B. Upon request for personal inspection of a personnel file, Human Resources will, to the extent reasonably possible, notify the employee whose records are being/have been requested for inspection;
- C. The Human Resource Director or his/her designee will ensure that requested inspections are allowed within a reasonable time and will ensure the records are protected. All examinations will be made in the City's Human Resource Department under the supervision of the Human Resource Director or his/her designee;
- D. Employees may inspect their own personnel records and may copy, but not remove documents in their file. Such an inspection will be scheduled at a mutually convenient time and will be supervised by the Human Resource Director or his/her designee; and
- E. Former employees may request and receive a copy of their personal file at no charge within one year of separation.

Supervisory and management employees who have an employment-related need for information about another employee may inspect the files of that employee without notification of the employee.

ARTICLE VII - STANDARDS OF CONDUCT

Section 1. General Policy

- A. It is the policy of the City to expect compliance from employees with all City Personnel Policies & Procedures, Federal and State regulations, laws, rules, the City Charter and any other conditions in the performance of their duties. An employee who violates any of the Personnel Policies and Procedures may be subject to disciplinary action up to and including the termination of employment.
- B. The City retains all management rights and prevailing rights and the prerogatives granted through the City Charter, State and Federal laws, ordinances, resolutions, contracts and sound and generally accepted practices.
- C. Employees are responsible for knowing and understanding the City's rules and regulations governing the conduct of employees.

Section 2. Equal Employment Opportunity

- A. The City is committed to equal employment opportunity and does not discriminate in any employment-related decisions on the basis of political affiliation, race, color, national origin, religion, marital status, disability, sexual orientation, age, gender or any other characteristic or status protected by Federal, State or Local law. .
- B. The City will make all employment and promotion decisions based solely on an individual's qualifications for the position available.
- C. The Human Resource Department will be responsible for ensuring equal employment opportunity. Any applicant for employment or employee of the City who has reason to believe that she/he has been discriminated against in any manner dealing with employment or promotion within the City shall have the right to file a complaint of discrimination.
- D. Any complaint regarding violations of the Equal Employment Opportunity Policy will be promptly investigated and, if deemed valid, corrective action will be taken.
- E. The City will assure that no adverse action will be taken against an employee or prospective employee because he/she made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding or hearing resulting from a complaint of discrimination.
- F. Disabled persons will be given full consideration in accordance with the American's with Disabilities Act of 1991, as amended.
- G. Any employee who discriminates against an applicant or employee may be subject to disciplinary action.

Section 3. Acceptance of Gifts, Gratuities, Special Privileges

- A. Employees shall not accept any gifts, loans, rewards, favors, services or anything of value that may reasonably and inappropriately influence them (or have the appearance of influence) in the performance of their official duties. This limitation is not intended to prohibit the acceptance of articles of negligible value.
- B. Employees shall not use, or attempt to use, their position to secure special privileges or exemptions for themselves or others.

Section 4. Confidential Information

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

Section 5. Conflict of Interest

- A. An employee of the City who is an officer, director, agent, member of, or owns interest in any entity that is subject to the regulation of, or that has financial commitments with the City, shall file a sworn statement to this effect with the City Manager.
- B. An employee shall not transact any business with the City in his/her official capacity with any business entity of which he or she is an officer, director, agent, member, or in which he or she owns a controlling interest.
- C. An employee shall not have a personal investment in any enterprise that will create a conflict between a personal private interest and the public interest of the City.
- D. If an employee is unsure if a conflict of interest exists, they should discuss their concern with their Department Head or the Human Resource Department.

Section 6. Statements in Legal Proceedings

- A. City employees requested or subpoenaed to make a statement concerning the City in a legal matter should discuss the matter immediately with his/her Department Head, who will discuss it with the City Manager who may consult with the City Attorney.

- B. In matters directly related to the City, prior to any oral or written statements being made, the City shall be sure the employee has the opportunity to confer with the City Attorney at no cost to the employee.
- C. Employees who do not comply with this rule may be subject to disciplinary action up to and including the termination of employment.

Section 7. Political Activity

- A. No person employed by the City of DeBary shall either publicly or otherwise hold himself or herself out as a candidate in any DeBary City election while holding employment with the City of DeBary.
- B. No City employee shall take any active part in political management or political campaigns for the election of any member to the City Council of the City of DeBary during any period of time for which he or she is expected to perform work or receive compensation from the City.
- C. No City 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 business/working hours. Employees may support candidates or political parties as a private citizen.
- D. The City in no way seeks to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he or she chooses, to express opinions on political subjects or candidates, to maintain political neutrality, to attend political parties after working hours, or to campaign actively during off duty hours in all areas of political activity.

Section 8. Outside Employment and Private Business Activity

- A. City employment shall be considered to be the primary employment of all permanent employees. No employee may engage in outside employment, or in private business activities, that will interfere with the interests of City service.
- B. Prior to accepting outside employment or becoming involved in a private business venture, an employee shall complete and submit a Dual Employment form, annually, to obtain written approval from his/her Department Head and City Manager or designee that indicates the name of the outside employer or private business, the nature of the work, the hours of work, and the address and telephone number where the employee can be reached. This information will become part of the employee's personnel record. Employees also are required to obtain approval from their Department Head and the City Manager for any change in a previously approved outside employment request and/or if their role with the City changes.

- C. The employee shall acknowledge that any use of City equipment (or City time) in the performance of their alternate employment is strictly prohibited.
- D. The employee shall also acknowledge, and be responsible for ensuring, that their outside employment does not create, or appear to create, any real or perceived conflict of interest with their City employment.
- E. The City reserves the right to review the outside employment relationships of staff at any time.
- F. Any employee engaging in outside employment or private business activity shall make arrangements with the outside employer or business to be available to respond immediately to any emergency call of duty whenever the Department Head shall determine that the employee's services are necessary.

Section 9. Smoke-Free Workplace

- A. The City of DeBary is continually striving to improve working conditions and protect the health of its employees and the general public. In accordance with the "Florida Clean Indoor Act" (Florida Statute 386), the City will provide a healthy, comfortable and safe environment in all respects by prohibiting smoking, to include e-cigarettes and vaping devices, in all City owned buildings and all City owned vehicles.
- B. The City Manager will designate specific outside smoking areas for employees at all City facilities.
- C. Any supervisor who observes an employee in violation of this rule will remind the employee of the rule and its intent. Violations may subject the employee to disciplinary action.
- D. Any employee who notices a member of the general public not observing the no smoking requirement should graciously inform this citizen of the City's rule on this subject, if they feel comfortable doing so.

Section 10. Harassment

The City is committed to providing every employee a workplace free from unlawful discrimination.

Harassment is a form of employment discrimination that violates, among others, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment

that a reasonable person would consider intimidating, hostile, or abusive. Anti-discrimination laws also prohibit harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

Types of harassment include:

- A. **Discrimination:** Discrimination is treating an employee less favorably based on protected characteristics.
- B. **Sexual Harassment:** Sexual Harassment is a form of harassment that is defined as unwelcome sexual advances, requests for sexual acts or favors and other verbal or physical conduct of a sexual nature. Sexual harassment does not have to be overt, physical in nature or explicit.
- C. **Hostile Work Environment:** A hostile work environment exists when behavior that is intimidating, hostile, abusive or offensive due to unwelcome or unwanted conversations, suggestions, requests, demands, suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, whether sexually oriented or otherwise, is related to a prohibited form of harassment.

Examples of behavior that may constitute prohibited workplace discrimination or harassment include but are not limited to:

- Calling another by an unwanted nickname, which refers to one of the above characteristics, or telling jokes which harass an employee or create a hostile work environment;
- Using derogatory references regarding any of the above characteristics in any job related communication;
- Engaging in threatening, intimidating or hostile acts in the workplace based on the foregoing classifications;
- Displaying or distributing material in the workplace that contains language or images that are derogatory or demeaning, based on the foregoing classifications;
- Unwanted physical contact, sexual advances, or demand for favors;
- Visual contact such as leering or staring at another's body, gesturing, displaying sexually suggestive objects, cartoons, posters, magazines or pictures of scantily-clad individuals; or,
- Explicit or implicit suggestions of sex by a supervisor or manager in return for a favorable employment action such as hiring, compensation, promotion, or retention.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that are acceptable to both parties are not considered harassment, including sexual harassment.

Petty slights, annoyances, and isolated incidents will not normally rise to the level of hostile work environment or workplace harassment. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people. Additionally, mere interpersonal disagreements, personality conflicts or other similar and commonly present matters between employees do not constitute a hostile work environment. The mere fact that employees do not get along on a personal level, do not like one another or have different personal values do not relate to the City's responsibility to ensure that a pervasive hostile work environment does not exist.

Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee;
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct; or,
- Unlawful harassment may occur without economic injury to, or termination of, the victim.

Prevention is the best tool to eliminate harassment in the workplace. The City of DeBary requires all employees to participate in training regarding discrimination and harassment in the workplace.

Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop. Employees should also report harassment to management at an early stage to prevent its escalation.

If an employee believes that he or she is being subjected to any of these forms of harassment or believes he or she is being discriminated against because other employees are receiving favored treatment he or she must bring this to the attention of the City. The very nature of harassment makes it virtually impossible to detect unless the person being harassed registers his/her discontent with the appropriate City representative. Consequently, in order for the City to deal with the complaint, employees must report such offensive conduct or situations to any member of management to include Department Heads and the Human Resource Director. If an employee is uncomfortable consulting with one of the above mentioned avenues they may contact the City Manager, City Clerk, or another Department Head that they feel they can confide in.

It is understood that any person registering a complaint in good faith, either informally (verbally) or formally (in writing) will be treated courteously, the problem handled swiftly and, to the extent possible, confidentially. The registering of a complaint will in no way be used or held against the employee, nor will it have any adverse impact on the complainant's employment status. A record of the complaint and the findings will become a part of the complaint

investigation record and the file will be maintained separately from the employee's personnel file and only be released pursuant to Federal, State and Local Laws.

Employees found to be using such allegations to discredit, embarrass, or otherwise cause harm to another employee's employment status also may be subject to appropriate disciplinary action, up to and including the termination of employment.

Section 11. Use of City Property

- A. An employee who has been provided City equipment such as tools, vehicles, materials, uniforms, computer access, etc. is expected to exercise reasonable care in the use and preservation of such equipment.
- B. Personal use of City owned equipment, computers, phones, etc. is prohibited and may subject the employee to disciplinary action, up to and including the termination of employment.
- C. City equipment shall not be loaned for personal use by anyone and may subject the employee to disciplinary action up to and including the termination of employment.

Section 12. Use of City Vehicles

- A. It is necessary for many City employees to have City vehicles at their disposal in order to carry out their duties. It is essential that these vehicles be used with the utmost care and discretion at all times.
- B. City employees are permitted to use City-owned vehicles for the performance of their official duties only. Unless specifically authorized by the City Manager they cannot be used for personal business.
- C. An employee driving a City vehicle must have on their person a valid driver's license issued by the State of Florida (Commercial Driver's License as mandated by law). Additionally, employees are required to maintain a satisfactory safe driving record in order to operate City vehicles. Employees are required to notify the Human Resource Department, through their supervisor, of any change of status in their license. Suspension or revocation of licenses may affect the person's status of employment, depending on any job requirement for the employee to operate a City vehicle in the course of their job duties.
- D. All mechanical defects or malfunctions of a City vehicle issued to a City employee must be reported as soon as possible to the immediate supervisor or Department Head.
- E. It is expected that individuals operating City vehicle and other equipment shall do so with the utmost attention and concentration. To that end, use of cell phones to include voice calls, text messages, internet usage, etc. shall only be done sparingly and when the vehicle is not in motion. Failure to safely operation vehicles and other equipment may subject the employee to disciplinary action up to and including the termination of employment.

- F. The cleanliness of the interior and exterior of each vehicle is the responsibility of the person to which the vehicle is assigned. Each person who uses a vehicle is responsible for keeping it orderly and litter free.
- G. If a City vehicle is involved in an accident, the employee must immediately notify law enforcement and his/her immediate supervisor. The supervisor and/or Department Head is responsible for reporting the incident immediately to the City Manager.
- H. Smoking or any use of tobacco products is not permitted in any City vehicles. This includes related products (i.e., cigars, cigarettes, dip, chew, snuff, chewing tobacco, e-cigarettes and vaping devices).
- I. All employees driving or riding in City vehicles are required to wear their seatbelt at all times. Violation of this provision may result in disciplinary action up to and including termination.
- J. All employees are required to obey all traffic laws and speed limits. Should an employee receive a ticket while operating a City vehicle, they shall notify their supervisor/Department Head immediately. Any citations received in a City vehicle that relate to the safe operation is the responsibility of the driver.

Section 13. **Firearms/Weapons**

Employees shall not have on their person or in their possession on any City property any firearm or weapon as defined in F.S. 790.001.

Section 14. **Code of Ethics**

- A. To avoid misunderstanding and conflicts of interest that could arise, the City will follow the Chapter 112, Part III, of the Florida Statutes, "Code of Ethics for Public Officers, and Employees."
- B. Any clear infraction of applicable laws or the Florida Statute regarding ethical and legal conduct may be cause for potential discipline, up to and including termination. Such action will be determined by the seriousness of the offense.
- C. Any Department Head, manager or supervisor who approves or directs any such action, or has knowledge of them and fails to take prompt, corrective action, or fails to fulfill his/her management responsibility to ensure that employees are properly and adequately informed about this rule may be subject to the disciplinary action up to and including termination.
- D. It is expected that all employees with major management responsibilities will have a sound working knowledge of permissible activities associated with his/her area of responsibility. Should questions arise regarding this rule, guidance should be sought from his/her supervisor. It is also the responsibility of each employee of the City who may affect

compliance with appropriate laws and ethical/legal standards to comply and enforce this rule.

E. Requests for Clarification:

1. Department Heads and employees, through the City Manager, may request an opinion from the City Attorney to determine compliance with this rule.
2. An employee requesting such opinions shall submit a written statement containing all pertinent facts of the issue and the specific question to be resolved. Statements shall be submitted through the employee's Department Head to the Human Resource Director. The Human Resource Director will then submit the written statement to the City Manager for processing to the City Attorney.
3. Human Resources will maintain a master file of all such requests and will promptly notify the employee, through the Department Head, of decisions rendered by the City Attorney or Attorney General.

Section 15. Citizen Interaction

- A. It is the City's policy to be citizen and service oriented and to require employees to treat citizens and other employees in a courteous and respectful manner at all times.
- B. Employees with citizen contact are expected to know the City's programs and services, and to learn the wants and needs of the community. Such employees should attempt to educate citizens about the use of City services and seek new ways of serving the public.
- C. Employees are encouraged to report recurring citizen related problems to their supervisor and/or make suggestions for changes in City policies and/or operating procedures to solve problems.
- D. All employees are ambassadors for the City, regardless of their position. The more goodwill promoted by employees through their interaction with citizens, the more our citizens will respect and appreciate the services provided by the City.
- E. Any complaints or grievances on the part of any citizen that are brought to the attention of an employee of the City shall immediately be relayed, through their supervisor, to the Department Head. The Department Head is responsible for reporting to Human Resources and the City Manager those which may require their involvement. Every City employee shall be specifically charged with this responsibility as an inherent part of the duties and responsibilities of each position.

Section 16. Public Records

All employees of the City should be aware of the Public Records Laws of the State of Florida. Any inquiry for information made by a member of the public to any employee, including those that work in the community and not at City Hall, should be considered Public Records Request. If an employee is unable to assist the citizen, they should contact their supervisor and assist the citizen in contacting the City's Records Manager.

There is no expectation of privacy within the open areas of any public building. It is the right of any person to record (video and audio) on public property without notice or consent. You may be recorded without your knowledge so always conduct yourself as if you were being recorded.

Section 17. Dress Code

The City of DeBary expects all employees to dress appropriately for the work to be performed. Generally speaking, clothes considered business casual are appropriate for employees who perform work in City Hall and/or private offices and those that normally interact with the public.

Uniforms, safety footwear, headgear and any other personal protective equipment that is provided by the City must be worn during all working hours in accordance with Departmental operating procedures. Uniforms provided by the City may not be worn off duty except when employees are on their daily commute to and from work. Any uniform items issued by the City is to be returned upon separation from employment. The City may deduct from final paychecks, up to legal limits, the value of any uniform not returned to the City upon separation.

The determination as to whether specific clothing is appropriate will be at the discretion of Department Heads, Human Resources and the City Manager.

Section 18. Public Relations

Employees shall remember that they represent the City as a whole when serving the public. They shall conduct themselves so as to project a desirable image of the City and follow the guidelines set forth in the City's Communication Program.

Section 19. Failure to Cooperate with Job Related Investigation

An employee, upon due notice, may be required to cooperate in a job-related hearing or inquiry. In such instances, employees are required to appear and answer questions truthfully relating to duties performed and other related issues. Failure to do so may result in disciplinary action up to and including termination. If the possibility of criminal action is involved, the matter may also be referred to the State Attorney or other law enforcement agencies. The City will make every effort to protect the confidentiality and rights of employees participating and will uphold any laws, rules or regulations pertaining to such inquiries.

Section 20. Criminal Charges

An employee is responsible for immediately notifying his/her Department Head when information has been filed by a prosecuting official against him or her for an alleged offense or violation of law, or when indicted by a Grand Jury. Failure to do so may result in disciplinary action.

The ability of an employee to remain in the service of the City shall be dependent upon the type and level of alleged offense, relatedness of the charge to the employee's position and the image of the City. The City Manager and/or designee will review the case of any employee under criminal charge to determine if it is in the best interest of the City to:

- Retain the affected employee in his/her regular position;
- Assign the affected employee to other duties until such time as trial, acquittal, dismissal, conviction or other judicial action disposes of the charge(s);
- Suspend or terminate the affected employee;
- If the indictment or charge is directly work-related, nothing shall preclude the City from initiating disciplinary action independent of any judicial hearings or proceedings; or,
- Should the employee plead guilty, "nolo contendere" or be convicted, the City reserves the right to reevaluate the employment relationship.

Section 21. Incarceration

An employee who is incarcerated shall notify his/her immediate supervisor and the Human Resource Director as soon as possible (within 48 hours). Such employee may request leave with or without pay. The City will review the employee's employment status and advise the employee whether he or she will be retained, and if so, under what conditions.

Section 22. Solicitation and Distribution

- A. Employee contributions to recognize charitable organizations are purely voluntary. No coercion of an employee to make contributions shall be permitted.
- B. Employees are prohibited from soliciting any other employees of the City on behalf of any organization during working hours or the working hours of the employee sought to be solicited unless the solicitation has been expressly approved by the City Manager.
- C. The distribution of printed literature in work places where it might impede employees' performance or present a danger to workers' safety is strictly prohibited.

ARTICLE VIII – FRAUD, WASTE, ABUSE & WHISTLEBLOWER

The City of DeBary is committed to:

- enforcement of and adherence to all applicable Federal, State and Local laws, rules, regulations, and policies;
- the detection and elimination of acts or violations of law on the part of the City or an independent contractor of the City that creates a substantial and specific danger to the public's health, safety or welfare; and,
- the proper use of governmental office including preventing the waste of funds or any other abuse or gross neglect of duty on the part of the City, its officers and its employees.

The intent of this policy is to provide a mechanism for individuals to provide information or complaints, even when the information or complaint may not rise to the level of illegal activity. It is further the intent of this policy to prevent retaliatory action against individuals who appropriately report a violation or suspected violation of any Federal, State, or Local law, rule or regulation committed by an employee or agent of the City or independent contractor.

This policy shall be guided by Florida Statutes.

Section 1. Reporting Responsibility

- A. Individuals are responsible for reporting any known or suspected incidents of fraud, waste, abuse and other violations of the *Code of Ethics for Public Officers and Employees*. Individuals must report any suspected violations immediately and cooperate fully in any investigation.
- B. Examples of violations that must be reported include, but are not limited to:
1. Any dishonest or fraudulent act;
 2. Theft of money or property;
 3. Forgery;
 4. Misappropriation of funds, securities, supplies or other assets;
 5. Impropriety in the handling or reporting of money or financial transactions;
 6. Profiteering as a result of insider knowledge of City activities;
 7. Accepting or seeking anything of material value from contractors, vendors, or persons providing services to the City;
 8. Misrepresentation or falsification of information concerning an injury/incident on the job;

9. Destruction, removal or inappropriate use of records, furniture, fixtures and equipment; and
 10. Any other prohibited action or conduct covered in the *Code of Ethics for Public Officers*.
- C. If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or the Human Resources Director.
 - D. Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation.
 - E. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense that could result in the termination of employment.

Section 2. Investigation

- A. An investigation will be conducted by the City Manager or designee, and other staff as necessary, depending upon the nature and circumstances of the allegations. Information related to ongoing investigations will be maintained on a confidential basis to the extent provided by law.
- B. If an investigation results in a recommendation for disciplinary action, the recommendation and action will be handled in accordance with these Personnel Policies & Procedures. Decisions to prosecute or refer the investigative results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made by the City Manager, as will final decisions of disposition of the investigation.

Section 3. Confidentiality

In as much as is possible, the confidentiality of the Whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights to defense.

Section 4. Retaliation

The City will not retaliate against a Whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and threats of physical harm. Any Whistleblower who believes he/she is being retaliated against must contact the Human Resources Director immediately. The right of a Whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

Section 5. Exception to Protections

The Whistleblower protections described above do not extend to individuals who knowingly make false accusations regarding violations of policy or who knowingly provide false information in the course of an investigation of a violation of this policy. In addition, the Whistleblower protections do not extend to Individuals who, through the course of investigation, is determined to be involved in a violation of this policy. Employees who knowingly make false accusations, provide false information or are determined to be involved in a violation of policy may be subject to disciplinary action up to and including the termination of employment.

ARTICLE XI – INFORMATION TECHNOLOGY POLICIES

Section 1. Texting, Cell phones, Computer and Email

City employees and other users are provided with a variety of tools to assist them in performing their work responsibilities effectively, efficiently, and at the highest level. Users are to use e-mail and the Internet as they would any other type of City equipment or property.

Guidelines for the use of electronic devices, networks, equipment and related items is governed by the separate City of DeBary's Information Technology Manual as well as the City of DeBary's Social Media Guidelines. Failure to adhere to those policies may result in disciplinary action up to and including the termination of employment.

Employees should have no expectation of privacy as it relates to their use of computer and electronic communications. The City of DeBary reserves the right to monitor all systems for compliance.

Employees are reminded that text messages and other communications that relate to City business are public records and must be retained as such. This applies to communications on both your personal device(s) and/or City-issued device(s). If you have any questions regarding retention, please contact the City Clerk or the Records Manager for assistance.

ARTICLE X - WORKPLACE SAFETY

Section 1. Safety Program

All Department Heads and supervisors are responsible for enforcing compliance with and ensuring that all employees are aware of the policies, procedures and recommended practices outlined in the City's Safety Manual. Adherence to the rules and procedures contained in the Safety Manual, and amended from time to time, are incorporated into these Policies and Procedures by reference.

The Human Resource Director and Department Heads will coordinate safety training for City employees.

Section 2. Personal Protective Equipment (PPE)

The City will provide employees with Personal Protective Equipment (PPE) that must be worn when performing duties that place an employee at risk of injury. PPE may consist of respiratory, foot, head, ear and eye protection. When conditions require the use of protective equipment it is the employees' responsibility to make sure that his/her equipment is in good working order and fits properly. When equipment is found unserviceable, the supervisor will be notified immediately.

Please refer to the City's Safety Manual. Failure to adhere to the standards of the Safety Manual may subject an employee to disciplinary action up to and including termination. Failure to utilize recommended and provided PPE may result in the loss of workers' compensation benefits.

ARTICLE XI – WORKERS’ COMPENSATION

Section 1. Workers Compensation Eligibility & General Provisions

- A. All City employees are covered by the Florida Workers’ Compensation Law and are entitled to benefits for job-related injuries. Current State law provides that an employee will be paid a portion, up to 66 2/3 % of his/her wages, during any temporary disability period, subject to certain exceptions.
- B. Payments are made for permanent disability or death in accordance with the provisions of Florida Law.
- C. In accordance with Florida Statute, worker’s compensation benefits begin on the eighth (8th) calendar day of a lost time injury. Available accrued paid time off must be used for the first seven days. Thereafter, an employee must use available accrued personal leave to supplement compensation. Should an employee be out of work for an extended period, on the 21st day, workers’ compensation will compensate the employee for the initial seven (7) calendar days.
- D. The City will continue to utilize accrued paid time off to compensate the employee the difference between the employee’s normal rate of pay and any indemnity benefits received through workers’ compensation.
- E. Paid time off will continue to accrue on a prorated basis as long as the employee is receiving payment from the City through the payroll process.
- F. Injured employees will be required to be examined by a medical doctor, specified and provided by the City, who shall determine the employee's condition and fitness for full or partial return to duty.
- G. The provisions of Chapter 440, Florida Statutes and judicial interpretation thereof shall be controlling and superseding in the event that any provisions herein are conflicting with Florida’s workers’ compensation law, as defined by either statute or the courts.
- H. Time an employee is out of work and receiving workers’ compensation payments counts towards the employee’s entitlement under the Family Medical Leave Act (FMLA).

Section 2. Procedures

- A. In the event of a life-threatening or serious injury, call 9-1-1. As soon as emergency assistance has been contacted, notify your Department Head and Human Resources.
- B. Report the injury to your supervisor immediately upon discovery of injury or illness that is work related.

- C. First Aid is furnished to the employee or he/she is sent to designated health care provider for aid.
- D. A notice of injury report and supervisor's report will be completed by the employee and/or supervisor and submitted to Human Resources within 48 hours.
- E. When an employee returns to work after losing time from the on the job injury or illness (excluding day of injury) a work release document from the attending physician with the employee's work status recorded must be presented to the Human Resource Director or his/her designee before employee is authorized to return to work.

Section 3. Light Duty Assignments

If a doctor verifies that an employee can perform modified work, and the City has work available, light duty assignments will be made available on a case by case basis. Such assignment shall last as long as work is available, until the employee is released to full duty or until the employee has reached maximum medical improvement. Light duty will be considered a temporary assignment, will be without reduction in pay, and must be approved by the Department Head, the Human Resource Director and the City Manager. If an employee refuses a light-duty assignment, their eligibility to receive compensation from workers' compensation may be affected. Non-work related accidents may not qualify for light duty assignments.

Section 4. Inability to Return to Work

In the event an employee, following an on-the-job injury, is unable to return to work for a period of six (6) months, the City Manager will review the employment status of the individual. The City Manager may, at his/her own discretion, determine that the business needs of the City require that the position be filled and the employee may be medically separated from service. Such medical separation will have no impact on continued receipt of workers' compensation benefits under the law.

Separated employees who are later deemed eligible to return to work may apply for any vacant City positions for which they are qualified.

ARTICLE XII – DRUG FREE WORKPLACE

Section 1. Purpose

It is the City's requirement that employees present themselves for duty free of the influence of illegal drugs or other intoxicants. "Illegal drug" means any narcotic, barbiturate, marijuana, central nervous system stimulant, hallucinogen, cocaine or any controlled substance, not possessed or used in accordance with a lawful prescription. The use of illegal drugs and the abuse of alcohol by City employees constitute a danger to the employee, fellow employees, and the general public. The use, sale, or possession of an illegal drug or alcohol in the workplace will negatively affect the City's efficiency in providing service to its citizens and can have an adverse impact on how the public perceives the City and its employees. This rule applies to all City employees.

The use, consumption, possession, distribution, manufacture, or being under the influence of illegal drugs or alcohol by employees while performing job duties for the City is specifically prohibited.

There are certain positions that the City has designated as positions that represent an increased risk should an employee be under the influence of illegal drugs or alcohol at work. These positions include, but may not be limited to, those that operate motorized equipment (i.e., vehicles, heavy equipment, mowers, chain saws, etc.) or for whom their positions require the supervision of children, the elderly and other vulnerable populations.

Employees are prohibited from possessing, using, distributing or being under the influence of alcohol while on the job or on City property. City property includes buildings, parking lots, vehicles, parks, and break rooms.

- A. The use, consumption, possession, distribution or sale of illegal drugs, whether on or off duty, is prohibited.
- B. If an employee has knowledge of the use and/or presence of alcohol or illegal drugs in the workplace, he/she should immediately report this information to his/her supervisor or to the Human Resource Department. Reports, complaints, and investigations will be kept confidential to the extent possible and as provided by law.
- C. Any employee found to have possessed, used, or been under the influence of illegal drugs or alcohol while on duty may be terminated.

The City of DeBary adopts the following policy to the extent that it is consistent with Florida Statute section 440.102, and the definitions in that section are hereby incorporated.

Section 2. Reasons for Testing

- A. Pre-Employment: Individuals seeking employment in a position that has been determined to present an increased risk shall be tested prior to the commencement of employment and any offer is contingent upon satisfactory completion of the required drug and alcohol tests. Applicants that test positive shall have their offer letter rescinded and they shall not be hired by the City.
- B. Post-Accident: Employees that suffer an on-the-job injury, regardless of their position, may be required to submit to a drug and alcohol test.
- C. Reasonable Suspicion: An employee may be required to submit to a drug and/or alcohol test when the City has a reasonable suspicion that an employee is using or has used drugs or alcohol in violation of City policy. "Reasonable suspicion" will be determined from specific, objective and articulated facts and reasonable inferences drawn from those facts in light of experience.

A supervisor may suspect that an employee is using or under the influence of illegal drugs or alcohol by observing certain symptoms or behavior, including but not limited to:

1. Excessive absenteeism or chronic lateness;
2. Drowsiness or sleepiness;
3. Alcohol on breath;
4. Slurred or incoherent speech;
5. Unusually aggressive behavior;
6. Unexplained change in mood;
7. Lack of manual dexterity or coordination;
8. Unexplained work related accident or injury;
9. Arrest for drug or alcohol related crime; or,
10. Vehicle and equipment accident in accordance with Workers' Compensation.

The decision to require the employee to submit to a reasonable suspicion drug or alcohol test, shall be recommended by a Department Head, in consultation/coordination with the Human Resource Director, and will require the approval of the City Manager or his/her designee. The cost of such test shall be the City's responsibility. Test results will be provided to the Human Resource Director, who will communicate, as and when appropriate, results to the Department Head. Results that test positive will also be communicated to the City Manager.

The City, shall document in writing within five (5) days the specific reasons and conditions the reasonable suspicion test was requested. The City, in coordination with law enforcement officers, reserves the right to search City property and facilities for illegal drugs at any time.

- D. Random: In order to ensure a safe and productive workforce, the City reserves the right to implement random drug testing in accordance with all Federal, State and Local Laws.

Section 3. Drug Testing Procedure

- A. All test samples will be collected at a designated facility as arranged through the Human Resource Department. An appropriate chain of custody will be established and maintained to ensure the accuracy of test results.
- B. Employees who are required to submit to a test for the presence of alcohol or illegal drugs shall sign an authorization releasing all test results and records to the City. Any employee who refuses to sign such authorization, or who refuses to submit to alcohol or drug testing in accordance with this rule, may be terminated.
- C. Current employees who are awaiting the results of a urine/blood test, may be removed from active duty and may use accrued paid time off or leave without pay. Leave used will be converted to paid administrative leave if the final test results are negative.
- D. In testing for the presence of alcohol, a generally accepted procedure that provides quantitative results showing the amount of alcohol present will be utilized. The threshold level for a determination that an employee is under the influence of alcohol shall be in accordance with the appropriate Florida State Statute.
- E. In testing for the presence of illegal drugs, the following procedures shall be followed:
1. The employee shall be required to provide urine sample for testing. At the time of collection, a sample shall be given under the supervision of the testing laboratory or medical facility;
 2. The sample shall be submitted for testing. If the test results are negative, no further testing will be conducted;
 3. If the results of the test are positive, the sample will be submitted for further testing;
 4. If the results of the second test are positive, the Medical Review Office employed by the laboratory will contact the employee to discuss the results. Positive results that are deemed to be medications prescribed by a physician and used in accordance with their orders shall be reported to the City as a negative test result; and,
 5. The City shall notify the employee of confirmed positive results. The City may take corrective and/or rehabilitative action as provided below, including disciplinary action where appropriate.

Section 4. Confirmed Positive

- A. An employee with a positive drug and/or alcohol test is subject to disciplinary action up to and including termination of employment. Additionally, the City may take one or more of the following actions:
- Require the employee to attend educational seminars and courses and/or participate in the Employee Assistance Program;
 - Require the employee to be evaluated by a Substance Abuse Professional (SAP);
 - Require the employee to attend a rehabilitation program;
 - Discipline, including but not limited to, suspension, probationary employment, transfer to another less hazardous position and/or demotion; or,
 - Termination of employment.
- B. Employees disciplined pursuant to this policy shall be afforded the same process as for all other disciplinary actions.
- C. If an employee is injured in the scope of his/her employment and drug tests and/or other medical evidence indicates the presence of illegal drugs and/or alcohol in the employee's body at the time of the accident, the employee may be required to forfeit any medical or indemnity benefits available under the Florida Workers' Compensation statute and may also forfeit eligibility for unemployment benefits. These penalties are in addition to any other penalties that may apply.

Section 5. Refusal to Test

Any individual that refuses to submit to drug and/or alcohol testing or who alters, adulterates or otherwise interferes with drug collection, samples, or analysis:

- Applicants shall not be considered for employment.
- Employees are subject to disciplinary action, up to and including the termination of employment and may forfeit eligibility for unemployment benefits.
- Injured employees are subject to disciplinary action, up to and including the termination of employment and may forfeit any medical or indemnity benefits available under the Florida Workers' Compensation statute and may forfeit eligibility for unemployment benefits.

Section 6. Conviction for Violating Drug or Alcohol Statute

It is a condition of continued employment that any employee who pleads guilty, pleads "nolo contendere" or is convicted of any criminal drug and/or alcohol violation, occurring either in the workplace or off-the-job, must report such conviction to his/her supervisor within five (5) calendar days of such conviction. Any employee who pleads guilty, pleads "nolo contendere" or is convicted of any criminal drug and/or alcohol violation may be disciplined or terminated.

Section 7. Off-Duty Hours

Employees who are not in on-call/call-back status who are called to work during off-duty or unscheduled work hours must notify his/her supervisor if he/she is unable to perform his/her job duties due to alcohol consumption before reporting to work. The City may accept the employee's admission of alcohol consumption during off-duty or unscheduled work hours and may not require his/her attendance for work.

Section 8. Self-Reporting

- A. The City will not terminate, discipline or discriminate against an employee solely upon the employee's voluntarily seeking treatment for a drug and/or alcohol-related problem if the employee has not previously tested positive for drug and/or alcohol use, entered an employee assistance program for drug and/or alcohol-related problems or entered a drug and/or alcohol rehabilitation program while employed by the City. However, if the employee's position is deemed to be of a nature that requires the City to take appropriate action to ensure the public safety, the City may take such action.
- B. An employee who voluntarily identifies a drug and/or alcohol-related problem shall seek treatment under the guidance of a Substance Abuse Professional (SAP). The employee will be evaluated by the SAP to determine what assistance, if any, the employee needs in resolving their drug and/or alcohol related issue.
- C. Any course of treatment prescribed by the SAP shall be at the employee's expense. The City's health insurance program offers coverage for drug and/or alcohol related diagnoses and enrolled employees may receive the benefit of the program based upon the plan documents in effect at the time of treatment. Depending upon the nature and duration of treatment recommended, the employee may qualify for short-term disability benefits. While undergoing treatment, the employee, if eligible, will be placed on family and medical leave (FMLA) and shall utilize any accrued paid time off to maintain her/his usual compensation and benefits.
- D. The SAP will determine if and when an employee is fit to return to duty. Upon the fitness determination, the employee must take and pass a follow-up drug and/or alcohol test. The City may also require the employee to submit to unannounced follow-up testing for a period of one-year following return to work. Should an employee refuse follow-up testing or test positive the City may discipline the employee up to and including termination of employment.

Section 9. Prescription Drugs

Employees using prescription drugs and who occupy positions that have been identified as enhanced risk (operation of motorized vehicles and equipment or those that work with children, the elderly or other vulnerable populations) must report the use of such prescription to the Human Resource Department within three (3) days if a side effect of the prescription drug is drowsiness or any other physical response that a reasonable person would know would affect the use of a vehicle or equipment. Human Resource and the Department Head, if applicable, will

determine if the use of the prescription drug is consistent with the safe use and operation of a vehicle or equipment and/or if the use of the prescription would impair the employee's ability to perform their duties.

ARTICLE XIII - HOURS OF WORK

Section 1. Scheduled Hours of Work

- A. The City of DeBary complies with requirements governing hours of work established by the Fair Labor Standards Act (FLSA), as amended.
- B. The City Manager designates the number of hours that constitutes a regular work week for all classifications of employees. The number of hours in a regular work week for different job classes may vary depending on the nature and demands of each classification's responsibilities. A 30-hour work week is the minimum that qualifies an employee for full-time status. Department Heads shall file work schedules for the department with the City Manager, upon request.
- C. Overtime is not earned until a non-exempt employee works for more than 40 hours in a week. Paid time off, holiday pay, and other forms of pay for hours not worked are not included in the definition of hours worked for the purposes of computing overtime.
- D. Flextime is a method whereby some deviation may be permitted within the same work week. An employee may work a flexible schedule with approval from the Department Head and City Manager, provided efficient operations can be maintained. The decision to allow flextime is solely at the discretion of the City Manager and is not to be construed as an employee right.

Section 2. Normal Hours and Work Week

- A. The official workweek shall commence at 12:01 a.m. Sunday and end at 12:00 midnight Saturday.
- B. The City Manager or designee shall establish hours of work in accordance with the needs of the City and the public.
- C. An appropriate lunch break will be scheduled at the discretion of the Department Head, in accordance with the requirements of all applicable laws and the needs of the organization.
- D. A work break, not to exceed fifteen minutes, may be allowed during the first half of the work shift and another during the second half. Work breaks must be utilized when scheduled and cannot be accumulated or used for late arrival or early departure from work. Breaks shall be given in accordance with the requirements of all applicable laws.
- E. Due to the nature of the work, some positions that meet specific criteria (i.e., executive, supervisory, administrative, professional) are designated exempt from overtime under the Fair Labor Standards Act (FLSA). Employees occupying those positions do not receive overtime pay and are expected to work whatever hours are necessary to complete their assigned duties.

- F. When the operational and service needs of the City require a work schedule different from the normal workweek described above, the Department Head, upon approval of the City Manager, is authorized to change or adjust any work schedule.
- G. The above sections do not guarantee or place a limitation on the number of hours to be worked on any day, or the number of days per week, or any other work period.
- H. Deviation from the hours an employee is scheduled to work may be changed only by the Department Head. Unapproved absences and tardiness may subject the employee to disciplinary actions, up to and including termination.

Section 3. Payroll Cycle

The City of DeBary recognizes a payroll cycle of 26 pay periods in a standard fiscal year. A pay period consists of a 14-day cycle, that begin at 12:01 a.m. Sunday and end at 12:00 midnight Saturday and repeating for the second week. Paydays are on the Fridays following the end of a payroll cycle.

Section 4. Overtime

- A. Work in excess of a normal work week shall be kept to a minimum and should be avoided whenever possible.
- B. Except for emergencies, all overtime must be approved in advance by the City Manager or his/her designee.
- C. It is the responsibility of the Department Head to ensure that records of all hours worked, including overtime, are accurate.
- D. Employees shall be required to work overtime when requested, unless excused by their supervisor.

Section 5. Other Break Periods

There may be some circumstances and events in which an employee will need extended and/or more frequent breaks. These needs should be clearly communicated with their Department Head. The City reserves the right to request documentation from a physician and/or other authority detailing the need for longer and/or more frequent breaks and the anticipated duration of the need. Any time needed in excess of the normal 15 minute break time shall either be unpaid or compensated utilizing paid-time-off. If possible, and with Department Head approval, staff may be able to use a flexible arrangement to ensure they work a full schedule.

ARTICLE XIV - TIME AND ATTENDANCE

Section 1. General

- A. An employee shall be in regular attendance at work and punctual and regular attendance is the responsibility of every employee. All departments shall keep daily attendance records. Any tardiness or absence causes problems for fellow employees and supervisors and distracts from providing a desirable level of service to our citizens. An employee who exhibits frequent unapproved absenteeism or a pattern of absenteeism shall be subject to disciplinary action up to and including the termination of employment.
- B. Employees are expected to report to work as scheduled, on time and prepared to start work. Employees also are expected to remain at work for their entire work schedule. Late arrival, early departure, or other absences from scheduled work hours are disruptive and must be avoided. The purpose of this policy is to promote the efficient operation of the City and minimize unscheduled absences.
- C. Any employee who fails to report to work without prior notification to his/her supervisor for a period of three consecutive days or more will be considered to have voluntarily resigned their position with the City.

Section 2. Absence

- A. Absence is defined as failure to report for and remain at work as scheduled, including arriving late and leaving early. Absence includes all time lost from the job whether excused or unexcused, avoidable or unavoidable.
- B. Absences will be considered excused when the employee provides sufficient notice to his/her supervisor, the request is approved and the employee has accrued paid time off to cover the absence. An absence shall also be considered approved if the employee is on approved Family and Medical Leave and they have exhausted all available accrued paid time off.
- C. All absences not considered excused will be considered unexcused.
- D. Tardiness is a form of absence and occurs when an employee is late arriving for his/her scheduled shift. Employees are required to contact their supervisor if they know that they will be unable to report to work in a timely manner. Employees who are habitually tardy may be subject to disciplinary action up to and including termination.
- E. The City of DeBary reserves the right to request verification of illness/injury for any absence of at least three consecutive days. If an illness or injury prevents an employee from performing their regularly scheduled duties, a physician's statement must be provided verifying:
 - 1. If and when the employee will be able to return to work;

2. Whether the employee is capable of performing their regularly scheduled duties; and,
 3. What restrictions, if any, the employee may have and the anticipated duration of such restrictions.
- F. Employees who do not maintain an acceptable attendance record may be subject to disciplinary action up to and including the termination.

ARTICLE XV – WAGES

During the budget process, the City Manager shall request approval for annual salary adjustments based upon market factors (COLA) and/or they may be requested as part of a defined performance appraisal process (merit). All changes in rates of pay shall be effective the first date of the first full pay period following approval of the change.

The City may periodically review individual rates of pay for employees to ensure that compensation is equitable and may make any adjustments deemed necessary and with the approval of the City Manager.

Section 1. New Employee Rates

- A. New appointees to positions in the City shall be paid at the minimum rate of the pay range established for the job classification.
- B. The City may hire above the minimum rate when an applicant's qualifications are substantially above those required, or when there are no qualified candidates available at the minimum rate, or when it is deemed necessary and in the best interests of the City to do so. However, the starting rate must be within the established pay range for the position.
- C. Requests for appointments above the minimum pay range must be submitted with written justification to the Human Resource Department. The Human Resource Department shall review the request and make recommendation to the City Manager and/or designee for approval.
- D. Trainee: Upon approval of the City Manager, an appointment may be made below the minimum rate when extensive recruitment efforts have not been productive. A temporary classification of "Trainee" may be created for the position and the employee hired at a rate of no more than 10% (10 percent) below the minimum of the pay range.

Such an appointment should be considered only when it is expected that the new employee will be able to meet the position's qualifications within one year of the date of appointment. At such time as the employee meets the qualifications, he or she will be raised to the established minimum rate for the class.

Documentation is to be submitted to Human Resources, for the approval of the City Manager, establishing the proficiencies or skills that are required for the "trainee" designation to be removed. Once the proficiencies have been acquired, a request, in writing, shall be made to the Human Resource Director requesting removal of the designation.

Section 2. Performance Salary Increases

- A. Merit salary increases are not intended to be automatic, but are to be earned and based upon job performance.

- B. The amount, if any, of merit-based wage increases is subject to the annual budget process.
- C. Annual merit increases will be awarded in accordance with the performance appraisal process developed by Human Resources and approved by the City Manager.

Section 3. Pay Upon Promotion

- A. Upon being promoted to a new position an employee's pay will be adjusted to the greater of 10% over his/her previous pay or the minimum of the range for the new position. The employee must satisfactorily complete a required six-month probationary period in the new position.
- B. An evaluation of an employee's earnings may be conducted to ensure that the promoted employee's earning shall not result in a pay reduction when they are promoted from a non-exempt, hourly position to an exempt, salaried position. The pay rate of employees occupying positions in the same pay grade in which the promotion occurs may also be adjusted if deemed necessary for internal equity.
- C. Exceptions may only be made with the approval of the City Manager.

Section 4. Pay Upon Lateral Transfer

An employee who is transferred to another position in the same job classification and same pay grade shall not be eligible for a pay increase upon such transfer.

Section 5. Pay Upon Demotion

- A. A demotion occurs when an employee moves from a position in a higher pay grade to a position in a lower pay grade. In general, the employee shall serve a new 6 (six) month probationary period.
- B. In the event of a demotion due to disciplinary action, or if the employee requests and is granted a voluntary demotion, a new rate shall be established. Factors to be considered in determining the new rate include the difference in the two positions in the pay plan, the difference in the types of work and duties to be performed, the employee's performance history, etc. If the employee is returning to a previously held position, their new rate of pay shall not be more than if they had never left their former position, including any merit and/or annual increases they would have received.
- C. Rates of pay may not necessarily be decreased if the demotion is due to organizational/administrative factors or for the purposes of an accommodation. A new probationary period may not be required.
- D. Exceptions may only be made with the approval of the City Manager.

Section 6. Special Assignment Pay

- A. Situations may arise in which an individual may need to perform duties and responsibilities of a different, advanced, and/or supervisory nature for a specified period of time. Employees required to perform work in a higher classification on a temporary basis of less than ten (10) consecutive work days may do so with no increase in pay. In the event the temporary assignment will be for 11 work days or more, the employee may be given a temporary increase in pay. In general, the increase will be ten (10%) or the minimum of the pay grade corresponding to the temporary duties, whichever is greater.
- B. Requests for special assignment pay should include the anticipated duration of the request, the reason the temporary assignment is necessary and the reason a specific employee has been selected for the temporary assignment. Such temporary assignments shall not exceed six months unless further extension is justified, requested by the Department Head through the Human Resource Director and approved by the City Manager.
- C. Upon completion of the temporary assignment, the employee's pay shall be returned to the rate the employee would normally have obtained without the temporary assignment.

Section 7. Overtime

- A. The City of DeBary complies with the requirements of the Fair Labor Standards Act (FLSA), as amended.
- B. A Department Head may require employees to work over 40 (forty) hours in a work week. All non-exempt employees will be paid one and one-half times (1 ½) their regular pay rate for hours worked over 40 (forty). Accrued paid time off, holiday or other compensated leaves shall not count as hours worked for purposes of computing overtime.

Section 8. Pay Upon Separation

- A. Employees separating from the City will receive their final paycheck on the next regularly scheduled payday for the pay period that includes the date of separation. Final paychecks shall include any unused accumulated paid time off.
- B. Employees are required to return all City property prior to receiving their last paycheck. The value of items not returned shall be deducted from the employee's final check, subject to earnings limits.

Section 9. Wages Due Deceased Employee

In the event of the death of an employee, separation shall be effective with the date of death. All compensation and benefits due to the employee as of the effective date of separation shall be paid in accordance with the law. This includes payment of all accumulated paid time off.

Section 10. On Call/Call Back

A. Scope

The following policy applies to employees within the Public Works, Stormwater and Parks & Recreation Departments. No initial probationary employees are allowed to participate in this program unless specifically authorized by the Department Head in writing. This policy does not apply during citywide emergency and/or natural disaster events.

B. Policy Guidelines

The Public Works, Stormwater and Parks & Recreation Departments shall establish an on-call list that will be used to in the event unanticipated services are needed outside of normal operating hours. The list of on-call employees will rotate as determined by the corresponding Department Head.

Eligible employees, once notified, shall report to work within 60 minutes or less when they are called. If the employee cannot report to work within 60 minutes, he or she shall notify the department supervisor within 10 minutes.

C. On Call/Call Back Employee Compensation

1. Employees shall be compensated based on a flat rate of pay determined by the City Manager for each week that they are responsible for standby/on-call duty. Standby/on-call duty shall consist of one (1) week of seven (7) days, commencing at the beginning of the workday on Monday and continuing through until the beginning of the workday the following Monday.
2. If the employee has already left the City at the end of their normal work day and are called back to work they shall receive a minimum of two (2) hours of pay. If the amount of the time worked on the call exceeds two hours, the employee will be paid for actual time worked. Time shall be counted and compensated from when the employee leaves home through the time the employee returns home.
3. In recognition of the commitment of our staff to report for call back when needed, for the purposes of this policy only, holiday pay shall count as hours worked for the purposes of computing overtime. Other forms of paid time off, including accrued paid time off, shall not count as hours worked for the purposes of computing overtime.
4. It is expected that employees will complete the tasks safely. If the employee requires assistance and other employee(s) respond, they too shall be compensated in accordance with this policy.

5. In the event an employee is called back to work after departing for the day, the City shall compensate the employee for mileage from their home to the worksite and back home, consistent with the appropriate Finance procedures. Daily, normal travel to and from work is not eligible for mileage reimbursement.

E. Failure to Respond

Failure to respond to on call status by the employee may result in disciplinary action, up to and including termination.

ARTICLE XVI - PAY FOR WORK DURING EMERGENCIES OR DISASTERS

Section 1 **Overview**

The City of DeBary is a public entity. As such, our primary obligation is to the safety and security of our citizens. All employees, regardless of role, are considered essential employees and shall serve as needed during an emergency situation.

Section 2 **Purpose**

The purpose of this policy is to provide direction regarding employee work hours, assignment and pay status during a declared local state of emergency. This policy shall apply anytime such an emergency is declared affecting the City of DeBary and no additional declarations by the City Council and/or City Manager are necessary.

Section 3 **Declaration of Emergency**

Upon declaration of a local state of emergency the City may suspend time frames for disciplinary actions, the processing of pay changes and other personnel transactions until the declared local state of emergency ends.

Section 4 **Job Duties**

During a declared local state of emergency, all employees are classified as essential personnel and must be available for preparation, response and/or recovery activities and services before, during and after events. In order to continue to address the needs of the community, and to provide essential services, employees are subject to modified hours and work schedules, alternative work assignments or duties and may be assigned to different job sites.

Section 5 **Failure to Report**

If an employee fails to report to their assigned work area/assignment, without approval during a declared local state of emergency, the employee may be subject to disciplinary action up to and including the termination of employment.

Section 6 **Phases of Emergency**

There are three phases of a declared local state of emergency:

- A. Pre-Impact: this period includes emergency preparation activities and measures to prepare the City for the impending emergency;
- B. Immediate Impact: this period includes emergency response activities and restoration of critical services to protect life and property immediately following the impact of the emergency. Most normal city services are suspended during this phase; and,

child care is available). Supervisors are advised and encouraged to be as flexible as circumstances allow to the extent possible and approve accrued paid time off for the employee to handle the situation.

Section 12 Pay During a Declared Local State of Emergency

A. Emergency Administrative Leave

1. Employees who are not required to be actively at work during the declared local state of emergency and who have been asked to leave early, arrive late, or for any other related workplace closure shall receive their regular pay for the hours they normally would have worked.
2. Time shall be recorded as Emergency Administrative Leave (EA). This time will not be charged against an employee’s accrued paid time off balance.
3. Employees who are on a previously scheduled leave and utilizing their accrued paid time off shall not receive Emergency Administrative Leave.
4. Employees will also not receive EA if it is their normally scheduled day off.
5. EA does not count as hours worked for the purposes of computing overtime.
6. During a full or partial closure, it is the responsibility of the employee to maintain contact with their supervisor so that they can return to work at the appropriate time. Employees who fail to return when operations resume will be charged paid time off for the period between when they could return to work and their actually reporting to work.

B. Emergency Duty Pay – Non-Exempt Employees

1. Employees who are required to be actively at work during a declared local state of emergency shall be paid for all hours actually worked. Hours worked in direct support of emergency operations shall be recorded as Emergency Duty Pay (ED). Hours worked that are not in direct support of emergency operations shall be recorded as regular hours.
2. Those employees required to be actively at work will also receive Emergency Administrative Leave for the period that operations are suspended or closed in the same manner as those employees that were not required to be actively at work.
3. Only those hours actively worked shall be counted in overtime calculations.

C. Emergency Duty Pay – Exempt Employees

1. During a declared local state of emergency, exempt employees will be compensated for hours worked over and above the normal workweek if the employee is performing work directly related to the emergency. Such time shall be paid at their current rate of pay, converted to an hourly equivalent. Documentation of such work may be required on the form authorized by Finance and/or Human Resources and/or other governing body. Failure to complete could affect the timing and/or approval of ED pay.

D. It is possible that during a declared local state of emergency, some City services will remain suspended while others will resume normal operations.

1. Employees who continue to perform work directly in support of the local declared state of emergency shall continue to record those hours as ED.

2. Work performed that is not related to the declared local state of emergency and are part of normal operations shall be reported as regular hours.

E. This policy will cease to apply when the declared local state of emergency is terminated or expires.

ARTICLE XVII - EMPLOYEE TRAVEL

The City of DeBary is committed to ongoing education and training. Subject to budget approval, the City may require the attendance of employees at lectures, meetings, conferences and the like. Prior approval in accordance with Finance guidelines is required prior to making reservations/commitment to attend.

- A. Time spent attending seminars, conferences, etc. will be compensated as hours worked for the purposes of computing overtime.
- B. When a lunch break is provided, the lunch break will not be compensated.
- C. Travel time to and from the seminar, conference, training, etc. will be compensated if the travel time is outside of the employee's normally scheduled hours.

It is expected that employees traveling for City-related business, including conferences, conventions, training opportunities or business meetings will follow all related City and Finance-related procedures. Employees must also remember that they are representatives of the City and should behave in a manner that projects a positive image of the City of DeBary.

ARTICLE XVIII - BENEFITS

The City of DeBary has established a benefits program that currently includes health, retirement, dental, disability, life and other benefits. Costs of participation in the program may be shared between the City and individual employees and deductions shall be withheld from employees' bi-weekly paychecks.

The City reserves the right to adopt, change, replace, alter, or discontinue benefits based upon the annual budget and the availability of funds. The following sections summarize the types of benefits that may be available. Annually, Human Resources will distribute a benefits summary containing all available coverages and costs for the calendar year. In all cases, the official plan documents shall prevail regarding the administration of any benefit program.

Upon separation of employment, the employee will be offered benefit continuation under COBRA and/or any other applicable law.

Types of coverages that may be offered include:

Section 1. Health Insurance

The City of DeBary may offer health insurance benefits to all full-time employees. Coverage for dependents (spouse and children) shall be at the expense of the employee. The level of City contribution to health insurance premiums will be evaluated annually.

Section 2. Dental

The City of DeBary may offer dental insurance to full-time employees. The level of City contribution to premiums will be evaluated annually.

Section 3. Vision

The City of DeBary may offer vision insurance to full-time employees. The level of City contribution to premiums will be evaluated annually.

Section 4. Retirement

All regular full-time employees are enrolled in participation in the City's 401(a) Defined Contribution retirement plan. The City currently contributes 10% of the employee's gross wage each pay period during the course of employment. After completion of a three-year vesting period, funds deposited by the City are fully vested for the employee. Employees who do not complete a three-year vesting period forfeit all funds deposited into their account by the City.

Section 5. Deferred Compensation

All regular full-time employees are eligible to participate in a 457(b) Deferred Compensation plan in which the employee elects to make pre-tax contributions from his/her paycheck into a retirement account. There is no vesting period. Funds in the account are fully vested for the participating employee. This plan is governed by I.R.S. regulations and information on it is available through Human Resources.

Section 6. Life and Accidental Death and Dismemberment

The City may provide each employee with life insurance and accidental death and dismemberment (AD&D) coverage. Supplemental life and AD&D may be available for employees to purchase on a pre-tax basis.

Section 7. Disability

The City may provide short-term disability and long-term disability insurance for each regular full-time employee. Premiums may be paid by the City.

Section 8. Tuition Reimbursement Program

A. The City of DeBary encourages all employees to voluntarily improve their job-related skills through enrollment in courses offered by accredited educational institutions. The City of DeBary Tuition Reimbursement Program is designed to financially assist employees who are pursuing college degrees. In some cases, with the support of the Department Head and the approval of Human Resources and the City Manager, other educational programs may be reimbursed through this program.

It is expected that employees pursuing higher education will not allow their educational endeavors to impact the performance of their duties. Therefore, the maximum number of courses that may be eligible for reimbursement is two (2) at one time.

The City will reimburse, according to this policy for courses that apply to an employee's acquisition of their initial degree at any one level of education. For example, an employee who possesses a Bachelor's Degree will not be permitted participation in the program to acquire a second Bachelor's Degree without the consent of the City Manager.

- B. **Eligibility:** All full-time employees who have completed their initial probationary period are eligible to receive benefits under this program.
- C. **Eligible Programs:** Any degree from an accredited college or university that may be applicable to an employee's work assignment or for career advancement may be eligible for reimbursement. Relatedness to the employee's position shall be approved by the Department Head, Human Resource and the City Manager.

- D. **Service Obligation:** Employees who participate in this program must agree to remain in the employ of the City for at least twelve (12) months following course completion. Employees who separate from employment for any reason within this twelve (12) month period shall reimburse the City for the educational assistance benefits paid. Repayment may be prorated. Reimbursement to the City shall be by cash payment or may be deducted from any non-wage separation benefits due the employee. (i.e., accumulated paid time off).
- E. **Financial Assistance:** Employees whose application is approved will be entitled to reimbursement of tuition and related costs (i.e., Books, lab fees, supplies) only upon successful completion of approved courses in accordance with the following schedule:

A	B	C	<C	Pass	Fail
100%	75%	50%	0%	100%	0%

- F. Employees will be reimbursed only to the extent that they are not receiving funds through other grant-in-aid programs. The City will pay for textbooks, lab fees, or other course materials. All course work must be accomplished outside normal work hours. Documentation from the school regarding tuition costs, grades received and any applicable financial aid will be required prior to processing the tuition reimbursement payment.
- G. The reimbursement amount shall not be more than the average in-state per credit hour tuition rate for undergraduate and graduate degrees as reported by the Florida Department of Education.
- H. These payments are subject to IRS regulations and may be subject to taxation.
- I. The tuition reimbursement program is based upon the availability of funds.
- J. The Human Resource Department shall establish a process by which employees apply for the Tuition Reimbursement Program.

ARTICLE XIX – PAID TIME OFF

The City of DeBary utilizes a Paid Time Off program. The time is not divided between vacation leave and sick leave. Full-time employees shall accrue paid leave time in accordance with this policy. Part-time employees shall accrue paid leave time on a prorated basis according to budgeted percentage of time unless significant actual fluctuations occur.

Section 1. Eligibility and Rate of Earning

- A. Paid time off is accrued beginning the first pay period of employment.
- B. Accrual balances are credited to the employee effective with the pay date. Therefore, time accrued is not available in the pay period in which it is earned.
- C. Temporary and seasonal employees do not accrue paid leave.
- D. The earning of Paid Time Off will be prorated based on regularly schedule hours worked and paid within a pay period.
- E. Employees do not accrue paid time off when they are on leave without pay.
- F. Paid time off for full-time employees shall be accrued biweekly at the following rate:

YEARS OF SERVICE	HOURS/PER PAY	DAYS/YEAR
Date of Hire – 5 th Anniversary	6.2	20.0
5 th Anniversary – 10 th Anniversary	7.2	23.4
10 th Anniversary – 15 th Anniversary	8.2	26.6
15 th Anniversary – 20 th Anniversary	9.2	30.0
More than 20 years	10.2	33.0

- G. Employees who leave the service of the City and are subsequently rehired shall have their prior paid time off accrual rate reinstated based on their prior service with the City credited provided they are rehired within 30 days.
- H. Accrual rate changes will be adjusted during the pay period in which the anniversary occurs.

Section 2. Usage

- A. Paid time off is to be utilized when an employee must be absent from work for any reason including vacation, illness, family illness, personal business, etc.
- B. Paid time off may not be used in advance of earning it.
- C. Paid time off is not considered hours worked for the purposes of computing overtime.

- D. Accrued paid time off shall be used for all time away from work. Employees may not elect to have unpaid absences when an accrued balance exists.
- E. Non-exempt, hourly employees shall be charged paid time off in increments of 15-minutes.
- F. Exempt, salaried employees shall be charged in half-day increments. Absences of less than half-day shall not be charged against the exempt employee's accrued paid time off.
- G. Except in the event of illness, accrued paid time off should be requested at least two (2) weeks in advance of using it, or as far in advance of planned use as possible.
- H. Supervisors, for management purposes, may deny or alter a Paid Time Off requested to provide for appropriate personnel coverage, due to City operations and/or for any other reason.

Section 3. Accumulation of Leave

- A. Employees may not maintain a paid time off leave balance more than 600 hours.
- B. Should unusual circumstances exist, and/or if there had been a pattern of denials for requested time off, the City Manager may provide a period of time, not to exceed three (3) months, for the employee to bring their balance below the established maximum.

Section 4. Leave Buy-Back

- A. The City will provide employees the opportunity to cash out up to 40 hours of accrued paid time off each fiscal year.
- B. Written requests to cash out accrued paid time off shall be made prior to August 31 of each year and will be paid during the month of September.
- C. An employee requesting the leave buy-back must have taken at least 80 hours of leave in previous 12-month period.
- D. Following the liquidation of leave, the employee must have a remaining balance of at least 160 hours.
- E. The liquidation of leave time will be taxed in accordance with I.R.S. regulations.
- F. The availability to cash out accrued paid time off is subject to the availability of budgeted funds and manager approval.

Section 5. Termination of Employment

- A. Employees shall be paid 100% of their accumulated leave balances, not to exceed 600 hours, upon the termination of employment.
- B. Prior to the paid time off balances being paid, the employee must return all City-owned and/or City-issued property in their possession. If the employee does not return any City issued property, the value of such property will be deducted from their accrued paid time off balance before any payment is made.
- C. Payment of accrued paid time off shall be made in accordance with the City's payroll schedule and in accordance with I.R.S. regulations.

Article XX – Holidays

The following days shall be official paid holidays:

New Year's Day	January 1 st
Martin Luther King, Jr's Birthday	Third Monday in January
Good Friday	Friday before Easter
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day	First Monday in September
Veterans Day	November 11 th
Thanksgiving Day	Fourth Thursday in November
Day After Thanksgiving	Day After Thanksgiving
Christmas Eve	December 24 th
Christmas Day	December 25 th
Employee Personal Day	Birthday or other Employee discretionary day

- A. All full-time and part-time employees are eligible for holiday pay. All full-time employees will receive eight (8) hours of pay for a holiday. Part-time employees will receive a prorated amount of holiday pay based upon the average number of hours per week they generally work. For example, a part-time employee who works 20-hours a week would receive four (4) hours of holiday pay. Temporary and seasonal employees are not eligible for holiday pay.
- B. Holiday pay is not considered hours worked for the purposes of computing overtime, except as provided for in the On-Call/Call-Back policy.
- C. Employees who are on an approved leave of absence and who are utilizing their accrued paid time off shall receive pay for the holiday. Employees on an unpaid status that are not receiving any payment from the City shall not receive holiday pay.
- D. An employee who is scheduled to work on a holiday and who, without notice or valid reason, fails to report for such work may, at the discretion of the Department Head, be ineligible for holiday pay for the number of hours he/she would have otherwise worked.
- E. Holidays falling on a Saturday will normally be observed on the preceding Friday. Those falling on a Sunday will normally be observed on the following Monday.

ARTICLE XXI – MISCELLANEOUS LEAVES

Section 1. Bereavement Leave

- A. In the event of the death of an employee's immediate family, the employee will be granted three (3) days paid bereavement leave. Such time is not chargeable to the employee's accrued paid time off. Immediate family is defined as employee's spouse, parent, child(ren), grandparents, grandchild(ren), brother, sister, father-in-law, mother-in-law, stepchild(ren), stepparents and legal guardian. At the City Manager's discretion, other permanent members of the household may be considered immediate family.

Employees requiring more than three (3) days may request use of their accrued paid time off. When bereavement leave occurs while a person is on previously approved paid time off, the leave will not be charged against the employee's paid time off balance, but shall be paid as bereavement leave.

- B. Each employee requesting and receiving bereavement leave may be required to provide evidence of the nature of the leave and the name and relationship of the immediate family member who is involved.

Section 2. Military Leave

The City adheres to all Federal and State Laws regarding service in the United States Armed Forces. This includes the Uniformed Services and Reemployment Act of 1994 (USERRA), F.S. 115 and F.S. 250 and any other applicable law or regulation. Employees that are member of the Armed Forces Reserves, including the National Guard, who are required to attend field training exercises and/or are called to active duty shall be paid in accordance with the law. They may be entitled to the continuation of their health insurance for a period of time and they shall not lose any seniority or other benefit by virtue of their service.

The employee shall provide the Human Resource Department with all orders upon receipt. In the event of deployment, reinstatement to their City position shall be in accordance with all applicable laws.

Section 3. Voting Leave

If necessary, the Department Head or City Manager may grant regular full-time employees one hour of paid leave to vote during elections if work schedules interfere with the ability of the employee to visit their assigned polling location during their hours of operation.

Section 4. Family Medical Leave Act (FMLA)

The City of DeBary shall adhere to the requirements of the Federal Family and Medical Leave Act (1993) and as amended. All definitions, employer and employee requirements, timelines, etc. shall be dictated by the formal descriptions and standards of the FMLA.

Employer Responsibilities: The City of DeBary will adhere to best practices in the application of the FMLA and shall utilize all forms and documentation requirements and adhere to all timelines as issued by the Department of Labor.

The City shall count any periods an employee is medically unable to work, and that meets the provisions of the FMLA, towards the employee's FMLA entitlement. This includes periods of lost time due to both work-related and non-work related incidents.

The City shall continue health insurance and other associated benefits in compliance with the law.

Employee Responsibilities: Employees shall notify their supervisor or Department Head of the need for leave as soon as is practicable. Employees shall timely return all documentation requested.

The City shall require that employees use their accrued paid time off prior to the unpaid portion of the leave beginning. However, all time taken related to the need for leave, whether paid or unpaid, shall be counted towards the employee's FMLA entitlement.

It shall be the employee's responsibility, if necessary, to timely remit premium payments for dependent insurance coverage to the City should the employee be on an unpaid leave of absence.

For the purpose of calculating leave, the City shall use the 12-month look-back method. Each time an employee requests leave, the City shall count back 12-months and determine the amount of leave previously used. The employee shall be eligible for any remaining FMLA leave that has not been used in the previous 12-months.

For a complete copy of the law, please contact the Human Resource Department.

Section 5. Civil Leave

- A. Regular employees attending City related judicial or administrative proceedings or court, legislative committees, or a quasi-judicial body, as a witness on behalf of the City during his/her normal working hours shall receive pay at his/her regular rate for the hours they are involved in such matters. This time shall be considered hours worked for the purposes of computing overtime. Should the employee be on previously approved paid time off, their leave time shall not be charged for their appearance.
- B. Regular employees serving on jury duty during their normal working hours shall receive pay at his/her regular rate for the hours they are serving. This time shall not be considered as

hours worked for the purposes of computing overtime. Should the employee be on previously approved paid time off, their leave time shall not be charged for their appearance.

- C. Employees who, during their regular working hours, are required to attend proceedings in which they are a litigant are not eligible for paid administrative leave but are eligible to utilize accrued paid time off. This includes participating in a legal matter or providing testimony when the employee has brought a cause of action against the City.
- D. The City will require proper documentation of the need to appear (i.e., jury summons, subpoena or other items verifying the leave).

Section 6. Other Unpaid Leaves of Absence (Non-Medical Leaves)

For the purposes of this section, unpaid leave means any leave requested by an employee that is non-medical in nature and/or is not covered by any of the other types of leaves addressed in this section. The approval of an unpaid leave of absence is a management right and shall be decided on a case-by-case basis.

- A. An employee requesting an unpaid leave of absence shall submit their request, in writing, to their Department Head. The request should detail the reason for leave, the anticipated duration of the leave, and any other pertinent factors that will assist the Department Head in making a recommendation to the City Manager for approval/disapproval of the request.
- B. Requests for an unpaid leave of absence shall not be for more than six (6) months.
- C. The Department Head shall discuss the reasons and/or need for leave with the Human Resource Department. The Department Head and Human Resource Director shall make recommendation to the City Manager regarding whether to approve and/or disapprove the request.
- D. The City Manager or designee is the only individual authorized to approve an unpaid leave.
- E. Employee Responsibilities:
 - 1. Once a leave of absence has been granted, the employee shall be entitled to return to his/her former position provided the employee can meet current qualification standards, is able to perform the essential duties, and provided the position has not been eliminated.
 - 2. If the position has been eliminated and no similar position is available under the same department, the employee may apply for any vacancies that may be available.
 - 3. An employee shall notify the City if they obtain employment elsewhere during their leave. The City, at its discretion, may require an employee who accepts work to return to the

service of the City. Failure to return as requested could require the City to review and/or revoke the leave approval and examine the on-going employment relationship.

4. It shall be the responsibility of the employee to keep their Department Head apprised of their status during the period of leave. The employee shall contact their Department Head a least two weeks prior to their return to discuss the reinstatement process.
 5. An employee who wishes to continue their health insurance and related benefits must pay both the employer (individual) and employee (dependent) premiums for the duration of the leave.
 6. An employee shall not accrue paid time off nor shall they receive holiday pay for the period of the unpaid leave of absence.
 7. Failure to return from leave shall be considered a voluntary resignation.
- F. If, prior to the scheduled end of the approved leave of absence, the City determines that the leave is creating an undue hardship, the City reserves the right to request the employee's return to work.

Section 7. Public Accountability Standard for Exempt Employees

Any employee exempt from the Fair Labor Standards Act shall not be disqualified from the exemption on the basis that such employee is paid according to the City of DeBary's pay system or practices established pursuant to the principles of public accountability, under which the employee accrues personal leave that requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness for not less than one workday when accrued leave is not used by an employee because: 1) Permission for its use has not been sought or has been sought and denied; 2) accrued leave has been exhausted; or 3) the employee chooses to use leave without pay; 4) deductions from the pay of an employee of the City for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

ARTICLE XXII - EMPLOYEE PERFORMANCE EVALUATIONS

Section 1. Purpose

- A. The Human Resource Director shall establish and administer a system for evaluating the work performance of all employees in an objective and fair manner. The performance appraisal system shall not only address those areas in which an employee can improve and become a more valued employee, but should also address those areas in which an employee performs well.

- B. The performance evaluation shall contain, at a minimum, three (3) components:
 - a. A review of the prior year's performance;
 - b. A review of the completion of goals established in the most recent evaluation; and,
 - c. The setting of realistic and achievable goals for the next evaluation period.

- C. The results of the performance evaluation shall be used in order to determine what, if any, merit increase the employee shall receive. Merit increases are subject to budget approval.

- D. Probationary employees shall receive a performance evaluation at the completion of six (6) months of service. Generally, there is no salary increase associated with the probationary evaluation.

- E. Non-probationary employees shall receive a performance evaluation at least annually.

ARTICLE XXIII – DISCIPLINARY ACTION

Section 1. Purpose

- A. It is the intent of the City to avoid most matters that may necessitate disciplinary action by instituting effective supervision and positive employee relations. It is also recognized that each instance differs from other situations and the City retains the right to treat each occurrence on an individual basis, without creating a precedent for other cases that may arise in the future.
- B. The guides and infractions listed below are not to be construed as limitations upon the retained rights of the City. The guidelines provide recommended levels of discipline to apply for specific offenses. In some cases either a more severe or less severe level of discipline may be issued than that which appears in the guidelines, if it is justified.
- C. Whenever employee performance, attitude, work habits or personal conduct at any time fall below desirable levels, 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 additional disciplinary measures.
- D. Disciplinary action is intended to correct improper conduct or deficiencies, not to punish an offending employee. Discipline shall, therefore, be only severe enough to constitute an attempt to bring about corrective behavior. Disciplinary action is typically progressive in nature. Termination shall be resorted to when other efforts to bring about correction have failed, or when the severity of the events warrants such measures.
- E. In addition to the general types of offenses listed below, infractions of departmental rules and regulations, as approved by the City Manager or designee, may subject the employee to disciplinary action.
- F. In the event that a Department Head concludes that, for public interest or safety, an employee requires immediate removal, the employee may be placed on administrative leave with pay or without pay. The Department Head will then discuss the circumstances of the situation with the Human Resource Director and together they will determine the appropriate level of discipline. The employee will be contacted as soon as possible and advised of any proposed disciplinary action.
- G. When the employee is provided with the notice of the proposed disciplinary action, he/she may present their side of the story before the City Manager makes the final decision as to the proposed disciplinary action.
- H. Depending on the circumstances, acceptable disciplinary actions may include Warnings & Reprimands, Suspension, Demotion or Termination. Discipline shall generally be progressive

in nature. It should be noted, however, that based upon the facts, any levels of discipline may be appropriate for any offense.

- I. In instances where disciplinary actions may result in a demotion, reduction in pay, suspension or termination, the Department Head/Supervisor shall first consult and gain the concurrence of the Human Resource Director before taking action. Additionally, prior to the final imposition of discipline, the employee may request a meeting with the City Manager who may determine that the level of discipline is appropriate, or may impose an alternative action. The decision of the City Manager shall be the final determining factor on the imposition of discipline.

Section 2. Types of Disciplinary Actions

- A. Verbal Warning/Counseling – This type of discipline should be applied to infractions of a relatively minor degree or to situations where the employee’s performance needs to be discussed. The verbal instruction should be given in private. The employee should be informed that the supervisor is giving a verbal warning and that the employee is being provided the opportunity to correct the deficiency and that if the deficiency is not corrected additional disciplinary action may be required.
- B. Written Warning/Counseling – In situations where a verbal warning has not resulted in the expected improvement, a written warning may be issued defining the nature of the infraction. This notice will be issued in the event the employee continues to disregard a verbal instruction and repeats the offense, or for first time violations of a more serious nature. The notice shall state the nature of the infraction in detail and what corrective action must be taken by the employee to avoid further discipline. Notices must be issued in a timely manner. The written warning must be accompanied by a verbal conversation to ensure clarity of expectations. The written reprimand will be provided to the employee and a copy placed in the employee’s personnel file in Human Resources.
- C. Suspension – Suspension shall be used as a disciplinary action when a written reprimand has not resulted in a satisfactory change in an employee’s conduct or when written warning is deemed insufficient for the offense. Before completing or processing a suspension, the Department Head shall coordinate such action with the Human Resource Director.
- D. Disciplinary Demotion – Demotion may be used as a disciplinary action if there is a correlation between demotion and the violation committed by the employee. Demotion is NOT to be used as a substitute for termination when termination is warranted.
- E. Termination – Recommendations for termination may be made in instances involving serious insubordination, theft, illegal or destructive acts or other substantial reason deemed appropriate by the Department Head. An employee may be recommended for termination after repeated offenses of a Group I or Group II nature, if the offenses have been documented

by the supervisor and the appropriate behavioral changes have not resulted. Termination may be recommended for the types of offenses listed in Group III.

Probationary employees may be terminated at any time. Termination of a probationary employee is a management right.

Section 2. Disciplinary Process

In the event the recommended disciplinary action is a suspension, disciplinary demotion or termination, the following process will apply.

- A. An employee under consideration of suspension, demotion, or termination must be provided documentation related to the allegation. The document must contain:
 1. Reference to previous disciplinary actions, especially if germane to the current infraction;
 2. Specific charge of misconduct with reference to the violation of City or department rules or other directives;
 3. Future consequences should the violation reoccur;
 4. Department Head signature;
 5. Employee signature and date. The employee's signature is an acknowledgement of receipt of the document, it does not imply agreement. Refusal to sign shall be noted and witnessed.
- B. When an employee is presented with the above-referenced document, he/she will be given an opportunity to present their side of the story related to the allegations before the City Manager makes the final decision as to any disciplinary action.
- C. If the violation does not require the employee to be removed from his/her position to conduct an investigation or the violation is not of such a serious nature that it would be detrimental to have the employee performing his/her duties, the employee may continue working after the violation is noted and stated.
- D. If it is determined that the employee's continue presence on the job would be a detriment to an investigation and/or a liability to the City and/or a danger to the public, the employee may shall be placed on Administrative Leave with or without Pay.
 1. An employee on administrative leave with pay must be available during regularly scheduled work hours for meetings to provide information upon request. Failure to be available may be considered a further violation.
 2. If, after investigation, it is determined that the employee is innocent of any violation, he/she shall be restored to full duty and a letter exonerating the employee will be placed in his/her official personnel record.
 3. If, however, the employee is found in violation, the normal disciplinary process shall continue.
 4. Any employee who purposely interferes with an investigation may be disciplined, up to and including termination.

- E. A suspension, disciplinary demotion or termination requires coordination with Human Resources and the approval of the City Manager.

Section 3. Types of Offenses

The three (3) general groups of offenses and general guidelines for recommended, but not mandatory, disciplinary action are as follows. Discipline may be progressive, however, based upon the facts any level of discipline may be appropriate for any offense. The following represents typical grounds for disciplinary actions leading up to and including termination. Examples listed here are not intended to be all inclusive. Disciplinary action for offenses not listed will be prescribed consistent with offenses of comparable gravity.

The list is not intended to limit the right of management to determine what constitutes an appropriate disciplinary action. Depending on the nature of the offense, the past record of the employee, or extenuating circumstance, a more severe penalty, a lesser disciplinary action, or a disciplinary action outside of the range may be imposed. Should more than one offense be under consideration, the violations do not necessarily have to be identical in order to be classed as a second or third offense.

A. Group I Offenses

First Offense – verbal warning

Second Offense – written reprimand and/or suspension

Third Offense – up to termination

1. Quitting work, wasting time, loitering or leaving assigned work area during working hours without permission.
2. Taking more than the specified time for meals or break period.
3. Demonstrating productivity or work quality that is not up to the required standards of performance.
4. Disregarding job duties by loafing or neglecting work during working hours.
5. Reporting to work or working while unfit for duty, either medically, mentally or physically.
6. Posting or removing any material on official bulletin boards or City property without authorization.
7. Showing discourtesy to persons with whom the employee comes in contact with while in the performance of duties.

8. Failing to report, within seven (7) working days, an accident or personal injury in which the employee was injured while on the job.
9. Engaging in horseplay, scuffling, wrestling, throwing things, malicious mischief, distracting the attention of others, catcalls, demonstrations on the job or other similar types of conduct.
10. Refusal to testify in investigations of accidents involving City vehicles or equipment.
11. Tardiness for three (3) or more times in a three (3) month period.
12. Failure to report a request for information.
13. Creating or contributing to unsafe and unsanitary conditions or poor housekeeping.
14. Receiving or making an excessive amount of personal phone calls while on working time.
15. Abusive and inconsiderate behavior toward fellow employees and/or supervisors.
16. Neglect, carelessness, or disregard of common safety practices.

B. Group II Offenses:

First Offense – written reprimand/and or up to five (5) day suspension

Second Offense – up to termination

1. Threatening, intimidating, coercing or interfering with fellow employees or supervisors at any time, including using abusive language.
2. Failing to work overtime, special hours or special shifts after being scheduled according, to overtime and standby duty policies.
3. Failure to complete assigned tasks or responsibilities in a timely and/or satisfactory manner.
4. Neglecting to comply with requirements set forth in departmental rules and standards of conduct.
5. Making or publishing false, vicious or malicious statements concerning any employee, supervisor, City Official, the City or its operations.
6. Being absent without permission or leave.
7. Provoking or instigating a fight or fighting on City property.

8. Violating rules or practices that affect the safety of the City's personnel, equipment or property.
9. Failing to report a request for information or receipt of a subpoena for a matter relating to City business.
10. Knowingly making or publishing false or untrue statements or bringing false charges against another City employee.
11. Vending, soliciting or collecting contributions for any purpose whatsoever at any time on City premises, unless authorized.
12. Knowingly harboring a serious communicable disease that may endanger other employees and failing to report it to Human Resources.
13. Violating personnel policies and/or other administrative processes, procedures or standards.
14. Chronically being absent from work. Chronically is considered three (3) times within a ninety (90) day period without proper certification.
15. Inappropriate display of temper or disrespect in the presence of a citizen, co-worker, supervisor or subordinate.
16. Sleeping during working hours.
17. Violating personnel policies, standard operating procedures or other departmental standards.
18. Deliberate misuse, destruction or damage to any City property or the property of another person. The City reserves the right to collect payment for repairs and/or deductibles when misuse or neglect is found.
19. Other offenses in the Group I category.

C. Group III Offenses:

First Offense – Up to termination

1. Wanton or willful neglect in performing assigned duties.

2. Deliberately misusing, destroying or damaging any City property, or the property of a City employee, without proper authorization. The City reserves the right to collect payment for repairs and/or deductibles when misuse or neglect is found.
3. Failure to meet established standards of work, morality or ethics to an extent that the employee is unsuitable for employment with the City in the position in which the employee was serving.
4. Disgraceful personal conduct which negatively reflects upon the City.
5. Receiving from any person, or participating 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.
6. Falsifying or altering personal or City records including, but not limited to, employment applications, accident records, work records, financial records, purchase orders, time sheets or any other reports, records or applications.
7. Making false claims or misrepresentations in an attempt to obtain sickness or accident benefits or workers' compensation.
8. Insubordination by disobeying or refusing to perform work assigned, to comply with the written or verbal instructions of a supervisor, or by demonstrating an antagonistic, insolent, disrespectful or belligerent attitude toward management.
9. Unauthorized use, possession or display of firearms, explosives or weapons on City property.
10. Theft or removal from City locations, without proper authorization, of any City property or the property of any employee.
11. Being absent from work for a period of three (3) consecutive working days without prior authorization.
12. Knowingly making or publishing false statements.
13. Failing to return from an authorized leave of absence.
14. Incompetence or inefficiency in the performance of assigned duties.
15. Using alcohol and/or illegal controlled substance or being under the influence of same on City premises and/or on working time or possession or sale of alcohol or controlled substance on City property and/or working time.

16. Being found guilty, pleading guilty or nolo contendere (even where adjudication is withheld) to a felony, a misdemeanor or a misdemeanor involving a crime of moral turpitude. A "crime of moral turpitude" includes a criminal conviction or plea of nolo contendere where the criminal act or conduct is contrary to justice, honesty, modesty, community morality or good morals. A crime of moral turpitude thus includes, but is not limited to, any crime, the commission of which, reflects adversely on a person's reputation, integrity or reliability to which otherwise brings, tends to bring, or may reasonably be expected to bring discredit or disrepute upon that person or that person's employer.
17. Failure to notify the City that charges have been filed against the employee by a prosecuting official.
18. Using or attempting to use political influence or bribery to secure an advantage of any manner.
19. Concerted curtailment, restriction of production or interference including but not limited to instigating, leading or participating in any walkout, strike, sit-down, stand-in, slowdown or refusal to return to work at the scheduled time for the scheduled shift.
20. Harassing another employee, including sexual harassment or contributing to a hostile work environment.
21. Threatening, intimidating, coercing or interfering with employees/supervisor at any time during an inquiry or investigation.
22. Abuse of paid time off.
23. Beginning or maintaining an outside personal or business relationship that affords present or future financial benefits to the employee and may be considered a conflict of interest securing advantage of goods, services or influence due to the position of the employee with the City.
24. Provoking or instigating a fight, or fighting at any time on City property.
25. Loss or suspension of a required license, certification, permit or other requirement needed to perform the duties of his/her position.
26. Any other offense of a similar nature deemed sufficient by the City Manager or designee and not prohibited by law.

ARTICLE XXIV – SEPARATION

Section 1. Resignations

- A. A resignation is defined as any action whereby an employee voluntarily leaves the employment of the City, with or without giving notice.
- B. An employee wishing to leave City employment in good standing shall file a written resignation with his/her Department Head, providing for a two-week working notice, prior to separation. Failure to provide two-week advance notice may be cause for denial of reemployment eligibility.

Section 2. Retirement

Retirement is defined as a voluntary separation from employment. Retirement age, required years of service and benefits are defined by the City's retirement plan. In order to assist the retiree with the acquisition of their benefits, and the City in finding a suitable replacement, advance notice of retirement of at least two weeks should be provided.

Section 3. Layoff/Recall

- A. For the purpose of this section, length of service (seniority) means the period of time an employee has been an employee of the City in a budgeted, paid position.
- B. When for any reason the City Manager deems it necessary to reduce the work force of any department, the City Manager shall determine the number and classes of employees to be laid off.
- C. The City shall give affected employees at least a ten (10) day written notice before the effective date of layoff.
- D. When it becomes necessary to reduce the number of employees within a given class, employees shall be laid off in accordance with all Federal, State and Local laws and/or ordinances and by determination of the City Manager.
- E. Laid off employees shall be entitled to payment of all accrued paid time off.
- F. The names of employees who have been laid off shall be placed on a preferential hiring list for a period of one (1) year.
- G. Recall will occur when the cause of the reduced workforce has been resolved and based upon the needs of the City. Recalled employees must be capable of and qualified to perform the work or the position that is being offered.

Section 4. **Disability**

- A. In the event an employee appears to be medically unable to perform the essential functions of their position, the City may request that the employee be examined by a healthcare provider of the City's choosing and at the City's expense.
- B. If it is determined that the employee is unable to perform their duties, the City shall assist the employee in filing for any benefits available.
- C. If the medical condition is correctable, the employee may be provided a reasonable amount of time to become medically cleared to return to work.
- D. If the medical condition is such that the employee will be unable to perform the functions of their current position, the City may attempt to place the employee in another, vacant and budgeted position that they are able to perform.
- E. If no position is available that the employee is able to perform, the employee may be separated from service.
- F. All applicable laws regarding medical leave and disability shall be adhered to in considering an employee for a disability separation.

Section 5. **Termination**

- A. All employees may be terminated "At Will" and without cause.
- B. Authority to recommend the termination of employees shall rest with the Department Head and must be approved by the Human Resource Director and the City Manager.
- C. Employees terminated for disciplinary reasons will lose all seniority and reinstatement privileges and will not generally be eligible for re-hire.

Section 6. **Death**

Termination of employment 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 in accordance with the law.

Section 8. **Return of City Property**

At the time of separation, and prior to the issuance of the final paycheck all records, City identification card, books, uniforms, keys, tools and other items of City equipment and property in the employee's custody shall be returned to the Department Head. Certification to this effect shall be by the Department Head. Alternatively, the return of City property may be coordinated

through Human Resources. Any money due the City because of any shortages shall be deducted from the employee's final paycheck and in accordance with appropriate laws.

Section 9. Exit Interviews

The Human Resource Director will establish and administer an exit interview for the purpose of determining the reasons an employee has left City employment. A copy of the exit interview questionnaire will be placed in the employee's personnel file and a copy sent to the City Manager and Department Head.

Section 10. Unemployment Compensation

The City of DeBary will follow all laws and rules related to the State of Florida Unemployment Compensation Program. Administration and adherence to the program is the responsibility of the Human Resource Director.

In the event an employee is denied benefits and appeals the decision, or the City appeals what is felt to be an incorrect decision, the Human Resource Director or his/her designee and the claimant's immediate supervisor will attend the hearing at which time the appeal is reviewed. If necessary, other employees with knowledge of the events leading to the separation of employment may be included in the appeals process.

RESOLUTION NO. 2021-04

A RESOLUTION OF THE CITY OF DEBARY, FLORIDA; ADOPTING THE REVISED PERSONNEL POLICIES & PROCEDURES MANUAL; REPLACING ALL EARLIER PERSONNEL POLICIES & PROCEDURES MANUALS; PROVIDING FOR SEVERABILITY, CONFLICTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of DeBary adopted Ordinance No. 95-06 on May 3, 1995 to establish Personnel Rules and Regulations; and

WHEREAS, subsequently the Personnel Rules and Regulations of the City of DeBary were amended by Ordinance No. 95-18, Resolution No. 99-31, Resolution No. 00-09, Resolution No. 01-26, and Resolution No. 10-04; and

WHEREAS, it is the desire of the City Council of the City of DeBary to update the Personnel Rules and Regulations to more accurately reflect current employment practices and standards; and

IT IS HEREBY RESOLVED BY THE CITY OF DEBARY AS FOLLOWS:

SECTION 1. That the Revised Personnel Policies & Procedures Manual, dated November 2020, which is hereto attached as Exhibit A is incorporated herein by reference.

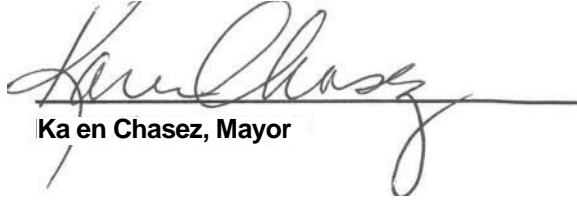
SECTION 2. SEVERABILITY. If any part of this Resolution is found to be invalid, the remainder shall nevertheless be given full force and effect.

SECTION 3. CONFLICTS. This Resolution shall control over any Resolutions or parts of Resolutions in conflict herewith.

SECTION 4. EFFECTIVE DATE. This Resolution shall take effect on January 1, 2021.


ADOPTED BY the City Council of the City of DeBary, Florida this 2nd day of December, 2021.

CITY COUNCIL
CITY OF DEBARY, FLORIDA



Karen Chasz, Mayor

ATTEST:



Annette Hatch, City Clerk